

OTHER ACTS

EUROPEAN COMMISSION

Notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2014 and undertakings intending to produce or import these substances for essential laboratory and analytical uses in 2014

(2013/C 25/06)

1. This Notice is addressed to undertakings that are concerned by Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (the Regulation) and which intend in 2014:
 - (a) to **import or export** to or from the European Union substances listed in Annex I of the Regulation; or
 - (b) to produce or import these substances **for essential laboratory and analytical uses**.

This Notice is also addressed to companies in Croatia which intend to carry out those activities after the accession of Croatia to the European Union. Those companies are requested to follow the instructions set out in this notice.

2. The following groups of substances are concerned:

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

3. Any import or export of controlled substances ⁽¹⁾ requires a licence by the Commission, except in cases of transit, temporary storage, customs warehousing or free zone procedure as referred to in Regulation (EC) No 450/2008, lasting not longer than 45 days. Any production of controlled substances for essential laboratory and analytical uses requires prior authorisation.

⁽¹⁾ Note that only import or export exempted from the general import and export ban pursuant to Article 15 and 17 may be permitted.

4. Furthermore, the following activities are subject to quantitative limits:

- (a) production and import for laboratory and analytical uses;
- (b) import for free circulation in the European Union for critical uses (halons);
- (c) import for free circulation in the European Union for feedstock uses;
- (d) import for free circulation in the European Union for process agent uses.

The Commission allocates quotas for (a), (b), (c), and (d). The quotas are determined on the basis of the quota applications and:

- in accordance with Article 10(6) of the Regulation and Commission Regulation (EU) No 537/2011⁽¹⁾ for the case (a) above,
- in accordance with Article 16 of the Regulation for the cases (b), (c) and (d) above.

5. **The software** for applying for quota and issuing licences **will change in 2013**. The 'Main-ODS-database' will be replaced by the new 'ODS Licensing System'.

For activities listed in paragraph 4

6. Any undertaking that in 2014 wishes to import or produce controlled substances for essential laboratory and analytical uses, or to import controlled substances for critical uses (halons), for feedstock uses, or for process agent uses needs to follow the procedure described in paragraph 7 to 10.

7. The undertaking needs to notify the Commission by registering in the new ODS Licensing System no later than **15 May 2013**.

The registration forms will be available online as of **1 April 2013** in the new ODS Licensing System (http://ec.europa.eu/clima/policies/ozone/ods/index_en.htm).

8. The undertaking needs to complete and submit the quota application form available online in the new ODS Licensing System.

The quota application forms will be available online as of **15 May 2013** in the new ODS Licensing System (http://ec.europa.eu/clima/policies/ozone/ods/index_en.htm).

9. Only duly completed quota application forms that are free of errors received by **8 July 2013** will be considered as valid by the Commission.

Undertakings are encouraged to submit their quota application forms as soon as possible and sufficiently ahead of the deadline to allow for potential corrections and resubmissions before the deadline.

10. The submission of a quota application form by itself does not give any right to import or produce controlled substances for essential laboratory and analytical uses or to import controlled substances for critical uses (halons), for feedstock uses, or for process agent uses. Before such an import or production takes place in 2014, undertakings must apply for a licence using the licence application form available online in the new ODS Licensing System.

For import for uses other than those listed in paragraph 4 and for export

11. Any undertaking that in 2014 wishes to export controlled substances or import controlled substances for uses other than those listed in paragraph 4 needs to follow the procedure described in paragraph 12 and 13.

⁽¹⁾ Commission Regulation (EU) No 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (OJ L 147, 2.6.2011, p. 4).

12. The undertaking needs to register in the new ODS Licensing System.

The registration forms will be available online as of **1 April 2013** in the new ODS Licensing System (http://ec.europa.eu/clima/policies/ozone/ods/index_en.htm).

Undertakings are encouraged to register as soon as possible during the year 2013 to allow for potential corrections of the registration form before 2014 in order to ensure timely licence processing in 2014.

13. Before an import for uses other than those listed in paragraph 4 or an export takes place in 2014, undertakings must apply for a licence using the licence application form available online in the new ODS Licensing System.
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