HIGHLIGHTS OF THE NEW EC REGULATION

Over 170 countries have now ratified the Montreal Protocol on substances that deplete the ozone layer, an international treaty for the protection of the stratospheric ozone layer. Within the EU, the protocol was previously enforced by EC Regulation 3093/94. However, recent changes to the Montreal Protocol have made it necessary to introduce tighter restrictions resulting in a new EC Regulation No. 2037/2000 on ozone depleting substances, applicable from 1st October 2000.

The new EC Regulation will affect users, producers, suppliers, maintenance and servicing engineers, and those involved in the disposal of all ODS. These include chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), halons, 1,1,1 trichloroethane, carbon tetrachloride and bromochloromethane (CBM). These substances are mainly used in refrigeration, air-conditioning, foam blowing, as solvents and in fire fighting.

The new EC Regulation applies from 1st October 2000, upon which date the previous Regulation, EC 3093/94, is repealed. Electronic versions can be obtained from the EC web site, http://www.europa.eu.int/eur-lex/en/oj/index-list.html (click on L244) or from the DTI web site http://www.dti.gov.uk/access/ozone.htm

Highlights of the new EC Regulation include:

- New bans on the supply[1] and use[2] of CFCs, Halons, 1,1,1 trichloroethane, carbon tetrachloride, hydrobromofluorocarbons and CBM[3]. These bans apply from 1st October 2000 for most applications, although certain delays and exemptions apply - these are described in this booklet. The bans on these substances apply to both virgin and recycled material.

- Significant revisions to the controls on use[2] of HCFCs. This adds a number of new controls to those specified in the previous EC Regulation. All the major use sectors for HCFCs are subject to new use controls.

- Tougher requirements regarding the recovery of ODS from products and equipment and to prevent leakage from systems. A ban on supply of ODS in disposable containers, except for essential uses.

- A revised timetable for the supply[1] of HCFCs. The timetable is designed to match the new HCFC use controls. Some cuts come into effect in 2001 and there will be a substantial cut by 2003. No virgin HCFCs can be placed on the market after the end of 2009.

- A ban on the import of products containing ODS. This is immediate for all ODS except HCFCs - the specific HCFC use control dates also introduce import bans for those products and equipment which they cover.

- A ban on the export of virgin and recycled CFCs and halons and products containing them, although certain exemptions apply.

- A new timetable for the phase out of EU production of HCFCs.

FIRE PROTECTION SYSTEMS

USE CONTROLS, HALONS

Virgin halons cannot be used for refilling existing fire protection systems.

Recovered, recycled or reclaimed halons may only be used in existing fire protection systems until 31st December 2002. After this date systems cannot be refilled.

Mandatory decommissioning of fire protection systems and fire extinguishers containing halons must be carried out and completed before 31st December 2003.

The only exemption to the above is the use of halons in a limited number of "critical uses", for example, in certain military and aerospace applications. The critical uses are listed in Annex VII of the new EC Regulation.

RECOVERY AND DESTRUCTION

All halons and other ODS contained in fire protection systems and fire extinguishers must be recovered during servicing and maintenance of equipment or prior to dismantling or disposal of equipment. Recovery must be for destruction by an environmentally acceptable technology. The only exemption to this rule is for reuse in the "critical uses" listed in Annex VII of the new EC Regulation.

ARTICLES IN THE NEW EC REGULATION

Some readers will find it useful to know the structure of the new EC Regulation in order to locate key rules within the document. The main text of the Regulation consists of 7 Chapters, split into 24 Articles. There are also 7 Annexes. The table below summarises the structure of the most important parts of the Regulation.

Chapter	Article/s	Content
I	1, 2	Introductory Provisions (Scope; definitions)
II	**Phase Out Schedule**	
	3	Control of production of controlled substances
	4	Control of placing on the market and use of controlled substances
	5	Control of use of HCFCs
III	6 - 15	Trade
IV	**Emission Control**	
	16	Recovery of used controlled substances
	17	Leakages of controlled substances
V	18 - 21	Committee, Reporting, Inspection and Penalties
VI	22	New Substances
VII	23, 24	Final Provisions
Annex I and II	Controlled substances covered	
Annex III	Quantitative limits for producers and importers	
Annex IV and V	CN codes for controlled substances and products	
Annex VI	Processes using controlled substances as processing agents	
Annex VII	Critical uses of halons	

ANNEX VII

CRITICAL USES OF HALON

Use of halon 1301:

- in aircraft for the protection of crew compartments, engine nacelles, cargo bays and dry bays;

- in military land vehicles and naval vessels for the protection of spaces occupied by personnel and engine compartments;

- for the making inert of occupied spaces where flammable liquid and/or gas release could occur in the military and oil, gas and petrochemical sector, and in existing cargo ships;

- for the making inert of existing manned communication and command centres of the armed forces or others, essential for national security;

- for the making inert of spaces where there may be a risk of dispersion of radioactive matter;

- in the Channel Tunnel and associated installations and rolling stock.

Use of halon 1211:

- in hand-held fire extinguishers and fixed extinguisher equipment or engines for use on board aircraft;

- in aircraft for the protection of crew compartments, engine nacelles, cargo bays and dry bays;

- in fire extinguishers essential to personal safety used for initial extinguishing by fire brigades;

- in military and police fire extinguishers for use on persons.