

Principal obligations of MS resulting
from the EU ODS legislation (ES)
No 1005/2009



Jana Mašíčková

Jana.Masickova@mzp.cz

Ministry of the Environment of the Czech Republic
Department of Air Protection

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 - » Labelling
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- Obligations of undertakings and competent authorities
- Reporting obligations
 - » By member states
 - » By undertakings



Undertakings

Member states

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Introduction

- Art 5, 6. → **general ban** for placing of ODS and equipment containing and relying on ODS on the market
- Chapter III → **exemptions** for use (art. 7 -14) → **obligations** for undertakings, but also for MS (control of compliance)

- Labelling




- Licensing



Introduction - Labelling



- According to the Regulation (EC) No **1272/2008** on classification, labelling and packaging of substances and mixtures.
- Mandatory content of the label (Annex I, Part 5.1, Additional EU Hazard Class – Hazardous to ozone layer):
 1. Name, address and phone number of supplier
 2. Quantity of ODS
 3. Identification of ODS substance, e.g. „R22“
 4. Hazard warning symbol → 
 5. Signal word **DANGER**
 6. Hazard statement H420: **Harms public health and the environment by destroying ozone in the upper atmosphere.**
 7. Precautionary statements P502: **Check with the manufacturer or provider about recovery or recycling.**

Introduction - Labelling



- Must be in national language or officially recognized language
- General rules on label use in chapter 2, Art. 31-34 (e.g. location, etc.)
- Additional info mandatory: **SCOPE OF USE** (see following categories)
 - Feedstock
 - Process agents
 - Essential laboratory and analytical uses (other ODS than HCFCs)
 - Reclaimed HCFCs (till 31. December 2014)
 - Use of recycled or reclaimed HCFCs for servicing → serviced equipment must be labelled

Introduction - Licensing



- Relates to trade (chapter IV, Art. 15-18)
- Import and export (exempted uses)
- Concerns both
 - **SUBSTANCES**
 - **EQUIPMENT** containing or relying on ODSs
- **NOT APPLY:**
 - (Art. 15/3) To **imports** for transit through the customs territory of the Community or imports under the temporary storage, customs warehousing or free zone procedure, provided that they remain in the customs territory of the Community no longer than 45 days and they are not subsequently presented for release for free circulation in the Community, destroyed or processed.

Introduction - Licensing



- **NOT APPLY (continuation):**

- (Art. 17/4) To re-exports subsequent to transit through the customs territory of the Community, temporary storage, customs-warehousing of free zone procedure, provided that the re-export takes place no later than 45 days after the import.



Photo: J. Mašíčková

Licensing of imports and exports



Art. 18

- Applications for licences (Art. 15 and 17) throughout electronic licencing system set up by Commission
- http://ec.europa.eu/clima/policies/ozone/ods/index_en.htm



- Copy of each licence is provided to MS competent authority
- MS are informed by Commission about any licence application rejected with specification the reason for the rejection



Photo: J. Mašíčková

Quotas



- Art. 16: Release for free circulation in the Community of imported ODS
- Connection to trade and import + licensing
- **APPLY to:**
 - Laboratory and analytical uses
 - Feedstock
 - Process agents
- Importers must declare by the date specified by the Commission the anticipated demand specifying the nature and quantities of ODS.

Challenge for MS – labelling, licensing



- Set up control measures
 - **Labelling:** Customs, Trade inspection, Environmental Inspections
 - **Licensing:** Customs




Photo: J. Mašíčková

Article	Item	U	MS
7, 8, 9	Feedstock, Process agents, destruction & reclamation	✓	✓
10	Essential laboratory and analytical uses of ODS other than HCFC	✓	✓
11	Production, placing on the market and use of HCFC (+ equipment)	✓	✓
12	QPS and emergency uses of MB	x	✓
13	Critical uses - halons	✓	✓
15	Import - halons	✓	x
16	Quotas (imported controlled substances)	✓	x
17	Export - halons	✓	x
18	Licencing of imports and exports	✓	✓
22	Recovery and destruction of used ODS	✓	✓
23	Leakages and emissions of ODS	✓	✓
26	Reporting by MS	x	✓
27	Reporting by undertakings	✓	x
28	Inspection	x	✓
29	Penalties	x	✓

Essential laboratory and analytical uses of ODS other than HCFCs

U

Art. 10



- Controlled substances may only be used in laboratories for essential uses where no alternative is available.
- Obligation of labelling
- **Regulation (EU) No 291/2011**
 - List of uses considered to be or not to be essential laboratory and analytical uses
- Undertaking using ODS other than HCFCs for above scope must be registered with the Commission
- Laboratory-ODS-database:
<https://webgate.ec.europa.eu/ods/labs/labedit.cfm>

MS

- Competent authority of each MS has access to database



Required information Laboratory-ODS-database:

- Undertaking identification + contact person
- Substances being used
- Purpose (according to the Annex of regulation (EU) 291/2011)
- Estimated annual consumption
- Suppliers of substances



- **Guide:** Licencing manual for laboratories and suppliers of ODS for laboratory and analytical uses available from Commission web site
- http://ec.europa.eu/clima/policies/ozone/ods/index_en.htm



Required information Laboratory-ODS-database (example):

Substance information

Substance:

Carbon tetrachloride | 56-23-5 |

Use:

Analytical use - Carrier - Analytical equipment (spectroscopy, chromatography)

Use detail:

Introduce here a short description of the use, for example: "Determination of CTC by gas chromatography according to method ISO 12345"

Estimated annual demand:

< 0.1 kg

Supplier:

List the name and address of your potential suppliers

Delete Substance

(*) Mandatory Field

(**) Used for later identification

Add substance

Submit to receive your Identifier

I already have an Identifier Number and I want to update my info.

Production, placing on the market and use (incl. Equipment) of HCFC

Art. 11

U

- Until 31. Dec. 2014 reclaimed HCFC – maintenance, servicing, of existing refrigeration, AC, heat-pumps
- Until 31. Dec. 2014 recycled HCFC - maintenance, servicing, of existing refrigeration, AC, heat-pumps only by servicing company who recovered HCFCs
- Obligation of labelling when servicing such equipment

MS

- MS can apply for time-limited exemption to use and place on the market HCFCs and products where no technically and economically feasible alternatives are available
- Commission decision, voting by MS

Challenge for MS – placing on the market and use of HCFCs

MS



- Set up:
 - ban of HCFCs for placing on the market, use (except exemptions as in Chapter III)
 - National reporting system (supports evidence e.g. Of exempted uses)
 - control measures (Trade & Environmental Inspection, Customs)



Photo: J. Mašíčková

QPS applications and emergency uses of MB

Art. 12

U

- Until 18 March 2010 MB was allowed to be placed on the market and used for QPS.

MS

- In emergency situation, where unexpected outbreaks of particular pests or diseases appear, MS can request Commission to authorise the temporary production and placing on the market.
- Authorisation will not exceed 120 days and 20 metric tonnes and shall specify measures to be taken to reduce emissions during use.

Halons – critical uses

Art. 13, 15, 17

U

- **Regulation (EU) 744/2010**
 - Specific uses and specific cut-off dates and end-dates
- Placing on the market by undertakings authorised by the competent authority of the MS only (concerned to store halons for critical uses)
- Import and export of recovered, recycled or reclaimed halons for critical uses is allowed (item of licencing) → Art. 15 and 17

MS

- MS can request derogation from end dates for existing applications or cut-off dates for new applications for specific cases where it is demonstrated that no technically and economically feasible alternative is available.



Challenge for MS – halons



- Set up:
 - Authorise undertaking which will be allowed to place on the market halons
 - **HALON BANK**



Recovery and destruction of ODS



Art. 22

- ODS contained in R, AC, HP and equipment containing solvents or fire protection systems and fire extinguishers must be recovered for destruction, recycling or reclamation during the maintenance, servicing of equipment or before the dismantling or disposal of equipment.
- Destruction by technologies approved only (Annex VII) or by technologies the most environmentally acceptable (compliance with Community and national legislation on waste and additional requirements)



Leakages and emissions of ODS



Art. 23

- To take all precautionary measures practicable to prevent and minimise any leakages and emissions of ODS
 - Also for feedstock, process agents, by-products
- Regular leakage-checks and after any repairs done subsequent check to ensure that the repair has been effective
- Record maintenance + its availability for competent authority → **LOG-BOOKS**



Challenge for MS – recovery, destruction & leakages of ODS



- MS take steps to promote recovery, recycling, reclamation and destruction of ODS → „**TAKE – BACK SYSTEM**“
- MS set up/define minimum qualification requirements for the personnel involved to recovery, destruction and for the personnel carrying out leakage-checks → **TRAINING, CERTIFICATION**
- Set up the obligation of **LOG-BOOKS** (evidence), system of central evidence



Photo: ESTO Cheb

Reporting obligations by MS



Art. 26

- Each year **by 30 June** – data for the previous calendar year
- Electronic format – form provided by the EC
- Responsibility of competent authority to collect national data and to communicate them to the Commission

Challenge for MS

- Set up mandatory **national data reporting system**

Required data on:

- **Methyl bromide**
 - Authorised use only, treatments for QPS purposes, progress in evaluating and using alternatives
- **Halons**
 - Quantities installed, used, stored for critical uses, measures taken to reduce emissions and estimate of emissions, progress in evaluating and using adequate alternatives
 - Categories according to the regulation (EU) 744/2010, critical uses of halons
- **Illegal trade**
 - Particularly those detected during the inspections



Photo: J. Mašíčková

Reporting obligations by undertakings

U

Art. 27

- Each year **by 31 March** – data for the previous calendar year
- Online reporting (EU): **EIONET Data reporting for business:**
<https://bdr.eionet.europa.eu/>
- MS are authorised to access data reported by undertakings of relevant country
- **Applies to:**
 - Producers
 - Importers
 - Exporters
 - Undertakings destroying ODS
 - Undertakings using ODS as feedstock or process agents
 - Licensed producer acc. Art. 10/6 (laboratory and analytical uses)

Producers

- Total quantity of each ODS produced
- Quantity of ODS placed on the market (separate identification of quantity for feedstock, process agent and other uses)
- Essential laboratory and analytical uses (licenced)
- Any quantity recycled, reclaimed, destroyed and the technology used for the destruction, including amounts produced and destroyed as by-products
- Stocks
- Purchases from and sales to other producers



Importers

- quantities released for free circulation (separate identification for feedstock and process agents, essential laboratory and analytical uses – licensed, for QPS and for destruction)
- Destruction – must be declared the final destination + name of destruction facility + quantity of each substance
- Import for recycling and reclamation
- Stocks
- Purchases from and sales to other undertakings
- Exporting country

Exporters

- Quantities of exported ODS (separate identification according to countries and substances, separate identification for feedstock, process agent uses, essential laboratory and analytical uses, critical uses for QPS)
- Stocks
- Purchases from and to other undertakings
- Country of destination

Photo: J. Mašíčková

- Undertakings destroying ODS

- Any quantity including substances contained in the equipment
- Stocks awaiting to be destroyed including quantities in the equipment
- Technology of destruction

- Undertakings using ODS as feedstock or process agents

- Any quantities
- Stocks
- Process and emissions involved



Photo: SITA CZ, a.s.

- **Licensed producer acc. Art. 10/6 (laboratory and analytical uses)**

- For any substance for which is received licence
- Nature of the use
- Quantities used in previous year
- Stock
- Quantities recycled, reclaimed, destroyed
- Quantity of products and equipment containing or relying on those substances placed on the market in the EU and/or exported

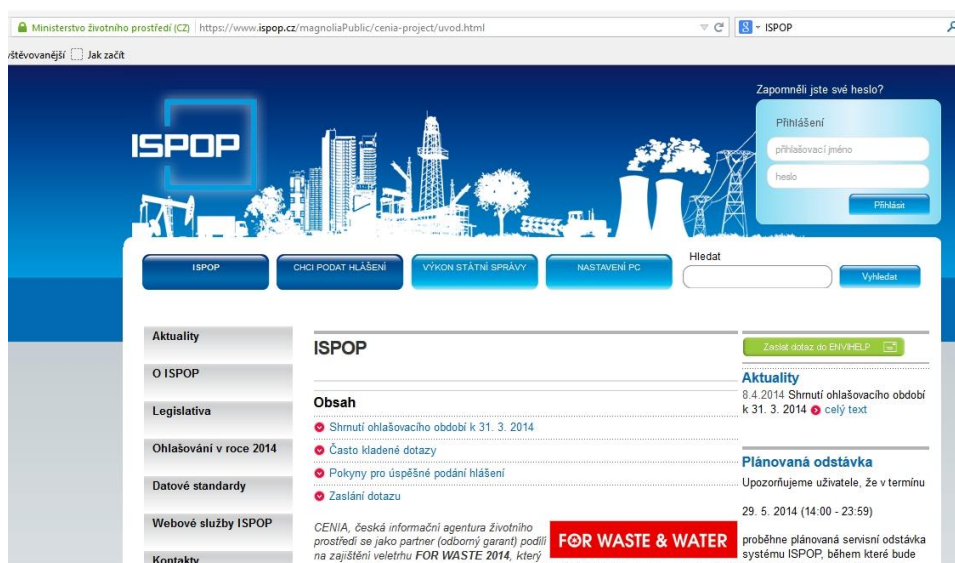


Reporting system - example

Integrated system for reporting obligations (environmental issues): ISPOP

- www.ispop.cz
- Electronic system
- Registration required, access data + password are created
- Forms to be downloaded:
 - May be filled-in without internet connection
 - Includes controls (does not allow to submit incomplete information)
 - Online submission (request for verification, e-signature)
 - Central collection and verification (env. Agency/ Ministry)

Reporting system - example



Inspection



Art. 28

- Up to MS to set up national system of inspections to check the compliance of undertakings with regulation 1005/2009
- Includes imports and exports
- Involved authorities:
 - Customs
 - Environmental inspection
 - Trade inspection

Penalties

MS

Art. 29

- Up to MS to lay down rules on penalties applicable to infringements of the provisions of the Regulation 1005/2009
- Take all measures necessary to ensure that provisions are implemented
- Penalties must be:
 - Effective
 - Proportionate
 - Dissuasive
- By 30 June 2011 MS notify provisions to Commission and without any delay any other changes

