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 2019 and undertakings intending to produce or import these substances for essential laboratory and analytical uses in 2019

(2018/C 57/08)

1. This Notice is addressed to undertakings that are concerned by the Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer [1] (the Regulation) and which intend in 2019:

   (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**.

   Following the withdrawal of the United Kingdom from the European Union on 29 March 2019, companies situated in one of the other 27 Member States will need a licence to import controlled substances from the United Kingdom or to export controlled substances to the United Kingdom. Furthermore, companies in the United Kingdom which intend to carry out these activities before the withdrawal of the United Kingdom from the European Union continue to need licences until the 29 March 2019. Consequently, all such companies are requested to follow the instructions set out in this Notice and to provide the requested information within the published deadline.

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 [2] 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 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) [3], lasting not longer than 45 days. Any production of controlled substances for essential laboratory and analytical uses requires prior authorisation.

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.

[1] OJ L 286, 31.10.2009, p. 1.
[2] Note that only import or export exempted from the general import and export ban pursuant to Articles 15 and 17 may be permitted.
[3] OJ L 145, 4.6.2008, p. 1.

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 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 [1] for the case (a) above,

— in accordance with Article 16 of the Regulation for the cases (b), (c) and (d) above.

For activities listed in paragraph 4

5. Any undertaking that in 2019 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 6 to 9.

6. The undertaking, which has not yet registered in the ODS Licensing System (https://webgate.ec.europa.eu/ods2) needs to do so before **8 May 2018**.

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

   The quota application form will be available online as of **8 May 2018** in the ODS Licensing System.

8. Only duly completed quota application forms that are free of errors received by **8 June 2018** 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.

9. 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 2019, undertakings must apply for a licence using the licence application form available online in the ODS Licensing System.

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

10. Any undertaking that in 2019 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 11 and 12.

11. The undertaking, which has not yet registered in the ODS Licensing System, needs to do so as soon as possible.

12. Before an import for uses other than those listed in paragraph 4 or an export takes place in 2019, undertakings must apply for a licence using the licence application form available online in the ODS Licensing System.

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[1] OJ L 147, 2.6.2011, p. 4.