

Notice to importers in the European Community of controlled and new substances that deplete the ozone layer, regarding Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer ⁽¹⁾

(2001/C 205/03)

(Text with EEA relevance)

I. This notice is addressed to undertakings that intend to import the following substances into the European Union from sources outside the European Community in 2002.

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,

New substances: bromochloromethane.

II. Article 7 of Regulation (EC) No 2037/2000 requires that quantitative limits be set and quotas allocated to producers and importers for 2002 for the import of the substances listed under Groups I to VIII of Annex I to this Notice ⁽²⁾.

Quotas shall be allocated for:

(a) **methyl bromide**: including for quarantine and preshipment uses as defined by the Parties to the Montreal Protocol;

(b) **HCFCs**;

(c) **essential or critical uses**: purposes considered essential in accordance with the criteria set out in Decision IV/25 of the Parties to the Montreal Protocol and approved by the Commission pursuant to Article 18 of the Regulation. A separate notice regarding essential uses has been published. Undertakings wishing to import controlled substances for essential uses should apply for authorisation on the form supplied with that notice;

(d) **feedstock uses**: transformation of a controlled substance in a process in which it is entirely converted from its original composition;

(e) **processing agents**: controlled substances used as chemical processing agents in existing installations, where emissions are insignificant;

(f) **destruction**: 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 2002 is calculated according to Article 4(2)(i)(b) of the Regulation for methyl bromide for uses other than quarantine and preshipment and Article 4(3)(i)(c) for HCFCs.

In accordance with Article 4, the Commission shall, under the Article 18 procedure, assign a quota to each producer or importer within the total quantitative limits for placing on the market.

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

— **importers** who wish to place HCFCs on the European Community market and who are not engaged in the production of HCFCs,

— European Community **producers** who import on their own account additional HCFCs to place on the European Community market.

IV. The quantities imported are subject to import licences for each shipment of controlled substances, which should be applied for during 2002. 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. The quantities imported will be set against the individual placing on the market quotas for producers and importers for 2002.

⁽¹⁾ OJ L 244, 29.9.2000, p. 1, as amended by Regulation (EC) No 2038/2000 (OJ L 244, 29.9.2000, p. 25) and Regulation (EC) No 2039/2000 (OJ L 244, 29.9.2000, p. 26).

⁽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.

- V. Under Article 22 of the Regulation the importation of new substances (bromochloromethane) listed in Annex II to 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 ⁽¹⁾.
- VII. The Commission hereby gives notice to undertakings wishing to apply to the Commission for an import quota for the twelve month period 1 January 2002 to 31 December 2002, to make the declaration as in Annex II within one month of publication of this notice by
- submitting the form on page
<http://europa.eu.int/comm/environment/ods/index.htm>
of the Europa Internet site (preferred method), or
 - sending in a completed form as provided in Annex II to this notice.

Applications by mail should be addressed to:

Mrs rie (Maria) Kegels
European Commission
Directorate-General Environment, Ozone layer protection
Unit ENVE.1
Rue de la Loi/Wetstraat 200
B-1049 Brussels.

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

- VIII. Once the applications have been received, they will be considered by the European Commission and import quotas will be set for each importer and producer in consultation with the Article 18 Management Committee. The allocated quota will be available on the Europa site and all applicants will be informed by post.

During the course of 2002, undertakings in receipt of a quota must apply to the Commission for an import licence using the import licence application form model. Provided the Commission services are satisfied that the request is in accordance with the quota authorised, 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 Regulation (EC) No 2037/2000.

- IX. Producers who import 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 required.
- X. Please note that the release for free circulation in the Community or inward processing of controlled substances imported from any State not Party to the Montreal Protocol is prohibited in accordance with Article 8 of Regulation (EC) No 2037/2000.

Enquiries can be made in writing to the above address or by fax (32-2) 299 87 64 or by e-mail to maria.kegels@cec.eu.int.

⁽¹⁾ 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.

ANNEX 1

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	CH ₂ FBr ₂	1,00
	CHF ₂ Br	0,74
	CH ₂ FBr	0,73
	C ₂ HFBr 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 HFBr 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
	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

Group	Substances	Ozone-depleting potential ⁽¹⁾
Group VII (cont'd)	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	CHFCl ₂ (HCFC 21) ⁽²⁾	0,040
	CHF ₂ Cl (HCFC 22) ⁽²⁾	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) ⁽²⁾	0,020
	C ₂ HF ₄ Cl (HCFC 124) ⁽²⁾	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) ⁽²⁾	0,110
	C ₂ H ₃ F ₂ Cl (HCFC 142)	0,070
	CH ₃ CF ₂ Cl (HCFC 142b) ⁽²⁾	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) ⁽²⁾	0,025
	CF ₂ ClCF ₂ CHClF (HCFC 225cb) ⁽²⁾	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
	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

⁽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.

NEW SUBSTANCES

BROMOCHLOROMETHANE

ANNEX II

FORM TO BE USED FOR THE DECLARATION(S) ⁽¹⁾

1. Name of the company:
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- Address of the company:
-
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- Contact person:
- Telephone:
- Fax:
- e-mail:
2. Data concerning the substance to be imported in 2002:
- chemical name(s) (customs definition) and formula(e):
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- CN code(s):
- ODP-weighted quantity in kilograms ⁽²⁾, in words:
-
3. Nature and purpose of the substance (for definitions of terms used please see preceding pages): please tick one option only:
- ☐ methyl bromide for use other than 'quarantine and preshipment' and other than feedstock
- ☐ methyl bromide for 'quarantine' ⁽³⁾ and preshipment ⁽⁴⁾ use
- ☐ HCFC for use as refrigerant
- ☐ HCFC for use as foam-blowing agent
- ☐ HCFC for 'non-foam and non-refrigerant' use
- ☐ any substance for feedstock use
- ☐ substances in Annex VI to Regulation (EC) No 2037/2000 for 'processing agent' use
- ☐ any substance for destruction by an approved technology
- ☐ producers only: recovered or recycled or reclaimed HCFC for any use.

⁽¹⁾ Please use separate forms for each group of substances, or where substances or the same group are used for different purposes or are of different natures (i.e. virgin, recovered or reclaimed).

⁽²⁾ Imported quantities multiplied by the ozone depleting potential (ODP) of the substance concerned.

⁽³⁾ The Montreal Protocol Decision VII/5 defines 'quarantine' applications as those treatments carried out to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where official control is that performed by, or authorised by, a national plant, animal or environmental protection or health authority. Quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

⁽⁴⁾ The Montreal Protocol Decision XI/12 defines 'pre-shipment' applications as those non-quarantine applications applied within 21 days prior to export to meet the official requirements of the importing country or existing official requirements of the exporting country. Official requirements are those which are performed by, or authorised by, a national plant, animal, environmental, health or stored product authority.

4. Name, address and telephone/fax numbers of the undertaking where the substance will be used as feedstock or reclaimed or destroyed:

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We hereby certify that the substances when imported will be as defined on this form and used as described on this form.

Place: Date:

Name: Signature:

ALLEGATO III / ANEXO III / ANEXO III / ANNEX III / ANNEXE III / ANHANG III / BIJLAGE III / BILAG III /
BILAGA III / LIITE III / ITAPAPTHMA III

ÖSTERREICH

Paul Krajník
Ministry of the Environment
Chemical Department
Stubenbastei 5
A-1010 Wien

ITALIA

Mrs Giuliana Gasparrini
Ministry of Environment
Atmospheric Pollution Department
Via Ferratella in Laterano 33
I-00184 Roma

BELGIQUE/BELGIË

M./De heer Roland Marijnissen
Ministère de la santé publique et de l'environnement/
Ministerie van Volksgezondheid en Leefmilieu
Département de l'environnement
Boulevard Pacheco/Pachecolaan 19 — boîte/bus 7
B-1010 Bruxelles/Brussel

LUXEMBOURG

M. Theo Weber
Administration de l'environnement
1, rue Bender
L-1229 Luxembourg

DANMARK

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

PORTUGAL

Dra. Cristina Vaz Nunes
Ministério do Ambiente
Rua da Murgueira-Zambujal
P-2721-865 Amadora

SUOMI/FINLAND

Eliisa Irpola
Finnish Environment Institute
Kesäkatu 6
FIN-00121 Helsinki

ESPAÑA

Ángel Rascón
Ministerio de Medio Ambiente
D.G. de Calidad y Evaluación Ambiental
Pza. San Juan de la Cruz s/n
4ª planta — Despacho 4.60
E-28071 Madrid

FRANCE

Madame Laurence Musset
Ministère de l'environnement
DRPR/BSPC
20, avenue de Ségur
F-75302 Paris 07 SP

SVERIGE

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

DEUTSCHLAND

Heinrich W. Kraus
Federal Ministry for the Environment
Dept. JG 115
Bernkasteler Straße
D-53175 Bonn

NEDERLAND

Mevrouw ir. E.G. de Jeu
Ministerie van Volkshuisvesting, Ruimtelijke Ordening
en Milieubeheer
Postbus 30945
2500 GX Den Haag
Nederland

ΕΛΛΑΔΑ

Mrs Elpida Politis
Ministry for the Environment, Physical Planning and
Public Works
International Activities and EEC Department
17 Ameliedos Street
GR-115 23 Athens

UNITED KINGDOM

Mrs Maria Nolan
Department of Environment, Transport and the Regions
Global Atmosphere Division
3rd floor — zone 3/C2
Ashdown House
123 Victoria Street
London SW1E 6DE
United Kingdom

IRELAND

Ms Nuala McLoughlin
Inspector (Environment)
Dept. of Environment and Local Government
Custom House
Dublin 1
Ireland