# DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION NOTICE

**No. 2017/40**

# Legislation changes to list of controlled synthetic greenhouse gases and ozone depleting substances

## Addition of two substances to list of controlled substances

From 1 January 2018, nitrogen trifluoride (NF3) and perfluorocarbon 9-1-18 (PFC-9-1-18) will be added to the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (OPSGGM Act) and consequently to the *Customs (Prohibited Imports) Regulations 1956* (PI Regulations) and the *Customs (Prohibited Exports) Regulations 1958* (PE Regulations), due to their high global warming potential and impact on the climate.

From 1 January 2018, a licence will be required for imports or exports of NF3 and

PFC- 9- 1- 18 as bulk gas and for imports of equipment containing NF3 and PFC- 9 -1- 18.

NF3 is used in the electronics industry (semiconductor and LCD manufacture) for plasma etching and chamber cleaning processes, and is a replacement for PFCs and sulfur hexafluoride (SF6). Uses for PFC-9-1-18 include a limited number of medical applications including PFC-based blood substitutes. An exemption from licensing requirements may apply for medical and veterinary use.

## Removal of one substance from list of controlled substances

From 1 August 2017, a licence is no longer required to import or export hydrofluorocarbon- 161 (HFC-161) due to the removal of HFC-161 from schedule 1 of the OPSGGM Act. This substance was removed, following a decision at the Kigali Amendment to the Montreal Protocol on substances that deplete the ozone layer, not to regulate HFC-161 on the basis of its low global warming potential. The subsequent removal of this substance from the PI and PE Regulations is effective from 19 December 2017.

## Other minor amendments to the PI and PE Regulations

In addition to the consequential amendments to add and remove substances to the PI and PE Regulations, a number of other related technical amendments were made to harmonise definitions, update cross-references to the OPSGGM Act, and include chemical common names for perfluorocarbons for consistency with the OPSGGM Act.

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## Licensing requirements

The Department of the Environment and Energy (DoEE) is responsible for issuing licences for the import and export of synthetic greenhouse gases and ozone depleting substances and equipment containing those gases. A licence is required unless the activity meets the criteria for an exemption. Enquiries should be directed to the Ozone and Synthetic Gas Team, on Phone: +61 2 6274 1373 or by email at [ozone@environment.gov.au.](mailto:ozone@environment.gov.au) You can also find further information on the DoEE website at [www.environment.gov.au/protection/ozone](http://www.environment.gov.au/protection/ozone).

[signed] David Coyles

Acting Assistant Secretary Trade and Customs Branch

20 December 2017