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L.N. 292 of 2002

**ENVIRONMENT PROTECTION ACT  
(ACT NO. XX OF 2001)**

**Substances that Deplete the Ozone Layer Regulations, 2002**

BY virtue of the powers conferred by articles 9 and 11 of the Environment Protection Act, 2001, hereinafter referred to as "the Act", the Minister for Home Affairs and the Environment has made the following regulations: -

**Citation.** 1. The title of these regulations is the Substances that Deplete the Ozone Layer Regulations, 2002.

**Commencement.** 2. (a) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes of these regulations.

(b) A notice under paragraph (a) of this sub-regulation may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

**Scope.** 3. These regulations shall control the production, importation, exportation, placing on the market, use, recovery, recycling and reclamation and destruction of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons, and require the reporting of information on these substances and to their importation, exportation, placing on the market and use of products and equipment containing these substances:

Provided also that these regulations shall also apply to the production, importation, placing on the market and use of substances in Annex II.

**Definitions.** 4. For the purposes of these regulations:

"Protocol" means the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, as last amended and adjusted;

"Party" means any party to the Protocol;

“State not party to the Protocol”, with respect to a particular controlled substance, includes any State or regional economic integration organization that has not agreed to be bound by the provisions of the Protocol applicable to that substance;

“controlled substances” means chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons, whether alone or in a mixture, and whether they are virgin, recovered, recycled or reclaimed. This definition shall not cover any controlled substance which is in a manufactured product other than a container used for the transportation or storage of that substance, or insignificant quantities of any controlled substance, originating from inadvertent or coincidental production during a manufacturing process, from unreacted feedstock, or from use as a processing agent which is present in chemical substances as trace impurities, or that is emitted during product manufacture or handling;

“chlorofluorocarbons” (CFCs) means the controlled substances listed in Group I of Annex I, including their isomers;

“other fully halogenated chlorofluorocarbons” means the controlled substances listed in Group II of Annex I, including their isomers;

“halons” means the controlled substances listed in Group III of Annex I, including their isomers;

“carbon tetrachloride” means the controlled substance specified in Group IV of Annex I;

“1,1,1-trichloroethane” means the controlled substance specified in Group V of Annex I;

“methyl bromide” means the controlled substance specified in Group VI of Annex I;

“hydrobromofluorocarbons” means the controlled substances listed in Group VII of Annex I, including their isomers;

“hydrochlorofluorocarbons” (HCFCs) means the controlled substances listed in Group VIII of Annex I, including their isomers;

“new substances” means substances listed in Annex II. This definition shall cover substances whether alone or in a mixture,

and whether they are virgin, recovered, recycled or reclaimed. This definition shall not cover any substance which is in a manufactured product other than a container used for transportation or storage of that substance, or insignificant quantities of any new substance, originating from inadvertent or coincidental production during a manufacturing process or from unreacted feedstock;

“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;

“processing agent” means controlled substances used as chemical processing agents in those applications listed in Annex VI, in installations existing at 1 September 1997, and where emissions are insignificant;

“producer” means any natural or legal person manufacturing controlled substances within the Community;

“production” means the amount of controlled substances produced, less the amount destroyed by technologies approved by the Parties and less the amount entirely used as feedstock or as a processing agent in the manufacture of other chemicals. No amount recovered, recycled or reclaimed shall be considered as “production”;

“ozone-depleting potential” means the figure specified in the third column of Annex I representing the potential effect of each controlled substance on the ozone layer;

“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;

“industrial rationalisation” means the transfer either between Parties or within a State of the European Union 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;

“placing on the market” means the supplying or making available to third persons, against payment or free of charge, of controlled substances or products containing controlled substances covered by these regulations;

“use” means the utilisation of controlled substances in the production or maintenance, in particular refilling, of products or equipment or in other processes except for feedstock and processing agent uses;

“reversible air-conditioning/heat pump system” means a combination of interconnected refrigerant-containing parts constituting one closed refrigeration circuit, in which the refrigerant is circulated for the purpose of extracting and rejecting heat (such as cooling, heating), processes which are reversible in that the evaporators and condensers are designed to be interchangeable in their functions;

“inward processing” shall have the same meaning given to it under prevailing customs regulations;

“recovery” means the collection and the storage of controlled substances from, for example, machinery, equipment and containment vessels during servicing or before disposal;

“recycling” means the reuse of a recovered controlled substance following a basic cleaning process such as filtering and drying. For refrigerants, recycling normally involves recharge back into equipment as is often carried out on site;

“reclamation” means the reprocessing and upgrading of a recovered controlled substance through such processes as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance, which often involves processing off site at a central facility;

“undertaking” means any natural or legal person who produces, recycles for placing on the market or uses controlled substances for industrial or commercial purposes in Malta, who releases such imported substances for free circulation in Malta, or who exports such substances from Malta for industrial or commercial purposes;

“competent authority” means the Malta Environment and Planning Authority as prescribed by the notice entitled Nomination of the Malta Environment and Planning Authority as the competent authority, and such other body or person as the Minister responsible for the Environment may by order in the Gazette prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations.

5. (1) Subject to sub-regulations (5) to (8), the production of the following shall be prohibited:

- (a) chlorofluorocarbons;
- (b) other fully halogenated chlorofluorocarbons;
- (c) halons;
- (d) carbon tetrachloride;
- (e) 1,1,1-trichloroethane;
- (f) hydrobromofluorocarbons:

Provided that the competent authority shall, apply the criteria set out in Decision IV/25 of the Parties in order to determine every year any essential uses for which the production and importation of controlled substances referred to in the first sub-paragraph may be permitted and it will also determine those users who may take advantage of those essential uses;

Provided also that such production and importation shall be allowed only if no adequate alternatives or recycled or reclaimed controlled substances referred to in the first sub-paragraph are available from any of the Parties.

(2) (i) Subject to sub-regulations (5) to (8), each producer shall ensure that:

(a) the calculated level of its production of methyl bromide in the period 1 January to 31 December 2003 and in each 12-month period thereafter does not exceed 25 % of the calculated level of its production of methyl bromide in 1991;

(b) it produces no methyl bromide after 31 December 2004. The calculated levels referred to in sub-paragraphs (a), and (b) shall not include the amount of methyl bromide produced for quarantine and preshipment applications.

(ii) The competent authority may, apply the criteria set out in Decision IX/6 of the Parties, together with any other relevant criteria agreed by the Parties, in order to determine every year any critical uses for which the production, importation and use of methyl bromide may be permitted after 31 December 2004, the quantities

and uses to be permitted and those users who may take advantage of the critical exemption:

Provided that such production and importation shall be allowed only if no adequate alternatives or recycled or reclaimed methyl bromide is available from any of the Parties:

Provided further that the competent authority may authorize the temporary use of methyl bromide, in an emergency, where unexpected outbreaks of particular pests or diseases so require, and such authorization shall apply for a period not exceeding 120 days and to a quantity not exceeding 20 tonnes.

(3) Subject to sub-regulation (8), each producer shall ensure that:

(a) the calculated level of its production of hydrochlorofluorocarbons in the period 1 January 2008 to 31 December 2008 and in each 12-month period thereafter 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 1 January 2014 to 31 December 2014 and in each 12-month period thereafter does not exceed 20 % of the calculated level of its production of hydrochlorofluorocarbons in 1997;

(c) the calculated level of its production of hydrochlorofluorocarbons in the period 1 January 2020 to 31 December 2020 and in each 12-month period thereafter does not exceed 15 % of the calculated level of its production of hydrochlorofluorocarbons in 1997;

(d) it produces no hydrochlorofluorocarbons after 31 December 2025.

(4) The competent authority shall issue licenses to those users identified in accordance with the second paragraph of sub-regulation (1) and second paragraph sub-regulation (2) and shall notify them of the use for which they have authorization and the substances and quantities thereof that they are authorized to use.

(5) A producer may be authorized by the competent authority to produce the controlled substances referred to in sub-

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regulations (1) and (2) for the purpose of meeting the requests licensed in accordance with sub-regulation 4.

(6) The competent authority may authorize a producer to exceed the calculated levels of production laid down in sub-regulations (1) and (2) in order to satisfy the basic domestic needs of Parties pursuant to Article 5 of the Protocol, provided that the additional calculated levels of production do not exceed those permitted for that purpose by Articles 2A to 2E and 2H of the Protocol for the periods in question.

(7) The competent authority may authorize a producer to exceed the calculated levels of production laid down in sub-regulations (1) and (2) in order to satisfy any essential, or critical, uses of Parties at their request, and subject to the extent permitted by the Protocol.

(8) To the extent permitted by the Protocol, the competent authority may authorize that a foreign producer whose relevant production is situated here in Malta, to exceed the calculated levels of production laid down in sub-regulations (1) to (7) for the purpose of industrial rationalization:

Provided that the calculated levels of production, do not exceed the sum of the calculated levels of production of its domestic producers as laid down in sub-regulations (1) to (7) for the periods in question.

Control of the placing on the market and use of controlled substances.

6. (1) Subject to sub-regulations (4) and (5), the placing on the market and the use of the following controlled substances shall be prohibited:

- (a) chlorofluorocarbons;
- (b) other fully halogenated chlorofluorocarbons;
- (c) halons;
- (d) carbon tetrachloride;
- (e) 1,1,1-trichloroethane; and
- (f) hydrobromofluorocarbons.

The competent authority may, authorize a temporary exemption to allow the use of chlorofluorocarbons until 31 December 2004 in delivery mechanisms for hermetically sealed devices designed for implantation in the human body for delivery of measured doses of

medication, and until 31 December 2008, in existing military applications, where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used.

(2) (i) Subject to sub-regulations (4) and (5), each producer and importer shall ensure that:

(a) the calculated level of methyl bromide which it places on the market or uses for its own account in the period 1 January 2003 to 31 December 2003 and in each 12-month period thereafter does not exceed 25 % of the calculated level of methyl bromide which it placed on the market or used for its own account in 1991;

(b) it does not place any methyl bromide on the market or use any for its own account after 31 December 2004:

Provided that, to the extent permitted by the Protocol, the competent authority shall, adjust the calculated level of methyl bromide referred to in regulation 5(2) (a) where it is demonstrated that this is necessary to meet the needs of the State, because technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health are not available or cannot be used:

Provided further that the competent authority, in consultation with other States, shall encourage the development, including research, and the use of alternatives to methyl bromide as soon as possible.

(ii) Subject to sub-regulation (4), the placing on the market and the use of methyl bromide by undertakings other than producers and importers shall be prohibited after 31 December 2005.

(iii) (a) The calculated levels referred to in sub-paragraphs (i) (a) and (b), and (ii) shall not include the amount of methyl bromide produced or imported for quarantine and pre-shipment applications. For the period 1 January 2003 to 31 December 2003 and for each 12-month period thereafter, each producer and importer shall ensure that the calculated level of methyl bromide which it places on the market or uses for its own account for quarantine and pre-shipment applications shall not exceed the average of the calculated level of methyl bromide which it placed on the market or used for its own account for quarantine and pre-shipment in the years 1996, 1997 and 1998.

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(b) The competent authority shall issue annual reports on the quantities of methyl bromide authorized for quarantine and pre-shipment used in its territory, the purposes for which methyl bromide was used, and the progress in evaluating and using alternatives.

(c) The competent authority shall, take measures to reduce the calculated level of methyl bromide which producers and importers may place on the market or use for their own account for quarantine and pre-shipment in the light of technical and economic availability of alternative substances or technologies and of the relevant international developments under the Protocol.

(iv) The total quantitative limits for the placing on the market or use for their own account by producers and importers of methyl bromide are set out in Annex III.

(3) (i) Subject to sub-regulations (4) and (5) and to regulation 7(5):

(a) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account shall not exceed the sum of:

- 2,6% of the calculated level of chlorofluorocarbons which producers and importers placed on the market or used for their own account in 1989, and

- the calculated level of hydrochlorofluorocarbons which producers and importers placed on the market or used for their own account in 1989;

(b) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 2002 to 31 December 2002 shall not exceed 85 % of the level calculated pursuant to sub-paragraph (a);

(c) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 2003 to 31 December 2003 shall not exceed 45 % of the level calculated pursuant to sub-paragraph (a);

(d) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 2004 to 31 December 2004 and in each 12-month period thereafter shall not exceed 30 % of the level calculated pursuant to sub-paragraph (a);

(e) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 2008 to 31 December 2008 and in each 12-month period thereafter shall not exceed 25 % of the level calculated pursuant to sub-paragraph (b);

(f) producers and importers shall not place hydrochlorofluorocarbons on the market or use them for their own account after 31 December 2009;

(g) each producer and importer shall ensure that the calculated level of hydrochlorofluorocarbons which it places on the market or uses for its own account in the period 1 January 2001 to 31 December 2001 and in the 12-month period thereafter shall not exceed, as a percentage of the calculated levels set out in sub-paragraph (a), the percentage share assigned to it in 1999.

(ii) In the case of producers, the quantities referred to in this sub-regulation shall apply to the amounts of virgin hydrochlorofluorocarbons which they place on the market or use for their own account and which were produced within the state.

(iii) The total quantitative limits for the placing on the market or use for their own account by producers and importers of hydrochlorofluorocarbons are set out in Annex III.

(4) (i) (a) Sub-regulations (1), (2) and (3) shall not apply to the placing on the market of controlled substances for destruction within this State by technologies approved by the Parties.

(b) Sub-regulations (1), (2) and (3) shall not apply to the placing on the market and use of controlled substances if:

- they are used for feedstock or as a processing agent; or
- they are used to meet the licensed requests for essential uses of those users identified as laid down in regulation 5(1)

and to meet the licensed requests for critical uses of those users identified as laid down in regulation 5(2) or to meet the requests for temporary emergency applications authorized in accordance with regulation 5(2) (ii).

(ii) Sub-regulation (1) shall not apply to the placing on the market, by undertakings other than producers, of controlled substances for the maintenance or servicing of refrigeration and air-conditioning equipment.

(iii) Sub-regulation (1) shall not apply to the use of controlled substances for the maintenance or servicing of refrigeration and air-conditioning equipment or in fingerprinting processes.

(iv) Sub-regulation 1(c) shall not apply to the placing on the market and use of halons that have been recovered, recycled or reclaimed in existing fire protection systems until 31 December 2002 or to the placing on the market and use of haloes for critical uses as set out in Annex VII.

Provided that the competent authority shall issue annual reports on the quantities of halons used for critical uses, the measures taken to reduce their emissions and an estimate of such emissions, and the current activities to identify and use adequate alternatives:

Provided also that each year the competent authority shall review the critical uses listed in Annex VII and, if necessary, adopt modifications.

(v) Except for uses listed in Annex VII, fire protection systems and fire extinguishers containing halons shall be decommissioned before 31 December 2003, and halons shall be recovered in accordance with regulation 16.

(4) Any producer or importer entitled to place controlled substances referred to in this regulation on the market or use them for its own account may transfer that right in respect of all or any quantities of that group of substances fixed in accordance with this regulation to any other producer or importer of that group of substances within some other state. Any such transfer shall be notified in advance to the competent authority of that other state:

Provided that the transfer of the right to place on the market or use shall not imply the further right to produce or to import.

(5) The importation and placing on the market of products and equipment containing chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons shall be prohibited, with the exception of products and equipment for which the use of the respective controlled substance has been authorized in accordance with the second subparagraph of regulation 5(1) or is listed in Annex VII:

Provided that products and equipment shown to be manufactured before the entry into force of this regulation shall not be covered by this prohibition.

7. (1) Subject to the following conditions, the use of hydrochlorofluorocarbons shall be prohibited:

Control of the use of hydrochlorofluorocarbons.

(a) in aerosols;

(b) as solvents:

(i) in non-contained solvent uses including open-top cleaners and open-top dewatering systems without refrigerated areas, in adhesives and mould-release agents when not employed in closed equipment, for drain cleaning where hydrochlorofluorocarbons are not recovered;

(ii) in all solvent uses, with the exception of precision cleaning of electrical and other components in aerospace and aeronautics applications where the prohibition shall enter into force on 31 December 2008;

(c) as refrigerants:

(i) in equipment produced after 31 December 1995 for the following uses:

- in non-confined direct-evaporation systems,

- in domestic refrigerators and freezers,

- in motor vehicle, tractor and off-road vehicle or trailer air conditioning systems operating on any energy source, except for military uses where the prohibition shall enter into force on 31 December 2008,

- in road public-transport air-conditioning,

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(ii) in rail transport air-conditioning, in equipment produced after 31 December 1997;

(iii) from 1 January 2000, in equipment produced after 31 December 1999 for the following uses:

- in public and distribution cold stores and warehouses,

- for equipment of 150 kw and over, shaft input,

(iv) in all other refrigeration and air-conditioning equipment produced after 31 December 2000, with the exception of fixed air-conditioning equipment, with a cooling capacity of less than 100 kW, where the use of hydrochlorofluorocarbons shall be prohibited from 1 July 2002 in equipment produced after 30 June 2002 and of reversible air-conditioning / heat pump systems where the use of hydrochlorofluorocarbons shall be prohibited from 1 January 2004 in all equipment produced after 31 December 2003;

(v) from 1 January 2010, the use of virgin hydrochlorofluorocarbons shall be prohibited in the maintenance and servicing of refrigeration and air-conditioning equipment existing at that date; all hydrochlorofluorocarbons shall be prohibited from 1 January 2015.

(d) for the production of foams:

(i) for the production of all foams except integral skin foams for use in safety applications and rigid insulating foams;

(ii) from 1 October 2000, for the production of integral skin foams for use in safety applications and polyethylene rigid insulating foams;

(iii) for the production of extruded polystyrene rigid insulating foams, except where used for insulated transport;

(iv) from 1 January 2003, for the production of polyurethane foams for appliances, of polyurethane flexible faced laminate foams and of polyurethane sandwich panels, except where these last two are used for insulated transport;

(v) from 1 January 2004, for the production of all foams, including polyurethane spray and block foams;

(e) as carrier gas for sterilization substances in closed systems, in equipment produced after 31 December 1997;

(f) in all other applications.

(2) By way of derogation from sub-regulation (1), the use of hydrochlorofluorocarbons shall be permitted:

(a) in laboratory uses, including research and development;

(b) as feedstock;

(c) as a processing agent.

(3) (a) By way of derogation from sub-regulation (1), the use of hydrochlorofluorocarbons as fire-fighting agents in existing fire protection systems may be permitted for replacing halons in applications listed in Annex VII under the following conditions:

- halons contained in such fire protection systems shall be replaced completely,

- halons withdrawn shall be destroyed,

- 70 % of the destruction costs shall be covered by the supplier of the hydrochlorofluorocarbons.

(b) The competent authority shall issue annual reports of the number of installations and the quantities of halons concerned.

(4) The importation and placing on the market of products and equipment containing hydrochlorofluorocarbons for which a use restriction is in force under this regulation shall be prohibited from the date on which the use restriction comes into force. Products and equipment shown to be manufactured before the date of that use restriction shall not be covered by this prohibition.

(5) Until 31 December 2009, the use restrictions under this regulation shall not apply to the use of hydrochlorofluorocarbons for the production of products for export to countries where the use of hydrochlorofluorocarbons in those products is still permitted.

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(6) The competent authority may, in the light of experience with the operation of this regulation or to reflect technical progress, modify the list and the dates set out in subregulation (1), but in no case extend the periods set out therein, without prejudice to the exemptions provided for in sub-regulation (7).

(7) The competent authority may authorize a time-limited exemption to allow the use and placing on the market of hydrochlorofluorocarbons in derogation from sub-regulation (1) and regulation 6(3) where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used. The competent authority shall immediately inform the competent authority of other States of any exemptions granted.

Licenses to import  
from third countries.

8. (1) (a) The importation or inward processing of controlled substances within our territory shall be subject to the presentation of an import license to the competent authority.

(b) Controlled substances listed in groups I, II, III, IV and V as listed in Annex I shall not be imported for inward processing.

(2) The license, when related to an inward-processing procedure, shall be issued only if the controlled substances are to be used in Malta under the conditions set by the competent authority, and under the condition that the compensating products are re-exported to a State where the production, consumption or import of that controlled substance is not prohibited and upon approval of the competent authority.

(3) A request for a license shall state:

(a) the names and the addresses of the importer and the exporter;

(b) the country of exportation;

(c) the country of final destination if controlled substances are to be re-exported;

(d) a description of each controlled substance, including:

- the commercial description,

- the description and the CN code as laid down in Annex IV,

- the nature of the substance (virgin, recovered or reclaimed),

- the quantity of the substance in kilograms;

(e) the purpose of the proposed import;

(f) if known, the place and date of the proposed importation and, where relevant, any changes to these data.

(4) The competent authority may require a certificate attesting the nature of substances to be imported.

(5) The competent authority may, modify the list of items mentioned in subregulation (3) and Annex IV.

**9.** The competent authority shall allocate annual quantitative limits and quotas to undertakings importing controlled substances.

Imports of controlled substances from third countries.

Provided that they shall be allocated only:

(a) for controlled substances of groups VI and VIII as referred to in Annex I;

(b) for controlled substances if they are used for essential or critical uses or for quarantine and preshipment applications;

(c) for controlled substances if they are used for feedstock or as processing agents; or

(d) to undertakings having destruction facilities for recovered controlled substances if the controlled substances are used for destruction in Malta by technologies approved by the Parties.

**10.** The competent authority shall prohibit the importation or inward processing of controlled substances and of products and equipment containing controlled substances as listed in Annex V imported from any State not party to the Protocol.

Imports of controlled substances from a State not party to the Protocol.

**11.** The competent authority may allow the importation of products which were produced using controlled substances, but do not contain substances which can be positively identified as controlled substances, and which are imported from any state not party to the Protocol:

Imports of products produced using controlled substances from a State not party to the Protocol.

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Provided that the identification of such products shall comply with periodical technical advice given to the Parties.

Export of controlled substances or products containing controlled substances.

12. (1) The competent authority shall prohibit exports of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons or products and equipment, other than personal effects, containing those substances or whose continuing function relies on supply of those substances:

Provided that this prohibition shall not apply to exports of:

(a) controlled substances produced under regulation 5(6) to satisfy the basic domestic needs of Parties pursuant to Article 5 of the Protocol;

(b) controlled substances produced under regulation 5(7) to satisfy essential or critical uses of Parties;

(c) products and equipment containing controlled substances produced under regulation 5 (5) or imported under regulation 9 (b);

(d) products and equipment containing halon, to satisfy critical uses listed in Annex VII;

(e) controlled substances to be used for feedstock and processing agent applications.

(f) metered dose inhalers and delivery mechanisms containing chlorofluorocarbons for hermetically sealed devices for implantation in the human body for delivery of measured doses of medication which, under regulation 6 (1), may be given a temporary authorization.

(2) The competent authority shall prohibit exports of methyl bromide to any State not party to the Protocol.

(3) From 1 January 2004, the competent authority shall prohibit exports of hydrochlorofluorocarbons to any State not party to the Protocol shall be prohibited:

Provided that the competent authority shall, examine the above date in the light of relevant international developments under the Protocol and modify it as appropriate.

**13.** (1) The competent authority shall issue a written export authorization to undertakings exporting controlled substances, and such authorization shall be valid for one year and may be renewed after verification of compliance with regulation 12. Export authorization.

(2) An application for an export authorization shall state:

(a) the name and address of the exporter and of the producer, where it is not the same;

(b) a description of any controlled substance(s) intended for export, including:

- the commercial description,

- the description and the CN code as laid down in Annex IV,

- the nature of the substance (virgin, recovered or reclaimed);

(c) the total quantity of each substance to be exported;

(d) the country or countries of final destination of any controlled substance;

(e) the purpose of the exports.

(3) Each exporter shall notify the competent authority of any changes, which might occur during the period of validity of the authorization in relation to the data notified under sub-regulation (2). Each exporter shall report to the competent authority in accordance with regulation 19.

**14.** By way of derogation from regulations 10, 11(1), 12 and 13(2) and (3), trade with any State not party to the Protocol in controlled substances and products which contain or are produced by means of one or more such substances may be authorized by the competent authority, to the extent that the State not party to the Protocol is determined by a meeting of the Parties to be in full compliance with the Protocol and has submitted data to that effect as specified in Article 7 of the Protocol. Exceptional authorization to trade with a State not party to the Protocol.

**15.** (1) Subject to any decision taken under sub-regulation (2), regulations 10, 11, 13(2) and (3) shall apply to any territory not covered by the Protocol as they apply to any State not party to the Protocol. Trade with a territory not covered by the Protocol.

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(2) 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 competent authority may decide that some or all of the provisions of Regulations 10, 11 and 13 of these regulations shall not apply in respect of that territory.

Recovery of used  
controlled  
substances.

16. (1) Controlled substances contained in:

- refrigeration, air-conditioning and heat pump equipment, except domestic refrigerators and freezers,
- equipment containing solvents,
- fire protection systems and fire extinguishers,

shall be recovered for destruction by technologies approved by the Parties or by any other environmentally acceptable destruction technology, or for recycling or reclamation during the servicing and maintenance of equipment or before the dismantling or disposal of equipment.

(2) Controlled substances contained in domestic refrigerators and freezers shall be recovered and dealt with as provided for in sub-regulation (1) after 31 December 2001.

(3) Controlled substances contained in products, installations and equipment other than those mentioned in sub-regulations (1) and (2) shall be recovered, if practicable, and dealt with as provided in sub-regulation (1).

(4) Controlled substances shall not be placed on the market in disposable containers, except for essential uses.

(5) The competent authority shall take steps to promote the recovery, recycling, reclamation and destruction of controlled substances and shall assign to users, refrigeration technicians or other appropriate bodies responsibility for ensuring compliance with the provisions of sub-regulation (1). The competent authority shall define the minimum qualification requirements for the personnel involved.

(6) The competent authority shall make reports on the systems established to promote the recovery of used controlled substances, including the facilities available and the quantities of used controlled substances recovered, recycled, reclaimed or destroyed.

(7) This regulation shall be without prejudice to the Waste Management (Permit and Control) Regulations, 2001 or to measures adopted following regulation 3 of those regulations. L.N. 337 of 2001.

17. (1) All precautionary measures practicable shall be taken to prevent and minimize leakages of controlled substances. In particular, fixed equipment with a refrigerating fluid charge of more than 3 kilogrammes shall be checked for leakages annually. The competent authority shall define the minimum qualification requirements for the personnel involved. Leakages of controlled substances.

(2) All precautionary measures practicable shall be taken to prevent and minimize leakages of methyl bromide from fumigation installations and operations in which methyl bromide is used. Whenever methyl bromide is used in soil fumigation, the use of virtually impermeable films for a sufficient time, or other techniques ensuring at least the same level of environmental protection shall be mandatory. The competent authority shall define the minimum qualification requirements for the personnel involved.

(3) All precautionary measures practicable shall be taken to prevent and minimize leakages of controlled substances used as feedstock and as processing agents.

(4) All precautionary measures practicable shall be taken to prevent and minimize any leakage of controlled substances inadvertently produced in the course of the manufacture of other chemicals.

(5) The competent authority shall develop as appropriate and ensure the dissemination of notes describing best available technologies and best environmental practices concerning the prevention and minimization of leakages and emissions of controlled substances.

18. (1) Every year before 31 March, each producer, importer and exporter of controlled substances shall communicate to the competent authority, data as specified below for each controlled substance in respect of the period 1 January to 31 December of the preceding year. Reporting.

(2) The competent authority shall establish the format of this report in such manner that -

(a) each producer shall communicate:

- its total production of each controlled substance,

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- any production placed on the market or used for the producer's own account, separately identifying production for feedstock, processing agent, quarantine and preshipment and other uses,

- any production to meet the essential uses in the Community, licensed in accordance with regulation 5 (4),

- any production authorized under regulation 5 (6) to satisfy basic domestic needs of Parties pursuant to Article 5 of the Protocol,

- any production authorized under regulation 5 (7) to satisfy essential, or critical, uses of Parties,

- any increase in production authorized under regulation 5 (8) in connection with industrial rationalization,

- any quantities recycled, reclaimed or destroyed,

- any stocks;

**(b) each importer, including any producers who also import, shall communicate:**

- any quantities released imported, separately identifying imports for feedstock and processing-agent uses, for essential or critical uses licensed in accordance with regulation 5 (4), for use in quarantine and preshipment applications and for destruction,

- any quantities of controlled substances imported under the inward-processing procedure,

- any quantities of used controlled substances imported for recycling or reclamation,

- any stocks;

**(c) each exporter, including any producers who also export, shall communicate:**

- any quantities of controlled substances exported, including substances which are re-exported under the inward processing procedure, separately identifying quantities exported to each country of destination and quantities exported

for feedstock and processing agent uses, essential uses, critical uses, quarantine and preshipment uses, to meet the basic domestic needs of Parties pursuant to Article 5 of the Protocol and for destruction,

- any quantities of used controlled substances exported for recycling or reclamation,

- any stocks.

(3) Before the 31st March of each year, any user who has been authorized to take advantage of an essential use exemption under regulation 5 (1) shall, for each substance for which an authorization has been received, report to the competent authority, the nature of the use, the quantities used during the previous year, the quantities held in stock, any quantities recycled or destroyed, and the quantity of products containing those substances and which have been either imported or exported.

(4) Before the 31st March of each year, any undertaking which has been authorized to use controlled substances as a processing agent shall report to the competent authority the quantities used during the previous year, and an estimate of the emissions, which occurred during such use.

(5) The competent authority shall take appropriate steps to protect the confidentiality of the information submitted to it.

(6) The competent authority may, modify the reporting requirements laid down in sub-regulations (1) to (4), to meet commitments under the Protocol or to improve the practical application of those reporting requirements.

19. (1) In carrying out the tasks assigned to it by these regulations, the competent authority may obtain all the required information from the competent authorities of other States and from undertakings concerned. <sup>Inspection.</sup>

(2) When requesting information from an undertaking the competent authority shall issue a statement of the reasons why that information is required.

(3) The competent authority shall carry out the investigations necessary under these regulations, and shall also conduct random checks on imports of controlled substances.

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(4) The competent authority shall take appropriate action to promote adequate exchange of information and cooperation both between national and international authorities.

New substances.

20. (1) The competent authority shall prohibit the importation or exportation and inward processing, and use of new substances in Annex II. This prohibition does not apply to new substances if they are used as feedstock

(2) The competent authority shall, as appropriate, make proposals to include in Annex II any substances that are not controlled substances but that are found by the Scientific Assessment Panel under the Protocol to have a significant ozone-depleting potential, including on possible exemptions from sub-regulation (1).

(3) The competent authority shall, establish a list of undertakings in which the use of controlled substances as processing agents shall be permitted, laying down maximum emission levels for each of the undertakings concerned. It may, also amend Annex VI as well as the list of undertakings referred to above in the light of new information or technical developments, including the review provided for in Decision X/14 of the Meeting of the Parties to the Protocol.

Offences.

21. Any person shall be guilty of an offence under these regulations if:

(a) he fails to comply with any provision of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or

(b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(c) he acts in contravention of any of the provisions of these regulations; or

(d) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provision of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties.

22. Any person who commits an offence against these regulations shall, on conviction, be liable:

(a) on a first conviction to a fine (*multa*) of not less than five hundred liri but not exceeding one thousand liri;

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than one thousand liri, but not exceeding two thousand liri or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the competent authority as a result of the said offence, the revocation of the permit issued by the competent authority and the confiscation of the *corpus delicti*.

23. (1) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year. Applicability of  
Cap. 9.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

24. The Annexes I to VII to these regulations are being published in the English language with the English text of these regulations. Language of  
Annexes.

## Controlled substances covered

Group	Substance	Ozone-depleting potential (%)
Group I	CFCl <sub>3</sub> (CFC-11)	1.0
	CF <sub>2</sub> Cl <sub>2</sub> (CFC-12)	1.0
	C <sub>2</sub> F <sub>3</sub> Cl <sub>1</sub> (CFC-113)	0.8
	C <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub> (CFC-114)	1.0
	C <sub>2</sub> F <sub>3</sub> Cl <sub>1</sub> (CFC-115)	0.6
Group II	CF <sub>3</sub> Cl (CFC-13)	1.0
	C <sub>2</sub> FCl <sub>3</sub> (CFC-111)	1.0
	C <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub> (CFC-112)	1.0
	C <sub>3</sub> FCl <sub>3</sub> (CFC-211)	1.0
	C <sub>3</sub> F <sub>2</sub> Cl <sub>2</sub> (CFC-212)	1.0
	C <sub>3</sub> F <sub>3</sub> Cl <sub>1</sub> (CFC-213)	1.0
	C <sub>3</sub> F <sub>2</sub> Cl <sub>2</sub> (CFC-214)	1.0
	C <sub>3</sub> F <sub>3</sub> Cl <sub>1</sub> (CFC-215)	1.0
	C <sub>3</sub> F <sub>4</sub> Cl <sub>1</sub> (CFC-216)	1.0
	C <sub>3</sub> F <sub>5</sub> Cl <sub>1</sub> (CFC-217)	1.0
	Group III	CF <sub>2</sub> BrCl (halon-1211)
CF <sub>3</sub> Br (halon-1301)		10.0
C <sub>2</sub> F <sub>2</sub> Br <sub>2</sub> (halon-2402)		6.0
Group IV	CCl <sub>4</sub> (carbon tetrachloride)	1.1
Group V	C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub> (1,1,1-trichloroethane)	0.1
Group VI	CH <sub>3</sub> Br (methyl bromide)	0.6
Group VII	CHFBr <sub>2</sub>	1.00
	CHF <sub>2</sub> Br	0.74
	CH <sub>2</sub> FBr	0.73
	C <sub>2</sub> H <sub>2</sub> FBr <sub>2</sub>	0.8
	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br	1.8
	C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br	1.6
	C <sub>2</sub> H <sub>2</sub> F <sub>4</sub> Br	1.2
	C <sub>2</sub> H <sub>3</sub> FBr <sub>2</sub>	1.1
	C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Br	1.5
	C <sub>2</sub> H <sub>3</sub> F <sub>3</sub> Br	1.6
	C <sub>2</sub> H <sub>3</sub> F <sub>4</sub> Br	1.7
	C <sub>2</sub> H <sub>4</sub> F <sub>2</sub> Br	1.1
	C <sub>2</sub> H <sub>4</sub> FBr	0.1
	C <sub>2</sub> H <sub>5</sub> FBr <sub>2</sub>	1.5
	C <sub>2</sub> H <sub>5</sub> F <sub>2</sub> Br	1.9
	C <sub>2</sub> H <sub>5</sub> F <sub>3</sub> Br	1.8
	C <sub>2</sub> H <sub>5</sub> F <sub>4</sub> Br	2.2

Group	Substance	Ozone-depleting potential (%)
	C <sub>1</sub> HF <sub>2</sub> Br <sub>2</sub>	2,0
	C <sub>1</sub> HF <sub>3</sub> Br	3,3
	C <sub>1</sub> H <sub>2</sub> FBr <sub>3</sub>	1,9
	C <sub>1</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub>	2,1
	C <sub>1</sub> H <sub>2</sub> F <sub>3</sub> Br	5,6
	C <sub>1</sub> H <sub>2</sub> F <sub>4</sub> Br <sub>2</sub>	7,5
	C <sub>1</sub> H <sub>2</sub> F <sub>5</sub> Br	1,4
	C <sub>1</sub> H <sub>2</sub> FBr <sub>4</sub>	1,9
	C <sub>1</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>3</sub>	3,1
	C <sub>1</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>2</sub>	2,5
	C <sub>1</sub> H <sub>2</sub> F <sub>4</sub> Br	4,4
	C <sub>1</sub> H <sub>2</sub> FBr <sub>3</sub>	0,3
	C <sub>1</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub>	1,0
	C <sub>1</sub> H <sub>2</sub> F <sub>3</sub> Br	0,8
	C <sub>1</sub> H <sub>2</sub> FBr <sub>2</sub>	0,4
	C <sub>1</sub> H <sub>2</sub> F <sub>2</sub> Br	0,8
	C <sub>1</sub> H <sub>2</sub> FBr	0,7
Group VIII	CHFC <sub>2</sub> (HCFC-21) (?)	0,040
	CHF <sub>2</sub> Cl (HCFC-22) (?)	0,055
	CH <sub>2</sub> FCl (HCFC-31)	0,020
	C <sub>2</sub> HFCl <sub>3</sub> (HCFC-121)	0,040
	C <sub>2</sub> HF <sub>2</sub> Cl <sub>2</sub> (HCFC-122)	0,080
	C <sub>2</sub> HF <sub>3</sub> Cl (HCFC-123) (?)	0,020
	C <sub>2</sub> HF <sub>4</sub> Cl (HCFC-124) (?)	0,022
	C <sub>2</sub> H <sub>2</sub> FCl <sub>3</sub> (HCFC-131)	0,050
	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub> (HCFC-132)	0,050
	C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl (HCFC-133)	0,060
	C <sub>2</sub> H <sub>2</sub> FCl <sub>2</sub> (HCFC-141)	0,070
	CH <sub>2</sub> CFCl <sub>2</sub> (HCFC-141b) (?)	0,110
	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl (HCFC-142)	0,070
	CH <sub>2</sub> CF <sub>2</sub> Cl (HCFC-142b) (?)	0,065
	C <sub>2</sub> H <sub>2</sub> FCl (HCFC-151)	0,005
	C <sub>2</sub> HFCl <sub>3</sub> (HCFC-221)	0,070
	C <sub>2</sub> HF <sub>2</sub> Cl <sub>2</sub> (HCFC-222)	0,090
	C <sub>2</sub> HF <sub>3</sub> Cl (HCFC-223)	0,080
	C <sub>2</sub> HF <sub>4</sub> Cl (HCFC-224)	0,090
	C <sub>2</sub> HF <sub>5</sub> Cl (HCFC-225)	0,070
	CF <sub>2</sub> CF <sub>2</sub> CHCl <sub>2</sub> (HCFC-225ca) (?)	0,025
	CF <sub>2</sub> ClCF <sub>2</sub> CHClF (HCFC-225cb) (?)	0,033
	C <sub>2</sub> HF <sub>6</sub> Cl (HCFC-226)	0,100
	C <sub>2</sub> H <sub>2</sub> FCl <sub>3</sub> (HCFC-231)	0,090
	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub> (HCFC-232)	0,100
	C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl (HCFC-233)	0,230
	C <sub>2</sub> H <sub>2</sub> F <sub>4</sub> Cl (HCFC-234)	0,280
	C <sub>2</sub> H <sub>2</sub> F <sub>5</sub> Cl (HCFC-235)	0,520

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Group	Substance	Ozone-depleting potential <sup>(1)</sup>
	C <sub>3</sub> H <sub>5</sub> Cl <sub>2</sub> (HCFC-241)	0,090
	C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Cl <sub>1</sub> (HCFC-242)	0,130
	C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub> (HCFC-243)	0,120
	C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl (HCFC-244)	0,140
	C <sub>3</sub> H <sub>4</sub> Cl <sub>3</sub> (HCFC-251)	0,010
	C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl <sub>2</sub> (HCFC-252)	0,040
	C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl (HCFC-253)	0,030
	C <sub>3</sub> H <sub>3</sub> FCl <sub>2</sub> (HCFC-261)	0,020
	C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl (HCFC-262)	0,020
	C <sub>3</sub> H <sub>6</sub> Cl (HCFC-271)	0,030

<sup>(1)</sup> These ozone-depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically in the light of decisions taken by the Parties.

<sup>(2)</sup> This formula does not refer to 1,1,2-trichloroethane.

<sup>(3)</sup> Identifies the most commercially viable substance as prescribed in the Protocol.

## ANNEX II

## New substances

Bromochloromethane

## ANNEX III

## Total quantitative limits on producers and importers placing controlled substances on the market and using them for their own account in the Community

(calculated levels expressed in ODP tonnes)

Substance For 12-month periods from 1 January to 31 December	Group I	Group II	Group III	Group IV	Group V	Group VI (1) For uses other than quarantine and pre-shipment applications	Group VI (1) For quarantine and pre-shipment applications	Group VII	Group VIII
1999	0	0	0	0	0	8 665		0	8 079
2000						8 665			8 079
2001						4 621	607		6 678
2002						4 621	607		5 676
2003						2 888	607		3 005
2004						2 888	607		2 003
2005						0	607		2 003
2006							607		2 003
2007							607		2 003
2008							607		1 669
2009							607		1 669
2010							607		0
2011							607		0
2012							607		0
2013							607		0
2014							607		0
2015							607		0

(1) Calculated on the basis of ODP = 0.6.

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ANNEX IV

Groups, Combined Nomenclature 1999 (CN 99) Codes (1) and descriptions for the substances referred to in Annexes I and III

Group	CN 99 code	Description
Group I	2903 41 00	-- Trichlorofluoromethane
	2903 42 00	-- Dichlorodifluoromethane
	2903 43 00	-- Trichlorotrifluoroethanes
	2903 44 10	--- Dichlorotetrafluoroethanes
	2903 44 90	--- Chloropentafluoroethane
Group II	2903 45 10	---- Chlorotrifluoromethane
	2903 45 15	---- Pentachlorofluoroethane
	2903 45 20	---- Tetrachlorodifluoroethanes
	2903 45 25	---- Heptachlorofluoropropanes
	2903 45 30	---- Hexachlorodifluoropropanes
	2903 45 35	---- Pentachlorotrifluoropropanes
	2903 45 40	---- Tetrachlorotetrafluoropropanes
	2903 45 45	---- Trichloropentafluoropropanes
	2903 45 50	---- Dichlorohexafluoropropanes
	2903 45 55	---- Chloroheptafluoropropanes
Group III	2903 46 10	---- Bromochlorodifluoromethane
	2903 46 20	---- Bromotrifluoromethane
	2903 46 90	---- Dibromotetrafluoroethanes
Group IV	2903 14 00	-- Carbon tetrachloride
Group V	2903 19 10	---- 1,1,1-Trichloromethane (methylchloroform)
Group VI	2903 30 33	---- Bromomethane (methyl bromide)
Group VII	2903 49 30	----- Hydrobromofluoromethanes, -ethanes or -propanes
Group VIII	2903 49 10	----- Hydrochlorofluoromethanes, -ethanes or -propanes
	ex 3824 71 00	-- Mixtures containing one or more substances falling within CN codes 2903 41 00 to 2903 45 55.
	ex 3824 79 00	-- Mixtures containing one or more substances falling within CN codes 2903 46 10 to 2903 46 90
	ex 3824 90 95	----- Mixtures containing one or more substances falling within CN codes 2903 14 00, 2903 19 10, 2903 30 33, 2903 49 10 or 2903 49 30

(1) An 'ex' before a code implies that other products than those referred to in the column 'Description' may fall under that subheading.

## ANNEX V

## Combined Nomenclature (CN) codes for products containing controlled substances (\*)

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

## CN codes

8701 20 10 – 8701 90 90

8702 10 11 – 8702 90 90

8703 10 11 – 8703 90 90

8704 10 11 – 8704 90 00

8705 10 00 – 8705 90 90

8706 00 11 – 8706 00 99

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

## Refrigerators:

## CN codes

8418 10 10 – 8418 29 00

8418 50 11 – 8418 50 99

8418 61 10 – 8418 69 99

## Freezers:

## CN codes

8418 10 10 – 8418 29 00

8418 30 10 – 8418 30 99

8418 40 10 – 8418 40 99

8418 50 11 – 8418 50 99

8418 61 10 – 8418 61 90

8418 69 10 – 8418 69 99

## Dehumidifiers:

## CN codes

8415 10 00 – 8415 83 90

8479 60 00

8479 89 10

8479 89 98

## Water coolers and gas liquefying units:

## CN codes

8419 60 00

8419 89 98

## Ice machines:

## CN codes

8418 10 10 – 8418 29 00

8418 30 10 – 8418 30 99

8418 40 10 – 8418 40 99

8418 50 11 – 8418 50 99

8418 61 10 – 8418 61 90

8418 69 10 – 8418 69 99

(\*) These customs codes are given for the guidance of the Member States' customs authorities

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Air-conditioning and heat-pump units:

CN codes

8415 10 00 – 8415 83 90

8418 61 10 – 8418 61 90

8418 69 10 – 8418 69 99

8418 99 10 – 8418 99 90

**3. Aerosol products, except medical aerosols**

Food products:

CN codes

0404 90 21 – 0404 90 89

1517 90 10 – 1517 90 99

2106 90 92

2106 90 98

Paints and varnishes, prepared water pigments and dyes:

CN codes

3208 10 10 – 3208 10 90

3208 20 10 – 3208 20 90

3208 90 11 – 3208 90 99

3209 10 00 – 3209 90 00

3210 00 10 – 3210 00 90

3212 90 90

Perfumery, cosmetic or toilet preparations:

CN codes

3303 00 10 – 3303 00 90

3304 30 00

3304 99 00

3305 10 00 – 3305 90 90

3306 10 00 – 3306 90 00

3307 10 00 – 3307 30 00

3307 49 00

3307 90 00

Surface-active preparations:

CN codes

3402 20 10 – 3402 20 90

Lubricating preparations:

CN codes

2710 00 81

2710 00 97

3403 11 00

3403 19 10 – 3403 19 99

3403 91 00

3403 99 10 – 3403 99 90

Household preparations:

CN codes

3405 10 00

3405 20 00

3405 30 00

3405 40 00

3405 90 10 – 3405 90 90

Articles of combustible materials:

CN codes

3606 10 00

Insecticides, rodenticides, fungicides, herbicides, etc.:

CN codes

3808 10 10 – 3808 10 90

3808 20 10 – 3808 20 80

3808 30 11 – 3808 30 90

3808 40 10 – 3808 40 90

3808 90 10 – 3808 90 90

Finishing agents, etc.:

CN codes

3809 10 10 – 3809 10 90

3809 91 00 – 3809 93 00

Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades:

CN codes

3813 00 00

Organic composite solvents, etc.:

CN codes

3814 00 10 – 3814 00 90

Prepared de-icing fluids:

CN codes

3820 00 00

Products of the chemical or allied industries:

CN codes

3824 90 10

3824 90 35

3824 90 40

3824 90 45 – 3824 90 95

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Silicones in primary forms:

CN codes

3910 00 00

Arms:

CN codes

9304 00 00

4. *Portable fire extinguishers*

CN codes

8424 10 10 - 8424 10 99

5. *Insulation boards, panels and pipe covers*

CN codes

3917 21 10 - 3917 40 90

3920 10 23 - 3920 99 90

3921 11 00 - 3921 90 90

3925<sup>1</sup>10 00 - 3925 90 80

3926 90 10 - 3926 90 99

6. *Pre-polymers*

CN codes

3901 10 10 - 3911 90 99

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ANNEX VI

Processes in which controlled substances are used as processing agents

- Use of carbon tetrachloride for the elimination of nitrogen trichloride in the production of chlorine and caustic soda,
- Use of carbon tetrachloride in the recovery of chlorine in tail gas from production of chlorine,
- Use of carbon tetrachloride in the manufacture of chlorinated rubber,
- Use of carbon tetrachloride in the manufacture of isobutyl acetophenone (ibuprofen-analgesic),
- Use of carbon tetrachloride in the manufacture of polyphenyleneterephthalamide,
- Use of CFC-11 in manufacture of fine synthetic polyolefin fibre sheet,
- Use of CFC-113 in the manufacture of vinorelbine (pharmaceutical product),
- Use of CFC-12 in the photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives,
- Use of CFC-113 in the reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters,
- Use of CFC-113 in the preparation of perfluoropolyether diols with high functionality,
- Use of carbon tetrachloride in the production of tralomethrine (insecticide).

Also the use of HCFCs in the above processes when used to replace CFC or carbon tetrachloride.

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ANNEX VII

Critical uses of halon

Use of halon 1301:

- in aircraft for the protection of crew compartments, engine nacelles, cargo bays and dry bays,
- in military land vehicles and naval vessels for the protection of spaces occupied by personnel and engine compartments,
- for the making inert of occupied spaces where flammable liquid and/or gas release could occur in the military and oil, gas and petrochemical sector, and in existing cargo ships,
- for the making inert of existing manned communication and command centres of the armed forces or others, essential for national security,
- for the making inert of spaces where there may be a risk of dispersion of radioactive matter,
- in the Channel Tunnel and associated installations and rolling stock.

Use of halon 1211:

- in hand-held fire extinguishers and fixed extinguisher equipment for engines for use on board aircraft,
  - in aircraft for the protection of crew compartments, engine nacelles, cargo bays and dry bays,
  - in fire extinguishers essential to personal safety used for initial extinguishing by fire brigades,
  - in military and police fire extinguishers for use on persons.
-