COMMISSION

COMMISSION DECISION

of 11 January 1999

allocating import quotas for the fully halogenated chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and methyl bromide for the period 1 January to 31 December 1999, and in addition, allocating placing on the market quotas for hydrochlorofluorocarbons for the period 1 January to 31 December 1999

(notified under document number C(1998) 4563)

(Only the Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Swedish texts are authentic)

(Text with EEA relevance)

(1999/58/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer [1], and in particular Article 4(8) and Article 7(2) thereof,

Whereas Article 7(1) of Regulation (EC) No 3093/94 states that without prejudice to Article 4(8) and unless the substances are intended for destruction by a technology approved by the Parties, for feedstock use in the manufacture of other chemicals or for quarantine and pre-shipment, the release for free circulation in the Community of controlled substances imported from third countries shall be subject to quantitative limits;

Whereas the quantitative limits for the release into free circulation in the Community of controlled substances are set out in Annex II and Article 4(8) of Regulation (EC) No 3093/94; whereas these limits may be modified pursuant to Article 7(3);

Whereas any modification of these quantitative limits may not lead to Community consumption of controlled substances exceeding the quantitative limits established according to the Montreal Protocol on substances that deplete the ozone layer;

Whereas Article 4(8) of Regulation (EC) No 3093/94 defines the total calculated level of hydrochlorofluorocarbons (HCFCs) which producers and importers may place on the market or use for their own account in the period 1 January to 31 December 1995 and in each 12-month period thereafter; whereas this corresponds to a quantity of 8 079 ODP tonnes;

Whereas the Commission is required, under Article 4(8), in accordance with the procedure laid down in Article 16, to assign a quota to each producer or importer when the total quantity of HCFCs which producers and importers place on the market or use for their own account reaches 80 % of the quantitative limit established or at the latest on 1 January 2000, whichever comes first;

Whereas the 80 % threshold has been reached in the year 1997; whereas it is likely that this will also be the case in 1998 making it necessary to assign placing on the market quotas for HCFCs for 1999;

Whereas the Commission is required under Article 7(2) of Regulation (EC) No 3093/94 to allocate quotas for controlled substances to undertakings each year in accordance with the procedure set out in Article 16;

[1] OJ L 333, 22. 12. 1994, p. 1.

Whereas the Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer [1] and has thereby received applications for import quotas;

Whereas the applications for import quotas of the chlorofluorocarbons 11, 12, 113, 114 and 115 and halons exceed the import quotas available under Article 7(2); therefore the Commission cannot satisfy the applications;

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 requests by a producer to import under a contingency quota can only be considered following interruption to normal supply and non-availability of the substances within the Community;

Whereas the allocation of individual quotas to producers and importers is based on the principles of continuity, equality and proportionality; whereas, in establishing quotas, the Commission has been guided by the need to reduce further the production, import and use of substances which damage the ozone layer while interfering in the market as little as possible;

Whereas for methyl bromide the import quotas are allocated to the primary importers, considered by the Commission to be the importers who deal directly by way of invoicing with the producers outside the Community; whereas a reserve of 100,6 ODP tonnes of methyl bromide is retained for allocation during 1999 in accordance with the Article 16 procedure;

Whereas it is appropriate to retain part of the total HCFC placing on the market quota for allocation to importers in the Community who are not engaged in the production of HCFCs; whereas, in 1998, the level of imports is 4 % of the total quota available; whereas it is appropriate in 1999 to retain 4 % of the total quota for allocation to importers who are not engaged in the production of HCFCs; whereas this corresponds to a quantity of 323 ODP tonnes;

Whereas the HCFC placing on the market quota for each producer in the Community in 1999 shall reflect the market share which that producer reached in 1996, calculated in ODP tonnes; whereas it is appropriate to retain 1996 as a base-year; whereas it is considered appropriate to allocate the total available HCFC quantity of 7 756 ODP tonnes between producers without leaving a reserve;

Whereas import licences shall be issued by the Commission in accordance with Article 6 of the aforesaid Regulation, after verification of compliance by the importer with Articles 7, 8 and 12;

Whereas the release for free circulation in the Community of chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons imported from any State not party is prohibited in accordance with Article 8 of Regulation (EC) No 3093/94;

Whereas the measures provided for in this Decision are in accordance with the opinion of the committee established by Article 16 of the same Regulation,

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of chlorofluorocarbons 11, 12, 113, 114 and 115 subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0 ODP weighted tonnes.

2. The quantity of chlorofluorocarbons 11, 12, 113, 114 and 115 subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 1 600 ODP weighted tonnes of virgin material for use as feedstock.

3. The quantity of chlorofluorocarbons 11, 12, 113, 114 and 115 subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 1 400 ODP weighted tonnes.

4. The quantity of other fully halogenated chlorofluorocarbons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0 ODP weighted tonnes.

5. The quantity of halons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0 ODP weighted tonnes.

6. The quantity of carbon tetrachloride subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 15 106 ODP weighted tonnes of virgin material for use as feedstock or as a processing agent.

[1] OJ C 242, 1. 8. 1998, p. 6.

7. The quantity of 1,1,1-trichloroethane subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0,496 ODP weighted tonnes of virgin material to be used as feedstock or as a processing agent.

8. The quantity of methyl bromide subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 shall be 5 870 ODP weighted tonnes of virgin material for uses other than feedstock and quarantine and preshipment.

9. The quantity of hydrobromofluorocarbons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0 ODP weighted tonnes.

Article 2

1. The quantity of virgin carbon tetrachloride which may be imported by producers of ozone depleting substances in the European Community in 1999 for their own use as contingency against a possible breakdown of production or technical failure and where the substance is not available in the Community shall be 2 200 ODP weighted tonnes.

2. Any quantity of virgin carbon tetrachloride imported by producers of ozone depleting substances from sources outside the Community for the purposes defined in paragraph 1 of this Article shall be accounted for as production of carbon tetrachloride.

3. The quantity of virgin 1,1,1-trichloroethane which may be imported by producers of ozone depleting substances in the European Community in 1999 for their own use as contingency against a possible breakdown of production or technical failure and where the substance is not available in the Community shall be 2 000 ODP weighted tonnes.

4. Any quantity of virgin 1,1,1-trichloroethane which is imported by producers of ozone depleting substances from sources outside the Community for the purposes defined in paragraph 3 of this Article shall be accounted for as the production of 1,1,1-trichloroethane.

Article 3

1. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 which producers and importers may place on the market or use for their own account within the Community in 1999 shall be 8 079 ODP tonnes.

2. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 which producers may place on the market or use for their own account within the Community in 1999 shall be 7 756 ODP tonnes.

3. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 to be allocated by the Commission to importers within the Community who are not engaged in the production of HCFCs shall be 323 ODP tonnes.

Article 4

1. The allocation of import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, carbon tetrachloride, 1,1,1-trichloroethane and methyl bromide during the period 1 January to 31 December 1999 shall be for the purposes indicated and to the companies indicated in Annex IIa hereto.

2. The allocation of quotas for the placing on the market or use for their own account of hydrochlorofluorocarbons by producers and importers in the Community during the period 1 January to 31 December 1999 shall be to the undertakings indicated in Annex IIb hereto.

3. The import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, carbon tetrachloride, 1,1,1-trichloroethane and methyl bromide during the period 1 January to 31 December 1999 shall be as set out in Annex IIIa [1] hereto.

4. The quotas for the placing on the market or use for their own account of hydrochlorofluorocarbons by producers and importers in the Community during the period 1 January to 31 December 1999 shall be as set out in Annex IIIb [1].

Article 5

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

Done at Brussels, 11 January 1999.

For the Commission

Ritt BJERREGAARD

Member of the Commission

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

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I — LIITE I — BILAGA I

AlliedSignal Fluorochemicals Europe BV
Kempenweg 90
NL-6000 AG Weert

Ausimont SpA
Via S. Pietro 50/a
I-20021 Bollate — MI

Chemical Industries of Northern Greece SA
Thessaloniki Plant
PO Box 10183
GR-54110 Thessaloniki

DuPont de Nemours (Nederland) BV
Baanhoekweg 22
NL-3300 AC Dordrecht

Elf Atochem SA
Cours Michelet — La Défense 10
F-92091 Paris La Défense

ICI Klea
PO Box 13, The Heath
Runcorn Cheshire
WA7 4QF
United Kingdom

Rhodia Ltd
PO Box 46 — St Andrews Road
Avonmouth
Bristol BS11 9YF
United Kingdom

Solvay Fluor und Derivate GmbH
Hans-Böckler-Allee 20
D-30173 Hannover

Agroquímicos de Levante SA
Avda. Primado Reig. 129 — 4º B
E-46020 Valencia

Albemarle SA
Av. Louise 523 (Boîte 19)
B-1050 Bruxelles

Alfa Agricultural Supplies SA
13, Tim. Filimonos str.
GR-11521 Athens

Biochem Ibérica
Apartado 250, Jardia
P-2870 Montijo

Bromine and Chemicals Ltd
201 Haverstock Hill
Hampstead
London NW3 4QG
United Kingdom

Eurobrom BV
Postbus 158
NL-2280 AD Rijswijk

Great Lakes Chemical (Europe) Ltd
PO Box 44, Oil Sites Road
Ellesmere Port
South Wirral L65 4GD
United Kingdom

Harlow Chemical Company Ltd
Templefields
Harlow, Essex
CM20 2BH
United Kingdom

Mebrom NV
Assenedestraat 4
B-9940 Ertvelde

Metron Technology (Deutschland) GmbH
Saturnstraße 48
Postfach 1243
D-85609 Aschheim

Metron Technology (Italia) Srl
Via per Ornago
I-20040 Bellusco

Metron Technology (UK) Ltd
2 Gregory Road
Kirkton Campus, Livingstone
West Lothian EH54 7DR
United Kingdom

Neoquímica — Exportação E
Apartado 97
P-2580 Carregado

Olin-Hunt
Keetberglaan 1 A
Havennr 1061
B-2070 Zwijndrecht

Zeneca Agrochemicals
Fernhurst Haslemere
Surrey GU27 3JE
United Kingdom

AB Ninolab
P.O. Box 137
S-194 22 Upplands Väsby

ADVchem
La Carretera 31
E-08776 Sant Pere de Ruidebitlles (Barcelona)

Alcobre SA
C/Luis I, Nave 6-B
E-28031 Madrid

Asahi Glass Europe BV
World Trade Center
Strawinskylaan 1525
NL-1077 XX Amsterdam

Bayer Hispania SA
C/Pau Clarís 196
E-08037 Barcelona

Boucquillon NV
Nijverheidslaan 38
B-8540 Deerlijk

Calorie
503 Rue Hélène Boucher
Z.I. Buc
B.P. 33
F-78534 Buc Cedex

Caraibes Froid SARL
B.P. 6033
Ste Thérèse
F-97219 Fort-de-France

Celotex Limited
Warwick House
27/31 St Mary's Road
Ealing
London W5 5PR
United Kingdom

Efisol
14/24 Rue des Agglomérés
F-92024 Nanterre Cedex

Fibran SA
6th km Thessaloniki
Oreokastro
P.O. Box 40306
GR-56010 Thessaloniki

Fiocco Trade S.L.
C/Molina nº 16, Pta 5
E-46006 Valencia

Galco SA
Avenue Carton de Wiart 79
B-1090 Bruxelles

Galex SA
B.P. 128
F-13321 Marseille Cedex 16

Gasco NV
Assenedestraat 4
B-9940 Ertvelde

Greencool Refrigerants
Unit 12
Park Gate Business Centre
Chandlers Way
Park Gate
Southampton SO31 1FQ
United Kingdom

Guido Tazzetti & Co.
Strada Settimo 266
I-10156 Torino

H & H International Ltd
25 Richmond Avenue
London SW20 8LA
United Kingdom

HRP Refrigerants Ltd
Gellihirion Industrial Estate
Pontypridd CF37 5SX
United Kingdom

ICC Chemicals (UK) Ltd
Northbridge Road
Berkhamsted
Hertfortshire HP4 1EF
United Kingdom

Kal y Sol
P.I. Can Roca
C/Sant Marti s/nº
E-08107 Martorelles (Barcelona)

Nagase Europe Ltd
Crown House
143 Regent Street
London WIR 7LB
United Kingdom

Plasfi SA
Ctra Montblanc, s/nº
E-43420 Sta Coloma de Queralt (Tarragona)

Polar Cool S.L.
C/Valdemorillo 8
P.I. Ventorro del Cano
C/Valdemorillo 8
E-28925 Alcorcón (Madrid)

Promosol
Bld Henri Cahn
B.P. 27
F-94363 Bry-sur-Marne Cedex

Quimidroga SA
Calle Tuset 26
E-08006 Barcelona

Refrigerant Products Ltd
N9 Central Park Estate
Westinghouse Road
Trafford Park
Manchester M17 1PG
United Kingdom

Resina Chemie BV
Korte Groningerweg 1A
NL-9607 PS Foxhol

Synthesia Española SA
C/Conde Borrell 62
E-08015 Barcelona

SJB Chemical Products BV
Wellerondom 11
NL-3231 XV Brielle

Universal Chemistry & Technology (UCT) SpA
V. le A. Filippetti 20
I-20122 Milano

Vuoksi Yhtiö Oy
Os. Lappeentie 12
FIN-55100 Imatra

ANNEX IIa

GROUP I

Import quotas for virgin chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock

Company

Zeneca (UK)

Import quotas for recovered chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EC) No 3093/94 for destruction

Company

Solvay (D)

GROUP IV

Import quotas for virgin carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock or as a processing agent

Company

AlliedSignal (NL)

CING (GR)

Harlow (UK)

Rhodia (UK)

Import quotas for virgin carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 3093/94 for use as feedstock for contingency purposes

Company

ICI (UK)

GROUP V

Import quotas for virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock or as a processing agent

Company

Metron (D)

Metron (I)

Metron (UK)

Olin Hunt (B)

Import quota for virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock for contingency purposes

Company

Elf Atochem (F)

GROUP VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as soil fumigation and other uses subject to quotas

Company

Albemarle (B)

Alfa Supplies (GR)

Agroquímicos de Levante (E)

Biochem Ibérica (P)

Bromine (UK)

Eurobrom (NL)

Great Lakes (UK)

Mebrom (B)

Neoquímica (P)

ANNEX IIb

Quotas for placing on the market or use for their own account of hydrochlorofluorocarbons by producers and importers in the Community during the period 1 January to 31 December 1999 shall be assigned to the undertakings indicated below

PRODUCER

AlliedSignal (NL)
Ausimont (I)
CING (GR)
DuPont (NL)
Elf Atochem (E, F)
ICI (UK)
Rhodia (UK)
Solvay (B, D, F)

IMPORTER

AB Ninolab (S)
ADVchem (E)
Alcobre (E)
Asahi Glass (NL)
Bayer Hispania (E)
Boucquillon (B)
Calorie (F)
Caraibes Froid (F)
Celotex (UK)
Efisol (F)
Fibran (GR)
Fiocco (E)
Galco (B)
Galex (F)
Gasco (B)
Greencool (UK)
Guido Tazzetti (I)
H&H International (UK)
HRPR (UK)
ICC Chemicals (UK)
Kal y Sol (E)
Nagase & Co (UK)
Plasfi (E)
Polarcool (E)
Promosol (F)
Quimidroga (E)
Refrigeration Prod. (UK)
Resina (NL)
SJB Chemical (NL)
Synthesia Española (E)
UCT (I)
Vuoksi (FIN)