



Ozone Layer Protection Amendment Regulations 2001

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 19th day of March 2001

Present:

His Excellency the Governor-General in Council

Pursuant to Part III of the Ozone Layer Protection Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister for the Environment whose recommendation has been made—

- (a) after consultation by the Minister in accordance with section 17 of that Act; and
- (b) after being satisfied that, after making the regulations, New Zealand will be able to give effect to its obligations under the Convention and the Protocol,—

makes the following regulations.

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Regulations

1 Title

- (1) These regulations are the Ozone Layer Protection Amendment Regulations 2001.
- (2) In these regulations, the Ozone Layer Protection Regulations 1996¹ are called “the principal regulations”.

¹ SR 1996/222

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Conditional prohibition on importation of HCFCs

Regulation 8(2) of the principal regulations is amended by inserting, after paragraph (a), the following paragraph:

“(aa) a special permit under regulation 9A; or”.

4 New regulations 9A and 9B inserted

The principal regulations are amended by inserting, after regulation 9, the following regulations:

“9A Special permits for HCFCs

- “(1) Any person may apply in writing to the Minister for a special permit for HCFCs.
- “(2) The application must specify the following information:
 - “(a) the extent to which the applicant’s entitlement (if any) to import HCFCs has been fully used or accounted for; and
 - “(b) evidence of the applicant’s commitment to use, in a timely manner, cost-effective alternatives to HCFCs; and
 - “(c) evidence of the applicant’s commitment to obtain, under regulation 14, a transfer of entitlement to a permit for HCFCs; and
 - “(d) evidence of energy efficiency or other environmental advantages (if any) from granting a special permit for HCFCs to the applicant; and
 - “(e) evidence of adverse economic or social impacts (if any) if the Minister does not grant a special permit for HCFCs to the applicant.

“(3) The amount of HCFCs that an applicant may import under a special permit is the ODP tonnage of HCFCs specified in the permit, reduced in accordance with the following reduction timetable:

Period	Reduction %
1 January 2001 to 31 December 2009	0
1 January 2010 to 31 December 2014	75
1 January 2015	100

“9B **Total allocation of HCFCs**

The total ODP tonnage of HCFCs allocated each year under regulations 9 and 9A must not exceed the consumption limits under the Protocol, as modified by the reduction timetables set out in regulations 9(3) and 9A(3).”

5 Provisions relating to permits

Regulation 13 of the principal regulations is amended by inserting, after subclause (2), the following subclause:

“(2A) The Minister may revoke any special permit granted under regulation 9A if the Minister is satisfied that the information specified in the application is no longer correct.”

Diane Wilderspin,
Acting for 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, which come into force on the 28th day after the date of their notification in the *Gazette*, enable the Minister to allocate special permits for HCFCs from existing entitlement that has not previously been allocated. The Minister must not grant permits that would exceed the total consumption of HCFCs allowed under the Protocol, as modified by the reduction timetables set out in the regulations, nor prevent New Zealand from meeting its target of phasing out consumption of HCFCs by 2015.

**Ozone Layer Protection Amendment
Regulations 2001**

2001/40

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 22 March 2001.

These regulations are administered in the Ministry for the Environment.
