Version
as at 5 April 2025

Ozone Layer Protection Regulations 1996

(SR 1996/222)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 11th day of August 1996

Present:
His Excellency the Governor-General in Council

Pursuant to Part 3 of the Ozone Layer Protection Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council and on the recommendation of the Minister for the Environment whose recommendation has been made—

(a) after consultation by that Minister in accordance with section 17 of that Act; and

(b) after being satisfied that, after making the regulations, New Zealand will be able to give effect to its obligations under the Convention and the Protocol,—

hereby makes the following regulations.

Contents

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry for the Environment.

Regulations

1 Title and commencement

(1) These regulations may be cited as the Ozone Layer Protection Regulations 1996.

(2) These regulations shall come into force on 16 September 1996.

2 Interpretation

In these regulations, unless the context otherwise requires,—

aerosol spray and **aerosol** means any substance packed under pressure in a container with a device for releasing it directly into the atmosphere as a foam or fine spray or solid or liquid stream

blowing agent means any gas or volatile liquid introduced into liquid plastic to create bubbles for the purpose of forming plastic foam

bromochloromethane means the substance specified in Part 9 of Schedule 1

bulk, in relation to any controlled substance,—

(a) means any controlled substance that is acquired in a non-processed form whether alone or in a mixture:

(b) includes any bulk recycled substance:

(c) excludes any controlled substance that is in a manufactured product other than a container used for the transportation or storage of the substance

bulk recycled substance—

(a) means any controlled substance that is acquired in a non-processed form, whether alone or in a mixture, and that has been recovered, cleaned, or reclaimed; but

(b) excludes any controlled substance that is in a manufactured product other than a container used for the transportation or storage of the substance

carbon dioxide equivalent tonnes, in relation to a substance, means the amount, in tonnes, calculated by multiplying the mass of the substance in tonnes by its 100-year global warming potential specified in Part 10 of Schedule 1

carbon tetrachloride means the substance specified in Part 4 of Schedule 1

CFC means any substance specified in Part 1 or Part 3 of Schedule 1

cleaned, in relation to any bulk recycled substance, means a recovered substance that has been cleaned by filtering or drying

complying country means a country that has been determined, in accordance with the Montreal Protocol, to be a country that is in full compliance with Articles 2, 2A to 2J, and Article 4 of that Protocol, and any certificate given by the Minister of Foreign Affairs to the effect that any country is or is not a complying country is conclusive evidence of that fact

consumption means production plus imports minus exports of bulk controlled substances

controlled substance means any substance specified in Schedule 1

EPA means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

exportation has the same meaning as in section 5(1) of the Customs and Excise Act 2018, and **export** has a corresponding meaning

fire extinguisher includes any permanently installed drench system in a building, ship, or aircraft

grandparented permit means a permit to import new bulk HFCs issued under regulation 7G

halon means any substance specified in Part 2 of Schedule 1

HBFC means any substance specified in Part 6 of Schedule 1

HCFC means any substance specified in Part 7 of Schedule 1

HFC means any substance specified in Part 10 of Schedule 1

importation has the same meaning as in section 5(1) of the Customs and Excise Act 2018, and **import** has a corresponding meaning

manufacture, in relation to any controlled substance, means the process of creating a controlled substance but excludes any process which cleans or reclaims a bulk controlled substance

methyl bromide means the substance specified in Part 8 of Schedule 1

methyl chloroform means the substance specified in Part 5 of Schedule 1

new bulk HFC means a bulk HFC that is not a bulk recycled substance

ODP tonnage, in relation to a substance, means the mass of the substance in tonnes multiplied by its ozone depletion potential

ozone depletion potential or **ODP**, in relation to a substance, means the steady-state ozone reduction for each unit mass of gas emitted into the atmosphere relative to that for a unit mass emission of CFC-11, as listed in the relevant Annexes to the Protocol and as specified in Schedule 1

party means a country that is—

(a) a party to the Montreal Protocol; and

(b) in relation to provisions regulating the manufacture, importation, and exportation of—

(i) HCFCs, HBFCs, and methyl bromide, a party to the Copenhagen Amendment to the Montreal Protocol; or

(ii) bromochloromethane, a party to the Beijing Amendment to the Montreal Protocol; or

(iii) HFCs, a party to the Kigali Amendment to the Montreal Protocol

plastic foam means any plastics in a cellular mass which are formed by the use of blowing agents

pre-shipment applications—

(a) means any treatments applied, no later than 21 days before export, to meet—

(i) the official requirements of the importing country; or

(ii) the existing official requirements of the exporting country,—

being official requirements performed or authorised by a national plant, animal, environmental, health, or stored product authority; but

(b) does not include quarantine applications

quarantine applications means any treatments to prevent the introduction, establishment, or spread of quarantine pests (including diseases), or to ensure their official control, where—

(a) official control is that performed by, or authorised by, a national plant, animal, or environmental protection or health authority;

(b) quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled

reclaimed, in relation to any bulk recycled substance, means a recovered substance that has been reprocessed and upgraded by filtering, drying, distillation, or chemical treatment

recovered, in relation to any bulk recycled substance, means a substance that has been collected from machinery, equipment, or containment vessels during servicing or before disposal

sale means every method of disposition for valuable consideration, including barter; and includes—

(a) the disposition to an agent for sale on consignment; and

(b) offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and

(c) disposal by way of raffle, lottery, or other game of chance,—

and **sell** and **sold** have corresponding meanings

solvent means any aqueous or organic product designed to clean a component or assembly by dissolving the contaminants present on its surface

tranship, by a person, means to export substances or goods within 20 working days after the date on which the person imported them into New Zealand

working day means any day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(b) a day in the period commencing on 25 December in any year and ending with 15 January in the following year.

Regulation 2 **bromochloromethane**: inserted, on 16 November 2000, by regulation 3(1) of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Regulation 2 **carbon dioxide equivalent tonnes**: inserted, on 18 February 2019, by regulation 4(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 2 **complying country**: substituted, on 16 November 2000, by regulation 3(2) of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Regulation 2 **complying country**: amended, on 18 February 2019, by regulation 4(2) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 2 **EPA**: inserted, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 2 **exportation**: amended, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 2 **grandparented permit**: inserted, on 18 February 2019, by regulation 4(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 2 **HFC**: inserted, on 18 February 2019, by regulation 4(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 2 **importation**: amended, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 2 **Minister**: revoked, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 2 **new bulk HFC**: inserted, on 18 February 2019, by regulation 4(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 2 **ODP tonnage**: amended, on 18 February 2019, by regulation 4(3) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 2 **ozone depletion potential**: amended, on 18 February 2019, by regulation 4(4) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 2 **party**: inserted, on 16 November 2000, by regulation 3(1) of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Regulation 2 **party** paragraph (b)(iii): inserted, on 18 February 2019, by regulation 4(5) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 2 **pre-shipment applications**: substituted, on 16 November 2000, by regulation 3(4) of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Regulation 2 **tranship**: inserted, on 18 February 2019, by regulation 4(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 2 **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Regulation 2 **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Regulation 2A: inserted, on 18 February 2019, by regulation 5 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Part 1
Prohibitions on importation

CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, and bromochloromethane

Heading: amended, on 1 January 2002, by regulation 4(1) of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

3 Prohibition on importation of certain bulk controlled substances

Subject to regulation 4, the importation into New Zealand of any bulk CFC, halon, carbon tetrachloride, methyl chloroform, HBFC, HCFC, or bromochloromethane is hereby prohibited.

Regulation 3: amended, on 1 January 2017, by regulation 4 of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

Regulation 3: amended, on 1 January 2002, by regulation 4(2) of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

4 Bulk recycled substances

Nothing in regulation 3 applies to bulk recycled substances.

Methyl bromide

5 Conditional prohibition on importation of methyl bromide

(1) The importation into New Zealand of methyl bromide is prohibited.

(2) Despite subclause (1), methyl bromide may be imported into New Zealand if it is imported—

(a) from a party or a complying country; and

(b) under the authority of a quarantine and pre-shipment permit granted under regulation 7.

Regulation 5: substituted, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

6 Base year permits for methyl bromide

[Revoked]

Regulation 6: revoked, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

7 Quarantine and pre-shipment permits

(1) A wholesaler may apply to the EPA in the approved form for a permit to import methyl bromide for quarantine or pre-shipment applications.

(2) Any such application shall specify—

(a) the quantity of methyl bromide that is to be imported; and

(b) any other information which the EPA may require to ensure that the methyl bromide is to be used for a legitimate quarantine or pre-shipment application.

(3) Any wholesaler may apply for a permit to import methyl bromide necessary to replace any legally imported methyl bromide which has been used for legitimate quarantine and pre-shipment applications.

(4) Any such application shall specify—

(a) the amount of methyl bromide that was used for legitimate quarantine and pre-shipment applications; and

(b) any other information which the EPA may require to ensure that that methyl bromide was used for those purposes; and

(c) the quantity of methyl bromide that is to be imported.

Regulation 7(1): substituted, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 7(2)(b): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 7(4)(b): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

HFCs

Heading: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7A Prohibition on importation of bulk HFCs without permit

(1) On and from 1 January 2020, a person must not import a bulk HFC into New Zealand unless authorised to do so by—

(a) a grandparented permit to import new bulk HFCs issued under regulation 7G (*see* regulations 7B to 7F for who is eligible to apply for a grandparented permit); or

(b) a special permit to import new bulk HFCs issued under regulation 7H; or

(c) an exporter's permit to import new bulk HFCs issued under regulation 7I; or

(d) a permit to import recycled HFCs issued under regulation 7J.

(2) *See* regulation 29(f) for exemptions that may be granted by the EPA.

Regulation 7A: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7B Application for eligibility to apply for grandparented permit

(1) This regulation applies to a person who imported a new bulk HFC at any time during the period beginning on 1 January 2015 and ending on 31 December 2017 (the **eligibility period**).

(2) The person may apply to the EPA for eligibility to apply for a grandparented permit.

(3) The application must be in the approved form and must be made no later than 18 March 2019.

(4) The application must state, for each calendar year during the eligibility period,—

(a) the carbon dioxide equivalent tonnes of new bulk HFCs that the applicant imported during the calendar year and then transhipped; and

(b) the carbon dioxide equivalent tonnes of all other new bulk HFCs that the applicant imported during the calendar year.

(5) The EPA may, by notice in writing, require the applicant—

(a) to verify any statement in the application by statutory declaration; and

(b) to supply any further information that is relevant to the application.

(6) A notice may specify a reasonable time frame in which the applicant must respond.

Regulation 7B: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7C Granting of eligibility to apply for grandparented permit

(1) On receipt of an application made under regulation 7B, the EPA must grant eligibility to the applicant if—

(a) the application complies with the requirements of regulation 7B(3) and (4); and

(b) the applicant complies with any notice given under regulation 7B(5); and

(c) the EPA is satisfied that the information given by the applicant in the application and in response to the notice (if any) is correct.

(2) However, the EPA may accept a late application that was made no later than 1 April 2019 if the EPA is satisfied that exceptional circumstances prevented the application from being made by 18 March 2019.

(3) The EPA must calculate the applicant's eligibility for each calendar year in the period beginning on 1 January 2020 as follows:

$$a = (b \div c) \times d \times 0.8$$

where—

a is the carbon dioxide equivalent tonnes of new bulk HFCs that the applicant is eligible to import for the year

b is the carbon dioxide equivalent tonnes of new bulk HFCs that the applicant imported in the period beginning on 1 January 2015 and ending on 31 December 2017 that were not transhipped

c is the total carbon dioxide equivalent tonnes of new bulk HFCs that were imported into New Zealand in the period beginning on 1 January 2015 and ending on 31 December 2017 that were not transhipped

d is the limit on importation of new bulk HFCs for the year specified in Schedule 6, in carbon dioxide equivalent tonnes.

(4) Eligibility granted under this regulation—

(a) allows the applicant to apply for a grandparented permit under regulation 7G to import new bulk HFCs up to the amount of the applicant's eligibility for the relevant year; but

(b) does not allow the applicant to import new bulk HFCs without a permit.

Regulation 7C: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7D Transfer of eligibility to apply for grandparented permit

(1) A person who is eligible to apply for a grandparented permit may transfer part or all of that eligibility to any other person by notifying the EPA.

(2) The notice must be in the approved form and must state—

(a) the amount of the eligibility, in carbon dioxide equivalent tonnes, to be transferred; and

(b) the person to whom the eligibility is to be transferred; and

(c) which year's or years' eligibilities are to be transferred.

(3) The EPA may, by notice in writing, require the transferor to supply any further information relating to the transfer.

Regulation 7D: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7E Revocation of unused eligibility to apply for grandparented permit

(1) This regulation applies in respect of a person who is eligible to apply for a grandparented permit if, in both of the previous 2 calendar years, the person has not used part or all of their eligibility for the year (for example, by importing less than the amount of their eligibility).

(2) The EPA may, by notice in writing to the person, revoke the part of the person's eligibility that the person has not used in the previous 2 calendar years.

(3) In considering whether to revoke an eligibility, the EPA must have regard to—

(a) the level of unmet demand for special permits under regulation 7H to import new bulk HFCs and the extent to which the revocation would address the demand; and

(b) the importance of the use to which the eligibility, if not revoked, will be put; and

(c) whether there is a viable alternative to HFCs for the use that would be less harmful to the environment; and

(d) the usage and transfer history of the eligibility; and

(e) any other factor that the EPA considers to be relevant.

(4) Regulation 17 does not apply in respect of an eligibility to apply for a grandparented permit.

Regulation 7E: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7F Adjustment of eligibility to apply for grandparented permit as a result of appeal

(1) This regulation applies if a court rules that the EPA incorrectly calculated a person's eligibility under regulation 7C(3).

(2) The EPA may, in giving effect to the court's decision, recalculate the eligibility of any person using the formula in regulation 7C(3).

(3) If the EPA recalculates a person's eligibility,—

(a) the EPA must notify the person, in writing, of the person's new eligibility and the date on which the new eligibility comes into effect, which must be no later than the end of the calendar year following the year in which the court makes its ruling; and

(b) a grandparented permit that has been granted to the person before the new eligibility comes into effect is unaffected by the change in eligibility.

(4) In the year in which the court makes its ruling,—

(a) the person who applied to the court for the ruling may apply for a permit under regulation 7G for that calendar year or for the next calendar year; and

(b) the EPA may accept the application, even if the application is made later than required by regulation 7G(2).

Regulation 7F: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7G Grandparented permits to import new bulk HFCs

(1) A person who is eligible to apply for a grandparented permit may apply to the EPA for a grandparented permit to import new bulk HFCs.

(2) The application must be in the approved form and must be made no later than 1 September of the year before the calendar year to which the permit relates.

(3) The EPA may grant the permit if satisfied that the applicant is eligible.

(4) The permit must state—

(a) the period to which the permit relates, which must not be more than 1 calendar year; and

(b) the amount of new bulk HFCs that the permit allows the applicant to import, which must not be more than the person's eligibility; and

(c) any conditions relevant to the permit.

Regulation 7G: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7H Special permits to import new bulk HFCs

(1) Any person may apply to the EPA for a special permit to import new bulk HFCs.

(2) The application must be in the approved form and must be made no later than 1 July of the year before the first calendar year to which the permit relates.

(3) The application must—

(a) state the extent to which the applicant's eligibility to import new bulk HFCs under regulation 7C, 7D, or 7F (if any) has been used or accounted for; and

(b) provide evidence of the applicant's commitment to use, in a timely manner, cost-effective alternatives to HFCs; and

(c) provide evidence of the applicant's commitment to obtain a transfer of an eligibility to import new bulk HFCs under regulation 7D; and

(d) provide evidence of energy efficiency or other environmental advantages (if any) from granting a special permit to the applicant; and

(e) provide evidence of adverse economic or social impacts (if any) from refusal to grant a special permit to the applicant.

(4) The EPA may, on receipt of an application, grant a special permit.

(5) The permit must state—

(a) the period to which the permit relates, which must not be more than 3 calendar years; and

(b) the amount of new bulk HFCs that the permit allows the applicant to import; and

(c) any conditions relevant to the permit.

(6) The EPA may, at any time, revoke a special permit if the EPA is satisfied that the information specified in the application was not, or is no longer, correct.

Regulation 7H: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7I Exporters' permits to import new bulk HFCs

(1) A person who exports new bulk HFCs may apply to the EPA for an exporter's permit to import new bulk HFCs.

(2) The application must be in the approved form and must state the amount of new bulk HFCs that the applicant has exported in the calendar year in which the application is made, excluding any amounts that were transhipped.

(3) The EPA may, on receipt of an application, grant an exporter's permit.

(4) The permit must state—

(a) the period to which the permit relates, which must end no later than the end of the calendar year in which the application was made; and

(b) the amount of new bulk HFCs that the permit allows the applicant to import, which must not be more than the amount of new bulk HFCs that the applicant exported (but did not tranship) in that calendar year; and

(c) any conditions relevant to the permit.

Regulation 7I: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7J Permits to import recycled HFCs

(1) Any person may apply to the EPA for a permit to import HFCs that are bulk recycled substances.

(2) The application must be in the approved form.

(3) The EPA may, on receipt of an application, grant a permit.

(4) The permit must state—

(a) the period to which the permit relates, which must not be more than 3 calendar years; and

(b) the amount of HFCs that are bulk recycled substances that the permit allows the applicant to import; and

(c) any conditions relevant to the permit.

Regulation 7J: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

7K Maximum allocation of new bulk HFCs

The EPA must ensure that the total carbon dioxide equivalent tonnes of new bulk HFCs allowed to be imported for a calendar year by permits granted under regulations 7G and 7H does not exceed the limit specified in Schedule 6 for that calendar year.

Regulation 7K: inserted, on 18 February 2019, by regulation 6 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

HCFCs

[Revoked]

Heading: revoked, on 1 January 2017, by regulation 5 of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

8 Conditional prohibition on importation of HCFCs

[Revoked]

Regulation 8: revoked, on 1 January 2017, by regulation 5 of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

9 Base year permits for HCFCs

[Revoked]

Regulation 9: revoked, on 1 January 2017, by regulation 5 of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

9A Special permits for HCFCs

[Revoked]

Regulation 9A: revoked, on 1 January 2017, by regulation 5 of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

9B Total allocation of HCFCs

[Revoked]

Regulation 9B: revoked, on 1 January 2017, by regulation 5 of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

10 Conversion permits for HCFCs

[Revoked]

Regulation 10: revoked, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

11 Wholesaler permits

[Revoked]

Regulation 11: revoked, on 1 January 2017, by regulation 5 of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

Bulk recycled substances

12 Conditional prohibition on importation of bulk recycled substances

(1) The importation into New Zealand of any bulk recycled substance is hereby prohibited unless—

(a) on importation, the person provides such of the following documents as may be required by an officer:

(i) a document from the person or company that recovered, cleaned, or reclaimed the substance stating that the substance is a bulk recycled substance; and

(ii) a statutory declaration signed by the person importing the substance declaring that the substance is a bulk recycled substance; and

(iii) such other documentation as an officer may reasonably require in order to ascertain that the substance is a bulk recycled substance; and

(b) the officer is satisfied that the substance is a bulk recycled substance; and

(c) the EPA has granted an exemption in respect of the importation of the bulk recycled substance under regulation 29.

(2) Every person who imports any bulk recycled substance shall, within 10 working days after the date of importation, notify the EPA, in writing, of the substance imported and the date and amount of the import.

(3) This regulation does not apply in respect of HFCs.

Regulation 12(1)(b): amended, on 28 October 2016, by regulation 6(1) of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

Regulation 12(1)(c): inserted, on 28 October 2016, by regulation 6(2) of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

Regulation 12(2): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 12(3): inserted, on 18 February 2019, by regulation 7 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Provisions relating to permits

13 Provisions relating to permits

(1) The EPA may grant a permit subject to terms and conditions.

(2) The EPA may revoke any permit if satisfied that the permit holder has been convicted of any offence against the Act or any other offence involving ozone depleting substances.

(2A) *[Revoked]*

(3) The EPA may modify any permit for the purpose of correcting any clerical error.

(4) The EPA may require any applicant for a permit, by notice in writing given to the applicant within 40 working days after the application is made,—

(a) to verify any statement by statutory declaration:

(b) to supply such further information relating to the application as is specified in the notice.

Regulation 13(1): substituted, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 13(2): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 13(2A): revoked, on 18 February 2019, by regulation 8 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 13(3): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 13(4): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

14 Transfer of entitlement

(1) Any person who qualifies for an entitlement to a permit under these regulations may transfer all or any part of the entitlement to any other person.

(2) In order to effect a transfer, the entitlement holder should advise the EPA in writing of—

(a) the ODP tonnage to be transferred; and

(b) who this is to be transferred to.

(3) The EPA may, by notice in writing, require the transferor to supply such further information relating to the transfer as is required.

(4) The reduction and phase out timetables shall apply to any entitlement that is transferred.

(5) This regulation does not apply in respect of—

(a) permits to import methyl bromide for quarantine or pre-shipment applications under regulation 7; or

(b) permits to import HFCs.

Regulation 14(1): amended, on 18 February 2019, by regulation 9(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 14(2): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 14(3): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 14(5): inserted, on 18 February 2019, by regulation 9(2) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

15 Temporary transfer of entitlement

(1) Any person who has been granted an import permit in respect of any year may temporarily transfer this entitlement, or any part of this entitlement, to any other person.

(2) Such a transfer can be effected by any officer.

(3) The officer may require the transferor to supply such further information relating to the transfer as is required.

(4) This regulation does not apply in respect of permits to import HFCs.

Regulation 15(4): inserted, on 18 February 2019, by regulation 10 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

16 No transfers between substances

Notwithstanding regulations 14 and 15, no person may transfer any entitlement to import HCFCs into any entitlement to import methyl bromide, or the reverse.

17 Reduction of entitlement for non-usage

(1) The EPA may cancel any person's entitlement to a permit if satisfied that the person—

(a) has not applied for an import permit within the last 2 years; or

(b) has not, within the last 2 years, imported any bulk controlled substance and has not transferred or attempted to transfer any of that person's entitlement to any other person.

(2) The EPA may reduce any person's entitlement to a permit if satisfied that the person has not, within the last 2 years, imported all of that person's entitlement and has not transferred or attempted to transfer the balance of the entitlement to any other person.

(3) This regulation does not apply in respect of permits to import HFCs.

Regulation 17(1): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 17(2): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 17(3): inserted, on 18 February 2019, by regulation 11 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

18 Re-allocation of entitlement

(1) This regulation applies if a person's entitlement to a permit is cancelled or reduced under regulation 17.

(2) The EPA may reallocate the entitlement to another person subject to terms and conditions.

(3) Any person may apply in the approved form for an allocation of the entitlement.

Regulation 18: substituted, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Goods containing ozone depleting substances

19 Prohibition on importation of certain goods containing ozone depleting substances

The importation into New Zealand of any of the following goods is hereby prohibited:

(a) any aerosol spray that contains any controlled substance other than methyl bromide or an HFC:

(b) any plastic foam, or any goods that contain any plastic foam, specified in Schedule 2 that is or are manufactured using any CFC:

(c) any dry-cleaning machine that contains or is designed to use any controlled substance (other than an HFC) as a solvent:

(d) any fire extinguisher that contains any controlled substance other than an HFC:

(e) any goods specified in Schedule 3 that contain any controlled substance (other than an HCFC, an HFC, or methyl bromide) from another country, unless the other country is a party or a complying country:

(f) any dehumidifiers, refrigerators, freezers, air-conditioners, supermarket display cases, heat pumps, and water coolers that contain any CFC (except those that are part of or belong to any other product, equipment, or thing).

Regulation 19(a): amended, on 18 February 2019, by regulation 12(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 19(c): amended, on 18 February 2019, by regulation 12(2) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 19(d): amended, on 18 February 2019, by regulation 12(3) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 19(e): amended, on 18 February 2019, by regulation 12(4) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 19(e): amended, on 16 November 2000, by regulation 7 of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Regulation 19(f): added, on 4 March 1999, by regulation 3 of the Ozone Layer Protection Amendment Regulations 1999 (SR 1999/32).

20 Prohibition not to apply to packaging

Nothing in regulation 19 shall make it unlawful for any person to import any controlled substance, or any goods containing any controlled substance, that is or are used only as packaging of any other imported goods or as part of the packaging of any other imported goods.

21 Prohibition not to apply to certain personal effects

Nothing in regulation 19 shall make it unlawful for any person to import any goods that are personal or household effects in respect of which an officer is satisfied that they are not intended for any other person or for gift, sale, or exchange.

Part 2
Prohibitions on exportation

22 Prohibition on certain exports of bulk controlled substances

The exportation of any bulk CFC, halon, carbon tetrachloride, methyl chloroform, HBFC, or bromochloromethane from New Zealand to another country is prohibited, unless the other country is a party or a complying country.

Regulation 22: substituted, on 1 January 2002, by regulation 8 of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Regulation 22: amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

23 Restriction on other exports of bulk controlled substances

(1) The exportation of any bulk controlled substance is prohibited except under the authority of an export permit.

(2) No export permit may be granted for an export that is prohibited under regulation 22.

(3) A person may apply to the EPA in the approved form for an export permit for a bulk controlled substance other than a substance specified in regulation 22.

(4) The application must specify—

(a) the name and address of the exporter:

(b) the substance to be exported:

(c) the quantity to be exported:

(d) the purpose of exportation:

(e) the date and destination of the export.

(5) An export permit may be granted by the EPA or by an officer upon receiving an application.

(6) An application for an export permit may be declined only if—

(a) the EPA or the officer is not satisfied as to the completeness or truthfulness of the information required to be specified in the application; or

(b) the application relates to an export that is prohibited under regulation 22.

(7) The application of other regulations to export permits granted under this regulation is as follows:

(a) regulation 13(2), (3), and (4)(a) applies to export permits granted under this regulation:

(b) regulation 13(1) and (4)(b) applies to permits for the export of bulk HFCs, but does not apply to any other export permit granted under this regulation:

(c) regulations 14 to 18 do not apply to export permits granted under this regulation.

Regulation 23: substituted, on 10 February 2000, by regulation 2 of the Ozone Layer Protection Amendment Regulations (No 2) 1999 (SR 1999/358).

Regulation 23(3): substituted, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 23(5): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 23(6)(a): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 23(7): replaced, on 18 February 2019, by regulation 13 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

23A Prohibition on exportation of methyl bromide

The exportation of any methyl bromide from New Zealand to another country is prohibited, unless the other country is a party or a complying country.

Regulation 23A: inserted, on 10 November 2000, by regulation 9 of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

23B Prohibition on exportation of HCFC

The exportation of any HCFC from New Zealand to another country is prohibited, unless the other country is a party or a complying country.

Regulation 23B: inserted, on 1 January 2004, by regulation 10 of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Part 3
Prohibitions on manufacture

24 Prohibition on manufacture of controlled substances and certain goods

The manufacture in New Zealand of the following substances and goods is hereby prohibited:

(a) any controlled substance:

(b) any aerosol spray that contains any controlled substance other than methyl bromide or an HFC:

(c) any plastic foam, or any goods that contain any plastic foam, specified in Schedule 2 that is or are manufactured using any CFC:

(d) any dry-cleaning machine that contains or is designed to use any controlled substance (other than an HFC) as a solvent:

(e) any fire extinguisher that contains any controlled substance other than an HFC.

Regulation 24(b): amended, on 18 February 2019, by regulation 14(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 24(d): amended, on 18 February 2019, by regulation 14(2) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 24(e): amended, on 18 February 2019, by regulation 14(3) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Part 4
Prohibitions on sale

25 Prohibition on sale of certain goods

The sale in New Zealand of any of the following goods is hereby prohibited:

(a) any dry-cleaning machine that contains or is designed to use any controlled substance (other than an HFC) as a solvent:

(b) any aerosol spray that contains any controlled substance other than methyl bromide or an HFC:

(c) any plastic foam, or any goods that contain any plastic foam, specified in Schedule 2 that is or are manufactured using any CFC:

(d) any fire extinguisher that contains any CFC, halon, carbon tetrachloride, methyl chloroform, or HBFC.

Regulation 25(a): amended, on 18 February 2019, by regulation 15(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 25(b): amended, on 18 February 2019, by regulation 15(2) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

26 Prohibition not to apply to second-hand goods

Nothing in regulation 25 shall make it unlawful for any person to sell any second-hand goods.

27 Prohibition not to apply to goods exempted under Part 5

Nothing in regulation 25 shall make it unlawful for any person to sell any goods in respect of the importation or manufacture of which an exemption has been granted under Part 5.

Part 5
Exemptions

28 Prohibited substances and goods may be exempted

(1) The prohibitions in Parts 1 to 4 do not apply to anything in respect of which the EPA has granted an exemption.

(2) However, no exemption entitles any person to import into New Zealand any bulk CFC, halon, carbon tetrachloride, methyl bromide, HBFC, HCFC, or bromochloromethane from another country, unless the other country is a party or a complying country.

Regulation 28(1): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 28(2): substituted, on 1 January 2002, by regulation 11 of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Regulation 28(2): amended, on 28 October 2016, by regulation 7 of the Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247).

29 Exemptions for imports of bulk controlled substances

The only exemptions that may be granted by the EPA in respect of the importation of bulk controlled substances are as follows:

(a) for bulk recycled halon-1301 that is to be used only for refrigeration purposes and only in circumstances where the use of halon-1301 for refrigeration purposes is necessary for human health or safety and halon-1301 cannot be obtained from supplies in New Zealand:

(b) for bulk CFC, halon, carbon tetrachloride, methyl chloroform, or HBFC that is to be used in the manufacture of aerosols or fire extinguishers for a use determined by the Parties to the Montreal Protocol to be an essential use and that use is necessary for human health or safety:

(c) for HCFC that is to be used in the manufacture of aerosols that are to be used only for a use that is necessary for human health or safety:

(d) for any bulk recycled substance that is not an HFC, or any bulk controlled substance that is not a halon or an HFC, that is to be used only in the servicing of fire extinguishers in circumstances where the substance cannot be obtained from supplies in New Zealand and where the servicing is required either because the fire extinguisher was used in a fire or as a result of a loss of halon that was outside the control of the applicant:

(e) for any bulk controlled substance, other than an HFC, that is to be used only for a use determined by the Parties to the Montreal Protocol to be an essential use or a critical use:

(f) for a bulk HFC that is to be used only for a use determined by the Parties to the Montreal Protocol to be an exempted use.

Regulation 29: amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 29(d): amended, on 18 February 2019, by regulation 16(1)(a) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 29(d): amended, on 18 February 2019, by regulation 16(1)(b) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 29(e): amended, on 18 February 2019, by regulation 16(2)(a) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 29(e): amended, on 18 February 2019, by regulation 16(2)(b) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 29(e): amended, on 14 January 2005, by regulation 3 of the Ozone Layer Protection Amendment Regulations 2004 (SR 2004/434).

Regulation 29(f): inserted, on 1 January 2020, by regulation 16(3) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

30 Exemptions for manufacture of bulk controlled substances

The only exemptions that may be granted by the EPA in respect of the manufacture of any bulk controlled substance are as follows:

(a) for quantities of less than 1 kilogram of a substance, other than an HFC, that is necessary for a use that has been determined by the Parties to the Montreal Protocol to be a legitimate laboratory and analytical use:

(b) for a bulk HFC that is to be used only for a use determined by the Parties to the Montreal Protocol to be an exempted use.

Regulation 30: replaced, on 1 January 2020, by regulation 17 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

31 Exemptions for goods

(1) The only exemptions that may be granted by the EPA in respect of the importation of any aerosol or fire extinguisher are for those that are to be used only for a use that is necessary for human health or safety.

(2) No exemption shall be granted by the EPA in respect of the importation or manufacture of any dry-cleaning machine which contains or is designed to use a bulk controlled substance as a solvent.

(3) No exemption shall be granted by the EPA in respect of the importation from another country (unless it is a party or a complying country) of any goods specified in Schedule 3 that contain any controlled substance other than HCFC or methyl bromide.

Regulation 31(1): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 31(2): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 31(3): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 31(3): amended, on 16 November 2000, by regulation 12 of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

32 Exemptions for transhipments

Nothing in this Part shall prevent an exemption being granted in respect of the importation or exportation of any substances or goods that are imported into New Zealand only for the purpose of being transhipped into another ship or aircraft for carriage to a destination that is outside the territorial limits of New Zealand.

33 Application for exemption

(1) An application for an exemption must be made to the EPA in the approved form and must—

(a) specify the substance or goods in respect of which an exemption is sought; and

(b) specify the amount of the substance or goods proposed to be imported, exported, manufactured, or sold in accordance with the exemption; and

(c) specify the reasons why the exemption is necessary; and

(d) state or be accompanied by such other information as the EPA may require for the purpose of determining whether or not to grant the exemption.

(2) The EPA may require any applicant for an exemption, by notice in writing given to the applicant within 40 working days after the application is made,—

(a) to verify any statement by statutory declaration:

(b) to supply such further information relating to the application as is specified in the notice.

Regulation 33(1): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 33(1)(d): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 33(2): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

34 Time at which application may be made

(1) An application for an exemption may be made under regulation 33—

(a) at any time before the substance is, or the goods are, imported; or

(b) no later than 10 working days after the date on which the substance is, or the goods are, imported.

(2) In any case where a substance is, or goods are, imported into New Zealand before an exemption has been applied for or granted, the New Zealand Customs Service may retain, at the expense of the importer, the substance or goods—

(a) pending the EPA's decision whether to grant an exemption or to decline the application; and

(b) if there is an appeal against any refusal to grant the exemption, pending a final decision on appeal.

Regulation 34(2)(a): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

35 Grant, renewal, revocation, etc, of exemptions

(1) Any exemption granted in accordance with these regulations—

(a) shall, except in any case to which paragraph (c) applies, be valid for a period of 12 months and may be renewed from time to time:

(b) may be granted with or without conditions as to the use of the substance or goods in New Zealand or as to the export of the substance or goods:

(c) shall, in any case where the exemption states that it is granted in relation to the construction of buildings or plant, be valid until the completion of the construction.

(2) The EPA may revoke an exemption if it is satisfied that—

(a) the holder of the exemption has made a false declaration or statement, or provided false or incorrect information, to the EPA in relation to the holder's application for an exemption; or

(b) the holder of the exemption has not used the exempted substances or goods for the purpose for which the exemption was given; or

(c) the reason for granting the exemption no longer applies.

Regulation 35(2): substituted, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

36 Publication of exemptions

The Minister shall publish, in the annual report required under the Act, a list specifying—

(a) the number of exemptions granted during the year under this Part; and

(b) in respect of each exemption granted—

(i) the person to whom it was granted; and

(ii) the substance or goods in respect of which it was granted; and

(iii) the amount of that substance or goods that may be imported, exported, manufactured, or sold in accordance with the exemption; and

(iv) the reason or reasons for granting the exemption; and

(v) the period for which the exemption is to be valid; and

(vi) any conditions to which the exemption is subject.

Part 6
Miscellaneous provisions

Provisions relating to offences

37 Offence to fail to notify importation or exportation of bulk recycled substance

Every person commits an offence, and is liable on conviction to a fine not exceeding $5,000 who knowingly or without lawful justification or excuse fails to notify the EPA of the importation or exportation of any bulk recycled substance other than an HFC.

Regulation 37: amended, on 18 February 2019, by regulation 18 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 37: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 37: amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

38 Circumstances in which court may discharge without conviction

(1) Where a person is charged with an offence against the Act, the court may discharge the defendant without conviction if the court is satisfied,—

(a) in any case where the controlled substance or the goods to which the charge relates have been imported from a country that is a party or a complying country,—

(i) that, within 10 working days after the date of importation of the substance or goods, the defendant made, under Part 5, an application for an exemption in respect of the importation of the substance or goods and that, as a result of that application, an exemption was granted in respect of the importation of the substance or goods; or

(ii) that, within 30 working days after the relevant date (within the meaning of subclause (3)), the defendant either exported the substance or goods or, after taking all reasonable steps to export the substance or goods, surrendered the substance or goods to the Crown; or

(b) in any other case, that the defendant, within 30 working days after the importation of the substance or goods, surrendered the substance or goods to the Crown.

(2) A court discharging a defendant under subclause (1) may make any order for payment of costs or for the restitution of any property that it could have made under any enactment applicable to the offence with which the defendant was charged if it had convicted and sentenced the defendant, and the provisions of every such enactment shall apply accordingly.

(3) For the purposes of subclause (1)(a)(ii), the relevant date is whichever is the later of the following dates:

(a) the date of importation; or

(b) where an application for an exemption is made under Part 5 within 10 working days after the date of importation, the date on which the application is declined by the EPA; or

(c) where there is an appeal against any refusal to grant such an exemption, the date on which the appeal is declined.

(4) Nothing in subclause (1) limits any other power of a court to discharge a defendant, with or without conviction.

Regulation 38(1)(a): amended, on 1 January 2002, by regulation 13 of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Regulation 38(3)(b): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

39 Forfeiture to Crown

Where any person has been convicted of an offence against paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) of section 13 of the Act, the court may, if it thinks fit, order that any substance or goods in relation to which the offence was committed shall be forfeited to the Crown and disposed of as the Minister directs.

Regulation 39: amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Procedure in respect of decision-making and appeals

40 Rights of persons affected by proposed adverse decisions

(1) In this regulation, unless the context otherwise requires, **adverse decision** means any decision under the Act or these regulations in respect of which there is a right of appeal pursuant to regulation 41.

(2) Where the EPA proposes to make an adverse decision in respect of any person, that EPA shall, by notice in writing,—

(a) notify the person directly affected of the proposed decision; and

(b) subject to subclause (4), inform that person of the grounds for the proposed decision; and

(c) specify a date by which submissions may be made to the EPA in respect of the proposed decision (which date shall not be less than 15 working days after the date on which the notice is given); and

(d) where appropriate, specify the date on which the proposed decision will, unless that EPA otherwise determines, take effect, being a date not earlier than 20 working days after the date the notice is given; and

(e) notify the person of the person's right of appeal under regulation 41, in the event of the proposed decision being proceeded with.

(3) Where any notice is given to any person under this regulation,—

(a) it shall be the responsibility of that person to ensure that all information that the person wishes to have considered in relation to the proposed adverse decision is received by the EPA within the period specified in the notice pursuant to subclause (2)(c), or within such further period as the EPA may allow in any case:

(b) the EPA shall consider any submissions made in accordance with paragraph (a):

(c) the EPA may, but shall not be obliged to, consider any other information supplied by the person:

(d) the EPA shall not be obliged to hear any person on the matter.

(4) After considering the matter in accordance with this section, the EPA shall—

(a) finally determine whether or not to make the proposed adverse decision; and

(b) as soon as practicable thereafter, notify in writing the person directly affected of—

(i) the EPA's decision; and

(ii) where appropriate, the date on which the decision will take effect; and

(iii) where appropriate, the right of appeal under regulation 41.

Regulation 40(2): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 40(2)(c): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 40(2)(d): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 40(3)(a): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 40(3)(b): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 40(3)(c): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 40(3)(d): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 40(4): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 40(4)(b)(i): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

41 Appeals

(1) In any case where the EPA—

(a) issues a permit that the applicant considers unsatisfactory for any reason; or

(b) declines any application for a permit; or

(ba) declines to grant eligibility applied for under regulation 7B; or

(bb) grants an amount of eligibility to an applicant under regulation 7C(1) that is less than the amount that the applicant believes that they are entitled to under regulation 7C(3); or

(c) revokes any permit; or

(ca) revokes all or part of an eligibility under regulation 7E(2); or

(d) cancels or reduces any entitlement to a permit or reallocates any entitlement; or

(e) refuses to allow the importation of any substances or goods; or

(f) refuses to grant an exemption pursuant to Part 5,—

the person directly affected may appeal against that decision to the High Court.

(2) In any case where any substance or goods are seized pursuant to the Act or these regulations, any person directly affected may appeal against that decision to the High Court.

(3) Applications, other than applications under regulation 7B, shall be taken to have been declined or refused if they are not agreed to within—

(a) 40 working days after the making of the application; or

(b) if relevant, 40 working days after any requirement under regulation 13(4) or regulation 33(2) is satisfied.

Regulation 41(1): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 41(1)(ba): inserted, on 18 February 2019, by regulation 19(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 41(1)(bb): inserted, on 18 February 2019, by regulation 19(1) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 41(1)(ca): inserted, on 18 February 2019, by regulation 19(2) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Regulation 41(3): amended, on 18 February 2019, by regulation 19(3) of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

42 Procedure in respect of appeals

(1) Every appeal under regulation 41 shall be brought, by way of originating application, not later than 20 working days after the date on which the appellant was notified of the decision appealed against, or within such further period as the court may allow.

(2) In dealing with an appeal under these regulations, the court may—

(a) confirm, reverse, or modify the decision appealed against, and make such orders and give such directions to the EPA or officer concerned as may be necessary to give effect to the court's decision; or

(b) refer the matter back to the EPA or officer concerned with directions to reconsider the whole or any specified part of the matter.

(3) Subject to regulation 44, the decision of the court on any appeal under this Act shall be final.

Regulation 42(2)(a): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 42(2)(b): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

43 Decision of EPA to continue in force pending appeal, etc

(1) Every decision of the EPA appealed against under regulation 41 continues in force pending the determination of the appeal, and no person shall be excused from complying with any of the provisions of Parts 1 to 5 on the ground that any appeal is pending.

(2) The court may, in its discretion, suspend the effect of the revocation of any permit pending the outcome of the appeal.

Regulation 43 heading: amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 43(1): amended, on 1 July 2011, by section 55 of the Environmental Protection Authority Act 2011 (2011 No 14).

44 Appeal to Court of Appeal on question of law

Any party to an appeal under regulation 41 may appeal to the Court of Appeal on a question of law.

Miscellaneous provisions

45 Regulations not to apply to foreign ships and aircraft

(1) Nothing in these regulations shall apply to any substances or goods that are on board, or form part of, any foreign ship or aircraft unless they are, while in New Zealand, removed from that ship or aircraft.

(2) For the purposes of this regulation, a foreign ship or aircraft is any ship or aircraft except—

(a) a New Zealand ship within the meaning of section 2(1) of the Maritime Transport Act 1994; or

(b) a New Zealand registered aircraft within the meaning of section 5 of the Civil Aviation Act 2023; or

(c) a ship or aircraft fully owned by New Zealanders.

(3) **Fully owned by New Zealanders** means that all of the legal and equitable interests (except interests by way of security only for any advance made by that person to the owner) are held by New Zealand citizens.

Regulation 45(2)(b): amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

46 Search warrant

Every search warrant issued under section 23 of the Act shall be in the form prescribed in Schedule 4 of these regulations.

47 Protocol

A copy of the English text of the Montreal Protocol on Substances that Deplete the Ozone Layer is set out in Schedule 5.

Schedule 1AA
Transitional, savings, and related provisions

r 2A

Schedule 1AA: inserted, on 18 February 2019, by regulation 20 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Part 1
Provisions relating to Ozone Layer Protection Amendment Regulations 2018

1 Meaning of controlled substance for export and manufacture purposes

Before 1 January 2020, for the purposes of regulations 23(1), 24(a), and 30, **controlled substance** does not include an HFC.

2 Revised maximum allocation of new bulk HFCs for 2020 and 2021 due to court decision

(1) This clause applies if, before or during the 2020 or 2021 calendar years, a court rules that the EPA incorrectly calculated a person's eligibility under regulation 7C(3).

(2) In giving effect to the court's decision, the EPA may allow the amount of new bulk HFCs imported for the 2020 or 2021 calendar years under permits granted under regulations 7G and 7H to exceed the limits specified in Schedule 6.

(3) However, the EPA must ensure that the total carbon dioxide equivalent tonnes of new bulk HFCs allowed to be imported for a calendar year by permits granted under regulations 7G and 7H does not exceed—

(a) 1,418,300 carbon dioxide equivalent tonnes for the 2020 calendar year; and

(b) 1,257,700 carbon dioxide equivalent tonnes for the 2021 calendar year.

(4) This clause overrides regulation 7K.

Schedule 1
Controlled substances

r 2

Part 1
CFCs (chlorofluorocarbons)

Chemical formula	Substance	Ozone-depleting potential*
$CFCl_3$	CFC-11	1.0
CF_2Cl_2	CFC-12	1.0
$C_2F_3Cl_3$	CFC-113	0.8
$C_2F_4Cl_2$	CFC-114	1.0
C_2F_5Cl	CFC-115	0.6

Part 2
Halons

Chemical formula	Substance	Ozone-depleting potential*
CF_2BrCl	halon-1211	3.0
CF_3Br	halon-1301	10.0
$C_2F_4Br_2$	halon-2402	6.0

Part 3
Other CFCs (chlorofluorocarbons)

Chemical formula	Substance	Ozone-depleting potential*
CF_3Cl	CFC-13	1.0
C_2FCl_5	CFC-111	1.0
$C_2F_2Cl_4$	CFC-112	1.0
C_3FCl_7	CFC-211	1.0
$C_3F_2Cl_6$	CFC-212	1.0
$C_3F_3Cl_5$	CFC-213	1.0
$C_3F_4Cl_4$	CFC-214	1.0
$C_3F_5Cl_3$	CFC-215	1.0
$C_3F_6Cl_2$	CFC-216	1.0
C_3F_7Cl	CFC-217	1.0

Part 4
Carbon tetrachloride

Chemical formula	Substance	Ozone-depleting potential*
CCl_4	Carbon tetrachloride	1.1

Part 5
Methyl chloroform

Chemical formula	Substance	Ozone-depleting potential*
$C_2H_3Cl_3$	1,1,1-trichloroethane	

This formula does not refer to 1,1,2-trichloroethane.

Part 6
HBFCs (hydrobromofluorocarbons)

Chemical formula	Substance	Number of isomers	Ozone-depleting potential*
$CHFBr_2$		1	1.00
CHF_2Br	(HBFC-22B1)	1	0.74
CH_2FBr		1	0.73
C_2HFBr_4		2	0.3–0.8
$C_2HF_2Br_3$		3	0.5–1.8
$C_2HF_3Br_2$		3	0.4–1.6
C_2HF_4Br		2	0.7–1.2
$C_2H_2FBr_3$		3	0.1–1.1
$C_2H_2F_2Br_2$		4	0.2–1.5
$C_2H_2F_3Br$		3	0.7–1.6
$C_2H_3FBr_2$		3	0.1–1.7
$C_2H_3F_2Br$		3	0.2–1.1
C_2H_4FBr		2	0.07–0.1
C_3HFBr_6		5	0.3–1.5
$C_3HF_2Br_5$		9	0.2–1.9
$C_3HF_3Br_4$		12	0.3–1.8
$C_3HF_4Br_3$		12	0.5–2.2
$C_3HF_5Br_2$		9	0.9–2.0
C_3HF_6Br		5	0.7–3.3
$C_3H_2FBr_5$		9	0.1–1.9

Chemical formula	Substance	Number of isomers	Ozone-depleting potential*
$C_3H_2F_2Br_4$		16	0.2–2.1
$C_3H_2F_3Br_3$		18	0.2–5.6
$C_3H_2F_4Br_2$		16	0.3–7.5
$C_3H_2F_5Br$		8	0.9–1.4
$C_3H_3FBr_4$		12	0.08–1.9
$C_3H_3F_2Br_3$		18	0.1–3.1
$C_3H_3F_3Br_2$		18	0.1–2.5
$C_3H_3F_4Br$		12	0.3–4.4
$C_3H_4FBr_3$		12	0.03–0.3
$C_3H_4F_2Br_2$		16	0.1–1.0
$C_3H_4F_3Br$		12	0.07–0.8
$C_3H_5FBr_2$		9	0.04–0.4
$C_3H_5F_2Br$		9	0.07–0.8
C_3H_6FBr		5	0.02–0.7

Part 7
HCFCs (hydrochlorofluorocarbons)

Chemical formula	Substance	Number of isomers	Ozone-depleting potential*
$CHFCl_2$	HCFC-21	1	0.04
CHF_2Cl	HCFC-22	1	0.055
CH_2FCl	HCFC-31	1	0.02
C_2HFCl_4	HCFC-121	2	0.01–0.04
$C_2HF_2Cl_3$	HCFC-122	3	0.02–0.08
$C_2HF_3Cl_2$	HCFC-123	3	0.02–0.06
$CHCl_2CF_3$	HCFC-123	—	0.02
C_2HF_4Cl	HCFC-124	2	0.02–0.04
$CHFClCF_3$	HCFC-124	—	0.022
$C_2H_2FCl_3$	HCFC-131	3	0.007–0.05
$C_2H_2F_2Cl_2$	HCFC-132	4	0.008–0.05
$C_2H_2F_3Cl$	HCFC-133	3	0.02–0.06
$C_2H_3FCl_2$	HCFC-141	3	0.005–0.07
CH_3CFCl_2	HCFC-141b	—	0.11
$C_2H_3F_2Cl$	HCFC-142	3	0.008–0.07
CH_3CF_2Cl	HCFC-142b	—	0.065

Chemical formula	Substance	Number of isomers	Ozone-depleting potential*
C_2H_4FCl	HCFC-151	2	0.003–0.005
C_3HFCl_6	HCFC-221	5	0.015–0.07
$C_3HF_2Cl_5$	HCFC-222	9	0.01–0.09
$C_3HF_3Cl_4$	HCFC-223	12	0.01–0.08
$C_3HF_4Cl_3$	HCFC-224	12	0.01–0.09
$C_3HF_5Cl_2$	HCFC-225	9	0.02–0.07
$CF_3CF_2CHCl_2$	HCFC-225ca	—	0.025
CF_2ClCF_2CHClF	HCFC-225cb	—	0.033
C_3HF_6Cl	HCFC-226	5	0.02–0.10
$C_3H_2FCl_5$	HCFC-231	9	0.05–0.09
$C_3H_2F_2Cl_4$	HCFC-232	16	0.008–0.10
$C_3H_2F_3Cl_3$	HCFC-233	18	0.007–0.23
$C_3H_2F_4Cl_2$	HCFC-234	16	0.01–0.28
$C_3H_2F_5Cl$	HCFC-235	9	0.03–0.52
$C_3H_3FCl_4$	HCFC-241	12	0.004–0.09
$C_3H_3F_2Cl_3$	HCFC-242	18	0.005–0.13
$C_3H_3F_3Cl_2$	HCFC-243	18	0.007–0.12
$C_3H_3F_4Cl$	HCFC-244	12	0.009–0.14
$C_3H_4FCl_3$	HCFC-251	12	0.001–0.01
$C_3H_4F_2Cl_2$	HCFC-252	16	0.005–0.04
$C_3H_4F_3Cl$	HCFC-253	12	0.003–0.03
$C_3H_5FCl_2$	HCFC-261	9	0.002–0.02
$C_3H_5F_2Cl$	HCFC-262	9	0.002–0.02
C_3H_6FCl	HCFC-271	5	0.001–0.03

Part 8
Methyl bromide

Chemical formula	Substance	Ozone-depleting potential
CH_3Br	(Mono)bromomethane	0.6

Part 9
Bromochloromethane

Schedule 1 Part 9: added, on 16 November 2000, by regulation 14 of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

Substance	Number of isomers	Ozone-depleting potential*
CH2BrCl	1	0.12

*Notes:

Ozone-depleting potential is determined in accordance with the relevant Annexes to the Montreal Protocol.

Where a range of ODPs is indicated, the highest ODP value in that range shall be used for the purposes of the Protocol and for the purpose of calculating ODP tonnage under these regulations. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

Part 10
HFCs (hydrofluorocarbons)

Schedule 1 Part 10: inserted, on 18 February 2019, by regulation 21 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Chemical formula	Substance	100-year global warming potential
CHF_2CHF_2	HFC-134	1,100
CH_2FCF_3	HFC-134a	1,430
CH_2FCHF_2	HFC-143	353
$CHF_2CH_2CF_3$	HFC-245fa	1,030
$CF_3CH_2CF_2CH_3$	HFC-365mfc	794
CF_3CHFCF_3	HFC-227ea	3,220
$CH_2FCF_2CF_3$	HFC-236cb	1,340
CHF_2CHFCF_3	HFC-236ea	1,370
$CF_3CH_2CF_3$	HFC-236fa	9,810
$CH_2FCF_2CHF_2$	HFC-245ca	693
$CF_3CHFCHFCF_2CF_3$	HFC-43-10mee	1,640
CH_2F_2	HFC-32	675
CHF_2CF_3	HFC-125	3,500
CH_3CF_3	HFC-143a	4,470
CH_3F	HFC-41	92
CH_2FCH_2F	HFC-152	53
CH_3CHF_2	HFC-152a	124
CHF_3	HFC-23	14,800

Schedule 2
Plastic goods manufactured with chlorofluorocarbons

rr 19(b), 24(c), 25(c)

1 Extruded polystyrene foam.

2 Thermoformed plastic packaging (including, without limiting the generality of that term:

supermarket meat/produce trays

egg cartons

fast-food containers

disposable plates

disposable cups

horticultural packaging trays

packaging netting).

3 Polystyrene boardstock.

Schedule 3
Prohibited imports from countries other than parties or complying countries

rr 19(e), 31(3)

Schedule 3 heading: amended, on 16 November 2000, by regulation 15 of the Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211).

1 Automobile and truck air conditioning units (whether incorporated in vehicles or not).

2 Refrigerators.

3 Freezers.

4 Dehumidifiers.

5 Water coolers.

6 Ice machines.

7 Air conditioning and heat pump units.

8 Other domestic and commercial refrigeration and air conditioning or heat pump equipment.

9 Aerosol products (other than medical aerosols).

10 Portable fire extinguishers.

11 Insulation boards, panels, and pipe covers.

12 Pre-polymers (a reactive mixture of isocyanate and polyoll to which CFCs are added to manufacture rigid plastic foams).

Schedule 4
Search warrant

r 46

Schedule 4: replaced, on 1 October 2012, by regulation 4 of the Ozone Layer Protection Amendment Regulations 2012 (SR 2012/256).

Search warrant

Section 23, Ozone Layer Protection Act 1996

To [*full name*], a constable or officer/every constable*

*Select one

1 Ground of warrant

I am satisfied, on an application made by [*full name*] on [*date*] that there are reasonable grounds for believing that there are in or on the premises [*description of premises*] the following thing that (or things, each of which) is:

Select the applicable paragraph(s).

(a) a substance that has been imported, manufactured, or sold in contravention of the Ozone Layer Protection Act 1996 (the **Act**):

(b) a document or other record in respect of which there are reasonable grounds to believe that it may be evidence of the commission of an offence against the Act: [*description of thing(s)*].

The suspected offence(s) to which this warrant relates is/are*: [*specify*].

*Select one.

3 Conditions

This warrant is subject to the following conditions: [*specify*].

4 Authority

Subject to the conditions set out above, this warrant authorises you, and any person called by you to assist,—

(a) to enter and search the premises; and

(b) to search for and seize [*description of what may be seized*]; and

(c) to seize anything else found in the course of carrying out the search, or as a result of observations at the premises, if you have reasonable grounds to believe that you could have seized the item under any search warrant that you could have obtained or any other search power that you could have exercised; and

(d) to use any force that is reasonable in the circumstances to enter or break open or access any area within the premises for the purposes of carrying out the search and any lawful seizure; and

(e) to use any assistance that is reasonable in the circumstances.

5 Remote access search

Omit this paragraph if the warrant does not authorise a remote access search.

[*Set out the access information that identifies the thing to be searched remotely.*]

6 Period of execution of warrant

The power to enter and search under this warrant may be exercised on one occasion/on [*specify the number of times that the warrant may be executed*]*.

The warrant must be executed within 14 days/[*specify number of days that warrant is issued for, which must not exceed 30 days*] days* from the date of issue of this warrant.

*Select one.

Date of issue: [*date*]

Name or unique identifier:

Signature:

(Judge/authorised issuing officer*)

*Select one.

Important information

Seizure of items

A list of things seized will be provided to you as soon as practicable after the seizure, and in any case not later than 7 days after the seizure.

Availability of privileges

These notes set out an explanation of the availability of privileges recognised for the purposes of a search conducted under this warrant and an outline of how any of those privileges may be claimed.

The notes provide general information relating to these matters. For further details relating to these matters, *see* sections 136 to 148 of the Search and Surveillance Act 2012 and the relevant sections of the Evidence Act 2006.

The following privileges are recognised for the purposes of a search conducted under this warrant:

- legal professional privilege (referred to in section 53(5) of the Evidence Act 2006) and privilege for communications with legal advisers (as described in section 54 of the Evidence Act 2006). A person who obtains professional legal services from a legal adviser has a privilege in respect of any communication between the person and the legal adviser if the communication was intended to be confidential and was made in the course of and for the purpose of the provision of professional legal services from the legal adviser:
- privilege for preparatory materials for proceedings (as described in section 56 of the Evidence Act 2006):

- privilege for settlement negotiations or mediation (as described in section 57 of the Evidence Act 2006):
- privilege for communications with ministers of religion (as described in section 58 of the Evidence Act 2006):
- privilege in criminal proceedings for information obtained by medical practitioners and clinical psychologists (as described in section 59 of the Evidence Act 2006):
- privilege for informers (as described in section 64 of the Evidence Act 2006):
- rights conferred on journalists under section 68 of the Evidence Act 2006 to protect certain sources.

Effect of privilege and how privileges may be claimed

Claims for privilege for things seized or sought to be seized

1 If you wish to claim privilege in respect of any thing seized or sought to be seized under this search warrant,—

(a) you must, as soon as practicable, provide to the person responsible for executing the search warrant a particularised list of the things in respect of which the privilege is claimed:

(b) if the thing or things in respect of which you are claiming the privilege cannot be adequately particularised, you may apply to a District Court for directions or relief.

Interim steps pending resolution of privilege claim

2 While a claim of privilege is being determined, the person executing the search warrant—

(a) may secure the thing (including, if the thing is intangible, by making a forensic copy) and deliver the thing, or a copy of it, to the District Court to enable the determination of a claim to privilege; and

(b) must give you access to the secured thing; and

(c) must not search the thing secured, unless no claim of privilege is made, or a claim of privilege is withdrawn, or the search is in accordance with the directions of the court determining the claim of privilege.

Searches affecting privileged materials

3 If the person who is to execute the search warrant has reasonable grounds to believe that any thing discovered in the search may be the subject of a privilege, he or she—

(a) must provide to any person who he or she believes may be able to claim a privilege a reasonable opportunity to claim it; and

(b) may, if he or she is unable to identify or contact a person who may be able to claim a privilege, or that person's lawyer, within a reasonable

period, apply to a District Court for a determination as to the status of the thing.

Effect of privilege

4 If you make a claim of privilege in respect of any thing that is seized or sought to be seized, you have the right—

(a) to prevent the search of any communication or information to which the privilege would apply, pending determination of the claim to privilege, and subsequently if the claim to privilege is upheld:

(b) to require the return of a copy of, or access to, any such communication or information, pending determination of the claim to privilege.

Important: If you do not understand this information or if you want further advice about the availability of privileges and how any of those privileges may be claimed, you should consider getting legal advice on the matter immediately.

Inquiries

If you have any inquiries about this search, you should contact the officer in charge, whose details are below.

[*Officer's name or unique identifier*] at [*address*].

Schedule 5
Montreal Protocol on Substances that Deplete the Ozone Layer

r 47

Schedule 5: replaced, on 18 February 2019, by regulation 22 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

As adjusted and amended by the Second Meeting of the Parties (London, 27–29 June 1990); the Fourth Meeting of the Parties (Copenhagen, 23–25 November 1992); the Seventh Meeting of the Parties (Vienna, 5–7 December 1995); the Ninth Meeting of the Parties (Montreal, 15–17 September 1997); the Eleventh Meeting of the Parties (Beijing, 29 November–3 December 1999); the Nineteenth Meeting of the Parties (Montreal, 17–21 September 2007), and further amended by the Twenty-Eighth Meeting of the Parties (Kigali, 10–15 October 2016)

Preamble

The Parties to this Protocol,

Being Parties to the Vienna Convention for the Protection of the Ozone Layer,

Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

Recognizing that world-wide emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment,

Conscious of the potential climatic effects of emissions of these substances,

Aware that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, taking into account technical and economic considerations,

Determined to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations and bearing in mind the developmental needs of developing countries,

Acknowledging that special provision is required to meet the needs of developing countries, including the provision of additional financial resources and access to relevant technologies, bearing in mind that the magnitude of funds necessary is predictable, and the funds can be expected to make a substantial difference in the world's ability to address the scientifically established problem of ozone depletion and its harmful effects,

Noting the precautionary measures for controlling emissions of certain chlorofluorocarbons that have already been taken at national and regional levels,

Considering the importance of promoting international co-operation in the research, development and transfer of alternative technologies relating to the control and reduc-

tion of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

HAVE AGREED AS FOLLOWS:

Article 1
Definitions

For the purposes of this Protocol:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.
2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.
3. "Secretariat" means the Secretariat of the Convention.
4. "Controlled substance" means a substance in Annex A, Annex B, Annex C, Annex E or Annex F to this Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance, except as specified in the relevant Annex, but excludes any controlled substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.
5. "Production" means the amount of controlled substances produced, minus the amount destroyed by technologies to be approved by the Parties and minus the amount entirely used as feedstock in the manufacture of other chemicals. The amount recycled and reused is not to be considered as "production".
6. "Consumption" means production plus imports minus exports of controlled substances.
7. "Calculated levels" of production, imports, exports and consumption means levels determined in accordance with Article 3.
8. "Industrial rationalization" means the transfer of all or a portion of the calculated level of production of one Party to another, for the purpose of achieving economic efficiencies or responding to anticipated shortfalls in supply as a result of plant closures.

Article 2
Control measures

1. *Incorporated in Article 2A.*
2. *Replaced by Article 2B.*
3. *Replaced by Article 2A.*
4. *Replaced by Article 2A.*
5. Any Party may, for one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2F, Articles 2H and 2J, provided that the total combined calculated levels of

production of the Parties concerned for any group of controlled substances do not exceed the production limits set out in those Articles for that group. Such transfer of production shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

5 *bis*. Any Party not operating under paragraph 1 of Article 5 may, for one or more control periods, transfer to another such Party any portion of its calculated level of consumption set out in Article 2F, provided that the calculated level of consumption of controlled substances in Group I of Annex A of the Party transferring the portion of its calculated level of consumption did not exceed 0.25 kilograms per capita in 1989 and that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in Article 2F. Such transfer of consumption shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

6. Any Party not operating under Article 5, that has facilities for the production of Annex A or Annex B controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production from such facilities to its 1986 production of such substances for the purposes of determining its calculated level of production for 1986, provided that such facilities are completed by 31 December 1990 and that such production does not raise that Party's annual calculated level of consumption of the controlled substances above 0.5 kilograms per capita.

7. Any transfer of production pursuant to paragraph 5 or any addition of production pursuant to paragraph 6 shall be notified to the Secretariat, no later than the time of the transfer or addition.

8. (a) Any Parties which are Member States of a regional economic integration organization as defined in Article 1(6) of the Convention may agree that they shall jointly fulfil their obligations respecting consumption under this Article and Articles 2A to 2J provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2J. Any such agreement may be extended to include obligations respecting consumption or production under Article 2J provided that the total combined calculated level of consumption or production of the Parties concerned does not exceed the levels required by Article 2J.

(b) The Parties to any such agreement shall inform the Secretariat of the terms of the agreement before the date of the reduction in consumption with which the agreement is concerned.

(c) Such agreement will become operative only if all Member States of the regional economic integration organization and the organization con-

cerned are Parties to the Protocol and have notified the Secretariat of their manner of implementation.

9. (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:

(i) Adjustments to the ozone depleting potentials specified in Annex A, Annex B, Annex C and/or Annex E should be made and, if so, what the adjustments should be;

(ii) Adjustments to the global warming potentials specified in Group I of Annex A, Annex C and Annex F should be made and, if so, what the adjustments should be; and

(iii) Further adjustments and reductions of production or consumption of the controlled substances should be undertaken and, if so, what the scope, amount and timing of any such adjustments and reductions should be;

(b) Proposals for such adjustments shall be communicated to the Parties by the Secretariat at least six months before the meeting of the Parties at which they are proposed for adoption;

(c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting representing a majority of the Parties operating under Paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting;

(d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depositary. Unless otherwise provided in the decisions, they shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depositary.

10. Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:

(a) whether any substances, and if so which, should be added to or removed from any annex to this Protocol, and

(b) the mechanism, scope and timing of the control measures that should apply to those substances;

11. Notwithstanding the provisions contained in this Article and Articles 2A to 2J Parties may take more stringent measures than those required by this Article and Articles 2A to 2J.

Introduction to the adjustments

The Second, Fourth, Seventh, Ninth, Eleventh and Nineteenth Meetings of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decided, on the basis of assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annexes A, B, C and E to the Protocol as follows (the text here shows the cumulative effect of all the adjustments):

Article 2A
CFCs

1. Each Party shall ensure that for the twelve-month period commencing on the first day of the seventh month following the date of entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed its calculated level of consumption in 1986. By the end of the same period, each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties.
2. Each Party shall ensure that for the period from 1 July 1991 to 31 December 1992 its calculated levels of consumption and production of the controlled substances in Group I of Annex A do not exceed 150 per cent of its calculated levels of production and consumption of those substances in 1986; with effect from 1 January 1993, the twelve-month control period for these controlled substances shall run from 1 January to 31 December each year.
3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.
4. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A

does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group I of Annex A for basic domestic needs for the period 1995 to 1997 inclusive. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

5. Each party shall ensure that for the twelve-month period commencing on 1 January 2003 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed eighty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

7. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

8. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

9. For the purposes of calculating basic domestic needs under paragraphs 4 to 8 of this Article, the calculation of the annual average of production by a Party includes any production entitlements that it has transferred in accordance with paragraph 5 of Article 2, and excludes any production entitlements that it has acquired in accordance with paragraph 5 of Article 2.

Article 2B
Halons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed, annually, its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent of its calculated level of production in 1986; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group II of Annex A for basic domestic needs for the period 1995 to 1997 inclusive. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

Article 2C
Other fully halogenated CFCs

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substan-

ces in Group I of Annex B does not exceed, annually, eighty per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same period, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2003 exceed that limit by up to fifteen per cent of its calculated level of production in 1989; thereafter, it may exceed that limit by a quantity equal to eighty per cent of the annual average of its production of the controlled substances in Group I of Annex B for basic domestic needs for the period 1998 to 2000 inclusive. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent of the annual average of its production of those substances for basic domestic needs for the period 1998 to 2000 inclusive.

5. Each party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic

domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

Article 2D
Carbon tetrachloride

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, fifteen per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Article 2E
1,1,1-Trichloroethane (methyl chloroform)

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, fifty per cent of its calculated level of consumption in 1989.

Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production for 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Article 2F
Hydrochlorofluorocarbons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, the sum of:

   (a) Two point eight per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

   (b) Its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C.

2. Each Party producing one or more of these substances shall ensure that for the twelve-month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, the average of:

   (a) The sum of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C and two point eight per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

   (b) The sum of its calculated level of production in 1989 of the controlled substances in Group I of Annex C and two point eight per cent of its calculated level of production in 1989 of the controlled substances in Group I of Annex A.

   However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed

that limit by up to fifteen per cent of its calculated level of production of the controlled substances in Group I of Annex C as defined above.

3. Each Party shall ensure that for the twelve month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the sum referred to in paragraph 1 of this Article.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, twenty-five per cent of the sum referred to in paragraph 1 of this Article. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, twenty-five per cent of the calculated level referred to in paragraph 2 of this Article. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production of the controlled substances in Group I of Annex C as referred to in paragraph 2.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent of the sum referred to in paragraph 1 of this Article. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent of the calculated level referred to in paragraph 2 of this Article. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production of the controlled substances in Group I of Annex C as referred to in paragraph 2.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed zero. However:

   (a) Each Party may exceed that limit on consumption by up to zero point five per cent of the sum referred to in paragraph 1 of this Article in any such twelve-month period ending before 1 January 2030, provided that such consumption shall be restricted to the servicing of refrigeration and air-conditioning equipment existing on 1 January 2020;

(b) Each Party may exceed that limit on production by up to zero point five per cent of the average referred to in paragraph 2 of this Article in any such twelve-month period ending before 1 January 2030, provided that such production shall be restricted to the servicing of refrigeration and air-conditioning equipment existing on 1 January 2020.

7. As of 1 January 1996, each Party shall endeavour to ensure that:

(a) The use of controlled substances in Group I of Annex C is limited to those applications where other more environmentally suitable alternative substances or technologies are not available;

(b) The use of controlled substances in Group I of Annex C is not outside the areas of application currently met by controlled substances in Annexes A, B and C, except in rare cases for the protection of human life or human health; and

(c) Controlled substances in Group I of Annex C are selected for use in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations.

Article 2G
Hydrobromofluorocarbons

Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex C does not exceed zero. Each Party producing the substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Article 2H
Methyl bromide

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, its calculated level of consumption in 1991. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1999, and in the twelve-month period thereafter, its calculated level

of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2003, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, thirty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, thirty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent of its calculated level of production in 1991; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substance in Annex E for basic domestic needs for the period 1995 to 1998 inclusive. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses.

5 *bis*. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed eighty per cent of the annual average of its production of the substance for basic domestic needs for the period 1995 to 1998 inclusive.

5 *ter*. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015 and in each twelve-month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

6. The calculated levels of consumption and production under this Article shall not include the amounts used by the Party for quarantine and pre-shipment applications.

Article 2I
Bromochloromethane

Each Party shall ensure that for the twelve-month period commencing on 1 January 2002, and in each twelve-month period thereafter, its calculated level of consumption and production of the controlled substance in Group III of Annex C does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Article 2J
Hydrofluorocarbons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 2019, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Annex F, expressed in CO_2 equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of consumption of Annex F controlled substances for the years 2011, 2012 and 2013, plus fifteen per cent of its calculated level of consumption of Annex C, Group I, controlled substances as set out in paragraph 1 of Article 2F, expressed in CO_2 equivalents:

   (a) 2019 to 2023: 90 per cent

   (b) 2024 to 2028: 60 per cent

   (c) 2029 to 2033: 30 per cent

   (d) 2034 to 2035: 20 per cent

   (e) 2036 and thereafter: 15 per cent

2. Notwithstanding paragraph 1 of this Article, the Parties may decide that a Party shall ensure that, for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Annex F, expressed in CO_2 equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of consumption of Annex F controlled substances for the years 2011, 2012 and 2013, plus twenty-five per cent of its calculated level of consumption of Annex C, Group I, controlled substances as set out in paragraph 1 of Article 2F, expressed in CO_2 equivalents:

   (a) 2020 to 2024: 95 per cent

   (b) 2025 to 2028: 65 per cent

   (c) 2029 to 2033: 30 per cent

   (d) 2034 to 2035: 20 per cent

   (e) 2036 and thereafter: 15 per cent

3. Each Party producing the controlled substances in Annex F shall ensure that for the twelve-month period commencing on 1 January 2019, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Annex F, expressed in CO_2 equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of production of Annex F controlled substances for the years 2011, 2012 and 2013, plus fifteen per cent of its calculated level of production of Annex C, Group I, controlled substances as set out in paragraph 2 of Article 2F, expressed in CO_2 equivalents:

   (a) 2019 to 2023: 90 per cent

   (b) 2024 to 2028: 60 per cent

   (c) 2029 to 2033: 30 per cent

   (d) 2034 to 2035: 20 per cent

   (e) 2036 and thereafter: 15 per cent

4. Notwithstanding paragraph 3 of this Article, the Parties may decide that a Party producing the controlled substances in Annex F shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Annex F, expressed in CO_2 equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of production of Annex F controlled substances for the years 2011, 2012 and 2013, plus twenty-five per cent of its calculated level of production of Annex C, Group I, controlled substances as set out in paragraph 2 of Article 2F, expressed in CO_2 equivalents:

(a) 2020 to 2024: 95 per cent

(b) 2025 to 2028: 65 per cent

(c) 2029 to 2033: 30 per cent

(d) 2034 to 2035: 20 per cent

(e) 2036 and thereafter: 15 per cent

5. Paragraphs 1 to 4 of this Article will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by the Parties to be exempted uses.

6. Each Party manufacturing Annex C, Group I, or Annex F substances shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its emissions of Annex F, Group II, substances generated in each production facility that manufactures Annex C, Group I, or Annex F substances are destroyed to the extent practicable using technology approved by the Parties in the same twelve-month period.

7. Each Party shall ensure that any destruction of Annex F, Group II, substances generated by facilities that produce Annex C, Group I, or Annex F substances shall occur only by technologies approved by the Parties.

Article 3
Calculation of control levels

1. For the purposes of Articles 2, 2A to 2J and 5, each Party shall, for each group of substances in Annex A, Annex B, Annex C, Annex E or Annex F, determine its calculated levels of:

(a) Production by:

(i) multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A, Annex B, Annex C or Annex E, except as otherwise specified in paragraph 2;

(ii) adding together, for each such Group, the resulting figures;

(b) Imports and exports, respectively, by following, *mutatis mutandis*, the procedure set out in subparagraph (a); and

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with subparagraphs (a) and (b). However, beginning on 1 January 1993, any export of controlled substances to non-Parties shall not be subtracted in calculating the consumption level of the exporting Party; and

(d) Emissions of Annex F, Group II, substances generated in each facility that generates Annex C, Group I, or Annex F substances by including, among other things, amounts emitted from equipment leaks, process

vents and destruction devices, but excluding amounts captured for use, destruction or storage.

2. When calculating levels, expressed in CO_2 equivalents, of production, consumption, imports, exports and emissions of Annex F and Annex C, Group I, substances for the purposes of Article 2J, paragraph 5 *bis* of Article 2 and paragraph 1 (d) of Article 3, each Party shall use the global warming potentials of those substances specified in Group I of Annex A, Annex C and Annex F.

Article 4
Control of trade with non-Parties

1. As of 1 January 1990, each party shall ban the import of the controlled substances in Annex A from any State not party to this Protocol.

1 *bis*. Within one year of the date of the entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex B from any State not party to this Protocol.

1 *ter*. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of any controlled substances in Group II of Annex C from any State not party to this Protocol.

1 *qua*. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Annex E from any State not party to this Protocol.

1 *quin*. As of 1 January 2004, each Party shall ban the import of the controlled substances in Group I of Annex C from any State not party to this Protocol.

1 *sex*. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Group III of Annex C from any State not party to this Protocol.

1 *sept*. Upon entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex F from any State not Party to this Protocol.

2. As of 1 January 1993, each Party shall ban the export of any controlled substances in Annex A to any State not party to this Protocol.

2 *bis*. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Annex B to any State not party to this Protocol.

2 *ter*. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Group II of Annex C to any State not party to this Protocol.

2 *qua*. Commencing one year of the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Annex E to any State not party to this Protocol.

2 *quin*. As of 1 January 2004, each Party shall ban the export of the controlled substances in Group I of Annex C to any State not party to this Protocol.

2 *sex*. Within one year of the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Group III of Annex C to any State not party to this Protocol.

2 *sept*. Upon entry into force of this paragraph, each Party shall ban the export of the controlled substances in Annex F to any State not Party to this Protocol.

3. By 1 January 1992, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex A. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 *bis*. Within three years of the date of the entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex B. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 *ter*. Within three years of the date of entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Group II of Annex C. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4. By 1 January 1994, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex A. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 *bis*. Within five years of the date of the entry into force of this paragraph, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex B. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 *ter*. Within five years of the date of entry into force of this paragraph, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Group II of Annex C. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

5. Each Party undertakes to the fullest practicable extent to discourage the export to any State not party to this Protocol of technology for producing and for utilizing controlled substances in Annexes A, B, C, E and F.

6. Each Party shall refrain from providing new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances in Annexes A, B, C, E and F.

7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances in Annexes A, B, C, E and F.

8. Notwithstanding the provisions of this Article, imports and exports referred to in paragraphs 1 to 4 *ter* of this Article may be permitted from, or to, any State not party to this Protocol, if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2, Articles 2A to 2J and this Article, and have submitted data to that effect as specified in Article 7.

9. For the purposes of this Article, the term "State not party to this Protocol" shall include, with respect to a particular controlled substance, a State or regional economic integration organization that has not agreed to be bound by the control measures in effect for that substance.

10. By 1 January 1996, the Parties shall consider whether to amend this Protocol in order to extend the measures in this Article to trade in controlled substances in Group I of Annex C and in Annex E with States not party to the Protocol.

Article 4A
Control of trade with Parties

1. Where, after the phase-out date applicable to it for a controlled substance, a Party is unable, despite having taken all practicable steps to comply with its obligation under the Protocol, to cease production of that substance for domestic consumption, other than for uses agreed by the Parties to be essential, it shall ban the export of used, recycled and reclaimed quantities of that substance, other than for the purpose of destruction.

2. Paragraph 1 of this Article shall apply without prejudice to the operation of Article 11 of the Convention and the non-compliance procedure developed under Article 8 of the Protocol.

Article 4B
Licensing

1. Each Party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.

2. Notwithstanding paragraph 1 of this Article, any Party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1 January 2005 and 1 January 2002, respectively.

2 *bis*. Each Party shall, by 1 January 2019 or within three months of the date of entry into force of this paragraph for it, whichever is later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annex F. Any Party operating under paragraph 1 of Article 5 that decides it is not in a position to establish and implement such a system by 1 January 2019 may delay taking those actions until 1 January 2021.

3. Each Party shall, within three months of the date of introducing its licensing system, report to the Secretariat on the establishment and operation of that system.

4. The Secretariat shall periodically prepare and circulate to all Parties a list of the Parties that have reported to it on their licensing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the Parties.

Article 5
Special situation of developing countries

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances in Annex A is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter until 1 January 1999, shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures set out in Articles 2A to 2E, provided that any further amendments to the adjustments or Amendment adopted at the Second Meeting of the Parties in London, 29 June 1990, shall apply to the Parties operating under this paragraph after the review provided for in paragraph 8 of this Article has taken place and shall be based on the conclusions of that review.

1 *bis*. The Parties shall, taking into account the review referred to in paragraph 8 of this Article, the assessments made pursuant to Article 6 and any other relevant information, decide by 1 January 1996, through the procedure set forth in paragraph 9 of Article 2:

(a) With respect to paragraphs 1 to 6 of Article 2F, what base year, initial levels, control schedules and phase-out date for consumption of the controlled substances in Group I of Annex C will apply to Parties operating under paragraph 1 of this Article;

(b) With respect to Article 2G, what phase-out date for production and consumption of the controlled substances in Group II of Annex C will apply to Parties operating under paragraph 1 of this Article; and

(c) With respect to Article 2H, what base year, initial levels and control schedules for consumption and production of the controlled substance in Annex E will apply to Parties operating under paragraph 1 of this Article.

2. However, any Party operating under paragraph 1 of this Article shall exceed neither an annual calculated level of consumption of the controlled substances in Annex A of 0.3 kilograms per capita nor an annual calculated level of consumption of controlled substances of Annex B of 0.2 kilograms per capita.

3. When implementing the control measures set out in Articles 2A to 2E, any Party operating under paragraph 1 of this Article shall be entitled to use:

(a) For controlled substances under Annex A, either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to consumption.

(b) For controlled substances under Annex B, the average of its annual calculated level of consumption for the period 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to consumption.

(c) For controlled substances under Annex A, either the average of its annual calculated level of production for the period 1995 to 1997 inclusive or a calculated level of production of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

(d) For controlled substances under Annex B, either the average of its annual calculated level of production for the period 1998 to 2000 inclusive or a calculated level of production of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

4. If a Party operating under paragraph 1 of this Article, at any time before the control measures obligations in Articles 2A to 2J become applicable to it, finds itself unable to obtain an adequate supply of controlled substances, it may notify this to the Secretariat. The Secretariat shall forthwith transmit a copy of such notification to the Parties, which shall consider the matter at their next Meeting, and decide upon appropriate action to be taken.

5. Developing the capacity to fulfil the obligations of the Parties operating under paragraph 1 of this Article to comply with the control measures set out in Articles 2A to 2E and Articles 2I and 21J, and with any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of this Article, and their implementation by those same Parties will depend upon the effective implementation of the financial co-operation as provided by Article 10 and the transfer of technology as provided by Article 10A.

6. Any Party operating under paragraph 1 of this Article may, at any time, notify the Secretariat in writing that, having taken all practicable steps it is unable to implement any or all of the obligations laid down in Articles 2A to 2E and Articles 2I and 2J, or any or all obligations in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of this Article, due to the inadequate implementation of Articles 10 and 10A. The Secretariat shall forthwith transmit a copy of the notification to the Parties, which shall consider the matter at their next Meeting, giving due recognition to paragraph 5 of this Article and shall decide upon appropriate action to be taken.

7. During the period between notification and the Meeting of the Parties at which the appropriate action referred to in paragraph 6 above is to be decided, or for a further period if the Meeting of the Parties so decides, the non-compliance procedures referred to in Article 8 shall not be invoked against the notifying Party.

8. A Meeting of the Parties shall review, not later than 1995, the situation of the Parties operating under paragraph 1 of this Article, including the effective implementation of financial co-operation and transfer of technology to them, and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties.

8 *bis*. Based on the conclusions of the review referred to in paragraph 8 above:

(a) With respect to the controlled substances in Annex A, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2A and 2B shall be read accordingly;

(b) With respect to the controlled substances in Annex B, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with

the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2C to 2E shall be read accordingly.

8 *ter*. Pursuant to paragraph 1 *bis* above:

(a) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2013, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, the average of its calculated levels of consumption in 2009 and 2010. Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2013 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, the average of its calculated levels of production in 2009 and 2010;

(b) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2015, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ninety per cent of the average of its calculated levels of consumption in 2009 and 2010. Each such Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, ninety per cent of the average of its calculated levels of production in 2009 and 2010;

(c) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the average of its calculated levels of consumption in 2009 and 2010. Each such Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the average of its calculated levels of production in 2009 and 2010;

(d) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2025, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, thirty-two point five per cent of the average of its calculated levels of consumption in 2009 and 2010. Each such Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of

Annex C does not exceed, annually, thirty-two point five per cent of the average of its calculated levels of production in 2009 and 2010;

(e) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2030, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero. Each such Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed zero. However:

(i) Each such Party may exceed that limit on consumption in any such twelve-month period so long as the sum of its calculated levels of consumption over the ten-year period from 1 January 2030 to 1 January 2040, divided by ten, does not exceed two point five per cent of the average of its calculated levels of consumption in 2009 and 2010, and provided that such consumption shall be restricted to the servicing of refrigeration and air-conditioning equipment existing on 1 January 2030;

(ii) Each such Party may exceed that limit on production in any such twelve-month period so long as the sum of its calculated levels of production over the ten-year period from 1 January 2030 to 1 January 2040, divided by ten, does not exceed two point five per cent of the average of its calculated levels of production in 2009 and 2010, and provided that such production shall be restricted to the servicing of refrigeration and air-conditioning equipment existing on 1 January 2030.

(f) Each Party operating under paragraph 1 of this Article shall comply with Article 2G;

(g) With regard to the controlled substance contained in Annex E:

(i) As of 1 January 2002 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 1 of Article 2H and, as the basis for its compliance with these control measures, it shall use the average of its annual calculated level of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(ii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, eighty per cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(iii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2015 and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses;

(iv) The calculated levels of consumption and production under this subparagraph shall not include the amounts used by the Party for quarantine and pre-shipment applications.

8 *qua* (a) Each Party operating under paragraph 1 of this Article, subject to any adjustments made to the control measures in Article 2J in accordance with paragraph 9 of Article 2, shall be entitled to delay its compliance with the control measures set out in subparagraphs (a) to (e) of paragraph 1 of Article 2J and subparagraphs (a) to (e) of paragraph 3 of Article 2J and modify those measures as follows:

(i) 2024 to 2028: 100 per cent

(ii) 2029 to 2034: 90 per cent

(iii) 2035 to 2039: 70 per cent

(iv) 2040 to 2044: 50 per cent

(v) 2045 and thereafter: 20 per cent

(b) Notwithstanding subparagraph (a) above, the Parties may decide that a Party operating under paragraph 1 of this Article, subject to any adjustments made to the control measures in Article 2J in accordance with paragraph 9 of Article 2, shall be entitled to delay its compliance with the control measures set out in subparagraphs (a) to (e) of paragraph 1 of Article 2J and subparagraphs (a) to (e) of paragraph 3 of Article 2J and modify those measures as follows:

(i) 2028 to 2031: 100 per cent

(ii) 2032 to 2036: 90 per cent

(iii) 2037 to 2041: 80 per cent

(iv) 2042 to 2046: 70 per cent

(v) 2047 and thereafter: 15 per cent

(c) Each Party operating under paragraph 1 of this Article, for the purposes of calculating its consumption baseline under Article 2J, shall be entitled to use the average of its calculated levels of consumption of Annex F controlled substances for the years 2020, 2021 and 2022, plus sixty-five per cent of its baseline consumption of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(d) Notwithstanding subparagraph (c) above, the Parties may decide that a Party operating under paragraph 1 of this Article, for the purposes of calculating its consumption baseline under Article 2J, shall be entitled to use the average of its calculated levels of consumption of Annex F controlled substances for the years 2024, 2025 and 2026, plus sixty-five per cent of its baseline consumption of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(e) Each Party operating under paragraph 1 of this Article and producing the controlled substances in Annex F, for the purposes of calculating its production baseline under Article 2J, shall be entitled to use the average of its calculated levels of production of Annex F controlled substances for the years 2020, 2021 and 2022, plus sixty-five per cent of its baseline production of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(f) Notwithstanding subparagraph (e) above, the Parties may decide that a Party operating under paragraph 1 of this Article and producing the controlled substances in Annex F, for the purposes of calculating its production baseline under Article 2J, shall be entitled to use the average of its calculated levels of production of Annex F controlled substances for the years 2024, 2025 and 2026, plus sixty-five per cent of its baseline production of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(g) Subparagraphs (a) to (f) of this paragraph will apply to calculated levels of production and consumption save to the extent that a high-ambient-temperature exemption applies based on criteria decided by the Parties.

9. Decisions of the Parties referred to in paragraph 4, 6 and 7 of this Article shall be taken according to the same procedure applied to decision-making under Article 10.

Article 6
Assessment and review of control measures

Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 and Articles 2A to 2J on the basis of available scientific, environmental, technical and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the Secretariat, to the Parties.

Article 7
Reporting of data

1. Each Party shall provide to the Secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances in Annex A for the year 1986, or the best possible estimates of such data where actual data are not available.

2. Each Party shall provide to the Secretariat statistical data on its production, imports and exports of each of the controlled substances

   – in Annex B and Groups I and II of Annex C, for the year 1989;

   – in Annex E, for the year 1991,

   – in Annex F, for the years 2011 to 2013, except that Parties operating under paragraph 1 of Article 5 shall provide such data for the years 2020 to 2022, but those Parties operating under paragraph 1 of Article 5 to which subparagraphs (d) and (f) of paragraph 8 *qua* of Article 5 applies shall provide such data for the years 2024 to 2026;

   or the best possible estimates of such data where actual data are not available, not later than three months after the date when the provisions set out in the Protocol with regard to the substances in Annexes B, C, E and F respectively enter into force for that Party.

3. Each Party shall provide to the Secretariat statistical data on its annual production (as defined in paragraph 5 of Article 1) of each of the controlled substances listed in Annexes A, B, C, E and F and, separately, for each substance,

   – Amounts used for feedstocks,

   – Amounts destroyed by technologies approved by the Parties, and

   – Imports from and exports to Parties and non-Parties respectively,

   for the year during which provisions concerning the substances in Annexes A, B, C, E and F respectively entered into force for that Party and for each year thereafter. Each Party shall provide to the Secretariat statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications. Data shall be forwarded not later than nine months after the end of the year to which the data relate.

3 *bis*. Each Party shall provide to the Secretariat separate statistical data of its annual imports and exports of each of the controlled substances listed in Group II of Annex A and Group I of Annex C that have been recycled.

3 *ter*. Each Party shall provide to the Secretariat statistical data on its annual emissions of Annex F, Group II, controlled substances per facility in accordance with paragraph 1 (d) of Article 3 of the Protocol.

4. For Parties operating under the provisions of paragraph 8(a) of Article 2, the requirements in paragraphs 1, 2, 3 and 3 *bis* of this Article in respect of statistical data on production, imports and exports shall be satisfied if the

regional economic integration organization concerned provides data on production, imports and exports between the organization and States that are not members of that organization.

Article 8
Non-compliance

The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance.

Article 9
Research, development, public awareness and exchange of information

1. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:
   (a) best technologies for improving the containment, recovery, recycling, or destruction of controlled substances or otherwise reducing their emissions;
   (b) possible alternatives to controlled substances, to products containing such substances, and to products manufactured with them; and
   (c) costs and benefits of relevant control strategies.
2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.
3. Within two years of the entry into force of this Protocol and every two years thereafter, each Party shall submit to the Secretariat a summary of the activities it has conducted pursuant to this Article.

Article 10
Financial mechanism

1. The Parties shall establish a mechanism for the purposes of providing financial and technical co-operation, including the transfer of technologies, to Parties operating under paragraph 1 of Article 5 of this Protocol to enable their compliance with the control measures set out in Articles 2A to 2E, Article 2I and Article 2J, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of Article 5 of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to Parties

operating under that paragraph, shall meet all agreed incremental costs of such Parties in order to enable their compliance with the control measures of the Protocol. An indicative list of the categories of incremental costs shall be decided by the meeting of the Parties. Where a Party operating under paragraph 1 of Article 5 chooses to avail itself of funding from any other financial mechanism that could result in meeting any part of its agreed incremental costs, that part shall not be met by the financial mechanism under Article 10 of this Protocol.

2. The mechanism established under paragraph 1 shall include a Multilateral Fund. It may also include other means of multilateral, regional and bilateral co-operation.

3. The Multilateral Fund shall:

   (a) Meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the Parties, the agreed incremental costs;

   (b) Finance clearing-house functions to:

      (i) Assist Parties operating under paragraph 1 of Article 5, through country specific studies and other technical co-operation, to identify their needs for co-operation;

      (ii) Facilitate technical co-operation to meet these identified needs;

      (iii) Distribute, as provided for in Article 9, information and relevant materials, and hold workshops, training sessions, and other related activities, for the benefit of Parties that are developing countries; and

      (iv) Facilitate and monitor other multilateral, regional and bilateral co-operation available to Parties that are developing countries;

   (c) Finance the secretarial services of the Multilateral Fund and related support costs.

4. The Multilateral Fund shall operate under the authority of the Parties who shall decide on its overall policies.

5. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund. The Executive Committee shall discharge its tasks and responsibilities, specified in its terms of reference as agreed by the Parties, with the co-operation and assistance of the International Bank for Reconstruction and Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties operating under paragraph 1 of Article 5 and of the Parties not so operating, shall be endorsed by the Parties.

6. The Multilateral Fund shall be financed by contributions from Parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and/or in national currency, on the basis of the United Nations scale of assessments. Contributions by other Parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the Parties, regional co-operation may, up to a percentage and consistent with any criteria to be specified by decision of the Parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation, as a minimum:

   (a) Strictly relates to compliance with the provisions of this Protocol;

   (b) Provides additional resources; and

   (c) Meets agreed incremental costs.

7. The Parties shall decide upon the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual Parties thereto.

8. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary Party.

9. Decisions by the Parties under this Article shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting.

10. The financial mechanism set out in this Article is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

Article 10A
Transfer of technology

Each Party shall take every practicable step, consistent with the programmes supported by the financial mechanism, to ensure:

(a) that the best available, environmentally safe substitutes and related technologies are expeditiously transferred to Parties operating under paragraph 1 of Article 5; and

(b) that the transfers referred to in subparagraph (a) occur under fair and most favourable conditions.

Article 11
Meetings of the parties

1. The Parties shall hold meetings at regular intervals. The Secretariat shall convene the first meeting of the Parties not later than one year after the date

of the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that within six months of such a request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Parties, at their first meeting, shall:

   (a) adopt by consensus rules of procedure for their meetings;

   (b) adopt by consensus the financial rules referred to in paragraph 2 of Article 13;

   (c) establish the panels and determine the terms of reference referred to in Article 6;

   (d) consider and approve the procedures and institutional mechanisms specified in Article 8; and

   (e) begin preparation of workplans pursuant to paragraph 3 of Article 10.

[The Article 10 in question is that of the original Protocol adopted in 1987.]

4. The functions of the meetings of the Parties shall be to:

   (a) review the implementation of this Protocol;

   (b) decide on any adjustments or reductions referred to in paragraph 9 of Article 2;

   (c) decide on any addition to, insertion in or removal from any annex of substances and on related control measures in accordance with paragraph 10 of Article 2;

   (d) establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;

   (e) review requests for technical assistance submitted pursuant to paragraph 2 of Article 10;

   (f) review reports prepared by the secretariat pursuant to subparagraph (c) of Article 12;

   (g) assess, in accordance with Article 6, the control measures;

   (h) consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new annex;

   (i) consider and adopt the budget for implementing this Protocol; and

   (j) consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Protocol, may be represented at meetings of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Parties.

Article 12
Secretariat

For the purposes of this Protocol, the Secretariat shall:

(a) arrange for and service meetings of the Parties as provided for in Article 11;

(b) receive and make available, upon request by a Party, data provided pursuant to Article 7;

(c) prepare and distribute regularly to the Parties reports based on information received pursuant to Articles 7 and 9;

(d) notify the Parties of any request for technical assistance received pursuant to Article 10 so as to facilitate the provision of such assistance;

(e) encourage non-Parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of this Protocol;

(f) provide, as appropriate, the information and requests referred to in subparagraphs (c) and (d) to such non-party observers; and

(g) perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Parties.

Article 13
Financial provisions

1. The funds required for the operation of this Protocol, including those for the functioning of the Secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.

2. The Parties, at their first meeting, shall adopt by consensus financial rules for the operation of this Protocol.

Article 14
Relationship of this Protocol to the Convention

Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

Article 15
Signature

This Protocol shall be open for signature by States and by regional economic integration organizations in Montreal on 16 September 1987, in Ottawa from 17 September 1987 to 16 January 1988, and at United Nations Headquarters in New York from 17 January 1988 to 15 September 1988.

Article 16
Entry into force

1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled.
2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
3. After the entry into force of this Protocol, any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 17
Parties joining after entry into force

Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Articles 2A to 2J and Article 4, that apply at that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force.

Article 18
Reservations

No reservations may be made to this Protocol.

Article 19
Withdrawal

Any Party may withdraw from this Protocol by giving written notification to the Depositary at any time after four years of assuming the obligations specified in paragraph 1 of Article 2A. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Article 20
Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED TO THAT EFFECT, HAVE SIGNED THIS PROTOCOL.

DONE AT MONTREAL THIS SIXTEENTH DAY OF SEPTEMBER, ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN.

Annex A
Controlled substances

Group	Substance	Ozone-Depleting Potential*	100-Year Global Warming Potential
Group I			
$CFCl_3$	(CFC-11)	1.0	4,750
CF_2Cl_2	(CFC-12)	1.0	10,900
$C_2F_3Cl_3$	(CFC-113)	0.8	6,130
$C_2F_4Cl_2$	(CFC-114)	1.0	10,000
C_2F_5Cl	(CFC-115)	0.6	7,370
Group II			
CF_2BrCl	(halon-1211)	3.0	
CF_3Br	(halon-1301)	10.0	
$C_2F_4Br_2$	(halon-2402)	6.0	

* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

Annex B
Controlled substances

Group	Substance	Ozone-Depleting Potential
Group I		
CF_3Cl	(CFC-13)	1.0
C_2FCl_5	(CFC-111)	1.0
$C_2F_2Cl_4$	(CFC-112)	1.0
C_3FCl_7	(CFC-211)	1.0
$C_3F_2Cl_6$	(CFC-212)	1.0
$C_3F_3Cl_5$	(CFC-213)	1.0
$C_3F_4Cl_4$	(CFC-214)	1.0
$C_3F_5Cl_3$	(CFC-215)	1.0
$C_3F_6Cl_2$	(CFC-216)	1.0
C_3F_7Cl	(CFC-217)	1.0
Group II		
CCl_4	carbon tetrachloride	1.1
Group III		
$C_2H_3Cl_3$*	1,1,1-trichloroethane* (methyl chloroform)	0.1

* This formula does not refer to 1,1,2-trichloroethane.

Annex C
Controlled substances

Group	Substance	Number of isomers	Ozone-Depleting Potential	100-Year Global Warming Potential***
Group I				
$CHFCl_2$	(HCFC-21)**	1	0.04	151
CHF_2Cl	(HCFC-22)**	1	0.055	1810
CH_2FCl	(HCFC-31)	1	0.02	
C_2HFCl_4	(HCFC-121)	2	0.01–0.04	
$C_2HF_2Cl_3$	(HCFC-122)	3	0.02–0.08	
$C_2HF_3Cl_2$	(HCFC-123)	3	0.02–0.06	77
$CHCl_2CF_3$	(HCFC-123)**	–	0.02	
C_2HF_4Cl	(HCFC-124)	2	0.02–0.04	609
$CHFClCF_3$	(HCFC-124)**	–	0.022	
$C_2H_2FCl_3$	(HCFC-131)	3	0.007–0.05	
$C_2H_2F_2Cl_2$	(HCFC-132)	4	0.008–0.05	
$C_2H_2F_3Cl$	(HCFC-133)	3	0.02–0.06	
$C_2H_3FCl_2$	(HCFC-141)	3	0.005–0.07	
CH_3CFCl_2	(HCFC-141b)**	–	0.11	725
$C_2H_3F_2Cl$	(HCFC-142)	3	0.008–0.07	

Group	Substance	Number of isomers	Ozone-Depleting Potential	100-Year Global Warming Potential***
CH_3CF_2Cl	(HCFC-142b)**	–	0.065	2310
C_2H_4FCl	(HCFC-151)	2	0.003–0.005	
C_3HFCl_6	(HCFC-221)	5	0.015–0.07	
$C_3HF_2Cl_5$	(HCFC-222)	9	0.01–0.09	
$C_3HF_3Cl_4$	(HCFC-223)	12	0.01–0.08	
$C_3HF_4Cl_3$	(HCFC-224)	12	0.01–0.09	
$C_3HF_5Cl_2$	(HCFC-225)	9	0.02–0.07	
$CF_3CF_2CHCl_2$	(HCFC-225ca)**	–	0.025	122
CF_2ClCF_2CHClF	(HCFC-225cb)**	–	0.033	595
C_3HF_6Cl	(HCFC-226)	5	0.02–0.10	
$C_3H_2FCl_5$	(HCFC-231)	9	0.05–0.09	
$C_3H_2F_2Cl_4$	(HCFC-232)	16	0.008–0.10	
$C_3H_2F_3Cl_3$	(HCFC-233)	18	0.007–0.23	
$C_3H_2F_4Cl_2$	(HCFC-234)	16	0.01–0.28	
$C_3H_2F_5Cl$	(HCFC-235)	9	0.03–0.52	
$C_3H_3FCl_4$	(HCFC-241)	12	0.004–0.09	
$C_3H_3F_2Cl_3$	(HCFC-242)	18	0.005–0.13	
$C_3H_3F_3Cl_2$	(HCFC-243)	18	0.007–0.12	
$C_3H_3F_4Cl$	(HCFC-244)	12	0.009–0.14	
$C_3H_4FCl_3$	(HCFC-251)	12	0.001–0.01	
$C_3H_4F_2Cl_2$	(HCFC-252)	16	0.005–0.04	
$C_3H_4F_3Cl$	(HCFC-253)	12	0.003–0.03	
$C_3H_5FCl_2$	(HCFC-261)	9	0.002–0.02	
$C_3H_5F_2Cl$	(HCFC-262)	9	0.002–0.02	
C_3H_6FCl	(HCFC-271)	5	0.001–0.03	
Group II				
$CHFBr_2$		1	1.00	
CHF_2Br	(HBFC-22B1)	1	0.74	
CH_2FBr		1	0.73	
C_2HFBr_4		2	0.3–0.8	
$C_2HF_2Br_3$		3	0.5–1.8	
$C_2HF_3Br_2$		3	0.4–1.6	
C_2HF_4Br		2	0.7–1.2	
$C_2H_2FBr_3$		3	0.1–1.1	
$C_2H_2F_2Br_2$		4	0.2–1.5	
$C_2H_2F_3Br$		3	0.7–1.6	
$C_2H_3FBr_2$		3	0.1–1.7	
$C_2H_3F_2Br$		3	0.2–1.1	
C_2H_4FBr		2	0.07–0.1	
C_3HFBr_6		5	0.3–1.5	
$C_3HF_2Br_5$		9	0.2–1.9	
$C_3HF_3Br_4$		12	0.3–1.8	

Group	Substance	Number of isomers	Ozone-Depleting Potential	100-Year Global Warming Potential***
$C_3HF_4Br_3$		12	0.5–2.2	
$C_3HF_5Br_2$		9	0.9–2.0	
C_3HF_6Br		5	0.7–3.3	
$C_3H_2FBr_5$		9	0.1–1.9	
$C_3H_2F_2Br_4$		16	0.2–2.1	
$C_3H_2F_3Br_3$		18	0.2–5.6	
$C_3H_2F_4Br_2$		16	0.3–7.5	
$C_3H_2F_5Br$		8	0.9–1.4	
$C_3H_3FBr_4$		12	0.08–1.9	
$C_3H_3F_2Br_3$		18	0.1–3.1	
$C_3H_3F_3Br_2$		18	0.1–2.5	
$C_3H_3F_4Br$		12	0.3–4.4	
$C_3H_4FBr_3$		12	0.03–0.3	
$C_3H_4F_2Br_2$		16	0.1–1.0	
$C_3H_4F_3Br$		12	0.07–0.8	
$C_3H_5FBr_2$		9	0.04–0.4	
$C_3H_5F_2Br$		9	0.07–0.8	
C_3H_6FBr		5	0.02–0.7	
Group III				
CH_2BrCl	bromochloromethane	1	0.12	

* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

** Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of the Protocol.

*** For substances for which no GWP is indicated, the default value 0 applies until a GWP value is included by means of the procedure foreseen in paragraph 9 (a) (ii) of Article 2.

Annex D*
A list of products** containing controlled substances specified in Annex A

Products		Customs code number
1.	Automobile and truck air conditioning units (whether incorporated in vehicles or not)	.....
2.	Domestic and commercial refrigeration and air conditioning/heat pump equipment***	.....

Products		**Customs code number**
e.g.	Refrigerators	.....
	Freezers	.....
	Dehumidifiers	.....
	Water coolers	.....
	Ice machines	.....
	Air conditioning and heat pump units	.....
3.	Aerosol products, except medical aerosols	.....
4.	Portable fire extinguisher	.....
5.	Insulation boards, panels and pipe covers	.....
6.	Pre-polymers	.....

* This Annex was adopted by the Third Meeting of the Parties in Nairobi, 21 June 1991 as required by paragraph 3 of Article 4 of the Protocol.

** Though not when transported in consignments of personal or household effects or in similar non-commercial situations normally exempted from customs attention.

*** When containing controlled substances in Annex A as a refrigerant and/or in insulating material of the product.

Annex E
Controlled substance

Group	**Substance**	**Ozone-Depleting Potential**
Group I		
CH_3Br	methyl bromide	0.6

Annex F
Controlled substances

Group	**Substance**	**100-Year Global Warming Potential**
Group I		
CHF_2CHF_2	HFC-134	1,100
CH_2FCF_3	HFC-134a	1,430
CH_2FCHF_2	HFC-143	353
$CHF_2CH_2CF_3$	HFC-245fa	1,030
$CF_3CH_2CF_2CH_3$	HFC-365mfc	794
CF_3CHFCF_3	HFC-227ea	3,220
$CH_2FCF_2CF_3$	HFC-236cb	1,340
CHF_2CHFCF_3	HFC-236ea	1,370
$CF_3CH_2CF_3$	HFC-236fa	9,810
$CH_2FCF_2CHF_2$	HFC-245ca	693
$CF_3CHFCHFCF_2CF_3$	HFC-43-10mee	1,640
CH_2F_2	HFC-32	675
CHF_2CF_3	HFC-125	3,500
CH_3CF_3	HFC-143a	4,470

Group	Substance	100-Year Global Warming Potential
CH_3F	HFC-41	92
CH_2FCH_2F	HFC-152	53
CH_3CHF_2	HFC-152a	124
Group II		
CHF_3	HFC-23	14,800

Schedule 6
Limits on allocation of new bulk HFCs

rr 7C(3), 7K

Schedule 6: inserted, on 18 February 2019, by regulation 23 of the Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255).

Year	Limit on importation (in carbon dioxide equivalent tonnes)
2020	1,338,300
2021	1,177,700
2022	1,177,700
2023	1,017,100
2024	1,017,100
2025	856,500
2026	856,500
2027	695,900
2028	695,900
2029	535,300
2030	535,300
2031	441,700
2032	441,700
2033	441,700
2034	348,000
2035	348,000
2036 onwards	254,300

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 15 August 1996.

Notes

1 General

This is a consolidation of the Ozone Layer Protection Regulations 1996 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Civil Aviation Act 2023 (2023 No 10): section 486

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Ozone Layer Protection Amendment Regulations 2018 (LI 2018/255)

Customs and Excise Act 2018 (2018 No 4): section 443(4)

Ozone Layer Protection Amendment Regulations 2016 (LI 2016/247)

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Ozone Layer Protection Amendment Regulations 2012 (SR 2012/256)

Criminal Procedure Act 2011 (2011 No 81): section 413

Environmental Protection Authority Act 2011 (2011 No 14): section 55

Ozone Layer Protection Amendment Regulations 2004 (SR 2004/434)

Ozone Layer Protection Amendment Regulations 2000 (SR 2000/211)

Ozone Layer Protection Amendment Regulations (No 2) 1999 (SR 1999/358)

Ozone Layer Protection Amendment Regulations 1999 (SR 1999/32)

Ozone Layer Protection Amendment Regulations 1997 (SR 1997/304)

Ozone Layer Protection Regulations 1996, Amendment No 1 (SR 1996/345)

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