

**Notice to importers in the European Union and Bulgaria and Romania <sup>(1)</sup> that propose to import in 2007 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' <sup>(2)</sup>**

(2006/C 171/07)

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 2007 to 31 December 2007.

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 requires that quantitative limits be determined and quotas allocated to producers and importers for 1 January 2007 to 31 December 2007 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 <sup>(3)</sup>.

Quotas shall be allocated for:

- a. **Methyl bromide**, for Quarantine and Pre-Shipment (QPS) uses as defined by the Parties to the Montreal Protocol; and to users for critical uses, 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; both QPS and critical uses approved by the Commission, pursuant to Article 18 of the Regulation;
- b. **Hydrochlorofluorocarbons (HCFCs)**;
- c. **Essential uses** in accordance with the criteria set out in Decisions IV/25 of the Parties to the Montreal Protocol and Article 3(1) of the Regulation; and as approved by the Commission, pursuant to Article 18 of the Regulation. A separate notice regarding Essential Uses has been published;
- d. **Feedstock uses**, as controlled substances transformed in a process in which it is entirely converted from its original composition;
- e. **Process agents**, as controlled substances used as chemical processing agents in existing installations, 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.

<sup>(1)</sup> Subject to the final decision of the EU required to confirm the 1-01-07 as their date of accession to the EU.

<sup>(2)</sup> OJ L 244 of 29.09.2000, p. 1 as last amended by Commission Regulation (EC) No 29/2006, OJ L 6 of 11.1.2006, p. 27.

<sup>(3)</sup> 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.

The quantitative limit, which producers and importers may place on the market and/or use for their own account within the European Community in 2007, 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 identified as laid down 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 <sup>(1)</sup>:

- **Importers** in the EU-15 and Bulgaria and Romania who imported in 1999 and for the Member States that acceded on 1 May 2004 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 Member States that acceded on 1 May 2004 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 2007 to 31 December 2007 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 substance 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 <sup>(2)</sup>.

VII. The Commission hereby gives notice to an undertaking that is not in possession of a quota for 2006 and who wishes to apply to the Commission for an import quota from 1 January 2007 to 31 December 2007, to make itself known to the Commission no later than 1 September 2006.

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VIII Enterprises with a quota in 2006 should make a declaration by completing and submitting the relevant form(s) on page <http://ec.europa.eu/environment/ozone/ods.htm> of EUROPA internet site. Only applications received by 1 September 2006 will be considered by the Commission.

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

<sup>(1)</sup> The use of 2002/2003 HCFC import data for the EU Member States that acceded to the EU on 1 May 2004 is subject to the final adoption of the amendment to Regulation (EC) No 2037/2000 changing the base year from 1999 to an average of 2002/2003.

<sup>(2)</sup> 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.

- IX. 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 Management Committee following the procedures specified under Article 18 of the Regulation. The allocated quota will be available on the ODS-website <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 2007, undertakings in receipt of a quota must apply to the Commission via the ODS-website for an import licence using the import licence application. 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 Regulation.
- XI. 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 requested. Importers are obliged to have destruction facilities and therefore the owner of the destruction facility would be expected to apply for the licence to import ODS for destruction.
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## ANNEX 1

## Substances covered

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

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

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

**NEW SUBSTANCES**

ANEXO II/PRÍLOHA II/BILAG II/ANHANG II/LISA II/ΠΑΡΑΡΤΗΜΑ II/ANNEX II/ANNEXE II/ALLEGATO II/  
II PIELIKUMS/II PRIEDAS/II. MELLÉKLET/ANNESS II/BIJLAGE II/ZÁĽAČZNIK II/ANEXO II/PRÍLOHA II/PRILOGA II/  
LIITE II/BILAGA II

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