II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 April 2001

allocating import quotas for substances controlled under Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer for the period 1 January to 31 December 2001

(notified under document number C(2000) 4418)

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

(Text with EEA relevance)

(2001/628/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer [1], and in particular to Article 7 thereof,

Whereas:

(1) Article 7 of Regulation (EC) No 2037/2000 requires that the release for free circulation in the Community of controlled substances imported from third countries shall be subject to quantitive limits. Those limits shall be determined and quotas allocated to undertakings for the period 1 January to 31 December 1999 and for each 12-month period thereafter in accordance with the procedure referred to in Article 18(2). Such quotas shall only be set for methyl bromide and hydrochlorofluorocarbons (HCFCs), and for controlled substances used for essential or critical uses, in quarantine and pre-shipment applications, as feedstock, as process agents or for destruction.

(2) The quantitative limits for the placing on the market in the Community of controlled substances are set out in Article 4 and Annex III to Regulation (EC) No 2037/2000.

(3) 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.

(4) Article 4(2) of Regulation (EC) No 2037/2000 defines the total calculated level of methyl bromide which producers and importers may place on the market or use for their own account for a given 12-month period, from 1 January to 31 December 2001.

(5) Article 4(3) of Regulation (EC) No 2037/2000 defines the total calculated level of CFCS which producers and importers may place on the market or use for their own account for a given 12-month period, from 1 January to 31 December 2001.

(6) The Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer [2] and has thereby received applications for import quotas.

(7) For non quarantine and pre-shipment uses of 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. A reserve of 5 % of each importers quota of methyl bromide is retained for allocation during 2001 in accordance with the Article 18(2) procedure.

[1] OJ L 244, 29.9.2000, p. 1; as last amended by Regulation (EC) No 2038/2000 (OJ L 244, 29.9.2000, p. 25) and Regulation (EC) No 2039/2000 (OJ L 244 of 29.9.2000, p. 26).

[2] OJ C 224, 5.8.2000, p. 3.

(8) For CFCS the allocation of individual quotas to producers and importers is based on the principles of continuity, equality and proportionality. In establishing quotas, the Commission has been guided by the need to reduce further the production, import and use of ozone-depleting substances and interfering in the market as little as possible.

(9) It is appropriate to retain part of the total calculated level of HCF that can be placed on the market for allocation to importers in the Community who are not engaged in the production of CFCS. In 1998, 1999 and 2000, the level of imports was 4 % of the total calculated level of CFCS available to be placed on the market. It is appropriate in 2001 to retain 4 % of the total quantity of CFCS available to place on the market for allocation to importers who are not engaged in the production of CFCS. This corresponds to a quantity of 267 ODP tonnes to be allocated based on the relative market quota share in 1999 of those importers who received a quota in that year and also take account of the actual amounts requested.

(10) Imports for critical uses, feedstock, process agents and destruction are not quota limited under Regulation (EC) No 2037/2000. Quotas for essential uses are authorised by a separate Commission Decision.

(11) Import licenses shall be issued by the Commission in accordance with Article 6 of the aforesaid Regulation, after verification of compliance by the importer with Articles 6, 7, 8 and 13.

(12) The release for free circulation in the Community or inward processing of controlled substances imported from any State not Party is prohibited in accordance with Article 8 of Regulation (EC) No 2037/2000.

(13) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18(2) of the same Regulation,

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of controlled substances of group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and group II (other fully halogenated chlorofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 5 041 176 ODP weighted kilograms.

2. The quantity of controlled substances of group III (halons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 0 ODP weighted kilograms.

3. The quantity of controlled substances of group IV (carbon tetrachloride) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 4 230 198 ODP weighted kilograms.

4. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 2 000 610 ODP weighted kilograms.

5. The quantity of controlled substances of group VI (methyl bromide) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 4 744 966 ODP weighted kilograms.

6. The quantity of controlled substances of group VII (hydrobromofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 0 ODP weighted kilograms.

7. The quantity of controlled substances of group VIII (hydrochlorofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 4 033 726 ODP weighted kilograms.

Article 2

1. The allocation of import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons during the period 1 January to 31 December 2001 shall be for the purposes indicated and to the companies indicated in Annex I hereto.

2. The allocation of import quotas for carbon tetrachloride during the period 1 January to 31 December 2001 shall be for the purposes indicated and to the companies indicated in Annex II hereto.

3. The allocation of import quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2001 shall be for the purposes indicated and to the companies indicated in Annex III hereto.

4. The allocation of import quotas for methyl bromide during the period 1 January to 31 December 2001 shall be for the purposes indicated and to the companies indicated in Annex IV hereto.

5. The allocation of import quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2001 shall be to the undertakings indicated in Annex V hereto.

6. The import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, carbon tetrachloride, 1,1,1- trichloroethane, methyl bromide and hydrochlorofluorocarbons during the period 1 January to 31 December 2001 shall be as set out in Annex VI [1] hereto.

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

Article 3

This Decision is addressed to the following undertakings:

DuPont de Nemours (Nederland) BV
Baanhoekweg 22
3313 LA Dordrecht
Nederland

Atofina SA
Cours Michelet — La Défense 10
F-92091 Paris La Défense

Honeywell Fluorine Products Europe BV
Kempenweg 90
Postbus 263
6000 AG Weert
Nederland

Ineos Fluor Ltd
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 and Derivate GmbH
Hans-Bröckler-Allee 20
D-30173 Hannover

Ausimont SpA
Viale Lombardia 20
I-20021 Bollate (MI)

Phosphoric Fertilizers Industry SA
Thessaloniki Plant
P.O. Box 10183
GR-54110 Thessaloniki

Arch Chemicals NV
Keetberglaan 1/A
Havennummer 1061
B-2070 Zwijndrecht

Dunlop-Enerka BV
Oliemolenstraat 2
9203 ZN Drachten
Nederland

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

Sigma Aldrich Company Ltd
The Old Brickyard
New Road
Gillingham SP8 4XT
United Kingdom

Zeneca Agrochemicals
Fernhurst
Haselmere GU27 3JE
United Kingdom

Agroquímicos De Levante SA
Polígono Industrial Castilla,
Calle Vial nº 5 S/N
E-46380 Cheste (Valencia)

Albemarle Europe SPRL
Parc Scientifique Einstein
Rue du Bosquet 9
B-1348 Louvain-La-Neuve

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

Biochem Ibérica
Químicos Agrícolas e Industriais, LDA
Estrada M. 502 — Apartado 250
ATALAIA
P-2870 Montijo

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

Eurobrom BV
Postbus 158
2280 AD Rijswijk
Nederland

Great Lakes Chemical (Europe) Ltd
Sycamore House, Lloyd Drive, The Grove
Ellesmere Port
South Wirral L65 9HQ
United Kingdom

Mebrom NV
Assenedestraat 4
B-9940 Rieme — Ertvelde

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

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

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

Caraïbes Froids SARL
B.P. 6033
Ste-Thérèse
4,5 km Route du Lamentin
F-97219 Fort-de-France (Martinique)

Galco SA
Avenue Carton de Wiart 79
B-1090 Bruxelles

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

Gasco NV
Assenedestraat 4
B-9940 Rieme — Ertvelde

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

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

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

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

H&H International Ltd
Richmong Bridge House
419 Richmond Road
Richmond TW1 2EX
United Kingdom

Nagase Europe Ltd
Crown House
143 Regent Street
London W1R 4NS
United Kingdom

Universal Chemistry & Technology SpA
Viale A. Filippetti 20
I-20122 Milano

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

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

SJB Chemical Products BV
Wellerondom 11
3231 XV Brielle
Nederland

Resina Chemie BV
Korte Groningerweg 1A
9607 PS Foxhol
Nederland

Synthesia Española SA
Conde Borrel, 62
E-08015 Barcelona

Polar Cool S.L.
C/Valdemorillo, & Pol. Ind. Ventorro del Cano
E-28925 Alcoron

Neoquímica
Largo da Estação, Apartado 97
Vala do Carregado
P-2584-908 Carregado

Done at Brussels, 30 April 2001.

For the Commission

Margot WALLSTRÖM

Member of the Commission

ANNEX I

GROUPS I and II

Import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction during the period 1 January to 31 December 2001.

Company:

Atofina (F)
Honeywell (NL)
Ineos Fluor Ltd (UK)
Solvay (D)
Zeneca (UK)

ANNEX II

GROUP IV

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 2037/2000 for use as feedstock for the period 1 January to 31 December 2001.

Company:

Dunlop-Enerka (NL)
Honeywell (NL)
Harlow Chem. (UK)
Ineos Fluor Ltd (UK)
Phosperic Fert. Ind. (GR)

ANNEX III

GROUP V

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 2037/2000 for use as feedstock for the period 1 January to 31 December 2001.

Company:

Arch Chemicals (B)
Atofina (F)
Sigma Aldrich (UK)

ANNEX IV

GROUP VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 2037/2000 for non quarantine and pre-shipment uses, for quarantine and pre-shipment applications and for use as feedstock for the period 1 January to 31 December 2001.

Company:

Agroquimicos de Levante (E)
Albemarle (B)
Alfa Agricult. Supplies (GR)
Atofina (F)
Bromine & Chem. (UK)
Biochem Iberica (P)
Eurobrom (NL)
Great Lakes (UK)
Mebrom (B)
Neoquímica (PT)

ANNEX V

GROUP VIII

Import quotas for hydrochlorofluorocarbons allocated to producers and importers in accordance with Regulation (EC) No 2037/2000 for use as feedstock, process agents, for reclamation, for destruction and other uses for the period 1 January to 31 December 2001.

PRODUCER:

Atofina (F)
Ausimont (I)
DuPont de Nemours (NL)
Honeywell (NL)
Ineos Fluor Ltd (UK)
Rhodia (UK)
Solvay (D)

IMPORTER:

AB Ninolab (S)
Alcobre (E)
Asahi Glass (NL)
Caraibes Froids SARL (F)
Celotex (UK)
Galco (B)
Galex (F)
Gasco (B)
Greencool (UK)
Guido Tazzetti (I)
H & H International (UK)
HRP Refrigerants (UK)
Nagase & Co. (UK)
Polar Cool (E)
Promosol (F)
Refrigeration Prod. (UK)
Resina Chemie BV (NL)
SJB Chemical (NL)
Synthesia (E)
Universal Chemistry & Technology (I)