

SCHEDULE

OFFENCES RELATING TO CONTRAVENTIONS OF THE PRINCIPAL REGULATION

PART I

OFFENCES RELATING TO CONTRAVENTIONS OF ARTICLE 3

1. A person who produces, or causes or permits another person to produce –
 - (a) chlorofluorocarbons,
 - (b) other fully halogenated chlorofluorocarbons,
 - (c) halons,
 - (d) carbon tetrachloride,
 - (e) 1,1,1 -trichloroethane, or
 - (f) hydrobromofluorocarbons,

otherwise than in accordance with an authorisation issued by the Department under Article 3(5) pursuant to a licence issued by the Commission under Article 3(4) for the purposes of the second sub-paragraph of paragraph (1) of Article 3 (essential uses), commits an offence.

2.—(1) Subject to paragraph 3, a producer of methyl bromide whose calculated level of production –

- (a) in the period from the commencement date until 31st December 2003 exceeds 25% of

$$\frac{\text{its calculated 1991 level}}{365} \times \text{the number of days beginning with the commencement date to 31st December 2003;}$$

or

- (b) in the period of 12 months ending on 31st December 2004 exceeds 25% of its calculated 1991 level,

commits an offence.

(2) In sub-paragraph (1), “calculated 1991 level”, in relation to a producer of methyl bromide, means its calculated level of production in 1991.

3. Paragraph 2 shall apply in a case where an authorisation has been issued –
 - (a) by the Department under any of paragraphs (5) to (8) of Article 3; or
 - (b) by the Commission under paragraph (9) or (10) of that Article,

as if, for the maximum calculated level of production ascertained in accordance with sub-paragraph (a) or (b), as the case may be, there were substituted the maximum calculated level of production specified in the authorisation or ascertained in accordance with the relevant paragraph of Article 5.

4. A person who produces, or causes or permits another person to produce, methyl bromide after 31st December 2004 otherwise than in accordance with an authorisation issued by the Department pursuant to a licence issued by the Commission under Article 3(4) for the purposes of Article 3(2) (ii) (critical uses) commits an offence.

5.—(1) Subject to paragraph 6, a producer of hydrochlorofluorocarbons whose calculated level of production –

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

$$\frac{\text{its calculated 1997 level}}{365} \times \frac{\text{the number of days beginning with the commencement date to 31st December 2003;}}$$

- (b) in the period of 12 months ending on 31st December 2004 or any subsequent 31st December until (and including) 31st December 2007 exceeds its calculated 1997 level;
- (c) in the period of 12 months ending on 31st December 2008 or any subsequent 31st December until (and including) 31st December 2013 exceeds 35% of its calculated 1997 level;
- (d) in the period of 12 months ending on 31st December 2014 or any subsequent 31st December until (and including) 31st December 2019 exceeds 20% of its calculated 1997 level;
- (e) in any of the periods of 12 months ending on 31st December 2020 or any subsequent 31st December until (and including) 31st December 2025 exceeds 15% of its calculated 1997 level,

commits an offence.

(2) In sub-paragraph (1), “calculated 1997 level”, in relation to a producer of hydrochlorofluorocarbons, means its calculated level of production in 1997.

6. Paragraph 5 shall apply in a case where an authorisation has been issued –

- (a) by the Department under paragraph (8) of Article 3; or
- (b) by the Commission under paragraph (9) or (10) of that Article,

as if, for the maximum calculated level of production ascertained in accordance with sub-paragraph (a), (b), (c) or (d), as the case may be, there were substituted the maximum calculated level of production specified in the authorisation or ascertained in accordance with the relevant paragraph of Article 5.

7. A person who produces, or causes or permits another person to produce, hydrochlorofluorocarbons after 31st December 2025 commits an offence.