

SCHEDULE

OFFENCES RELATING TO CONTRAVENTIONS OF THE PRINCIPAL REGULATION

PART II

OFFENCES RELATING TO CONTRAVENTIONS OF ARTICLE 4

22.—(1) A producer or importer of controlled substances who places on the market or uses for its own account a calculated level of hydrochlorofluorocarbons which –

- (a) in the period from the commencement date until 31st December 2003 exceeds

$$\frac{\textit{the quota allocated to it for that year pursuant to the mechanism determined by the Commission under Article 4(3)(ii)}}{365} \times \textit{the number of days beginning with the commencement date to 31st December 2003;}$$

or

(b) in the period of 12 months ending on 31st December 2004 or on any subsequent 31st December until (and including) 31st December 2009, exceeds the quota allocated to it for that year pursuant to the mechanism determined by the Commission under Article 4(3)(ii); commits an offence unless sub-paragraph (2) applies to their placing on the market or use.

- (2) This sub-paragraph applies –

- (a) to the placing on the market or use of hydrochlorofluorocarbons –
(i) for a purpose mentioned in Article 4(4)(i)(b),
(ii) pursuant to such a transfer as is mentioned in Article 4(5), and
(iii) in accordance with an authorisation of the Commission pursuant to Article 5(7); and
(b) to the placing of hydrochlorofluorocarbons on the market for destruction within the Community by technologies approved by the Parties.