



ACRIB Update

Additional Obligations on Ozone Depleting Substances to be backed up with new penalties

UK Government is drafting new legislation to update offences and penalties in the GB related to revisions agreed last year by the EC to the Regulation on Substances that Deplete the Ozone layer (EC Regulation 1005/2010).

The use of virgin ODS refrigerant was banned from 1st January this year under the previous EC ODS Regulation and only reclaimed or recycled refrigerant may now be used to maintain such systems.

This new legislation increases users' responsibilities and obligations particularly those regarding leak testing, record keeping, labelling and introduces a requirement to record the source of supply of reclaimed and recycled ODS refrigerant.

For further information, F Gas Support have now updated their Guidance Notes (RAC3 – Key Obligations and RAC8 – Legislative Update and Strategies for HCFC Phase out) which outline how these changes affect the use and management of this type of equipment. They are available at www.defra.gov.uk/fgas. There remains a substantial amount of equipment which relies of the use of ODS refrigerant including many supermarkets, blast chillers, process coolers and some building air-conditioning.

If you or your company are involved in any of the following activities, the changes to this legislation could affect you:

- Produce, recover, recycle, reclaim, use, destroy or trade in ODS refrigerant such as R22.
- Operate refrigeration, air-conditioning heat pump or fire protection equipment containing ODS Refrigerant.
- Any individual, business or trade association involved in or representing those who manufacture, install, service or recover ozone-depleting substances from commercial or domestic equipment.

The proposed Regulations prescribe offences and penalties together with proposed powers for authorised persons to enforce them. Specific areas covering the use of ODS Refrigerant such as R22 by these proposals are:

- Production, placing on the market.
- Placing on the market of non-refillable containers.
- Placing on the market of products and equipment containing ODS
- Use and decommissioning of fire protection systems and fire extinguishers containing halons.
- Container labelling.
- Record-keeping.
- Import and export of products and equipment using ODS
- Trade with a State not party to the Montreal Protocol or a territory not covered by the Protocol.
- Precautionary measures to prevent and minimise leakages and emissions

- Requirements for specified stationary equipment or systems.
- Recovery and destruction of used refrigerant.
- Production, imports, placing on the market, use and export of new substances.

The consultation closes on 9th March 2010 and can be viewed at <http://www.defra.gov.uk/corporate/consult/ozone/index.htm>

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