



Introduction

Under the Montreal Protocol on Substances that Deplete the Ozone Layer, use of methyl bromide in the developing world was banned from 2005, except for quarantine and pre-shipment (QPS) and for critical uses.

Regulation (EC) No 1005/2009 on Substances that Deplete the Ozone Layer stipulates that after 18 March 2010, placing on the market or use of methyl bromide for quarantine and pre-shipment (QPS) purposes will be prohibited within the EU except in an emergency.

Up to 18 March 2010, Port Health Authorities may authorise the use of Methyl Bromide for QPS as per the APHA guidance of August 2008. Any applications received after 18 March should be rejected and the applicants made aware of the Legislative changes.

Legislative Summary

- a. Prior to 18 March 2010, persons intending to fumigate with methyl bromide for quarantine or pre-shipment purposes are required to obtain prior authorisation from port health authorities or local authorities.
- b. Prior to 18 March 2010, member States, including the UK, are required to report to the European Commission the quantities of methyl bromide authorised for quarantine and pre-shipment purposes. This is in accordance with Article 26.1(a) of EU Regulation 1005/2009.
- c. As per Article 12.2 of Regulation (EC) No 1005/2009 on Substances that Deplete the Ozone Layer, the calculated level of Methyl Bromide which is placed on the market or used between 1 January 2010 and 18 March 2010 shall not exceed 45 ODP tonnes.
- d. As of March 19 2010, methyl bromide may no longer be placed on the market and used for quarantine and for pre-shipment application for treatment of goods for export. This is in accordance with the Food and Environmental Protection Act 1985 and the Control of Pesticides Regulations 1986 Notice of Revocation Numbers 2360, 2361 and 2362.
- e. Under Article 12.3 of EU Regulation 1005/2009, in an emergency, where unexpected outbreaks of particular pests or diseases so require, the Commission may, at the request of the competent authority of a Member State, authorise the temporary production, placing on the market and use of methyl bromide, provided that the placing on the market and use of methyl bromide are allowed respectively under Directive 91/414/EC and Directive 98/8/EC.

Additional Information

- a. The Department for Environment, Food and Rural Affairs (Defra) has on the GB draft Environmental Protection (Controls on Ozone-Depleting Substances) (Amendment) Regulations 2010. Defra is the competent authority for these Regulations in the UK.
- b. Prior to 31 December 2014, prohibitions will not apply to the import of methyl bromide for emergency uses or for repackaging and subsequent re-export for QPS applications provided that the re-export takes place during the year of import. This is as per Article 15(2)(f) and Article 17(2)(g) of the EU Regulation.
- c. It is not the intention of Regulation (EC) No 1005/2009 to prohibit the continued use of methyl-bromide-treated wood packaging material. WPM treated with methyl bromide may, therefore continue to be used.

Alternatives

Alternatives to methyl bromide include using heat-treated timber or alternative material for pallets and dunnage etc (i.e. processed wood products such as plywood, oriented strand board (OSB) particle board etc). At this time, there are no other known registered and/or ISPM-approved alternatives for treating wood and wood products.

Phosphine is a known chemical alternative for fumigation of bulk grain and second-hand clothing.

Exporters are advised to find out about import requirements by liaising with the relevant phytosanitary authorities in importing countries. Details of most National Plant Protection Organisations (NPPOs) worldwide can be found on the International Plant Protection Convention (IPPC) website at: www.ippc.int

Relevant Legislation

Consultation on [The Environmental Protection \(Controls on Ozone-Depleting Substances\) \(Amendment\) Regulations 2010](#) ended on 8 March 2010. These regulations to enforce EU Regulation 1005/2009 will come into force on later this year.

EU [Regulation \(EC\) No 1005/2009 on Substances that Deplete the Ozone Layer \(recast\)](#) bans the use and placing on market on Methyl Bromide for QPS purposes after 18 March 2010.

[The Environmental Protection \(Controls on Ozone-Depleting Substances\) \(Amendment\) Regulations 2008](#) came into force on 15 February 2008. These regulations introduced new requirements for persons conducting fumigation for QPS purposes by using methyl bromide.

The amendment regulations updated [The Environmental Protection \(Controls on Ozone-Depleting Substances\) Regulations 2002](#) which came into force 31 March 2002 and facilitate the enforcement of [Commission Regulation 2037/2000](#).

This information is for guidance only and is not a definitive interpretation of the law, which only the courts can provide.

Contacts

If you have any queries about the legislative framework for methyl bromide for QPS and emergency use in the UK, please refer to one of the following contacts for further assistance.

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