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Readers are consequently advised to consult qualified professional counsel before making any decision in connection with the enactment, which is here presented in translation for their general information only.

Hazardous Substances Regulations (Implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer), 5769 – 2009

Amendment 2009 By the power vested in me under Sections 10, 12 and 17 of the Hazardous Substances Law, 5753-1993 (hereinafter – “the Law”), and under Section 10A of the Business Licensing Law, 5768-1968, in consultation with the Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry, Trade and Labor in accordance with Section 13 of the Law, and with the approval of the Knesset Internal Affairs and Environment Committee in accordance with Section 21A(a) of “Basic Law: the Knesset” and Section 2(b) of the Penal Law, 5737-1977, I hereby make the following Regulations:

Purpose

1. The purpose of these regulations is to implement the provisions of the Montreal Protocol, to which Israel is a party, through limits on the production, consumption, import and export of controlled substances, due to the damage they cause or may cause to the stratospheric ozone layer and through supervision and control over them.

Definitions

2.
 - a) In these Regulations –

"Controlled substance" – one of the substances specified in the First Schedule, whether in its plain form or mixed with other substances, with the exception of a said substance which is in a finished product;

"Recycled controlled substance" - a controlled substance that was collected from equipment, machinery, systems, storage containers,

etc. and treated by means of filtering, drying, distillation, chemical treatment, etc.;

“Importer” – an importer of a controlled substance specified in Part B of the First Schedule;

“Manufacturer” – a manufacturer of a controlled substance specified in Part B of the First Schedule;

“Import quantity” – the total annual quantity of import of a non-recycled controlled substance, not intended for exempt use;

“Production quantity” - the total annual quantity of production of a non-recycled controlled substance, not intended for exempt use.

“Export quantity” - the total annual quantity of export out of the total production of a non-recycled controlled substance, not intended for exempt use.

“Consumption quantity” – The difference between the production and import quantities and the export quantity;

“Supervisor” – as defined in the Law;

“Montreal Protocol” or “The Protocol” – The 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, which was adopted within the framework of the 1985 International Convention for the Protection of the Ozone Layer from 1985 (The Vienna Convention).

“Import license” - as per its meaning in the Provision of Import Licenses Order, 1939;

“Export license” – as per its meaning in the Provision of Export Licenses Order, 1940;

“Exempt use” – as per its meaning in regulation 6.

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“Critical or essential use” – use of a controlled substance approved as critical or essential by the meeting of the parties to the Montreal Protocol, as per a request of a party to the Protocol;

b) Any other term contained in these regulations shall have the meaning it has in the version of the Montreal Protocol at the

entry into force of these regulations, and its meaning in the decisions that were taken during the deliberations of the parties to the Protocol until the said date, and which are published in the website of the Ministry of Environmental Protection (hereinafter – “the website”) whose copies can be viewed by the public in the Ministry’s main office in Jerusalem.

Restricting production, import,
export and consumption of
a controlled substance

3.

a) A person shall not produce, import or export, on his own or through others, any of the controlled substances specified in Part A of the First Schedule, unless it is produced, imported or exported for exempt use, and in the matter of import or export – with an import or export license, as the case may be.

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b) Without derogating from the generality of the aforesaid in subsection (a), a person shall not export and shall not import any of the controlled substances specified in Part A of the First Schedule to a country which is not a party to the Protocol.

c) A person shall not import or export, on his own or through others, any of the controlled substances specified in Groups 7 and 8 of Part B of the First Schedule, without an import or export license, as the case may be.

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c1) A person shall not produce, on his own or through others, hydrochlorofluorocarbons (HCFC’s), for any use other than a critical or an essential use, in a quantity that exceeds the quantity specified in Column C of Part A of the Third Schedule, after subtracting from it the quantity allowed for import, as specified in regulation 4.

d) The annual consumption quantity of a controlled substance specified in Group 7 of Part B of the First Schedule shall not exceed the allowed limit as specified in Column C of Part A of the Third Schedule, and shall be reduced to zero in accordance with the time table specified in Column A of Part A of the Third Schedule.

Critical use distribution of
the controlled substance

4.

a) A Competent Authority, as defined in the Import and Export Ordinance [New Version], 5739-1979, shall determine how to distribute the quantity of controlled substance for critical use between exporters and importers, in accordance with the maximal quantity for consumption specified in Parts A and B of the Third Schedule.

b) The quantity of critical use exemption, as said in regulation 6, shall not be included when determining the quantity allowed for sale of a controlled substance.

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c) The aforesaid distribution in subsection (a) shall be conducted twice a year, no later than March 1st and July 1st for the same year.

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d) The quantity allowed for sale of methyl bromide shall comply with the provisions of sub regulation (c), in a manner by which no later than March 1st at least 60% of the quantity of methyl bromide allowed for sale for the same year shall be distributed.

Reporting

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4A. The Supervisor shall report to the Knesset Internal Affairs and Environment Committee, once a year and no later than March 31st for the previous year, about the production, import, export and sale of each of the controlled substances, including the sale quotas determined in accordance with regulation 4 and the identity of those receiving the quotas; the said report shall include a comparison between the data of the reported year and the data of the previous year.

Restricting production,
export and consumption
of Methyl Bromide

5.

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- a) A person shall not produce, on his own or through others, methyl bromide which is specified as a controlled substance in Group 8 of Part B of the First Schedule (hereinafter – “methyl bromide”) in a quantity that exceeds the quantity which was determined by the competent authority for that person, as said in regulation 4(a);
- b) A person shall not export methyl bromide to a country which is not party to the Protocol.

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- c) Despite the aforesaid in subsection A, a manufacturer may produce an additional quantity of methyl bromide, as said in paragraphs (1) and (2) in Column D of Part B of the Third Schedule alongside the line, for each year beginning with 2009 and onwards.

Exempt use

- 6. “Exempt use” is any of the following:
 - (1) Use of a controlled substance for the production of another substance, where that first substance is consumed in its entirety during the production of the other substance (“feedstock”);
 - (2) Use of a controlled substance at a cleanliness level which is not less than the level specified in Column A of the Second Schedule, for tests for the purpose of determining the quantity and quality of substances (analytical examinations) or for research purposes, in accordance with a list which shall be prepared from time to time by the parties to the Montreal Protocol and published on the website;
 - (3) Destruction of the controlled substance using a technology approved by the parties to the Montreal Protocol; the related decision of the parties shall be published on the website;
 - (4) Quarantine; in this matter – “quarantine” - disinfection by means of methyl bromide, to prevent contamination, establishment and spread of pests and diseases that might cause real damage to agricultural crops, and ensure that they are controlled appropriately;
 - (5) Pre-shipment; in this matter – “pre-shipment” - disinfection by means of methyl bromide of products, prior to export, in order to comply with the requirements of the importing / exporting country;

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- (6) Deleted
- (7) Reuse of a controlled substance (“recovered substance”);
- (8) Use of a recycled controlled substance (“reclaimed or recycled substance”).

Critical use distribution
of methyl bromide
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6A. The Director shall determine the manner of critical use distribution, as specified in Column C of Part B of the Third Schedule, as per criteria he shall determine, according to the type, length and scale of use; in the matter of this regulation - “The Director” –

- (1) In respect of agricultural use – the Director of the Plant Protection and Inspection Services in the Ministry of Agriculture and Rural Development.
- (2) In respect of sanitary use – the Director under the Business Licensing Regulations (Pest Control), 5735-1975.

Transferring the right to
produce a controlled
substance

- 7. Where the right to produce a certain quantity of a controlled substance is transferred to Israel from another country which is a party to the Protocol (hereinafter – “the transferring country”), a manufacturer may, despite the aforesaid in regulation 5(a), produce a larger quantity of the controlled substance than that specified in Part B of the Third Schedule, providing that the following conditions are fulfilled:
 - (1) Israel and the transferring country notified the Secretariat of the Montreal Protocol about the transfer of the quantity allowed for the production of a controlled substance to Israel;
 - (2) The combined quantity of substance produced in Israel and in the transferring country does not exceed the total combined quantity for production in Israel and in the transferring country.

Reporting

- 8 An importer, exporter or manufacturer of a controlled substance shall submit an annual report to the Supervisor, in accordance with his instructions, in the beginning of each year and no later than the end of March of the same year, about the import,

export, production or sale of the controlled substance during the previous year; the said report shall be done in accordance with the provisions of the Montreal Protocol and as updated and published by the parties to the Protocol, from time to time, and published on the website

Penalties

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- 9 A person violating Sections 3, 5, 7 and 8 of these regulations shall be liable to six months of imprisonment, or to a penalty as said in Section 61(a)(1) of the Penal Law, 5737-1977.

Saving of Laws

- 10 The provisions of these regulations shall add but not derogate from any other law.

Commencement

- 11 These regulations shall enter into force sixty days from the date of their publication.

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- 12 Deleted

First Schedule

List of controlled substances

Part A – Controlled substances banned for export and import

(Regulations 2(a) and 3(a) and (b))

Group 1 (Annex A I to the Montreal Protocol) - Chlorofluorocarbons

CFCl ₃ (CFC 11)	C ₂ F ₄ Cl ₂ (CFC 114)
CF ₂ Cl ₂ (CFC 12)	C ₂ F ₅ Cl (CFC 115)
C ₂ F ₃ Cl ₃ (CFC 113)	

Group 2 (Annex A II to the Montreal Protocol) - Halons

C ₂ F ₄ Br ₂ (HALON 2402)
CF ₂ BrCl (HALON 1211)
CF ₃ Br (HALON 1301)

Group 3 (Annex B I to the Montreal Protocol) – Chlorofluorocarbons

CF ₃ Cl (CFC 13)	C ₃ F ₃ Cl ₅ (CFC 213)
C ₂ FCl ₅ (CFC 111)	C ₃ F ₄ Cl ₄ (CFC 214)
C ₂ F ₂ Cl ₄ (CFC 112)	C ₃ F ₅ Cl ₃ (CFC 215)
C ₃ FCl ₇ (CFC 211)	C ₃ F ₆ Cl ₂ (CFC 216)
C ₃ F ₂ Cl ₆ (CFC 212)	C ₃ F ₇ Cl (CFC 217)

Group 4 (Annex B II to the Montreal Protocol) – Carbon Tetrachloride

CCl₄

Group 5 (Annex B III to the Montreal Protocol) – 1-1-1 Trichlorethane

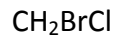
trichloroethane – C₂H₃Cl₃ 1, 1, 1

Group 6 (Annex C II to the Montreal Protocol) – Hydrobromofluorocarbons

C ₃ HF ₂ Br ₅	CHFBr ₂	C ₃ HF ₅ Br ₂
C ₃ HF ₃ Br ₄	CHF ₂ Br	C ₃ HF ₆ Br
C ₃ HF ₄ Br ₃	CH ₂ FBr	C ₃ HF ₆ Br
C ₃ H ₅ F ₂ Br	C ₂ HFBr ₄	C ₃ H ₂ F ₂ Br ₄
C ₃ H ₅ FBr ₂	C ₂ HF ₂ Br ₃	C ₃ H ₂ F ₃ Br ₃
C ₃ H ₆ FBr	C ₂ HF ₃ Br ₂	C ₃ H ₂ F ₄ Br ₂
C ₂ H ₄ FBr	C ₂ HF ₄ Br	C ₃ H ₂ F ₅ Br
C ₃ HFBr ₆	C ₂ H ₂ FBr ₃	C ₃ H ₃ FBr ₄
C ₃ H ₄ FBr ₃	C ₂ H ₂ F ₂ Br	C ₃ H ₃ F ₂ Br ₃
C ₃ H ₄ F ₂ Br ₂	C ₂ H ₂ F ₃ Br	C ₃ H ₃ F ₃ Br ₂
C ₃ H ₄ F ₃ Br	C ₂ H ₃ FBr ₂	C ₃ H ₃ F ₄ Br
	C ₂ H ₃ F ₂ Br	

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Group 6A (Annex C III to the Montreal Protocol) – Bromochloromethane



Part B – Controlled Substances with restrictions on production, import and consumption

(Regulations 2(a), 3(c) and (d), and 5(a))

Group 7 (Annex C I to the Montreal Protocol) – HCFCs

<u>Column C</u>	<u>Column B</u>	<u>Column A</u>
<u>Ozone Depletion Potential (ODP)*</u>	<u>Denomination</u>	<u>Formula</u>
0.04	(HCFC-21)**	CHCl ₂
0.055	(HCFC-22)**	CHF ₂ Cl
0.02	(HCFC-31)	CH ₂ FCl
0.01-0.03	(HCFC-121)	C ₂ HFCl ₄
0.02-0.08	(HCFC-122)	C ₂ HF ₂ Cl ₃
0.02-0.06	(HCFC-123)	C ₂ HF ₃ Cl ₂

0.02	(HCFC-123)**	CHCl ₂ CF ₃
0.02-0.04	(HCFC-124)	C ₂ HF ₄ Cl
0.022	(HCFC124)**	CHFClCF ₃
0.07-0.05	(HCFC-131)	C ₂ H ₂ FCl ₃
0.008-0.05	(HCFC-132)	C ₂ H ₂ F ₂ Cl ₂
0.02-0.06	(HCFC-133)	C ₂ H ₂ F ₃ Cl
0.005-0.07	(HCFC-141)	C ₂ H ₃ FCl ₂
0.11	(HCFC-141b)	CH ₃ CFCl ₂
0.008-0.07	(HCFC-142)	C ₂ H ₃ F ₂ Cl
0.065	(HCFC-142b)**	CH ₃ CF ₂ Cl
0.003-0.005	(HCFC-151)	C ₂ H ₄ FCl
0.015-0.07	(HCFC-221)	C ₃ HFCl ₆
0.01-0.09	(HCFC-222)	C ₃ HF ₂ Cl ₅
0.01-0.08	(HCFC-223)	C ₃ HF ₃ Cl ₄
0.01-0.09	(HCFC-224)	C ₃ HF ₄ Cl ₃
0.02-0.07	(HCFC-225)	C ₃ HF ₅ Cl ₂
0.025	(HCFC-225ca)**	CF ₃ CF ₂ CHCl ₂
0.033	(HCFC-225cb)**	CF ₂ ClCF ₂ CHClF
0.02-0.10	(HCFC-226)	C ₃ HF ₆ Cl
0.05-0.09	(HCFC-231)	C ₃ H ₂ FCl ₅
0.008-0.010	(HCFC-232)	C ₃ H ₂ F ₂ Cl ₄
0.23-0.007	(HCFC-233)	C ₃ H ₂ F ₃ Cl ₃
0.01-0.28	(HCFC-234)	C ₃ H ₂ F ₄ Cl ₂
0.03-0.52	(HCFC-235)	C ₃ H ₂ F ₅ Cl
0.004-0.09	(HCFC-241)	C ₃ H ₃ FCl ₄
0.005-0.13	(HCFC-242)	C ₃ H ₃ F ₂ Cl ₃
0.007-0.12	(HCFC-243)	C ₃ H ₃ F ₃ Cl ₂
0.009-0.14	(HCFC-244)	C ₃ H ₃ F ₄ Cl
0.001-0.01	(HCFC-251)	C ₃ H ₄ FCl ₃
0.005-0.04	(HCFC-252)	C ₃ H ₄ F ₂ Cl ₂
0.003-0.03	(HCFC-253)	C ₃ H ₄ F ₃ Cl

0.002-0.02	(HCFC-261)	C ₃ H ₅ FCI ₂
0.002-0.02	(HCFC-262)	C ₃ H ₅ F ₂ Cl
0.001-0.03	(HCFC-271)	C ₃ H ₆ FCI

Group 8 (Annex E to the Montreal Protocol) – Methyl Bromide

<u>Formula</u>	<u>ODP*</u>
CH ₃ BR	0.6

* “Ozone Depletion Potential” – a number that reflects the potential impact level, whether tested or calculated, of a controlled substance on the ozone layer; when the ODP is represented by a range of values, the determining value for calculation is the higher value, which is based on assessment rather than laboratory tests, as in cases where a single number is indicated. it is based on evaluation, and the determining value for calculation is the higher one.

** In these cases, the ODP value is determined by the most commercially prevalent isomer.

Second Schedule
(Regulation 6(2))

Minimal level of cleanliness for controlled substances which are intended for analytical examinations or for research purposes

<u>Column B</u> <u>The Controlled Substance</u> <u>(%)</u>	<u>Column A</u> <u>Level of cleanliness of</u> <u>Controlled Substance</u>
CCl ₄ (reagent grade)	99.5
1,1,1-trichloroethane	99.0
CFC-11	99.5
CFC-13	99.5
CFC-12	99.5
CFC-113	99.5
CFC-114	99.5
Other w/Boiling P>20°C	99.5
Other w/Boiling P<20°C	99.0

Third Schedule**Part A**

(Regulation 3(d) and 4)

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Timetable for Restriction and Reduction of HCFCs Import and Consumption

Column A	Column B	Column C
Starting at	Restriction or reduction percentage	Maximal quantity for consumption*
1989 (Base Year)		329 (Base Quantity)
1996	Freezing, in accordance with consumption in the Base Year (1989)	329
2004	35	213
2010	75	82.25
2015	90	33
2020**	99.5	1.645
2030	100	0

* Maximal quantity for consumption – calculated by multiplying the Base Quantity of HCFCs by the reduction percentages specified in Column B of this Schedule and in respect of the time periods specified in Column A. In this matter, “Base Quantity” – The quantity (in Tons) which was imported, consumed or produced in the year that was determined as the Base Year, in reference to every group of controlled substances, multiplied by the Ozone Depletion Potential of every controlled substance or group of controlled substances.

** As of this year onwards, the consumption is restricted to maintenance of existing structures.

Part B

(Regulations 4, 5(a) and 7)

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Maximal quantities for production and consumption of Methyl Bromide

Column A	Column B	Column C	Column D
Starting at	Restriction or reduction percentage	Maximal quantity for consumption (in Tons)	Quantity of Production (in Tons)
1991 (Base Year)	Base Year for calculations	3580	24,500
1995	Freezing of production and consumption, in accordance with production and consumption in the Base Year (1991)	3580	24,500
1999	25	2585	18,375
2001	50	1790	12,250
2003	70	1074	7350
2005	100	0	0
Each year from 2009 onward		The annual quantity approved by decision of the meeting of the parties for that year, for critical uses in Israel, after subtracting the quantity of substance used, as said in regulation 6(7) and (8).	The maximal quantity for consumption for that year, as said in Column C, and in addition - (1) The annual quantity designated to fulfill the domestic needs of countries defined as "developing" according to the Montreal Protocol and in accordance with the Protocol. (2) The annual quantity designated for exempt uses in Israel and for export for critical and exempt uses.