

**NATIONAL ODS
REGULATIONS – LICENSING
SYSTEM AND CONTROLS**

**By
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National ODS Regulations

- **The Environment (Protection) Act, 1986**
 - In exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 Ozone Depleting Substances (Regulation and Control) Rules, 2000 have been notified on 19th July 2000.

National ODS Regulations

- **Rule 3** : Regulation of production and consumption of ozone depleting substances.
- **Rule 4** : Prohibition on export to or import from countries not specified in Schedule VI (*not Party to the Montreal Protocol*).
- **Rule 5** : Ozone depleting substances are to be exported to or imported from countries specified in Schedule VI under a license.

National ODS Regulations

- **Rule 6** : Regulation of the sale of ozone depleting substances.
- **Rule 7** : Regulation on purchase of ozone depleting substances.
- **Rule 8** : Regulation on the use of ozone depleting substances.
- **Rule 9** : Prohibition on new investments with ozone depleting substances.

National ODS Regulations

- **Rule 10** : Regulation of import, export and sale of products made with or containing ozone depleting substances.

Amendments

- 1st Amendment-2001-extension of time for registration
- 2nd Amendment-2003-extension of time for registration for HCFC consumers upto 2007
- 3rd Amendment-2004-extension of time for registration for CTC consumers
- 4th Amendment-2007- definition of feedstock; extension of regn upto 2009; ban on trade in halons and CFCs; no renewal required

Montreal Protocol : Licensing System

- The 7th Meeting of Parties at Geneva in December 1995 recommended to establish licensing system to regulate and monitor trade.
- The 9th Meeting of parties amended the Montreal Protocol and introduced licensing system under Article 4B of the Protocol. It mandates to have licensing system by 1 Jan. 2000 by all parties.

Montreal Protocol : Licensing System

- License for export and import of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.
 - Annex A : CFC-11, CFC-12, CFC-113, CFC-114, CFC-115 and Halon-1211, Halon-1301, Halon 2402.
 - Annex B : all other CFCs, carbontetrachloride and methyl chloroform
 - Annex C : HCFCs, HBFCs & Bromochloromethane
 - Annex E : Methyl Bromide

National ODS Regulations :

Licensing System

Objectives :

- To regulate the import and export of ODS
- To regulate the production and consumption limit
- To regulate the trade in controlled substances with non-Parties as per Article 4
- To regulate the trade among Article-5 countries.
- To Authenticate data report under Article-7

National ODS Regulations : Implementation of Licensing System

- Licensing system in place since 1996.
- Ozone Depleting Substances Rules & its amendments
- Harmonized classification of Commodity codes consistent with the international system has been introduced.
- Export and import policies

National ODS Regulations :
Implementation of Licensing System
Implementation Mechanism (Export):

- Bulk license for export of CFC-11, CFC-12 and HCFC-22 for the calendar year issued to producers.

National ODS Regulations :

Implementation of Licensing System

Implementation Mechanism (Export) :

- Director General of Foreign Trade issues license of export of ODS based on the recommendation of the Ozone Cell.
- Bulk license is issued based on the export performance in the previous CY subject to Protocol control.
- The quantity of ODS exported in each consignment is entered into a pass-book.
- In exhaust of the bulk license, additional quantity allowed for export on recommendation of MOEF.
- If the total bulk license is not exhausted during the CY, the remaining quantity shall lapse.
- Each container/drum for export will have label of new product of ODS and should contain ITC(HC) code.
- Each exporter has to submit a quarterly report on export.

National ODS Regulations :
Implementation of Licensing System
Implementation Mechanism (Import):

Contd..

- License for CFC-113, HCFC-123, HCFC-141b, CTC and methyl chloroform is granted based on the application.

National ODS Regulations :

Implementation of Licensing System

Implementation Mechanism (Import):

- Director General of Foreign Trade issues license of import of ODS based on the recommendation of the Ozone Cell.
- License is issued based on the requirement to traders or actual industrial users subject to the quantity being minimum importable
- Import may be allowed on first cum first serve basis subject to overall Montreal Protocol limits on consumption of such substances.

National ODS Regulations : Monitoring of Licensing System

Monitoring Mechanism :

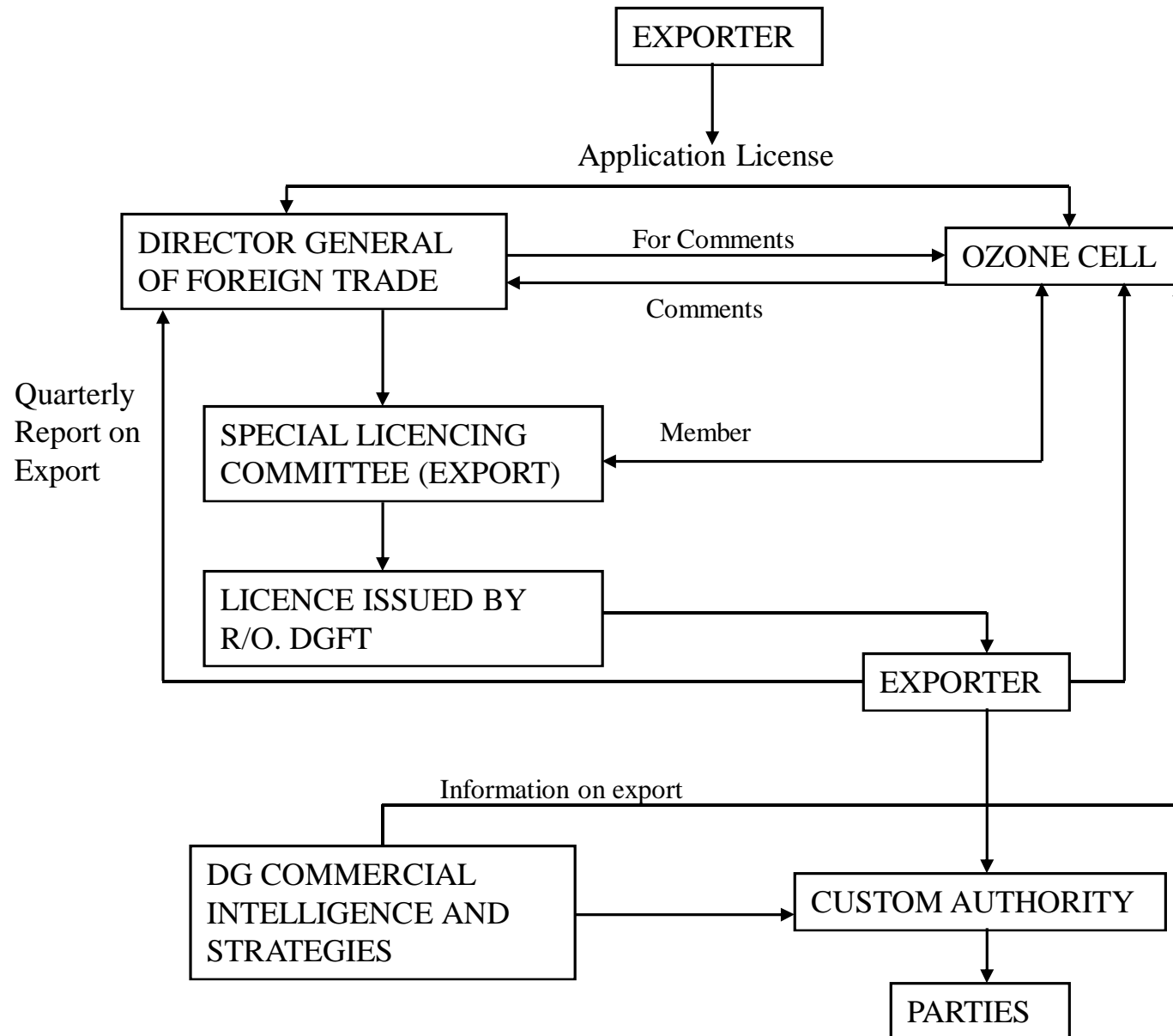
- Importer and exporter has to submit quarterly report to the Ozone Cell as per the ODS Rules.

National ODS Regulations : Licensing System

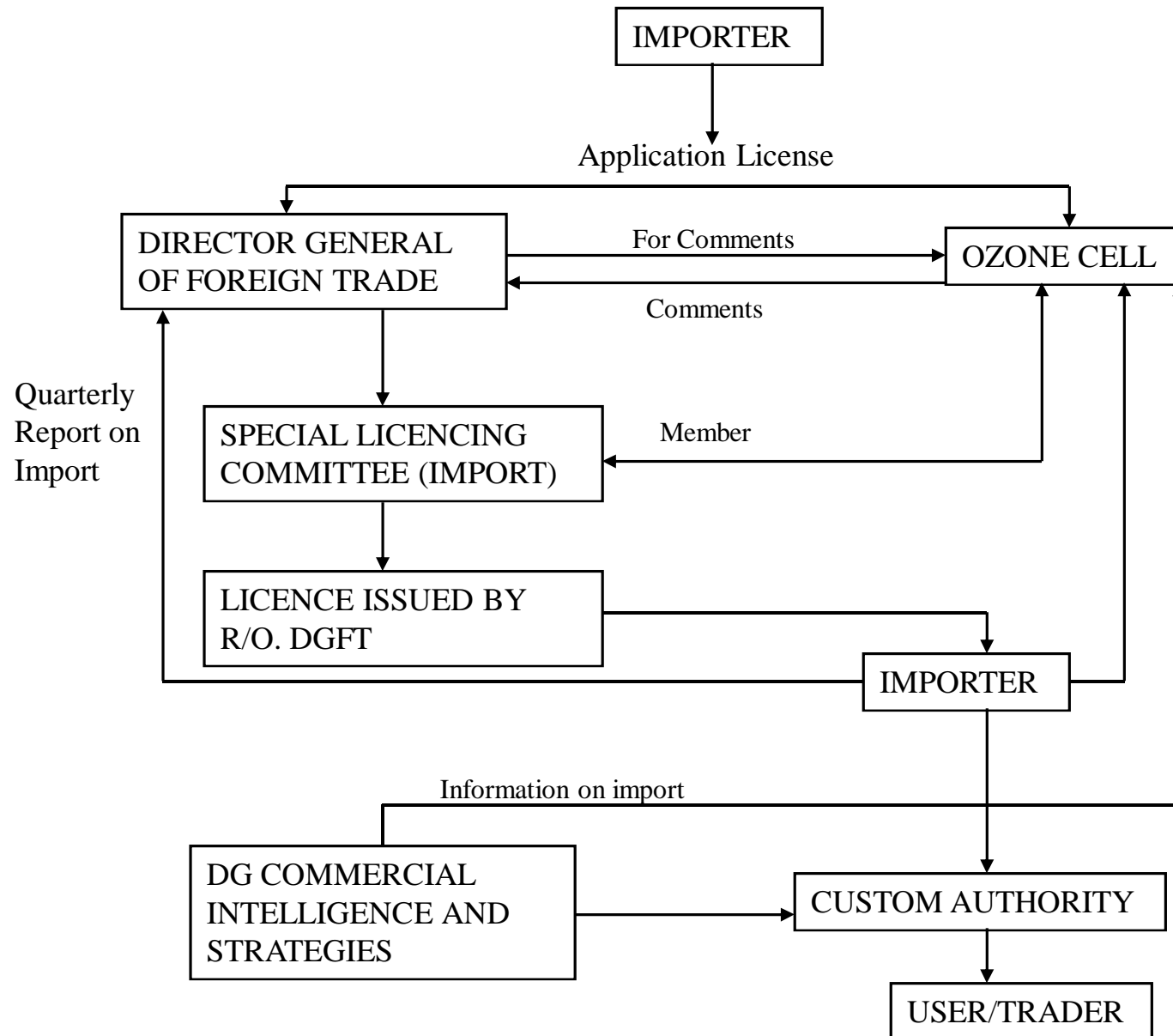
Export and Import of Products :

- Products containing ODS can be imported against license.
- Products containing ODS can be exported with proper labeling and license.
- Export of products containing ODS are not permitted to some countries those who have banned import of such products.

LICENSING SYSTEM FOR ODS EXPORT



LICENSING SYSTEM FOR ODS IMPORT



Challenges

- Import and Export policies should not affect our MP targets.
- Advance licensing now requires prior consent of MoEF.
- Schedules in the ODS rules to be changed in line with accelerated CFC and HCFC phase-out.
- Use of CFCs permitted up to end 2012 for MDIs

Challenges

- Import and use of ODS for feedstock needs to be monitored and regulated.
- Production and consumption of HCFC targets should be in accordance with MLF agreements.
- Destruction of ODS.

Thank you