

Notice to proposed exporters from the European Union in 2009 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

(2008/C 114/12)

- I. This Notice is addressed to undertakings that intend to export the following substances from the European Community during the period 1 January 2009 to 31 December 2009:

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. Pursuant to Article 11 of Regulation (EC) No 2037/2000 of the European Parliament and of the Council⁽¹⁾, 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 this Annex VII;
- (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;

⁽¹⁾ OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Commission Decision 2007/540/EC (OJ L 198, 31.7.2007, p. 35).

(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 of the Regulation (EC) No 2037/2000 requires the authorisation of exports of the substances listed in Annex I to this notice. 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 any undertaking that wishes to export controlled substances between 1 January 2009 and 31 December 2009 and have never been issued an export authorisation before to notify the Commission thereof no later than **1 July 2008** by submitting the registration form available online at:

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

Following 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 export declaration form online via the ODS-database available at: <http://ec.europa.eu/environment/ozone/ods.htm>. After the online submission a signed copy of the export declaration form needs to be sent to the Commission:

European Commission
Directorate-General Environment
Unit ENV.C.4 — Industrial emissions and protection of the ozone layer
BU-5 2/053
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. A list of contact points in all Member States is available online at:

http://ec.europa.eu/environment/ozone/ods_export.htm

- VI. Only applications received by **1 August 2008** 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 2009, 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. 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.

IX. More information on exports of ODS is available online at:

http://ec.europa.eu/environment/ozone/ods_export.htm

ANNEX I

Substances covered

Group	Substances	Ozone-depleting Potential (°)
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 ₃ (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 (°) (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 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

Group	Substances	Ozone-depleting Potential (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 ₃ 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
	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

Group	Substances	Ozone-depleting Potential ⁽¹⁾
	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 ₃ FCl ₂ (HCFC 261)	0,020
	C ₃ H ₃ 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.