



Australian Government
Australian Customs Service

AUSTRALIAN CUSTOMS NOTICE NO. 2004/23

Amendments to the Customs (Prohibited Imports) Regulations 1956 and Customs (Prohibited Exports) Regulations 1958 Ozone Depleting Substances and Synthetic Greenhouse Gases

The following amendments to the *Customs (Prohibited Imports) Regulations 1956* (the PI Regulations) and the *Customs (Prohibited Exports) Regulations 1958* (the PE Regulations) relating to the control of ozone depleting substances and synthetic greenhouse gases were notified in Special Gazette No. S187 dated 3 June 2004. The amendments commenced on notification.

The amendments complement the regulation of the import and export of these substances under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (the OPSGGM Act). In essence, the importer or exporter must be licensed under the OPSGGM Act to import or export the controlled substances.

Details of the new controls are set out below. A fact sheet has been developed to assist importers and exporters to understand the requirements of these new controls. This fact sheet is available on the Customs website www.customs.gov.au.

Import

Amended regulation 5K of the PI Regulations prohibits the importation, without a licence, of a substance mentioned in Schedule 10 to the PI Regulations as well as pre-charged equipment, being air-conditioning and refrigeration equipment containing a hydrofluorocarbon (HFC) or a hydrochlorofluorocarbon (HCFC) and including such equipment that is fitted to motor vehicles.

Previously regulation 5K exempted goods under certain tariff classifications from the prohibition. The amended regulation removes these and provides new exceptions to this prohibition. The new exemptions are:

- importations from external Territories as these are not subject to the OPSGGM Act;
- importations of a substance mentioned in Schedule 10 that is contained in goods that will use the substance in the operation of the goods or is present in the goods because the substance was used in the manufacturing process for the goods, for example in an aerosol;
- importations of a chlorofluorocarbon (CFC), a HCFC or a synthetic greenhouse gas (SGG) on board a ship or aircraft that is used exclusively to service or maintain air-conditioning or refrigeration equipment during international journeys;
- and
- importations of an SGG for use as a cover gas in the manufacture and casting of magnesium (Note: importers must also have an appropriate permit that has been

issued by the Minister for the Environment and Heritage under the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*).

In addition, the amendments to the PI Regulations added bromochloromethane and a range of hydrofluorocarbons and perfluorocarbons to the list of substances mentioned in Schedule 10.

Exports

Amended regulation 13F of the PE Regulations prohibits the exportation, without a licence, of a substance mentioned in Schedule 15 to the PE Regulations, and prohibits absolutely the exportation of hydrobromofluorocarbons.

Previously regulation 13F exempted goods under certain tariff classifications from the prohibition. The amended regulation removes these and provides new exceptions to the prohibition. These new exceptions are:

exportations to external Territories as these are not subject to the OPSGGM Act; exportations of a substance mentioned in Schedule 15 that is contained in goods that will use the substance in the operation of the goods or is present in goods because the substance was used in the manufacturing process for the goods; and exportations of a chlorofluorocarbon (CFC), a HCFC or an synthetic greenhouse gas (SGG) on board a ship or aircraft that is used exclusively to service or maintain air-conditioning or refrigeration equipment during international journeys.

In addition, the amendments to the PE Regulations added bromochloromethane and a range of hydrofluorocarbons and perfluorocarbons to the list of substances mentioned in Schedule 15.

Further information concerning the amended Regulations may be obtained from:

Customs Information

Tel: 1300 363 263 or
02 6275 6666

email: information@customs.gov.au

Any enquiries on the policy supporting this change may be directed to the Department of the Environment and Heritage on (02) 6274 2036.

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CANBERRA ACT

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