COMMISSION DECISION

of 20 December 1994

allocating import quotas for the fully halogenated chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane for the period 1 January to 31 December 1995

(94/826/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 594/91 of 4 March 1991 on substances that deplete the ozone layer (1), as amended by Regulation (EEC) No 3952/92 (2),

Whereas Article 3 of Regulation (EEC) No 594/91 states that the release into free circulation of the chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane imported into the Community from third countries is to be subject to quantitative limits;

Whereas an increase of these quantitative limits may not lead to a Community consumption of controlled substances beyond the quantitative limits established according to the Montreal Protocol on substances that deplete the ozone layer;

Whereas the release into free circulation in the Community of the aforesaid substances imported from non-Parties is prohibited in accordance with Article 5 of the aforesaid Regulation;

Whereas the Commission is required under Article 3 (2) of Regulation (EEC) No 594/91, in accordance with the procedure set out in Article 12, to allocate quotas to undertakings that request import quotas;

Whereas the Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer (3) regarding the same Regulation and has thereby received applications for import quotas;

Whereas after the 1 January 1995 the only imports of virgin ozone depleting substances for non-feedstock uses will be for 1,1,1-trichloroethane;

Whereas the applications for the import quotas of 1,1,1-trichloroethane exceed the import quotas available for allocation under Article 3 (2) as amended, by 558 %;

Whereas the Commission consequently cannot fully satisfy the applications and has to allocate import quotas to the applicants, taking primarily the different environmental impact of the potential imports, the individual background of the applicants in importing the respective substances and the amounts applied for into consideration;

Whereas some companies which have applied for an import quota for 1995 did not import any of these substances before, while others imported large quantities of substances in the reference year and/or in the following years;

Whereas some of the applications from the producers of ODS in the Community have been made for specific contingency purposes of possible breakdown of production, technical failure and non-availability of the substances in the Community;

Whereas the quantity released into free circulation in the Community for such specified contingency purposes shall only be authorized if an equivalent amount of the same substance will not be produced in the Community in the same control period;

Whereas the allocations of the individual quotas to the applicants must be based on the principles of continuity, equality and proportionality;

Whereas Article 12 of the same Regulation sets out the procedure according to which decisions can be taken concerning the implementation of the Regulation;

Whereas the measures provided for in this Decision are in accordance with the opinion of the committee referred to in Article 12 of the same Regulation,

(1) OJ No L 67, 14. 3. 1991, p. 1.
(2) OJ No L 405, 31. 12. 1992, p. 41.
(3) OJ No C 215, 5. 8. 1994, p. 2.

HAS ADOPTED THIS DECISION:

Article 1

1. The quotas, set out below, of chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons and carbon tetrachloride permitted under Annex II of the Regulation are only for virgin or recovered substances and are only authorized for feedstock uses, for destruction or for reclamation as defined in the notice to importers in the European Community of controlled substances.

2. The amount of chlorofluorocarbons 11, 12, 113, 114 and 115 controlled by Regulation (EEC) No 594/91 and indicated in Group I of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 2820 ODP-weighted tons.

3. The amount of the other fully halogenated chlorofluorocarbons controlled by Regulation (EEC) No 594/91 and indicated in Group II of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 32 ODP-weighted tons.

4. The amount of halons controlled by Regulation (EEC) No 594/91 and indicated in Group III of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 1880 ODP-weighted tons.

5. The amount of carbon tetrachloride controlled by Regulation (EEC) No 594/91 and indicated in Group IV of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 6697 ODP-weighted tons.

6. The amount of 1,1,1-trichloroethane controlled by Regulation (EEC) No 594/91 and indicated in Group V of Annex I thereto which may be released into free circulation in the European Community in 1995 and which is imported from sources outside the Community shall be 3663 ODP-weighted tons.

Article 2

1. The amount of virgin chlorofluorocarbons 11, 12, 114, 113 and 115 to be used as feedstock, controlled by Regulation (EEC) No 594/91 and indicated in Group I of Annex I thereto which may be released into free circulation by the producers of ozone depleting substances in the European Community in 1995 for specific contingency purposes of a possible breakdown of production, technical failure and in the case of the substance not being available in the Community shall be 1 600 ODP weighted tons, this amount is already included in the quantity given in Article 1 (2).

This amount of virgin chlorofluorocarbons 11, 12, 114, 113 and 115 to be used as feedstock can only be released into free circulation by producers if such a request is justified and approved by the relevant Member State for these contingency purposes as defined above and in addition only if a written undertaking is given to the Commission that an equivalent amount of the same substance shall not be produced in the Community by a Community producer in the same control period.

2. The amount of virgin carbon tetrachloride to be used as feedstock, controlled by Regulation (EEC) no 594/91 and indicated in Group IV of Annex I thereto which may be released into free circulation by the producers of ozone depleting substances in the European Community in 1995 for specific contingency purposes of a possible breakdown of production, technical failure and in the case of the substance not being available in the Community shall be 3 250 ODP weighted tons, this amount is already included in the quantity given in Article 1 (5).

This amount of virgin carbon tetrachloride to be used as feedstock can only be released into free circulation by producers if such a request is justified and approved by the relevant Member State for these contingency purposes as defined above and in addition only if a written undertaking is given to the Commission that an equivalent amount of the same substance shall not be produced in the Community by a Community producer in the same control period.

3. The amount of virgin 1,1,1-trichloroethane controlled by Regulation (EEC) No 594/91 and indicated in Group V of Annex I thereto which may be released into free circulation by the producers of ozone depleting substances in the European Community in 1995 for specific contingency purposes of a possible breakdown of production, technical failure and in the case of the substance not being available in the Community shall be 800 ODP weighted tons, this amount is already included in the quantity given in Article 1 (6).

This amount of virgin 1,1,1-trichloroethane can only be released into free circulation by producers if such a request is justified and approved by the relevant Member State for these contingency purposes as defined above and in addition only if a written undertaking is given to the Commission that an equivalent amount of the same substance shall not be produced in the Community by a Community producer in the same control period.

Article 3

The allocation of import quotas for the chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane during the period 1 January to 31 December 1995 shall be as indicated in Annex 3 [1] hereto.

Companies allocated quota for the release into free circulation of recovered substances shall, with the support of the relevant Member State, be able to request additional quota during 1995 should their initial quota be fully used. The Commission, in accordance with the Article 12 of Regulation No 594/91, shall deliver an opinion on any such request.

The undertakings authorized to import controlled substances in accordance with the quantities set out in Annex 3 are listed in Annex 2.

Article 4

This Decision is addressed to the companies listed in Annex I hereto.

Done at Brussels, 20 December 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

[1] Annex 3 is not published because it contains confidential commercial information.

ANEXO 1 / BILAG 1 / ANHANG 1 / ΠΑΡΑΡΤΗΜΑ 1 / ANNEX 1 / ANNEXE 1 / ALLEGATO 1 / BIJLAGE 1 / ANEXO 1

Asia Contact International
Monsieur P. Duchemin
1, rue Vannier
F-37300 Joué-lès-Tours

Aldrich Chemical Co. Ltd.
Dr C. D. Hewitt
The Old Brickyard
New Road
Gillingham
GB-Dorset SP8 4JL

Bie & Berntsen A/S
Hr M. Hermann
Sandbækvej 7
DK-2610 Rødovre

Caldic Chemie BV
De Heer F. Meulenbeld
Blaak, 22
NL-3011 TA Rotterdam

Cerberus Guinard
Monsieur J. R. Deschamps
Zoning industriel
617, rue Fourny
BP 20
F-78531 Buc Cedex

Chemical Industries of Northern Greece
Mr G. Amorgianos
PO Box 10 183
GR-54110 Thessaloniki

Cogal Belgium NV
De Heer Vanfleteren
Europark-Noord, 49
B-9100 Sint-Niklaas

Dehon Service
Monsieur C. Brian
26, avenue du Petit Parc
F-94683 Vincennes Cedex

Disachim
Madame E. Bertrand
4, rue de l'Archade
F-75008 Paris

Elf Atochem SA
Monsieur J. L. Codron
4, cours Michelet - Cedex 42
F-92091 Paris-La Défense

Fluka Chemicals
Mr C. Hewitt
The Old Brickyard
New Road
Gillingham
GB-Dorset SP8 HJL

Friogas SA
D. J. M. Dehon
Poligono Industral SEPES - Parcela 10
E-46500 Sagunto (Valencia)

Galco SA
Monsieur M. Gaufres
Avenue Carton de Wiart, 79
B-1090 Bruxelles

Gamma Chimica SpA
Sig. A. Meggiolaro
Via Bergamo, 7
I-20020 Lainate MI

GHC Gerling Holz & Co.
Handels GmbH
Herrn Holz
Ruhrstraße 113
D-22761 Hamburg

Guido Tazzetti & Co SpA
Dr. Franco Rossi
Strada Settimo, 266
I-10156 Torino

Hoechst AG
Herrn Dr. Debrodt
Postfach 80 03 20
D-65903 Frankfurt am Main

H. K. Wentworth Limited
Mr C. J.W. Gutch
Wentworth House,
Blakes Road
Wargrave
GB-Berkshire RG10 8AW

HRP Refrigerants Ltd
Mr P. L. Wells
Gellingford Industries
Pontypridd
GB-Mid Glamorgan CF37 5SX

ICI Chemicals and Polymers Ltd
Mr A. J. Elphick
PO Box 13
The Heath
Runcorn
GB-Cheshire WA7 4QF

Harlow Chemical Company
Mr C.B. Jackson
Templefields
Harlow
GB-Essex CM20 2BH

K. & K. Greef Limited
Mr S. J. Wigham
Suffolk House
George Street
GB-Croydon CR9 3QL

Lambert Rivière SA
Madame d'Ovidio
17, avenue Louison Bobet
Val de Fontenay
F-94132 Fontenay-sous-Bois Cedex

Libra Products Ltd
Mr P. Chong
The Pavilions
Holly Lane Industrial Estate
Atherstone
GB-Warwickshire CV9 2QZ

Merck
Herrn Dr. Hesse
Frankfurter Straße 250
D-64293 Darmstadt

MSB Metron Semiconductors Benelux
Mevrouw A. Vermast
Kabelstraat 19
NL-1322 AD Almere

MSD Deutschland GmbH
Herrn H. Jung
Saturnstraße 48
D-85609 Aschheim München

MSF Metron Semiconductors Fran
Monsieur H. de Boishebert
Zoning industriel La Marinière
6, rue B. Palissey
BP 1222
F-91912 Évry Cedex 9

MSL Metron Semiconductors Ltd
Mrs C. Truel
12 Dunlop Square
Deans South West Industrial Estate
Livingstone
GB-West Lothian EH54 8SB

National Refrigerants of America Ltd
Mr Sweeney
Units 14-15
Park Street
Aston
GB-Birmingham B6 5SH

Olin Hunt Speciality Products NV
B. Van Gucht
Steenlandlaan Kaai, 1111
B-9130 Beveren Kallo

Orchidis/PCB
Monsieur Y. Merolle
11, rue Auguste-Perret
F-94000 Créteil Cedex

Pacific Scientific Ltd
Mr M. Diprose
Seven Centre
8 Boston Drive
Bourne End
GB-Buckinghamshire SL8 5YS

Petrasol BV
De Heer W. Sparenburg
Postbus 222
NL-4200 AE Gorinchem

Promosol
Monsieur J. Micozzi
BP 27
F-94363 Bry-sur-Marne Cedex

Pyrene Company Limited
Mr E. A. Lyon
Pyrene House
297 Kingston Road
Livingstone
GB-Surrey KT22 7LS

Refrigerant Products Limited
Mr J. E. Poole
N9 Central Park Estate
Westinghouse Road
Trafford Park
GB-Manchester M3 2ER

Rhône-Poulenc Chemicals
Mr B. Paul
St Andrews Road,
Avonmouth
GB-Bristol BS11 9YF

Samuel Banner & Co. Ltd
Mrs C. Hall
59/61 Sandhills Lane
GB-Liverpool L5 9XL

SFEME SA
Monsieur P. Bilger
BP 1250
Les Linards
F-03104 Montluçon Cedex

Sigma-Aldrich
Monsieur Denis Micol
F-38290 Saint-Quentin-Fallavier

SJB Chem./Min. Products BV
C. Lauryssen
Postbus 322
NL-3233 ZG Oostvoorne

Solvay SA
Monsieur F. Grosskopf
12, cours Albert 1er
F-75383 Paris Cedex

Superti Srl
Via Degli Ottoboni, 46
I-20148 Milano

Twinstar Chemicals Ltd
Mr R. G. Stichbury
Cunnigham House
Westfield Lane
GB-Harrow HA3 9ED

Hyma Bulk Chemicals SA
Mr V. Georgoulis
Mitropoleos Street 12-14
GR-10563 Athens

Zeneca Agro Chemicals
Dr P. Plant
Fernhurst
Haslemere
GB-Surrey GU27 3JE

Vos BV
Dr E. Wetzels
Postbus 160
NL-2400 AD Alphen a/d Rijn

Westab Service GmbH
Herrn H. Kraef
Stresemannstraße 80
D-47051 Duisburg

Wood Group
Mr T. Knowles
Crombie Place
GB-Aderdeen AB1 3PJ

Wormald Ansul Ltd
Mr J. Hall
Wormald Park
Grimshaw Lane
Newton Heath
GB-Manchester M40 2WI

ANNEX 2

GROUP I

Importers of virgin chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock

Dehon (F)

Friogas (E)

GHC Gerling (D)

Importers of virgin chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock for contingency purposes

Zeneca/ICI (UK)

The licences are allocated to Zeneca in the first instance. However, should ICI apply for any import licences in this category they will only be given if Zeneca is to ultimately receive the material concerned.

Importers of recovered chorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EEC) No 594/91 as mended for reclamation

Cogal (B)

Dehon Service (F)

Elf Atochem (F)

Friogas (E)

HRP Refrigerants (UK)

ICI Klea (UK)

Libra Products (UK)

National Refrigerants (UK)

Promosol (F)

Refrigerant Products (UK)

Rhône-Poulenc (UK)

Guido Tazzetti (I)

Importers of recovered chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for destruction

Hoechst (D)

ICI Klea (UK)

Solvay (F)

Westab (D)

GROUP II

Importers of recovered fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for reclamation

Dehon Service (F)

Friogas (E)

National Refrigerants (UK)

Importers of recovered fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for destruction

ICI Klea (UK)

GROUP III

Importers of recovered halons allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for reclamation

Cerberus Guinard (F)
Dehon Service (F)
Elf Atochem (F)
Friogas (E)
Galco/Cogal (B)
ICI Klea (UK)
Pacific Scientific (UK)
Pyrene (UK)
SFEME (F)
Wood Group (UK)
Wormald Ansul (UK)

GROUP IV

Importers of virgin carbon tetrachloride allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock

Chemical Industries (G)
Harlow (UK)
Merck (D)

Importers of virgin carbon tetrachloride allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock for contingency purposes

ICI Klea (UK)
Rhône-Poulenc (UK)

GROUP V

Importers of virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as feedstock

Aldrich (UK)
Elf Atochem (F)
MSB Metron (NL)
MSD (D)
MSF (F)
MSL (UK)
Olin-Hunt (B)
Sigma-Aldrich (F)

Importers of virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as non-feedstock

ACI Contact International (F)
Bie & Berntsen (DA)
Caldic (NL)
Disachim (F)
Fluka (UK)
Gamma (I)
HK Wentworth (UK)
K&K Horgen/Greef (UK)
Lambert Rivière (F)
Libra Products (UK)
Orchidis (F)
Petrasol (NL)
Samuel Banner (UK)
SJB (NL)
Superti (I)
Vos (NL)
Xyma (D)

Importers of virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for the use as non-feedstock for contingency purposes

Elf Atochem (F)
ICI Klea (UK)

Importers of recovered 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for reclamation

Elf Atochem (F)
Guido Tazzeti (I)
ICI Klea (UK)
Libra Products (UK)
Twinstar Chemicals (UK)
Westab (D)

Importers of recovered 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EEC) No 594/91 as amended for destruction

Elf Atochem (F)