



## Ozone Layer Protection Amendment Regulations 2016

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 25th day of October 2016

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 16 of the Ozone Layer Protection Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made after complying with section 17 of that Act and being satisfied that, after making the regulations, New Zealand will be able to give effect to its obligations under the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.

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## Regulations

### 1 Title

These regulations are the Ozone Layer Protection Amendment Regulations 2016.

### 2 Commencement

- (1) Regulations 6 and 7 come into force on the day after the date of their notification in the *Gazette*.
- (2) The rest of these regulations come into force on 1 January 2017.

### 3 Principal regulations

These regulations amend the Ozone Layer Protection Regulations 1996 (the **principal regulations**).

### 4 Regulation 3 amended (Prohibition on importation of certain bulk controlled substances)

In regulation 3, after “HBFC”, insert “, HCFC,”.

### 5 Regulations 8 to 11 and cross-heading above regulation 8 revoked

Revoke regulations 8, 9, 9A, 9B, and 11 and the cross-heading above regulation 8.

### 6 Regulation 12 amended (Conditional prohibition on importation of bulk recycled substances)

- (1) In regulation 12(1)(b), after “recycled substance”, insert “; and”.
- (2) After regulation 12(1)(b), insert:
  - (c) the EPA has granted an exemption in respect of the importation of the bulk recycled substance under regulation 29.

### 7 Regulation 28 amended (Prohibited substances and goods may be exempted)

In regulation 28(2), after “HBFC,”, insert “HCFC,”.

Michael Webster,  
Clerk of the Executive Council.

## Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations amend the Ozone Layer Protection Regulations 1996 (the **principal regulations**). *Regulations 6 and 7* come into force on the day after the date of their notification in the *Gazette* and the rest of the regulations come into force on 1 January 2017. The purpose of these regulations is to—

- revoke the HCFC wholesaler permit category and clarify that exemptions do not apply to HCFC imports from member States that are not party to or compliant with the Montreal Protocol on Substances that Deplete the Ozone Layer (the **Montreal Protocol**); and
- clarify that the importation of bulk recycled substances is conditionally prohibited and subject to exemption requirements.

*Regulation 1* relates to the Title.

*Regulation 2* relates to commencement.

*Regulation 3* provides that these regulations amend the principal regulations.

*Regulation 4* amends regulation 3 of the principal regulations to prohibit the importation of bulk HCFC (fluorinated gases that are used in refrigeration and air-conditioning units, and in some foams). This prohibition does not apply to bulk recycled HCFCs, because regulation 4 of the principal regulations provides that regulation 3 does not apply to bulk recycled substances.

*Regulation 5* revokes regulations 8 to 11 of the principal regulations, which established different permits for importing HCFCs. The permits provided for by regulations 8 to 10 have all been phased out and those regulations are spent. The wholesaler permit category under regulation 11 has to be phased out in order to enable New Zealand to meet its obligations under the Montreal Protocol.

*Regulation 6* amends regulation 12 of the principal regulations, which prohibits the importation of any bulk recycled substance except on the basis provided in that regulation. The effect of the amendment is that no bulk recycled substance may be imported unless the importation is exempted by the Environmental Protection Authority (the **EPA**) under regulation 29.

*Regulation 7* amends regulation 28 of the principal regulations, which provides that prohibited substances and goods may be exempted by the EPA. The effect of the amendment is to prevent the importation of any HCFCs from any country unless it is a party to the Montreal Protocol or is a complying country.

## Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement on 31 May 2016 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mfe.govt.nz/more/cabinet-papers-and-related-material-search/regulatory-impact-statements/proposed-amendments>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 27 October 2016.

These regulations are administered by the Ministry for the Environment.