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**Law No. (54) of 2014 Approving the Unified Law (Regulation) regarding Ozone-Depleting Substances for the Gulf Cooperation Council Countries**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution;

Legislative Decree No. (21) of 1996 regarding Environment, amended by Legislative Decree No. (8) of 1997;

Legislative Decree No. (47) of 2012 on the Establishment and Organization of Supreme Council for Environment;

Unified Law (Regulation) regarding Ozone-Depleting Substances for the Gulf Cooperation Council Countries, adopted by the decision of the Supreme Council of the Cooperation Council for the Arab States of the Gulf at its thirty-third session held in the Kingdom of Bahrain on Monday and Tuesday, 11-12 Safar 1434 A.H., corresponding to 24-25 December 2012, attached to this Law;

Decree No. (10) of 1990 regarding the Accession of the Kingdom of Bahrain to the Vienna Convention for the Protection of the Ozone Layer, concluded on 22 March 1985, and the Montreal Protocol on Ozone-Depleting Substances, concluded on 16 September 1987;

Decree No. (41) of 2000 Ratifying the Amendments to the Copenhagen Amendment of 1992 and the Montreal Amendment of 1997 to the Montreal Protocol on Ozone-Depleting Substances, concluded on 16 September 1987;

And Decree No. (32) of 2013 Ratifying the Beijing Amendment of 1999 to the Montreal Protocol on Ozone-Depleting Substances, concluded on 16 September 1987;

The Shura Council and the Council of Representatives have approved the following Law, which we have ratified and enacted:

Article One

The Unified Law (Regulation) regarding Ozone-Depleting Substances for the Gulf Cooperation Council Countries, adopted by the decision of the Supreme Council of the Cooperation Council for the Arab States of the Gulf at its thirty-third session held in the Kingdom of Bahrain on Monday and Tuesday, 11-12 Safar 1434 A.H., corresponding to 24-25 December 2012, attached to this Law, has been approved.

Article Two

In applying the provisions of the attached Law (Regulation), the term "competent authority" refers to the Supreme Council for Environment.

Article Three

A decision by the President of the Supreme Council for Environment, following approval by the Council of Ministers, shall determine the categories of fees payable for services and licenses provided in accordance with the provisions of the attached Law (Regulation).

Article Four

Those concerned may file a grievance against decisions issued in accordance with the provisions of the attached Regulation with the President of the Supreme Council for Environment within thirty days from the date of notification of the decision by means of a registered letter with an acknowledgement of receipt.

The grievance shall be decided upon within thirty days from the date of its submission, and if the decision to reject the grievance is made, it shall be reasoned. The lapse of thirty days from the date of submitting the complaint without a response shall be considered a rejection thereof.

An appeal may be made against the decision to reject the grievance within thirty days from the date of notification of the rejection or the expiration of the time for deciding upon the grievance before the competent court.

Article Five

Without prejudice to any more severe penalty prescribed by another law, whoever violates the provisions of Article Four of this Law (Regulation) may be punished with imprisonment and a fine not exceeding three thousand dinars, or with one of these penalties, in addition to mandatory confiscation.

Any natural person or legal entity who violates the provisions of Articles 5, 6, 10 or 11 of this Law (Regulation) may be punished with imprisonment and a fine not exceeding two thousand dinars, or with one of these penalties, in addition to mandatory confiscation.

Any natural person or legal entity who violates the provisions of Articles 12 and 14 of this Law (Regulation) may be punished with imprisonment and a fine not exceeding one thousand dinars, or with one of these penalties, with the possibility of confiscation.

Article Six

The President of the Supreme Council for Environment shall issue the necessary decisions to implement the provisions of this Law. Until these decisions are issued, the current decisions and regulations that are currently in effect shall continue to be valid as long as they do not conflict with the provisions of this Law.

Article Seven

The Prime Minister and the Ministers - each within his jurisdiction- shall implement this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

King of the Kingdom of Bahrain

Hamad bin Isa Al Khalifa

Issued at Riffa Palace

On: 23 Dhu al-Qi'dah 1435 A.H.

Corresponding to 18 September 2014

**The Unified Regulation regarding Ozone-Depleting Substances for the Gulf Cooperation Council countries {Amended}**

**Part One**

**Definitions and Purpose**

**Article One: Definitions**

In applying the provisions of this Regulation (Law), the following words and expressions shall have the meanings assigned to them below, unless the context requires otherwise:

1- **The Council:** Gulf Cooperation Council

**2- States of the Council:** Countries of the Gulf Cooperation Council

**3- The Supreme Council:** The Supreme Council of the Gulf Cooperation Council

**4- The Secretariat:** The General Secretariat of the Gulf Cooperation Council

**5- The State:** One of the member states of the Gulf Cooperation Council

**6- The Regulation:** Refers to the Unified Regulation regarding Ozone-Depleting Substances for the Gulf Cooperation Council countries.

**7- Ozone Layer:** Refers to one of the atmospheric layers, located in the “stratosphere” and containing a high concentration of ozone molecules. It protects the Earth from the harmful effects of ultraviolet radiation.

**8- Montreal Protocol:** Refers to the protocol adopted in 1987 in Montreal, Canada, regarding ozone-depleting substances.

**9- Amendments to the Montreal Protocol:** Refers to amendments made to the Montreal Protocol that are adopted by the parties, including the addition of new controlled substances and modifications to the timelines for the phase-out of some controlled substances. A state is not bound by these amendments unless it ratifies them. States that do not ratify these amendments are considered non-parties and subject to all provisions regarding non-parties concerning those amendments.

**10- Ozone-Depleting Substances**: Refers to substances that are chemically stable in the lower layer of the atmosphere and contain one or more atoms of chlorine, bromine or both. Such substances undergo a series of sequential reactions in the “stratosphere” layer, leading to ozone depletion

**11- Controlled Substances: These** are substances that deplete the ozone layer and are listed in the annexes of the Montreal Protocol and its amendments. They can be listed individually or found in mixtures in any proportion.

**12- Consumption:** Refers to production, plus imports of controlled substances, minus exports of those substances.

**13- Technology:** Refers to the scientific methods and approaches used that facilitate work.

**14- Controlled Devices, Equipment, and Products:** Refers to devices, equipment, and products that contain or rely on ozone-depleting substances in their operation.

**15- Alternative Technologies or Equipment:** Refers to technologies or equipment that do not contain or rely on controlled substances.

**16- Alternatives to Depleting Substances:**Refers to substances that are used as substitutes for controlled substances and have no harmful effect on the ozone layer.

**17- Recycled Substances:** Refers to controlled substances that have been previously used and refined from impurities and unwanted materials.

**18- Halons:** Refers to fully halogenated carbon compounds of synthetic origin used in fire extinguishing systems and equipment which are controlled substances under the Montreal Protocol.

**19- Halon Stocks:** Refers to the quantities of halons in fixed and portable fire extinguishing systems that are currently being dismantled and disposed of.

**20- Parties:** Refers to the countries that have deposited their instrument of ratification, acceptance, approval, or accession to the Vienna Convention for the Protection of the Ozone Layer of 1985 and the Montreal Protocol on Ozone-Depleting Substances of 1987, at least ninety days ago.

**21- Competent Authority:** Refers to any ministry, council, or governmental body responsible for environmental matters in the Gulf Cooperation Council countries, entrusted with the monitoring and implementation of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol, as well as their amendments concerning ozone-depleting substances.  This competent authority may establish a national committee involving relevant entities to facilitate the development, implementation, and monitoring of national programmes under the Montreal Protocol.

**22- Total Phase-out:** Refers to the complete cessation of importing or exporting controlled substances under the Montreal Protocol, in accordance with the timelines established by the Protocol as a minimum requirement. However, it allows for the controlled substances to be used in a recoverable, recyclable, or refurbished manner for servicing maintenance sectors until the end of the useful life of the equipment and machinery used for them.

**23- Import Quotas:** Import quotas refer to the annual allocation of a specific quantity in kilograms of any controlled substance for each registered importer with the competent authority, whose registration has been accepted.  The competent authority annually determines this quantity (quota) based on the information available to it regarding the importer's activity.

**24- Environmental Approval:**Environmental approval is the authorization granted by the competent authority after ensuring the availability of environmental requirements set by the competent authority.

**Article two: Objectives**

The Unified Regulation aims to achieve the following:

Complete phase-out of the consumption of ozone-depleting substances and their replacement with safe alternatives in line with the national interests of the Gulf Cooperation Council countries, in accordance with the provisions of the Montreal Protocol and its amendments and revisions.

Regulation of the import, re-export, transportation, storage, trading, handling, and use of controlled substances in accordance with Article Four of the Montreal Protocol.

Regulation of the import, export, re-export, transportation, storage, and trading of controlled devices, equipment, and products in accordance with Article Four of the Montreal Protocol.

Development and implementation of plans and programmes in the Gulf Cooperation Council countries to qualify sectors that rely on controlled substances, assisting them in complying with proper practices in repair, maintenance, and transitioning to suitable alternatives.

Training of customs officials, licensing authorities, and other relevant entities in monitoring controlled substances and preventing illegal trafficking of these substances.

Facilitation of information and data exchange among Gulf Cooperation Council countries concerning the trade and handling of controlled substances, devices, equipment, and products, for the purpose of monitoring intra-trade and combating illegal operations.

**Part Two**

**Control of Controlled Substances, Devices, and Products**

**Article Three**

The competent authority shall issue a list of controlled substances in accordance with the country's obligations under the Montreal Protocol. This list shall be attached to this Regulation and shall be considered an integral part thereof.

**Article Four**

The import of used controlled devices, equipment, and products shall be prohibited.

**Article Five**

The import of new controlled devices, equipment, and products shall be prohibited except with the approval of the competent authority.

**Article Six**

The manufacturing or use of controlled substances, devices, equipment, and products in industries, new facilities, or the expansion of existing activities shall be prohibited.  Renewal of permits for existing facilities shall also be prohibited without obtaining environmental approval from the competent authority.

**Article Seven**

States of the Council shall exchange information among themselves regarding their inventories of halon substances and establish regulations and procedures to facilitate the exchange of surplus controlled halon substances between member states for mutual benefit.

**Article Eight**

The competent authority shall provide the General Secretariat with information and data annually regarding the implementation of Article Seven of this Regulation, as well as exchange information related to environmental trade between the states of the Council concerning controlled substances, devices, equipment, and products to disseminate them to member states.

**Article Nine**

Ministries, government authorities, and institutions in the states of the Council shall obtain environmental approval from the competent authority when entering into contracts and projects related to controlled substances, devices, equipment, and products.

Entities responsible for specifications and standards shall coordinate with the competent authority to establish and take necessary actions for the adoption of specifications for controlled devices, equipment, and products in accordance with the provisions of this Regulation.

**Article Ten**

Every natural person or legal entity shall obtain a license from the competent authority to import, export, or re-export controlled substances or recycled substances, while adhering to the procedures, requirements, and standards specified in Annex (1), as well as any additional procedures and requirements determined by the competent authority in the country.

**Article Eleven**

Companies, institutions, and importing entities of controlled substances, devices, equipment, and products shall re-export shipments that do not comply with the provisions of this Regulation to the exporting country, whether these shipments were imported or in transit.

**Article Twelve**

Companies, institutions, and importing entities of controlled substances in the country shall submit quarterly reports to the competent authority regarding the quantities sold and used of controlled substances and the names of the entities that purchased them, supported by documents verifying their accuracy.

**Article Thirteen**

The competent authority shall coordinate with relevant entities to establish and enforce the necessary requirements and standards to prevent the release of controlled substances into the atmosphere. It shall also license companies, workshops, and individuals operating in the refrigeration and air conditioning sector, in accordance with the specified requirements and standards.

**Article Fourteen**

Prior approval from the competent authority is required for the disposal of waste containing controlled substances, devices, equipment, and products. When disposing of such waste across borders, the obligations of the parties under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal shall be taken into consideration.

**Article Fifteen**

The competent authority shall collaborate with international organizations and relevant entities and companies to provide guidance on alternative substances and technologies for all sectors. It shall also coordinate with existing and operational facilities and activities using controlled substances to encourage their transition to alternatives that comply with the requirements of the Montreal Protocol.

**Part Three**

**Sanctions and Penalties**

**Article Sixteen**

The competent authority in each country shall establish appropriate sanctions in accordance with the national legislation of that country for anyone who violates the provisions of this Regulation.

**Part Four**

**General Provisions**

**Article Seventeen**

The provisions stipulated in this Regulation shall be the minimum requirements for the control and management of controlled substances. Each country may issue regulations and standards that are consistent with its prevailing regulations and laws, provided that they are no less stringent than the requirements specified in this Regulation.

**Article Eighteen**

The ministers concerned with environmental affairs in the Council countries are authorized to interpret and propose amendments to this Regulation.

**Article Nineteen**

This Regulation shall enter into force ninety days after its adoption by the Supreme Council.

**Annexes**

**Annex 1**

The Necessary Regulatory Procedures for Licensing, Registering, and Releasing Shipments of Controlled Substances, their Alternatives, Controlled Equipment, and Products

**First:  Licenses**

An application for obtaining licenses for the import and re-export of controlled substances or recyclable substances shall be submitted to the competent authority, subject to the following conditions:

(1) A valid license for importing and exporting substances, equipment, and products related to the controlled substances.

(2) Adequate experience, as determined by the country, not less than ... years in importing or exporting controlled substances.

(3) Completion of the necessary forms prepared by the competent authority for applying for the license. .

**Second: Quota System**

a) To establish a national quota system, the competent authority shall study the import applications submitted and then prepare tables of quantities and quotas permitted to be imported from the controlled substances for licensed companies, establishments, and entities.

2) After obtaining the approval of the competent authority and completing the required forms, it is permissible to transfer the allocated quantities for the import of controlled substances from one importer to another within the country, provided that the transferred quantity is deducted from the original importer's allocation. 3) Prior approval shall be obtained for the import of controlled equipment, and the specific forms prepared by the competent authority shall be completed.

**Third: Releasing Shipments**

To obtain approval for the release of an imported or exported shipment of controlled substances, as well as all types of household, commercial, and industrial refrigeration equipment, including compressors and condensing units, portable and fixed fire extinguishing equipment, aerosol packages (except medical ones), insulation boards and sheets, and pre-polymerized compound coverings, the following documents and records shall be provided and prepared by the competent authority as a minimum:

Original purchase invoice authenticated by the country of origin.

Original authenticated certificate of origin.

Original shipping bill.

Customs inspection statement (manifest).

Catalogue of the imported device or equipment.

**Fourth: Conformity and Verification**

The competent authority may verify the accuracy of the previous documents and their conformity with the imported shipment, and if necessary, conduct the required analyses on samples from that shipment.

**Fifth: Transit Transport**

A transit permit is issued after verifying the data in the documents when using any of the ports (maritime, land, or air) in the Gulf Cooperation Council countries for the transit of a shipment of controlled substances or equipment containing them, whether the source or destination is within Gulf Cooperation Council countries or elsewhere. The transporting company shall provide the following information to the relevant authorities:

A) The type and quantities of the transported substances.

B) The exporting entity, along with an attached certificate of origin.

C ) Import permit from the concerned authority in the importing country