



# **Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2019 Measures No. 1) Regulations 2019**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 December 2019

David Hurley  
Governor-General

By His Excellency's Command

Sussan Ley  
Minister for the Environment

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## 1 Name

This instrument is the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2019 Measures No. 1) Regulations 2019*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	Immediately after the commencement of Schedule 3 to the <i>Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment (2017 Measures No. 1) Regulations 2017</i> .	1 January 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Refrigeration and air conditioning equipment and fire protection equipment

#### Division 1—Prohibited refrigerant charging and prohibited extinguishing agent charging

#### *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*

##### 1 Regulation 2 (after the heading)

Insert:

Note: A number of expressions used in these Regulations are defined in the Act, including 100-year global warming potential.

##### 2 Regulation 2

Insert:

*extinguishing agent* has the meaning given by regulation 301.

*fire protection equipment* has the meaning given by regulation 301.

*GWP extinguishing agent* has the meaning given by subregulation 2AAB(5).

Note: GWP is short for 100-year global warming potential.

*GWP refrigerant* has the meaning given by subregulation 2AAA(5).

*prohibited extinguishing agent charging* has the meaning given by subregulation 2AAB(3).

*prohibited refrigerant charging* has the meaning given by subregulation 2AAA(3).

##### 3 At the end of Part 1

Add:

#### 2AAA Meaning of *prohibited refrigerant charging*

*Scope of this regulation*

- (1) This regulation applies in relation to equipment that is designed:
  - (a) to be used for the heating or cooling of anything; and
  - (b) to operate solely by using a particular refrigerant (the *design refrigerant*) other than an HCFC refrigerant.
- (2) For the purposes of paragraph (1)(b), equipment is taken to be designed to operate solely by using a particular refrigerant if:
  - (a) the equipment has a compliance plate that specifies that particular refrigerant; or
  - (b) both of the following subparagraphs apply:

- (i) a manual, issued by the manufacturer, that relates to the equipment states that the equipment is designed to operate solely by using that particular refrigerant;
- (ii) the equipment does not have a compliance plate that specifies any particular refrigerant.

*Meaning of **prohibited refrigerant charging***

- (3) A person engages in **prohibited refrigerant charging** if:
  - (a) the person charges the equipment with a GWP refrigerant (the **new refrigerant**) other than the design refrigerant; and
  - (b) either:
    - (i) the design refrigerant is not a scheduled substance; or
    - (ii) the design refrigerant is a GWP refrigerant and the new refrigerant has a higher 100-year global warming potential than the design refrigerant; and
  - (c) subregulation (4) does not apply.
- (4) This subregulation applies if:
  - (a) the continued functioning of the equipment is essential for health or public safety purposes; and
  - (b) no refrigerant that:
    - (i) is not a GWP refrigerant; or
    - (ii) is the design refrigerant; or
    - (iii) has a 100-year global warming potential equal to or lower than that of the design refrigerant;is available as an alternative to the new refrigerant to ensure the continued functioning of the equipment.

*Meaning of **GWP refrigerant***

- (5) A **GWP refrigerant** is an HCFC or HFC for which a 100-year global warming potential is specified in Part V or IX of Schedule 1 to the Act.

## **2AAB Meaning of *prohibited extinguishing agent charging***

*Scope of this regulation*

- (1) This regulation applies in relation to fire protection equipment that is designed to operate solely by using a particular extinguishing agent (the **design extinguishing agent**) other than an HCFC extinguishing agent.
- (2) For the purposes of subregulation (1), equipment is taken to be designed to operate solely by using a particular extinguishing agent if documentation, issued by the manufacturer, that relates to the operation of the equipment states that the equipment is designed to operate solely by using that particular extinguishing agent.

*Meaning of **prohibited extinguishing agent charging***

- (3) A person engages in **prohibited extinguishing agent charging** if:

**Schedule 1** Amendments

**Part 1** Refrigeration and air conditioning equipment and fire protection equipment

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- (a) the person charges the equipment with a GWP extinguishing agent (the *new extinguishing agent*) other than the design extinguishing agent; and
  - (b) either:
    - (i) the design extinguishing agent is not a scheduled substance; or
    - (ii) the design extinguishing agent is a GWP extinguishing agent and the new extinguishing agent has a higher 100-year global warming potential than the design extinguishing agent; and
  - (c) subregulation (4) does not apply.
- (4) This subregulation applies if:
- (a) the continued functioning of the equipment is essential:
    - (i) for public safety purposes; or
    - (ii) to protect assets or infrastructure that are critical to the community; and
  - (b) no extinguishing agent that:
    - (i) is not a GWP extinguishing agent; or
    - (ii) is the design extinguishing agent; or
    - (iii) has a 100-year global warming potential equal to or lower than that of the design extinguishing agent;is available as an alternative to the new extinguishing agent to ensure the continued functioning of the equipment.

*Meaning of GWP extinguishing agent*

- (5) A *GWP extinguishing agent* is an HCFC or HFC for which a 100-year global warming potential is specified in Part V or IX of Schedule 1 to the Act.

**4 After regulation 111**

Insert:

**111A Offence—prohibited refrigerant charging**

- (1) A person commits an offence of strict liability if the person engages in prohibited refrigerant charging.

Penalty: 10 penalty units.

- (2) For the purposes of subregulation (1) of this regulation, subregulation 2AAA(4) (about equipment that is essential for health or public safety purposes) is taken not to apply unless evidence is adduced to the contrary.

**5 After paragraph 135(1)(b)**

Insert:

- (ba) does not engage in prohibited refrigerant charging; and

**6 After paragraph 141(1)(b)**

Insert:

- (ba) does not engage in prohibited refrigerant charging; and

**7 After regulation 303**

Insert:

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### **303A Offence—prohibited extinguishing agent charging**

- (1) A person commits an offence of strict liability if the person engages in prohibited extinguishing agent charging.

Penalty: 10 penalty units.

- (2) For the purposes of subregulation (1) of this regulation, subregulation 2AAB(4) (about equipment that is essential for public safety purposes or to protect critical assets or infrastructure) is taken not to apply unless evidence is adduced to the contrary.

### **8 After paragraph 326(1)(a)**

Insert:

- (aa) does not engage in prohibited extinguishing agent charging; and

### **9 After paragraph 332(1)(b)**

Insert:

- (ba) does not engage in prohibited extinguishing agent charging; and

### **10 Regulation 906A (after table item 1)**

Insert:

1A Subregulation 111A(1) Prohibited refrigerant charging

### **11 Regulation 906A (after table item 10)**

Insert:

10A Subregulation 303A(1) Prohibited extinguishing agent charging

## **Division 2—Other amendments**

### ***Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995***

#### **12 Regulation 110 (definition of *RAC equipment*)**

Omit “a refrigerant”, substitute “any or all of CFC, HCFC, HFC, PFC and halon”.

#### **13 Paragraph 123(1)(c)**

Omit “licence”, substitute “permit”.

#### **14 Subparagraphs 140(3)(b)(ii) and 141(1)(i)(ii)**

Omit “or 134.”, substitute “or 134; and”.

## **Part 2—Use of HCFC manufactured or imported on or after 1 January 2020**

### ***Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995***

#### **15 After regulation 113A**

Insert:

#### **113B Use of HCFC manufactured or imported on or after 1 January 2020**

- (1) For the purposes of subsection 45C(2) of the Act, an HCFC that was manufactured or imported on or after 1 January 2020 may be used for the purpose of servicing RAC equipment.
- (2) Subregulation (1) does not apply if the RAC equipment was manufactured or imported on or after 1 January 2020.

#### **16 After regulation 305**

Insert:

#### **305A Use of HCFC manufactured or imported on or after 1 January 2020**

- (1) For the purposes of subsection 45C(2) of the Act, an HCFC that was manufactured or imported on or after 1 January 2020 may be used for the purpose of maintaining fire protection equipment.
- (2) Subregulation (1) does not apply if the fire protection equipment was manufactured or imported on or after 1 January 2020.

## **Part 3—Methyl bromide**

### ***Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995***

#### **17 Regulation 2**

Insert:

*ABN* (short for Australian Business Number) has the same meaning as in the *A New Tax System (Australian Business Number) Act 1999*.

#### **18 Regulation 200**

Insert:

*non-QPS permit* means a permit granted under subregulation 235(1).

#### **19 Subregulation 230(1)**

After “methyl bromide” (first occurring), insert “during a reporting period”.

#### **20 Subregulation 230(1)**

Omit “a quarter”, substitute “the period”.

#### **21 Paragraph 230(1)(b)**

Omit “quarter”, substitute “period”.

#### **22 Subparagraph 230(1)(b)(iv)**

Omit “uses; and”, substitute “uses.”.

#### **23 Paragraph 230(1)(c)**

Repeal the paragraph.

#### **24 Subregulation 230(1) (after the penalty)**

Insert:

Note 1: A *reporting period* is a period of 6 months starting on 1 January or 1 July—see section 7 of the Act.

#### **25 Subregulation 230(1) (note)**

Omit “Note”, substitute “Note 2”.

#### **26 After subregulation 230(1)**

Insert:

(1A) Subregulation (1) does not apply to a sale of methyl bromide if the whole amount of methyl bromide sold is declared by the buyer for the purposes of paragraph 220(1)(e) to be for QPS uses.

(1B) Without limiting subregulation (1), the supplier may comply with that subregulation by giving separate reports in relation to each half of the reporting period.

### 27 Subregulation 231(1)

Omit “report period”, substitute “reporting period”.

### 28 Subregulation 231(1) (before the note)

Insert:

Note 1: A *reporting period* is a period of 6 months starting on 1 January or 1 July—see section 7 of the Act.

### 29 Subregulation 231(1) (note)

Omit “Note”, substitute “Note 2”.

### 30 Paragraphs 231(2)(b) and (c)

Omit “report period”, substitute “reporting period”.

### 31 Subregulation 231(3)

Repeal the subregulation.

### 32 After regulation 231

Insert:

### 232 Reports of use in emergency situations

- (1) A person who is granted a non-QPS permit (the *emergency permit*) in accordance with paragraph 235(2)(b) must, within 14 days after using methyl bromide under the emergency permit, give the Minister a report of the use that:
  - (a) is in an approved form; and
  - (b) sets out the information mentioned in subregulation (2); and
  - (c) is signed by the permit holder and by any contractor who carried out a fumigation under the emergency permit.

Note: It is an offence to give false or misleading information to a Commonwealth entity—see section 137.1 of the *Criminal Code*.

Penalty: 10 penalty units.

- (2) For the purposes of paragraph (1)(b), the information is:
  - (a) the name, address and ABN (if any) of the permit holder; and
  - (b) in relation to each occasion on which methyl bromide is used (the *emergency fumigation*) by, or on behalf of, the permit holder in accordance with the emergency permit:
    - (i) the date of the emergency fumigation; and
    - (ii) the amount of methyl bromide used; and
    - (iii) the kind of produce for which, or to which, the methyl bromide was applied; and
    - (iv) the application rate at which the methyl bromide was applied; and
    - (v) the number of hectares fumigated or the number of containers (and the volume of each container) fumigated, using the methyl bromide; and
    - (vi) if the emergency fumigation was carried out by a contractor—the name, address, telephone number and ABN (if any) of the contractor.
- (3) An offence against subregulation (1) is an offence of strict liability.

### **33 Paragraphs 235(2)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) both:
  - (i) the Minister has consulted the parties to the Montreal Protocol; and
  - (ii) having regard to any advice received as a result of such consultation, the Minister is satisfied that it is appropriate to grant the permit; or
- (b) the Minister is satisfied that:
  - (i) an emergency situation exists; and
  - (ii) it is appropriate to grant the permit to deal with the emergency situation.

### **34 After subregulation 235(3)**

Insert:

- (3A) A non-QPS permit granted in accordance with paragraph (2)(b) must not permit the use of more than 20 tonnes of methyl bromide to deal with the emergency covered by the permit.

### **35 Subparagraph 235(5)(b)(ii)**

Repeal the subparagraph, substitute:

- (ii) the methyl bromide is used at the geographical location specified in the permit;

### **36 After subregulation 235(7)**

Insert:

- (7A) If the Minister grants a non-QPS permit in accordance with paragraph (2)(b), the Minister must, as soon as practicable after the methyl bromide has been used to deal with the emergency situation for which the permit was granted, notify the parties to the Montreal Protocol of the following:
  - (a) the amount of methyl bromide used;
  - (b) the purpose for which the methyl bromide was used;
  - (c) the kind of produce for which, or to which, the methyl bromide was applied;
  - (d) details of the emergency situation that required the use of methyl bromide;
  - (e) the reasons why alternative treatments were not suitable to deal with the emergency situation.

### **37 Before subregulation 237(1)**

Insert:

- (1A) This regulation does not apply in relation to a non-QPS permit granted in accordance with paragraph 235(2)(b).

### **38 Subparagraphs 238(c)(i) and (ii)**

After “permit”, insert “(other than a permit granted in accordance with paragraph 235(2)(b))”.

## Part 4—Licences

### Division 1—Equipment licences

#### *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*

#### **39 At the end of regulation 3C**

Add:

- (5) The Minister may waive the application fee for an equipment licence if:
  - (a) the purpose of the licence is to allow the import of equipment containing 25 kilograms or less of HCFC; and
  - (b) in relation to such equipment:
    - (i) the Minister is satisfied that subsection 16(6B) of the Act applies; or
    - (ii) paragraph 3E(1)(a) of these Regulations applies.

#### **40 Paragraph 3D(b)**

Omit “or (4)”, substitute “, (4) or (5)”.

#### **41 Regulation 3E**

Repeal the regulation, substitute:

#### **3E Circumstances in which Minister may grant equipment licences that allow section 69G activities**

- (1) For the purposes of subparagraph 16(6A)(a)(ii) of the Act, the following section 69G activities are prescribed:
  - (a) manufacturing equipment that contains HCFCs or uses HCFCs in its operation, or importing such equipment, if the equipment is covered by subregulation (2);
  - (b) importing replacement parts for existing HCFC refrigeration or air conditioning equipment;
  - (c) importing equipment insulated with foam manufactured with HCFC;
  - (d) importing equipment if the Minister considers that:
    - (i) it would be impracticable for the importer to comply with subsection 13(1) of the Act in relation to importing the equipment; and
    - (ii) it would be impracticable to remove or retrofit the equipment because it is incidental to other equipment that is being imported.

Example: For subparagraph (d)(ii), air conditioning equipment incorporated into a large boat or drilling rig.

- (2) For the purposes of paragraph (1)(a), this subregulation covers equipment if:
  - (a) the equipment is intended to be used for one or more of the following purposes:
    - (i) test purposes;
    - (ii) monitoring purposes;

- (iii) laboratory and analytical purposes; and
- (b) no practical alternative equipment exists that:
  - (i) would be effective for the purpose or purposes for which the equipment is intended to be used as mentioned in paragraph (a); and
  - (ii) does not use HCFCs in its operation.

#### **42 After paragraph 6A(c)**

Insert:

- (ca) a decision under subregulation 3C(5) to refuse to waive the fee for an equipment licence;

#### **43 Before regulation 916**

Insert:

### **Division 9.1—Control of manufacture etc. of equipment containing or using scheduled substances**

#### **Subdivision 9.1.1—Preliminary**

##### **913 Purpose of this Division**

For the purposes of section 69G of the Act, this Division prohibits or regulates the manufacture, import, export, distribution or use of equipment that:

- (a) contains scheduled substances; or
- (b) uses scheduled substances in its operation.

##### **914 Offence—section 69G activities**

A person commits an offence of strict liability if:

- (a) the person carries out an activity; and
- (b) carrying out the activity contravenes Subdivision 9.1.2.

Note 1: A person does not contravene Subdivision 9.1.2 by carrying out an activity if the person holds an equipment licence that allows the activity—see subsection 69G(4) of the Act.

Note 2: For an exception to Subdivision 9.1.2 for certain private or domestic use, see subsection 69G(5) of the Act.

Penalty: 50 penalty units.

#### **Subdivision 9.1.2—Section 69G activities**

##### **915 HCFC equipment**

A person must not manufacture or import equipment that:

- (a) contains HCFCs; or
- (b) uses HCFCs in its operation.

**Division 9.2—Miscellaneous**

**Division 2—Other amendments**

***Ozone Protection and Synthetic Greenhouse Gas Management  
Regulations 1995***

**44 Subregulation 3C(1)**

Omit “paragraph 14(1)(aa)”, substitute “the purposes of paragraph 14(2)(aa)”.

**45 Paragraph 3C(2)(b)**

Repeal the paragraph, substitute:

- (b) the Minister is satisfied that the manufacture, import or export is for:
  - (i) test purposes; or
  - (ii) monitoring purposes; or
  - (iii) laboratory and analytical purposes.



**Part 5—Cancellation and suspension of fire protection permits**

*Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*

**46 After paragraph 315(1)(b)**

Insert:

- (ba) does not have the knowledge, ability and experience necessary to competently carry out the work covered by the permit; or

## Part 6—Refund of fees

### *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*

#### **47 After paragraph 120(1)(b)**

Insert:

- (ba) refund application fees in accordance with regulation 121B;

#### **48 Subregulation 121A(6)**

Omit “The”, substitute “Subject to regulation 121B, the”.

#### **49 After regulation 121A**

Insert:

#### **121B Refunding application fees**

- (1) The Minister may, in a circumstance specified in subregulation (3), refund the whole or part of a fee (the *application fee*) paid by a person for an RAC industry permit.
- (2) The Minister may do so on the Minister’s own initiative or on written application by the person.
- (3) For the purposes of subregulation (1), the following circumstances are specified:
  - (a) the person has paid the application fee more than once in respect of the same permit;
  - (b) the person has paid more than the application fee required to be paid for the permit;
  - (c) all of the following apply:
    - (i) the person applied, and paid the application fee, for the wrong type of permit;
    - (ii) that application has not been decided;
    - (iii) the person applied, and paid the application fee, for the correct type of permit;
  - (d) both of the following apply:
    - (i) the person applied, and paid the application fee, for a renewal of the permit more than 6 months before the permit’s expiry date;
    - (ii) the application has not been decided;
  - (e) the Minister is satisfied on reasonable grounds that it is appropriate in all the circumstances to refund the whole or part of the application fee paid by the person for the permit.

#### **50 Subparagraph 124(1)(a)(iii)**

Omit “or”.

#### **51 At the end of paragraph 124(1)(a)**

Add:

- (iv) a refusal to refund the whole or part of a fee paid by a person for a permit; or

## **52 After paragraph 311(2)(b)**

Insert:

- (ba) refund application fees in accordance with regulation 313A;

## **53 At the end of regulation 313**

Add:

- (4) An applicant may withdraw an application at any time before the relevant authority decides the application.
- (5) An applicant is taken to have withdrawn an application if:
  - (a) the relevant authority asks the applicant for information or consent; and
  - (b) the applicant does not provide the information or consent within 6 months of the authority's request.
- (6) Subject to regulation 313A, the fee for an application is not refundable if the applicant withdraws the application or the application is taken to have been withdrawn.

## **54 At the end of Subdivision 6A.4.2 of Division 6A.4 of Part 6A**

Add:

### **313A Refunding application fees**

- (1) The Minister may, in a circumstance specified in subregulation (3), refund the whole or part of a fee (the *application fee*) paid by a person for a fire protection industry permit.
- (2) The Minister may do so on the Minister's own initiative or on written application by the person.
- (3) For the purposes of subregulation (1), the following circumstances are specified:
  - (a) the person has paid the application fee more than once in respect of the same permit;
  - (b) the person has paid more than the application fee required to be paid for the permit;
  - (c) all the following apply:
    - (i) the person applied, and paid the application fee, for the wrong type of permit;
    - (ii) that application has not been decided;
    - (iii) the person applied, and paid the application fee, for the correct type of permit;
  - (d) both of the following apply:
    - (i) the person applied, and paid the application fee, for a renewal of the permit more than 6 months before the permit's expiry date;
    - (ii) the application has not been decided;

- (e) the Minister is satisfied on reasonable grounds that it is appropriate in all the circumstances to refund the whole or part of the application fee paid by the person for the permit.

**55 Subparagraph 316(1)(a)(iii)**

Omit “or”.

**56 At the end of paragraph 316(1)(a)**

Add:

- (iv) a refusal to refund the whole or part of a fee paid by a person for a fire protection industry permit; or

## **Part 7—Application and transitional provisions**

### ***Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995***

#### **57 In the appropriate position in Part 10**

Insert:

### **Division 6—Amendments made by the Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2019 Measures No. 1) Regulations 2019**

#### **968 Definitions for Division 6**

In this Division:

*amending regulations* means the *Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2019 Measures No. 1) Regulations 2019*.

#### **969 Prohibited refrigerant charging**

- (1) Regulation 111A applies to engaging in prohibited refrigerant charging on or after 1 January 2020, whether the relevant equipment was imported or manufactured before, on or after 1 January 2020.
- (2) Paragraph 135(1)(ba) applies to engaging in prohibited refrigerant charging on or after 1 January 2020, whether:
  - (a) the relevant equipment was imported or manufactured before, on or after 1 January 2020; or
  - (b) the relevant licence was granted before, on or after 1 January 2020.
- (3) Paragraph 141(1)(ba) applies to engaging in prohibited refrigerant charging on or after 1 January 2020, whether:
  - (a) the relevant equipment was imported or manufactured before, on or after 1 January 2020; or
  - (b) the relevant authorisation was granted before, on or after 1 January 2020.

#### **970 Prohibited extinguishing agent charging**

- (1) Regulation 303A applies to engaging in prohibited extinguishing agent charging on or after 1 January 2020, whether the relevant equipment was imported or manufactured before, on or after 1 January 2020.
- (2) Paragraph 326(1)(aa) applies to engaging in prohibited extinguishing agent charging on or after 1 January 2020, whether:
  - (a) the relevant equipment was imported or manufactured before, on or after 1 January 2020; or
  - (b) the relevant licence was granted before, on or after 1 January 2020.

- (3) Paragraph 332(1)(ba) applies to engaging in prohibited extinguishing agent charging on or after 1 January 2020, whether:
  - (a) the relevant equipment was imported or manufactured before, on or after 1 January 2020; or
  - (b) the relevant authorisation was granted before, on or after 1 January 2020.

### **971 Reporting sales of methyl bromide**

The amendments of regulation 230 made by the amending regulations apply in relation to reporting periods starting on or after 1 January 2020.

### **972 Licences**

#### *Equipment licences*

- (1) Subregulation 3C(5) applies to waiving an application fee on or after 1 January 2020, whether the application was made before, on or after 1 January 2020.
- (2) The amendment of regulation 3E made by the amending regulations applies in relation to a licence granted on or after 1 January 2020 if:
  - (a) the application for the licence was made before that day and had not been finally determined as at 1 January 2020; or
  - (b) the application for the licence is made on or after 1 January 2020.

#### *Miscellaneous*

- (3) The amendment of paragraph 3C(2)(b) made by the amending regulations applies in relation to waiving an application fee on or after 1 January 2020, whether the application was made before, on or after 1 January 2020.