

OTHER ACTS

COMMISSION

Notice to importers in the European Union that propose to import in 2008 controlled substances that deplete the ozone layer under Regulation (EC) No 2037/2000 of the European Parliament and of the Council on 'substances that deplete the ozone layer'

(2007/C 164/08)

- I. This Notice is addressed to undertakings that intend to import the following substances into the European Community from sources outside the European Community from 1 January 2008 to 31 December 2008.

Group I: CFC 11, 12, 113, 114 or 115

Group II: other fully halogenated CFCs

Group III: halon 1211, 1301 or 2402

Group IV: carbon tetrachloride

Group V: 1,1,1-trichloroethane

Group VI: methyl bromide

Group VII: hydrobromofluorocarbons

Group VIII: hydrochlorofluorocarbons

Group IX: bromochloromethane

- II. Article 7 of Regulation (EC) No 2037/2000 of the European Parliament and of the Council ⁽¹⁾ requires that quantitative limits are determined and quotas allocated to producers and importers for 1 January 2008 to 31 December 2008 in accordance with the procedure referred to in Article 18(2) for the import of the substances listed under Groups I to IX of Annex I to this Notice ⁽²⁾.

Quotas shall be allocated, pursuant to the procedure under Article 18 of the Regulation, for:

- a. **Methyl bromide for Quarantine and Pre-Shipment (QPS)**, uses as defined by the Parties to the Montreal Protocol and Article 4(2)(iii) of the Regulation;
- b. **Methyl bromide for critical uses**, approved by the Commission, in accordance with Decisions IX/6, Ex.I/3, Ex.I/4 and any other relevant criteria agreed by the Parties to the Montreal Protocol and Article 3(2)(ii) of the Regulation. It is noted, however, that since 2005 quotas are no longer allocated to the importers, but to Member States through a separate Commission decision; Member States authorities will then distribute the quota to their authorised fumigators;
- c. **Hydrochlorofluorocarbons (HCFCs)**;
- d. **Essential uses**, in accordance with the criteria set out in Decision IV/25 of the Parties to the Montreal Protocol and Article 3(1) of the Regulation; and as approved by the Commission. A separate notice regarding Essential Uses has been published;

⁽¹⁾ OJ L 244, 29.9.2000, p. 1 as last amended by Council Regulation (EC) No 1791/2006 OJ L 363, 20.12.2006, p. 1.

⁽²⁾ Controlled substances or mixtures which are imported in a manufactured product (other than a container used for the transport or storage of the substance) are excluded from the scope of this notice.

- d. **Feedstock uses**, as controlled substances undergoing a chemical transformation in a process in which it is entirely converted from its original composition and whose emissions are insignificant;
- e. **Process agents**, as controlled substances used as chemical processing agents in those applications listed in Annex VI of the Regulation, in existing installations, and where emissions are insignificant
- f. **Destruction**, as controlled substances that are to be destroyed by a technology approved by the Parties to the Montreal Protocol which results in the permanent transformation, or decomposition of all or a significant portion of the substance.

The quantitative limit, which producers and importers may place on the market and/or use for their own account within the European Community in 2008, is calculated:

- For methyl bromide for QPS use from 1996–1998 (average) according to Article 4(2)(iii);
- According to Article 4(4), the placing on the market and use of methyl bromide is permitted to meet the licensed requests for critical uses of those users as specified in Article 3(2). Allocations of methyl bromide for critical uses are made to authorised fumigators who may then request an importer/producer to supply the amount of methyl bromide authorised. No quotas of methyl bromide for critical uses will be allocated directly to importers/producers;
- For HCFCs according to Article 4(3)(i).

III. Undertakings engaged in the importation of HCFCs can be either: ⁽¹⁾

- **Importers** in the EU-15 ⁽²⁾ and Bulgaria and Romania who imported in 1999 and importers in the EU-10 ⁽³⁾ who imported in 2002 or 2003 and who wish to place HCFCs on the European Community market and who are not engaged in the production of HCFCs,
- European Community **producers** in the EU-15 and Bulgaria and Romania who imported in 1999 and for the EU-10 who imported in 2002 or 2003 on their own account additional HCFCs to place on the European Community market.

- IV. The quantities imported from 1 January 2008 to 31 December 2008 are subject to import licences. In accordance with Article 6 of the Regulation, undertakings may import the controlled substances only if they are in possession of an import licence issued by the Commission.
- V. Under Article 22 of the Regulation, the importation of new substances listed in Annex II of the Regulation is prohibited, except for feedstock uses.
- VI. For the purposes of the Regulation, quantities of substances are measured according to their Ozone Depleting Potential ⁽⁴⁾.
- VII. The Commission hereby gives notice to an undertaking that is not in possession of a quota for 2007 and who wishes to apply to the Commission for an import quota from 1 January 2008 to 31 December 2008, to make itself known to the Commission no later than 1 September 2007 by submitting the registration form available online at:

http://ec.europa.eu/environment/ozone/ods_documents/ods_registration_form.doc

After their registration in the ODS-database they also need to follow the procedure described in VIII.

⁽¹⁾ The mechanism for allocating HCFC quotas to producers and importers is set out in Commission Decision 2007/195/EC (OJ L 88/51 of 29.3.2007)

⁽²⁾ EU-15 are the Member States of the European Union before 1 May 2004: Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Austria, Portugal, Finland, Sweden, United Kingdom

⁽³⁾ EU-10 are the Member States of the European Union that acceded on 1 May 2004: Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia

⁽⁴⁾ For mixtures: only the quantity of the controlled substances in the mixture should be included in the ODP quantity. 1,1,1-trichloroethane is always put on the market with stabilisers. Importers should establish from their supplier what is the percentage of stabiliser to be deducted before calculating the ODP-weighted tonnage.

- VIII Undertakings with a quota in 2007 should make a declaration by completing and submitting the relevant form(s) online via the ODS-database available at:

<http://ec.europa.eu/environment/ozone/ods.htm>

In addition to the online submission a signed print of the import declaration form needs to be sent to the Commission:

European Commission

Directorate-General Environment

Unit ENV.C.4 — Industrial Emissions & Protection of the ozone layer

BU-5 2/200

B-1049 Brussels

Fax: (32-2) 292 06 92

E-mail: env-ods@ec.europa.eu

A copy of the application should also be sent to the competent authority of the Member State (cf. Annex II).

- IX. Only applications received by 01 September 2007 will be considered by the Commission. Import quotas will be allocated for each importer and producer in consultation with the Management Committee following the procedures specified under Article 18 of the Regulation. The allocated quota will be available in the ODS-database <http://ec.europa.eu/environment/ozone/ods.htm> and all applicants will have the Decision notified by post.
- X. In order to import controlled substances in 2008, undertakings in receipt of a quota must apply to the Commission via the ODS-database for an import licence using the online import licence application form. Provided the Commission services are satisfied that the request is in accordance with the quota authorised and conforms to the requirements of Regulation (EC) No 2037/2000, an import licence will be issued. The Commission reserves the right to withhold an import licence when the substance to be imported is not as described or may not be used for the purposes authorised or cannot be imported in compliance with the Regulation.
- XI. Undertakings importing recovered or reclaimed substances, if any, are required to submit additional information with each licence application regarding the source and destination of the substance, and the processing to be undertaken. A certificate of analysis may also be requested. Only undertakings having destruction facilities using a technology approved by the Parties to the Montreal Protocol may be allocated an import quota for destruction.
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ANNEX I

Substances covered

Group	Substances	Ozone-depleting Potential (1)
Group I	CFCl ₃ (CFC 11)	1,0
	CF ₂ Cl ₂ (CFC 12)	1,0
	C ₂ F ₃ Cl ₃ (CFC 113)	0,8
	C ₂ F ₄ Cl ₂ (CFC 114)	1,0
	C ₂ F ₅ Cl (CFC 115)	0,6
Group II	CF ₃ Cl (CFC 13)	1,0
	C ₂ FCl ₅ (CFC 111)	1,0
	C ₂ F ₂ Cl ₄ (CFC 112)	1,0
	C ₃ FCl ₇ (CFC 211)	1,0
	C ₃ F ₂ Cl ₆ (CFC 212)	1,0
	C ₃ F ₃ Cl ₅ (CFC 213)	1,0
	C ₃ F ₄ Cl ₄ (CFC 214)	1,0
	C ₃ F ₅ Cl ₃ (CFC 215)	1,0
	C ₃ F ₆ Cl ₂ (CFC 216)	1,0
	C ₃ F ₇ Cl (CFC 217)	1,0
Group III	CF ₂ BrCl (halon 1211)	3,0
	CF ₃ Br (halon 1301)	10,0
	C ₂ F ₄ Br ₂ (halon 2402)	6,0
Group IV	CCl ₄ (carbon tetrachloride)	1,1
Group V	C ₂ H ₃ Cl ₃ (2) (1,1,1-trichloroethane)	0,1
Group VI	CH ₃ Br (methyl bromide)	0,6
Group VII	CHFBr ₂	1,00
	CHF ₂ Br	0,74
	CH ₂ FBr	0,73
	C ₂ HFBBr ₄	0,8
	C ₂ HF ₂ Br ₃	1,8
	C ₂ HF ₃ Br ₂	1,6
	C ₂ HF ₄ Br	1,2
	C ₂ H ₂ FBr ₃	1,1
	C ₂ H ₂ F ₂ Br ₂	1,5
	C ₂ H ₂ F ₃ Br	1,6
	C ₂ H ₃ FBr ₂	1,7
	C ₂ H ₃ F ₂ Br	1,1
	C ₂ H ₄ FBr	0,1
	C ₃ HFBBr ₆	1,5
	C ₃ HF ₂ Br ₅	1,9
	C ₃ HF ₃ Br ₄	1,8
	C ₃ HF ₄ Br ₃	2,2
	C ₃ HF ₅ Br ₂	2,0
	C ₃ HF ₆ Br	3,3

Group	Substances	Ozone-depleting Potential ⁽¹⁾
	C ₃ H ₂ FBr ₅	1,9
	C ₃ H ₂ F ₂ Br ₄	2,1
	C ₃ H ₂ F ₃ Br ₃	5,6
	C ₃ H ₂ F ₄ Br ₂	7,5
	C ₃ H ₂ F ₅ Br	1,4
	C ₃ H ₃ FBr ₄	1,9
	C ₃ H ₃ F ₂ Br ₃	3,1
	C ₃ H ₃ F ₃ Br ₂	2,5
	C ₃ H ₃ F ₄ Br	4,4
	C ₃ H ₄ FBr ₃	0,3
	C ₃ H ₄ F ₂ Br ₂	1,0
	C ₃ H ₄ F ₃ Br	0,8
	C ₃ H ₅ FBr ₂	0,4
	C ₃ H ₅ F ₂ Br	0,8
	C ₃ H ₆ FBr	0,7
Group VIII	CHFC ₂ (HCFC 21) ⁽³⁾	0,040
	CHF ₂ Cl (HCFC 22) ⁽³⁾	0,055
	CH ₂ FCl (HCFC 31)	0,020
	C ₂ HFCl ₄ (HCFC 121)	0,040
	C ₂ HF ₂ Cl ₃ (HCFC 122)	0,080
	C ₂ HF ₃ Cl ₂ (HCFC 123) ⁽³⁾	0,020
	C ₂ HF ₄ Cl (HCFC 124) ⁽³⁾	0,022
	C ₂ H ₂ FCl ₃ (HCFC 131)	0,050
	C ₂ H ₂ F ₂ Cl ₂ (HCFC 132)	0,050
	C ₂ H ₂ F ₃ Cl (HCFC 133)	0,060
	C ₂ H ₃ FCl ₂ (HCFC 141)	0,070
	CH ₃ CFCl ₂ (HCFC 141b) ⁽³⁾	0,110
	C ₂ H ₃ F ₂ Cl (HCFC 142)	0,070
	CH ₃ CF ₂ Cl (HCFC 142b) ⁽³⁾	0,065
	C ₂ H ₄ FCl (HCFC 151)	0,005
	C ₃ HFCl ₆ (HCFC 221)	0,070
	C ₃ HF ₂ Cl ₅ (HCFC 222)	0,090
	C ₃ HF ₃ Cl ₄ (HCFC 223)	0,080
	C ₃ HF ₄ Cl ₃ (HCFC 224)	0,090
	C ₃ HF ₅ Cl ₂ (HCFC 225)	0,070
	CF ₃ CF ₂ CHCl ₂ (HCFC 225ca) ⁽³⁾	0,025
	CF ₂ ClCF ₂ CHClF (HCFC 225cb) ⁽³⁾	0,033
	C ₃ HF ₆ Cl (HCFC 226)	0,100
	C ₃ H ₂ FCl ₅ (HCFC 231)	0,090
	C ₃ H ₂ F ₂ Cl ₄ (HCFC 232)	0,100
	C ₃ H ₂ F ₃ Cl ₃ (HCFC 233)	0,230
	C ₃ H ₂ F ₄ Cl ₂ (HCFC 234)	0,280
	C ₃ H ₂ F ₅ Cl (HCFC 235)	0,520

Group	Substances		Ozone-depleting Potential ⁽¹⁾
	C ₃ H ₃ FCl ₄	(HCFC 241)	0,090
	C ₃ H ₃ F ₂ Cl ₃	(HCFC 242)	0,130
	C ₃ H ₃ F ₃ Cl ₂	(HCFC 243)	0,120
	C ₃ H ₃ F ₄ Cl	(HCFC 244)	0,140
	C ₃ H ₄ FCl ₃	(HCFC 251)	0,010
	C ₃ H ₄ F ₂ Cl ₂	(HCFC 252)	0,040
	C ₃ H ₄ F ₃ Cl	(HCFC 253)	0,030
	C ₃ H ₅ FCl ₂	(HCFC 261)	0,020
	C ₃ H ₅ F ₂ Cl	(HCFC 262)	0,020
	C ₃ H ₆ FCl	(HCFC 271)	0,030
Group IX	CH ₂ BrCl	Halon 1011/bromochloro-methane	0,120

⁽¹⁾ These ozone-depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically in the light of decisions taken by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer.

⁽²⁾ This formula does not refer to 1,1,2-trichloroethane.

⁽³⁾ Identifies the most commercially-viable substance as prescribed in the Protocol.

ANNEX II

Competent authorities of the Member States

BELGIQUE/BELGIË

Mr Alain Wilmart
Ministère Fédéral des Affaires Sociales de la Santé Publique et de
l'Environnement
Place Victor Horta, 40 — Bte 10
B-1060 Bruxelles

БЪЛГАРИЯ

Irina Sirashka
Global Atmospheric Processes Dept
Ministry of Environment and Water
22 Maria-Louisa Str.
BG-1000 Sofia

ČESKÁ REPUBLIKA

Mr Jakub Achrer
Ministry of the Environment of the Czech Republik
Air Pollution Prevention Department
Vršovická 65
CZ-100 10 Prague 10

DANMARK

Mr Mikkel Aaman Sørensen
Miljøstyrelsen (EPA)
Strandgade 29
DK-1401 Copenhagen K

DEUTSCHLAND

Mr Rolf Engelhardt
Ministry for Environment
Dept. IG II 1
P.O. Box 12 06 29
D-53048 Bonn

EESTI

Ms Valentina Laius
Ministry of the Environment of the Republic of Estonia
Narva mnt 7a
EE-Tallinn 15172

ΕΛΛΑΣ

Ms Sotiria Koloutsou-Vakakis
Environmental Engineer Ph.D.
Ministry for the Environment, Physical Planning and Public Works,
Directorate for the Environment — Department of Air Quality
147 Patission
GR-112 51 Athens

ESPAÑA

Mr Alberto Moral Gonzalez
Ministerio de Medio Ambiente
Subdirección General de Calidad Ambiental
Pza San Juan de la Cruz s/n
E-28071 Madrid

FRANCE

Mr Vincent Szleper
Ministère de l'Écologie
DPPR/BSPC
20, avenue de Ségur
F-75302 Paris 07 SP

IRELAND

Mr David O'Sullivan
Inspector (Environment)
Dept of Environment, Heritage and Local Government Custom House
Dublin 1
Ireland

ITALIA

Mr Alessandro Giuliano Peru
Ministry for the Environment, Land and Sea
DG per la Ricerca ambientale e lo sviluppo
Via Cristoforo Colombo, 44
I-00147 Roma

ΚΥΠΡΟΣ

Dr. Charalambos Hajipakkos
Environment Service
Ministry of Agriculture, Natural Resources and Environment
CY-Nicosia

LATVIJA

Mr Armands Plate
Ministry of Environment
Environmental Protection Department
Peldu Iela 25
LV-1494 Riga

LIETUVA

Ms Marija Teriosina
Ministry of Environment
Chemicals Management Division
A. Jaksto 4/9
LT-2694 Vilnius

LUXEMBOURG

Mr Pierre Dornseiffer
Administration de l'Environnement
Division Air/Bruit
16, rue Eugène Ruppert
L-2453 Luxembourg

MAGYARORSZÁG

Mr Róbert Tóth
Ministry of Environment and Water
Department of Environmental Development
Fő utca 44-50
H-1011 Budapest

MALTA

Ms Charmaine Ajao Vassallo
Environment and Planning Authority
Environment Protection Directorate
Industrial Estate Kordin
Paola

NEDERLAND

Ms Gudi Alkemade
Climate Change Directorate
Ministry of Environment
PO Box 30945
2500 GX Den Haag
Nederland

ÖSTERREICH

Mr Paul Krajnik
Ministry of the Agriculture, Forestry, Environment and Water Management
Chemicals Department
Stubenbastei 5
A-1010 Wien

POLSKA

Mr Janusz Kozakiewicz
Industrial Chemistry Research Institute
Ozone Layer Protection Unit
8, Rydygiera Street
PL-01-793 Warsaw

PORTUGAL

Dra. Cristina Vaz Nunes
Ministry of Environment, Territorial Planning and Regional Development
Institute of Environment
Rua da Murgueira 9/9A — Zambujal Ap. 785
P-2611-865 Amadora

ROMANIA

Rodica Ella Morohoi
Ministry of Environment and Waters Management
12, Libertății Bv, District 5
Bucharest

SLOVENIJA

Ms Irena Malešič
Ministry of the Environment and Spatial Planning
Environmental Agency of the Republic of Slovenia
Vojkova 1b
SLO-1000 Ljubljana

SLOVENSKO

Mr Lubomír Ziak
Ministry of the Environment
Air Protection Department
Nam. L. Štúra 1
SK-812 35 Bratislava

SUOMI/FINLAND

Mrs Eliisa Irpola
Finnish Environment Institute
P.O.Box 140
FIN-00251 Helsinki

SVERIGE

Ms Maria Ujfalusi
Swedish Environmental Protection Agency
Naturvårdsverket
Blekhölmsterassen 36
S-106 48 Stockholm

UNITED KINGDOM

Mr Stephen Reeves
International Climate Change and Ozone Division
UK Dept of Environment, Food and Rural Affairs
3rd floor — zone 3/A3
Ashdown House
123 Victoria Street
London SW1E 6DE
United Kingdom