

Unified Guiding Regulation for the Control of Substances that Deplete the Ozone Layer in the GCC Countries

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Preface

Recognizing the importance of acting in line with the international regulations for the protection of the ozone layer and for the control of the ozone depleting substances within the framework of Vienna Convention on the Protection of the Ozone Layer(1985), and the Montreal Protocol on the Substances that Deplete the Ozone Layer(1987) and its subsequent amendments : London amendment(1990); Copenhagen amendment(1992); Montreal amendment(1996); and the Beijing amendment(1999); and

In view of the accession of the GCC States to the Vienna Convention for the Protection of the Ozone Layer, and their ratification of the Montreal Protocol on the Substances that Deplete the Ozone layer and its subsequent amendments, which entails upon the GCC States the adoption of necessary measures both at the national and international levels in order to control the use of ozone depleting substances in accordance with the timeline set forth in the Montreal Protocol and its subsequent amendments; and

Based on the fundamental goals of the GCC in its endeavor to effect coordination and integration between the Member States by adopting identical regulations in the various fields, including legislation and administration, as set forth in the article 4(g) of the GCC Charter; and in line with clause (7) of the General Principles and Policies for the Protection of Environment that was approved by the Supreme Council of the Cooperation Council for the Arab States of the Gulf during its sixth session held in 1985 Muscat, Sultanate of Oman, and which states that:

“To develop the necessary rules, legislations, and standards for the protection of environment; to work towards unifying them; to use the natural resources judiciously; and to preserve the wild life.”

Based on the above the Secretariat-General—in cooperation coordination with the environment organizations of the GCC States and the Office of the United Nations Environment Program (UNEP) for West Asia—drafted the Unified GCC Guiding Regulation to Control the Substances that Deplete the Ozone layer.

The Ministers responsible for environmental affairs in the Member States decided to approve the Unified Guiding Regulation for the Control of the Ozone Depleting Layer at the national and regional level in their ninth meeting held in Abu Dhabi on 25 May 2005.

Based on the recommendation of the GCC Ministerial Council pertaining to the above-mentioned regulation made during the 96th session, the Supreme Council ratified the regulation during its 26 session held in Abu Dhabi on 18-19 December 2005. The following is the text of the Supreme Council resolution on the Unified Guiding Regulation for the Control of the Substances that Deplete the Ozone Layer:

“The Supreme Council approved the Unified Guiding Regulation for the Control of Substances that Deplete the Ozone Layer as a regulation representing the basic minimum of the regulations and laws in force in the Member States.”

The Secretariat-General is pleased to present the Regulation to the specialized bodies and workers in the field of environment so that they may draw benefit from this guiding regulation in the area of developing national regulations and laws and their implementation.

PART ONE
DEFINITIONS AND OBJECTS

Article One: Definitions

For the application of the provisions of this Regulation, the terms and expressions, whenever they appear, shall have the meanings assigned against each, unless the context otherwise requires:

Gulf Co-operation Council	Gulf Co-operation Council for Arabian Gulf States.
General Secretariat	Gulf Co-operation Council General Secretariat.
GCC States	Gulf Co-operation Council members States.
Regulation	Unified Regulation with respect to the Ozone Depleting Substances for Gulf Co-operation Council.
Ozone Layer	One of the atmospheric layers situated in the “stratosphere” and contains a high density of ozone gas particles, which protect the earth from the harmful part of ultraviolet radiation.
Montreal Protocol	The Protocol that was adopted in 1987 in the City of Montreal with respect to Substances Depleting the Ozone Layer.
Montreal Protocol Amendments	Amendments to the Montreal Protocol and approved by the parties with respect to adding new substances that are subject to control and to amend the time schedules for the purpose of disposing of certain controlled substances and the Party shall not be bound to comply with such amendment unless it ratifies it. Similarly the country that has not ratified such amendment shall not be considered a party thereto and shall be subject to the specific provisions of non-parties with respect to such amendment.
Ozone Depleting Substances	Substances characterized as being chemically stable in the atmosphere near the surface of the earth and contain one or more atoms of chlorine or bromine, or both, which kick off in chain reaction in the stratosphere resulting in depletion of the ozone layer.
Controlled Substances	The ozone depleting substances that are classified in annexes (a), (b), (c) and (e) of the Montreal Protocol and its amendments that are attached to this Regulation, whether present separately or part of any mixture with any percentage.
Consumption	Production of controlled substances in addition to imports, less exports thereof.
Equipment Appliances and Products Harmful to the Ozone Layer	Appliances, equipment and products that contain or depend for their operation on ozone depleting substances and included in Annex (d) which is attached to this Regulation
Alternative Technologies or Equipment	Technologies or equipment whose use result in reduction or

Alternative Substances	elimination of the emission of controlled substances. Substances used as alternatives for controlled substances and are characterized by little or no harmful effect on the ozone layer.
Recycled Substances	Controlled substances that were used and have been purified of impurities and undesirable materials.
Halons	Fully halogenated bromo-chloro-flouro substances of an industrial origin that are used in fire extinguishing systems and equipment and listed in the second group of Annex (a).
Halon Bank	A centre or organization set up in a GCC state for compiling information about the available quantities of halons in fire-extinguishing systems and the quantities of surplus thereof in companies and organizations operating in the State and the imported quantities thereof. The Bank may establish a halon recovery and recycling unit for the re-use thereof in order that such data and quantities shall be available for the strategic sectors determined by the concerned authority in the State.
Party States	States for whom 90 days have passed since the deposit of the document of ratification, acceptance, approval or joining the Vienna Convention for Protection of the Ozone Layer 1985 and the Montreal Protocol Concerning the Ozone Depleting Substances 1987.
Concerned Authority	Any ministry, council or government authority concerned with environmental affairs in the GCC states and is assigned with the follow up and implementation of the Vienna Convention for Protection of the Ozone Layer and the Montreal Protocol Concerning the Ozone Depleting Substances and its amendments. Such authority may form a national committee from the concerned parties to facilitate the adoption, implementation and follow up of national programmes with respect to the Montreal Protocol.

Article 2: Objectives:

This Unified Regulation aims at achieving the following:

1. Full phase-out of the consumption of substances depleting the ozone layer, and replacing them by safe substances in conformity with the GCC national interests according to the provisions of the Montreal Protocol and its amendments.
2. Regulating the trading in the import, export, re-export, transport, storage, trading, recycling and the use of controlled substances and the appliances, equipment and products harmful to the ozone layer according to Article 4 of the Montreal Protocol, including exports to and imports from the free zones.
3. Drawing up and implementing plans and programmes in the GCC states for qualification of the sectors whose operation depends upon controlled substances and helping them comply with the safe practices in repair and maintenance operations and conversion to suitable alternatives and also qualifying customs officers to monitor controlled substances and prohibiting illegal trading in such substances.

4. Facilitating the exchange of information and data among the GCC states with respect to trading in controlled substances and appliances, equipment and products that are harmful to the ozone layer in order to monitor intra-trade and to combat illegal transactions.

PART TWO
REGULATING TRADING IN AND CONTROL OF OZONE DEPLETING
SUBSTANCES:

Article 3:

It shall be prohibited to import used appliances and equipment that are harmful to the ozone layer and to import new appliances, equipment and products that are harmful to the ozone layers that are listed in Annex (d). An exemption shall be applicable to the import of new appliances, equipment and products that are licensed by the concerned authority owing to the lack of alternatives.

Article 4:

With the exemption of the substances listed in Annex (c), which is attached to this Regulation, it shall be prohibited to manufacture or use controlled substances, appliances, equipment and products that are harmful to the ozone layer in new industries or facilities or in case of expansion of the existing activities and installations. It shall also be prohibited to renew the licences of existing installations except upon obtaining the written approval of the concerned authority.

Article 5:

The GCC states shall exchange information among them with respect to the surplus of halons therewith and shall draw up rules and regulations that shall facilitate the duty of national and regional halon banks in trading in such controlled substances among such states to benefit their strategic fields according to the provisions of the Montreal Protocol.

Article 6:

The concerned authority shall provide the General Secretariat with information and data on a regular basis with respect to the implementation of Article 5 of this Regulation and also exchange information related to intra-GCC trade in respect of controlled substances and appliances and equipment that are harmful to the ozone layer in co-ordination with the General Secretariat.

Article 7:

1. Government authorities, such as ministries, organizations and institutions, shall upon concluding contracts and undertaking projects obtain an environmental non-objection letter from the concerned authority with respect to controlled substances and appliances, equipment and products that are harmful to the ozone layer.

2. The authorities concerned with standards and metrology shall approve the specifications of imported equipment in compliance with the provisions of this Regulation.

Article 8:

Any natural or corporate person shall obtain a licence from the concerned authorities in the government for import, export or re-export of controlled substances or recycled materials while complying with the special requirements and standards approved by the concerned authority in the government.

Article 9:

An application to obtain licences for the import and export of controlled substances or recycled materials shall be filed with the concerned authority subject to fulfillment of the following conditions:

- 1) A registration certificate from the concerned authorities in the state.
- 2) A valid state import and export licence.
- 3) Having experience of no less than five years in the import or export of controlled substances.
- 4) Completing the application forms prescribed by the concerned authority in the state for obtaining the licence.

Article 10:

1) The concerned authority shall review the applications filed for import and export and shall maintain special registers containing all the data entered in the forms for registration of the licensed companies, organizations and parties. Thereafter, they shall prepare tables of the permitted quantities of imports of the controlled substances for each company according to the predetermined quotas.

2) The concerned authority shall give notice to companies, organizations and concerned parties during the last quarter of each year concerning the prescribed import quotas for them for the next calendar year and shall from time to time in consultation with the concerned parties update the details and specifications with respect to the annual import of controlled substances and alteration of quotas in conformity with the Montreal Protocol and its amendments.

3) The concerned authority in the state may after completing the distribution, permit the new establishments registered therewith to import controlled substances, provided that the quota system applicable in each state shall not be exceeded according to the provisions of the Montreal Protocol and its amendments.

4) A concerned party who has been prejudiced from the distribution of quotas of controlled substances and from the amount of quota determined by the concerned authority in the state may appeal against the aforesaid decision within 15 days from the date of receipt of notice to this effect, and the concerned authority shall adopt a final decision in respect of the appeal by way of acceptance or rejection within 30 days.

5) Subject to the approval of the concerned authority, a quantity of controlled substances permitted to be imported may be transferred from one importer to another, provided that the transferred quantity shall be deducted from the quota of the original importer.

Article 11:

Any establishment that carries on business that depends upon controlled substances shall in case of total or partial inability to carry on such business activities or in case of the issue of a court decision or judgement for winding up, adjudication of bankruptcy or otherwise give notice to the concerned authority with respect to such cessation within one month from such date. The concerned authority may distribute

what has been imported from the quota of such establishment to the remaining importers according to the applicable quota system in the state.

Article 12:

In order to secure approval to release an imported or exported cargo of controlled substances or all types of cooling systems, home, commercial or industrial airconditioning, auto and bus airconditioning including compressors and evaporators as well as portable and fixed fire-extinguishing equipment and systems, aerosol cans (except for the medical cans), insulation sheets and planes, ducting covers, and polymerized compositions, the following documents and papers shall be provided:

- Original purchase invoice approved by the country of origin indicating therein the serial system number, brand name, scientific name of the substance, its ingredients, level of purity and quantities thereof (indicated in kilogrammes), whether the substance is new, recycled, subjected to modifications or chemical additives or not with an indication of the nature of modifications or additions made to the substance and a statement of the percentage and type of each of the controlled substances in case of a mixture.

- An attested original certificate of origin.
- Original bill of entry.
- Customs manifest.
- Catalogue of the imported appliance or equipment.

Article 13:

The concerned authority may ascertain the validity of the aforesaid documents and their compatibility with the imported consignment. Such authority may carry out the necessary tests upon samples of such consignment, if necessary. The consignment shall be released or approved for export upon presentation of an official evidence that the concerned authority has no objection.

Article 14:

In case of using any of the (sea, land or air) passages for transit of a consignment of ozone depleting substances or any of the appliances containing them, the shipping company shall submit the following details to the concerned authorities:

- a) Type of shipped substances, their quantities and condition (pure, recycled, etc....).
- b) Exporter together with a certificate of origin.
- c) Export permit to be provided by the exporter.
- d) Import permit from the importing state.
- e) Indicating the period of stay in the port.

A transit permit shall be issued upon verification of the details against the submitted documents.

Article 15:

Companies, organizations and importers of controlled substances in the state shall submit semi-annual statements to the concerned authority with respect to the sold and used quantities of the controlled substances and names of the parties that have purchased them supported by the documents confirming their validity.

Article 16:

It shall be prohibited for all workshops and shops that undertake the repair and maintenance of appliances and equipment that contain controlled substances to release such substances in the atmosphere. They shall use at least one appliance at least for recovery of such substances.

Article 17:

The prior approval of the concerned authority shall be obtained upon disposal of the waste of controlled substances or the appliances, equipment and products that contain them. In case of disposal thereof across the borders, consideration shall be given to the obligations of the states that are part to the Basel Agreement with respect to control of the transportation of hazardous waste and disposal thereof across the borders 1990.

Article 18:

Existing establishments and businesses that use controlled substances shall modify their processes for the purpose of eliminating the use of such substances during the period to be determined by the concerned authority.

Article 19:

The concerned authority shall, in co-operation with the concerned parties and companies, provide guidelines about alternative substances and technologies for all sectors and related areas for the enforcement of the Montreal Protocol.

Article 20:

The concerned authority shall, in co-ordination with the relevant authorities in the state, provide the appropriate facilities for the companies which import alternative substances.

Article 21:

1) The concerned authority in the state shall provide the Ozone Secretariat within a period not exceeding 9 months from the end of the year with statistics concerning the previous year's production, imports and exports of the state of each of the controlled substances that are classified in the attached Annexes.

2) The concerned authority in the state shall provide the Ozone Secretariat within detailed statistics concerning its annual imports and exports of controlled substances listed in the Second Group of Annex (a) and the first group of Annex (c) that have been recycled.

PART THREE:
PUNISHMENTS AND PENALTIES:

Article 22:

1. A fine of no less than SR or the equivalent thereof and no more than SR or the equivalent thereof shall be inflicted upon each of the following:

a) Anyone who provides false or misleading information in breach of the provisions of this Regulation.

b) Anyone who smuggles or helps smuggle controlled substances or the equipment or products that contain them.

c) Anyone who substitutes the kinds of gases used in cooling and refrigeration equipment by other gases not designated by the manufacturer.

d) Anyone who imports controlled substances or appliances or products that contain them by quantities exceeding the licensed quantities.

e) Anyone who imports without licence or importers more than the licensed quantities.

2. The concerned authority shall compel anyone who does any of the acts provided for in Paragraphs (b), (d) and (e) of this Article to return the imported or smuggled consignment at his own expense.

3. The concerned authority shall cancel the granted licence in case of violation of the provisions of Articles 8 and 11 of this Regulation.

PART FOUR:
GENERAL PROVISIONS:

Article 23:

The provisions set forth in this Regulation with respect to trading in and handling of controlled substances shall be deemed as the minimum rules for dealing with the substances, equipment and products that are harmful to the ozone layer according to the obligations of the GCC states under the Montreal Protocol and its amendments. Each state shall issue the regulations and standards that are compatible with the applicable laws and regulations in such state, provided that they shall not be less than the requirements set forth in this Regulation.

Article 24:

The concerned authority shall, in consultation with the concerned government authorities in the state, update the standards, rules and regulations for implementing its laws with respect to trading in and handling of controlled substances, appliances, equipment and products that are harmful to the ozone layer in compliance with its obligations set forth in the Montreal Protocol and its amendments, and to which the state is a party.

Article 25:

The committee of ministers responsible for environmental affairs shall have the right to interpret and propose amendment to this Regulation.

Article 26:

This Regulation shall come into effect 90 days after the date of its approval by the GCC Supreme Council.

Annexes

Annex A : Controlled substances

Group	Substance	Ozone-Depleting Potential*	
1.0	Group I CFCl)	3CFC	(11-
	CF2Cl)	2CFC	(12-
1.0	C2F3Cl)	3CFC 0.8	(113-
	C2F4Cl)	2CFC 1.0	(114-
	C2F5Cl)	CFC 0.6	(115-
	Group II CF2BrCl)	halon 3.0	(1211-
	CF3Br)	halon 10.0	(1301-
	C2F4Br)	2halon 6.0	(2402-

*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	
1.0	Group I CF3Cl)	CFC 1.0	(13-
	C2FCl)	5CFC 1.0	(111-
	C2F2Cl)	4CFC 1.0	(112-
	C3FCl)	7CFC 1.0	(211-
	C3F2Cl)	6CFC 1.0	(212-
	C3F3Cl)	5CFC 1.0	(213-
	C3F4Cl)	4CFC 1.0	(214-
	C3F5Cl)	3CFC	(215-
	C3F6Cl)	2CFC 1.0	(216-
	C3F7Cl)	CFC 1.0	(217-
	Group II CCl	4carbon tetrachloride	1.1
	Group III C2H3Cl-1,1,1	*trichloroethane	0.1
)	methyl chloroform (*

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

Annex C: Controlled substances

Group	Substance	Number	Ozone-Depleting	of isomers	Potential *
0.04-0.02	Group I CHFCl)	2	HCFC 0.04	1	** (21-
	CHF2Cl)	1	HCFC 0.055	1	** (22-
	CH2FCl)	1	HCFC 0.02	1	(31-
	C2HFCl)	4	HCFC 0.04-0.01	2	(121-
	C2HF2Cl)	3	HCFC 0.08-0.02	3	(122-
	C2HF3Cl)	3	HCFC 0.06-0.02	3	(123-
	CHCl2CF)	3	HCFC 0.02	-	** (123-
	C2HF4Cl)	2	HCFC	2	(124-
	CHFCICF)	3	HCFC 0.022	-	** (124-
	C2H2FC1)	3	HCFC 0.05-0.007	3	(131-
	C2H2F2Cl)	4	HCFC 0.05-0.008	4	(132-
	C2H2F3Cl)	3	HCFC 0.06-0.02	3	(133-
	C2H3FC1)	3	HCFC 0.07-0.005	3	(141-
	CH3CFCl)	-	HCFC 141-b 0.11	-	** (
	C2H3F2Cl)	3	HCFC 0.07-0.008	3	(142-

CH3CF2Cl)	HCFC142-b0.065	-	**()
C2H4FC1)	HCFC 0.005-0.003	2	(151-
C3HFC1)	6HCFC 0.07-0.015	5	(221-
C3HF2Cl)	5HCFC 0.09-0.01	9	(222-
C3HF3Cl)	4HCFC 0.08-0.01	12	(223-
C3HF4Cl)	3HCFC 0.09-0.01	12	(224-
C3HF5Cl)	2HCFC 0.07-0.02	9	(225-
CF3CF2CHCl)	2HCFC225-ca 0.025	-	**()
CF2ClCF2CHClF)	HCFC225-cb 0.033	-	**()
C3HF6Cl)	HCFC 0.10-0.02	5	(226-
C3H2FC1)	5HCFC 0.09-0.05	9	(231-
C3H2F2Cl)	4HCFC 0.10-0.008	16	(232-
C3H2F3Cl)	3HCFC0.23-0.007	18	(233-
C3H2F4Cl)	2HCFC 0.28-0.01	16	(234-
C3H2F5Cl)	HCFC 0.52-0.03	9	(235-
C3H3FC1)	4HCFC 0.09-0.004	12	(241-
C3H3F2Cl)	3HCFC 0.13-0.005	18	(242-
C3H3F3Cl)	2HCFC 0.12-0.007	18	(243-
C3H3F4Cl)	HCFC 0.14-0.009	12	(244-
C3H4FC1)	3HCFC 0.01-0.001	12	(251-
C3H4F2Cl)	2HCFC 0.04-0.005	16	(252-
C3H4F3Cl)	HCFC 0.03-0.003	12	(253-
C3H5FC1)	2HCFC 0.02-0.002	9	(261-
C3H5F2Cl)	HCFC 0.02-0.002	9	(262-
C3H6FC1)	HCFC0.03-0.001	5	(271-

Group	Substance	Number of isomers	Ozone-Depleting Potential *
Group II			
CHBr 1.00	1		2
CHF2Br)	HBFC22-B 0.74	1	(1
CH2FBr 0.73	1		
C2HFBr 0.8-0.3	2		4
C2HF2Br 1.8-0.5	3		3
C2HF3Br 1.6-0.4	3		2
C2HF4Br 1.2-0.7	2		
C2H2FBr 1.1-0.1	3		3
C2H2F2Br 1.5-0.2	4		2
C2H2F3Br 1.6-0.7	3		
C2H3FBr 1.7-0.1	3		2
C2H3F2Br 1.1-0.2	3		
C2H4FBr 0.1-0.07	2		
C3HFBr 1.5-0.3	5		6
C3HF2Br 1.9-0.2	9		5
C3HF3Br 1.8-0.3	12		4
C3HF4Br 2.2-0.5	12		3
C3HF5Br 2.0-0.9	9		2
C3HF6Br 3.3-0.7	5		
C3H2FBr 1.9-0.1	9		5
C3H2F2Br 2.1-0.2	16		4
C3H2F3Br 5.6-0.2	18		3
C3H2F4Br 7.5-0.3	16		2
C3H2F5Br 1.4-0.9	8		
C3H3FBr 1.9-0.08	12		4
C3H3F2Br 3.1-0.1	18		3
C3H3F3Br 2.5-0.1	18		2
C3H3F4Br 4.4-0.3	12		
C3H4FBr 0.3-0.03	12		3
C3H4F2Br 1.0-0.1	16		2
C3H4F3Br 0.8-0.07	12		
C3H5FBr 0.4-0.04	9		2
C3H5F2Br 0.8-0.07	9		
C3H6FBr 0.7-0.02	5		
Group III			
CH2BrCl	bromochloromethane 0.12		1

