

The Environmental Protection (Controls on Ozone-Depleting Substances) Regs 2011 remove the previous mandatory requirement to cease using HCFCs by 31st December 2014. The most common HCFC (hydrochlorofluorocarbon) is R22.

The 2011 regulations revoked entirely the Environmental Protection (Controls on Ozone-Depleting Substances) Regs 2002 and Environmental Protection (Controls on Ozone-Depleting Substances) (Amendment) Regs 2008 which were the ones that specified the date by which HCFCs must be removed.

Instead of the mandatory replacement of R22 and other HCFCs by the end of this year, it will become progressively more difficult to maintain such devices as virgin R22 cannot be used. R22 recovered by the operator (ie the company that maintains air conditioning equipment or chillers) can be used, but this will become progressively unavailable. You cannot trade R22.

The 2011 regulations require compliance with Regulation (EC) 1005/2009, and are specific about several articles in these regulations. The one which affects most people is:

Article 23 Leakage and Emissions of Controlled Substances and the clauses which affect most are as follows:

23(1) states that companies must take all precautions to prevent and minimise leakages.

23(2) states that companies must inspect equipment at the following frequency:

Charge	Inspection frequency
3kg or more	Every 12 months
30 kg or more	Every 6 months
300 kg or more	Every 3 months

and repair detected leakage as soon as possible and certainly within 14 days.

23(2) states that companies must maintain records on quantities moved, leakages, leakage checks including dates and by whom.

Article 5(1) states that "The placing on the market and use of controlled substances shall be prohibited." This sounds like a show-stopper, but it is really aimed at firms that produce equipment that contains such substances and stops them using R22 and other HCFCs.

Article 5(3) states that it "does not apply to controlled substances in products and equipment", so if you already have equipment containing R22, etc., you can keep on using it.

Technical Paper