

Notice to proposed exporters from the European Union in 2008 of 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 164/09)

- I. This Notice is addressed to undertakings that intend to export the following substances from the European Community during the period 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. Exports from the Community of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons or products and equipment, other than personal effects, containing those substances or whose continuing function relies on supply of those substances shall be prohibited. This prohibition shall not apply to exports of:

- (a) controlled substances produced under Article 3(6) to satisfy the basic domestic needs of Parties pursuant to Article 5 of the Protocol;
- (b) controlled substances produced under Article 3(7) to satisfy essential or critical uses of Parties;
- (c) products and equipment containing controlled substances produced under Article 3(5) or imported under Article 7(b);
- (d) recovered, recycled and reclaimed halon stored for critical uses in facilities authorised or operated by the competent authority to satisfy critical uses listed in Annex VII of the Regulation until 31 December 2009, and products and equipment containing halon to satisfy critical uses listed in Annex VII of the Regulation;
- (e) controlled substances to be used for feedstock and processing agent applications;
- (f) metered dose inhalers and delivery mechanisms containing chlorofluorocarbons for hermetically sealed devices for implementation in the human body for delivery of measured doses of medication which may be given a temporary authorisation;
- (g) used products and equipment that contain rigid insulating foam or integral skin foam which have been produced with chlorofluorocarbons. This exemption does not apply to:
 - refrigeration and air-conditioning equipment and products,
 - refrigeration and air-conditioning equipment and products which contain chlorofluorocarbons used as refrigerants, or whose continuing function relies on the supply of chlorofluorocarbons used as refrigerants, in other equipment and products,
 - building insulation foam and products;
- (h) products and equipment containing HCFCs to be exported to countries where the use of HCFCs in such products is still permitted.

Exports from the Community of methyl bromide and hydrochlorofluorocarbons to any State not party to the Protocol shall be prohibited.

III. Article 12 requires the authorisation of exports of the substances listed in Annex I. Such export authorisations should be issued by the European Commission after verification of compliance to Article 11 of the Regulation.

IV. The Commission hereby gives notice to an undertaking that wishes to export controlled substances between 1 January 2008 to 31 December 2008 and have never been issued an export authorisation before 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 V.

V. Undertakings who were issued an export authorisation in previous years 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>

After the online submission a signed print of the export 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).

VI. Only applications received by 1 September 2007 will be considered by the Commission. The submission of an export declaration by itself does not give any right to perform exports.

VII. In order to export controlled substances in 2008, undertakings that submitted an export declaration must apply to the Commission via the ODS-database for an export authorisation number (EAN) using the online EAN application form. An EAN will be issued if the Commission is satisfied that the request is in accordance with the declaration and conforms to the requirements of Regulation (EC) No 2037/2000 of the European Parliament and of the Council ⁽¹⁾. The applicant will be informed by e-mail about the acceptance of the request. The Commission reserves the right to withhold an EAN when the substance to be exported is not as described or may not be used for the purposes authorised or cannot be exported in compliance with the Regulation.

VIII. To verify the description of the substance and the purpose of the export, the Commission may ask the applicant to submit additional information for consideration of a request for an EAN for exports to satisfy the basic domestic needs or to satisfy essential or critical uses of Parties in the context of Article 11(1)(a) and 11(1)(b) of the Regulation.

This concerns especially:

- a confirmation from the producer that the substance was produced for the specified purpose and,
- a confirmation from the applicant that the substance will only be exported for the specified purpose and,
- the name and address of the final recipient in the final destination country.

The Commission reserves the right to issue such an EAN only after the competent authority in the destination country confirmed the purpose of the exports and that the export will not trigger a non-compliance status in relation to the provisions of the Montreal Protocol.

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

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 | CH ₂ FBr ₂ | 1,00 |
| | CHF ₂ Br | 0,74 |
| | CH ₂ FBr | 0,73 |
| | C ₂ H ₂ FBr ₄ | 0,8 |
| | C ₂ H ₂ F ₂ Br ₃ | 1,8 |
| | C ₂ H ₂ F ₃ Br ₂ | 1,6 |
| | C ₂ H ₂ F ₄ Br | 1,2 |
| | C ₂ H ₂ F ₂ Br 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 H ₂ FBr ₆ | 1,5 |
| | C ₃ H ₂ F ₂ Br ₅ | 1,9 |
| | C ₃ H ₂ F ₃ Br ₄ | 1,8 |
| | C ₃ H ₂ F ₄ Br ₃ | 2,2 |
| | C ₃ H ₂ F ₅ Br ₂ | 2,0 |
| | C ₃ H ₂ F 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
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БЪЛГАРИЯ

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Air Pollution Prevention Department
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Mr Mikkel Aaman Sørensen
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DEUTSCHLAND

Mr Rolf Engelhardt
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ΕΛΛΑΣ

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ESPAÑA

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IRELAND

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ITALIA

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ΚΥΠΡΟΣ

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LIETUVA

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LUXEMBOURG

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MALTA

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Environment Protection Directorate
Industrial Estate Kordin
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NEDERLAND

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ÖSTERREICH

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POLSKA

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Ozone Layer Protection Unit
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Ministry of Environment, Territorial Planning and
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Institute of Environment
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ROMANIA

Rodica Ella Morohoi
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