

The Ozone Depleting Substances (Regulation and Control) Rules, 2000

The Ozone Depleting Substances (Regulation and Control) Rules, 2000 under the Environment (Protection) Act, 1986 has been published in the Gazette of India on 19.7.2000 for regulating Ozone Depleting Substances (ODSs). The ODS Rules were amended in 2001, 2003, 2004, 2005, 2007 and 2014 to facilitate implementation of ODS phase-out activities.

All the producers, users, sellers, reclamation/ destruction enterprises importing/ exporting enterprises of ODSs and manufacture, import or export of compressors have to be registered under Ozone Depleting Substance (Regulation and Control) Rules, 2000 and its amendments. It may be mentioned that as per the Ozone Depleting Substance (Regulation and Control) Rules, 2000 and its amendments:

- a) Rule 3 sub rule (1) “ No person shall produce or cause to produce any ozone depleting substance after the date specified in column (5) of Schedule V unless he is registered with the authority specified in column (4) of Schedule V”
- b) Rule 5 sub rule (1) “ No person shall import or cause to import from or export or cause to export to any country not specified in Schedule VI, any ozone depleting substances including blends or mixtures of ozone depleting substances unless he is registered with the authority specified in column (4) of Schedule V’
- c) Rule 6 sub rule (1) ‘No person shall either himself or by any other person on his behalf or enterprise sell, stock or exhibit for sale or distribute any ozone depleting substance after the date specified in column (5) of Schedule V unless he is registered with the authority specified in column (4) of that Schedule’.
- d) Rule 8 sub rule (1) “ No person or enterprise shall engage in any activity specified in column (2) of Schedule IV that uses ozone depleting substances specified in column (3) of that Schedule after the date specified in column (5) of Schedule V unless he is registered with the authority specified in column (4) of that Schedule’.
- e) Rule 11 sub rule (1) “ No person shall reclaim or cause to reclaim any ozone depleting substance after the date specified in column (5) of Schedule V unless he has registered with the authority specified in column (4) of that Schedule’.
- f) Rule 12 sub rule (1) “No person shall manufacture, import or export compressors after the date specified in column (5) of Schedule V unless he is registered with the authority specified in column (4) of that Schedule.

Under the Ozone Depleting Substances (Regulation and Control) Rules, 2000 and its amendments there are different Forms for registration of enterprise under their relevant categories. The different Forms of Registration are as follows:

- **Form 9:** Form for registration of enterprises producing ozone depleting substances [sub-rule (1) of rule 3] - *Chemical wise*
- **Form 10:** Form for registration of enterprise selling ozone depleting substances [sub-rule (1) of rule 6] - *Chemical wise*
- **Form 10A:** Form for registration of enterprises importing/exporting ozone depleting substances [sub-rule (1) of rule 5] - *Chemical wise*
- **Form 11:** Form for registration of enterprises using ozone depleting substances in activities specified in column 2 of Schedule IV – According to Products being manufactured using ODSs
- **Form 13:** Form for registration of enterprises manufacturing, importing or exporting compressors [Rule 12]
- **Form 14:** Form for registration of enterprises reclaiming/ destroying ozone depleting substances [Rule 11] - *Chemical wise*

Fiscal Measures

The Government of India has granted exemption from payment of Customs and Excise duties on capital goods required for ODS phase out projects funded by the MLF since 1995. In 1996, the Government of India further extended the benefit of Customs and Excise duty exemptions for ODS phase-out projects which were not funded by the MLF. The benefit is available subject to the condition that enterprise gives clear commitment for stop using the ODSs in all future manufacturing operations after the completion of implementation of project(s).

The benefit of duty exemption has been extended for new capacity as well as expansion of capacity with non-ODS technologies since 1997.

The Technology and Finance Standing Committee (TFSC) all these years has been scrutinising the applications submitted by the enterprises for Customs and Excise duty exemptions on Goods required for Substitution of ODS or setting up of new units and expansion of capacity for the old units or both as per the Notifications issued in Finance Act each year. The TFSC make its recommendations to the ESC for exemption of Customs and Excise duty only for the eligible Goods.