COMMISSION DECISION

of 7 March 2002

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 2002

(notified under document number C(2002) 867)

(Text with EEA relevance)

(2002/273/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], as amended by Regulation (EC) No 2038/2000 [2], and Regulation (EC) 2039/2000 [3], and in particular to Article 7 thereof,

Whereas:

(1) Article 7 requires that the release for free circulation in the Community of controlled substances imported from third countries shall be subject to quantitative 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.

(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) 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 2002.

(5) Article 4(3) defines the total calculated level of HCFCs 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 2002.

(6) The Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer [4] and has thereby received declarations on intended imports in 2002.

(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; whereas a reserve of 3,75 % and an emergency reserve of 1,25 % of each importer's quota of methyl bromide is retained for allocation during 2002 in accordance with the Article 18(2) procedure.

(8) For 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; whereas a reserve of 10 % of each importer's quota of methyl bromide is retained for allocation during 2002 in accordance with the Article 18(2) procedure.

(9) For HCFCs 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.

(10) It is appropriate to retain part of the total calculated level of HCFC that can be placed on the market for allocation to importers in the Community who are not engaged in the production of HCFCs. In 1998, 1999, 2000 and 2001, the level of imports was 4 % of the total calculated level of HCFCs available to be placed on the market. It is appropriate in 2002 to retain 4 % of the total quantity of HCFCs available to place on the market

[1] OJ L 244, 29.9.2000, p. 1.
[2] OJ L 244, 29.9.2000, p. 25.
[3] OJ L 244, 29.9.2000, p. 26.
[4] OJ C 205, 21.7.2001, p. 7.

for allocation to importers who are not engaged in the production of HCFCs. This corresponds to a quantity of 227 040 ODP kilograms 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.

(11) Quotas for essential uses are authorised by a separate Commission Decision.

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

(13) The release for free circulation in the Community or inward processing of controlled substances imported from any State not Party to the Protocol is prohibited in accordance with Article 8.

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

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 2002 from sources outside the Community shall be 3 381 000 ODP weighted kilograms.

2. The quantity of controlled substances of group III (halons) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the European Community in 2002 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 that may be released for free circulation in the European Community in 2002 from sources outside the Community shall be 5 307 329 ODP weighted kilograms.

4. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the European Community in 2002 from sources outside the Community shall be 400 060 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 2002 from sources outside the Community shall be 4 706 095,600 ODP weighted kilograms.

6. The quantity of controlled substances of group VII (hydrobromofluorocarbons) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the European Community in 2002 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 that may be released for free circulation in the European Community in 2002 from sources outside the Community shall be 3 812 606,520 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 2002 shall be for the purposes indicated and to the companies indicated in Annex 1 hereto.

2. The allocation of import quotas for carbon tetrachloride during the period 1 January to 31 December 2002 shall be for the purposes indicated and to the companies indicated in Annex 2 hereto.

3. The allocation of import quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2002 shall be for the purposes indicated and to the companies indicated in Annex 3 hereto.

4. The allocation of import quotas for methyl bromide during the period 1 January to 31 December 2002 shall be for the purposes indicated and to the companies indicated in Annex 4 hereto.

5. The allocation of import quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2002 shall be to the undertakings indicated in Annex 5 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 2002 shall be as set out in Annex 6 [1] hereto.

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
PO Box 264
6000 AG Weert
Nederland

Ineos Fluor Ltd
PO Box 13, The Heath
Runcorn Cheshire WA7 4QF
United Kingdom

[1] Annex 6 is not published because it contains confidential commercial information.

Rhodia Organique Fine 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

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

Phosphoric Fertilizers Industry SA
Thessaloniki Plant
OO Box 10183
GR-54110 Thessaloniki

Advanced Chemical SA
C/Balmes, 69 Pral 3º
E-08007 Barcelona

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

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

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

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

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

Biochem Ibérica
Químicos Agrícolas e Industriais, Lda
Estrada M. 502 - Apartado 250
Atalaia
P-2870-901 Montijo

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

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

Dunlop-Enerka BV
Oliemolenstraat 2
Drachten
Nederland

Eurobrom BV
PO Box 158
2280 AD Rijswijk
Nederland

Galco SA
Avenue Carton de Wiart 79
B-1090 Brussels

Galex SA
BP 128
F-13321 Marseille Cedex 16

Gasco NV
Assenedestraat 4
B-9940 Rieme-Ertvelde

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

GU Thermo Technology Ltd
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

HARP International
Gellihirion Industrial Estate
Rhondda Cynon taff
Pontypridd CF37 5SX
United Kingdom

Mebrom NV
Assenedestraat 4
B-9940 Rieme-Ertvelde

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

Polar Cool SL
C/Valdemorillo, 8 Polígono Industrial
Ventorro del Cano
E-28925 Alcoron

Promosol
Bld Henri Cahn
BP 27
F-94363 Bry-sur-Marne Cedex

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

Sigma Aldrich Chemie GmbH
Riedstraße 2
D-89555 Steinheim

Sigma Aldrich Chimie SARL
80, rue de Luzais, L'isle d'abeau Chesnes
FR-38297 St Quentin Fallavier

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

SJB Chemical Products BV
Wellerondom 11
3230 AG Brelle
Nederland

Syngenta Crop Protection
Surrey Research Park
Guildford, Surrey
GU2 7YH
United Kingdom

Synthesia Española SA
Conde Borell, 62
E-08015 Barcelona

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

Done at Brussels, 7 March 2002.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX 1

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 2002.

Company

— Honeywell Fluorine Products (NL)
— Ineos Fluor Ltd (UK)
— Solvay Fluor und Derivate (D)
— Syngenta (UK)

ANNEX 2

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 2002.

Company

— Dunlop-Enerka (NL)
— Honeywell Fluorine Products (NL)
— Ineos Fluor Ltd (UK)
— Phosphoric Fertilisers Industry (GR)

ANNEX 3

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 2002.

Company

— Arch Chemicals (B)
— Atofina (F)

ANNEX 4

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, for laboratory use or use as feedstock for the period 1 January to 31 December 2002.

Company

— Agroquímicos de Levante (E)
— Albemarle Europe (B)
— Alfa Agricultural Supplies (GR)
— Atofina (F)
— Biochem Ibérica (P)
— Bromine & Chemicals (UK)
— Eurobrom (NL)
— Great Lakes Chemicals (UK)
— Mebrom (B)
— Neoquímica (P)
— Sigma Aldrich Chemie (D)
— Sigma Aldrich Chimie (FR)
— Sigma Aldrich Company (UK)

ANNEX 5

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, for laboratory use, for exempted uses and other applications allowed under Article 5 of Regulation (EC) No 2037/2000 for the period 1 January to 31 December 2002.

Producer

— Atofina (F)
— Ausimont (I)
— DuPont de Nemours (NL)
— Honeywell Fluorine Products (NL)
— Ineos Fluor Ltd (UK)
— Rhodia Organique (UK)
— Solvay Fluor und Derivate (D)

Importer

— Advanced Chemicals (E)
— Alcobre (E)
— Asahi Glass (NL)
— Celotex (UK)
— Galco (B)
— Galex (F)
— Gasco (B)
— Greencool (UK)
— Guido Tazzetti (I)
— HARP International (UK)
— Polar Cool (E)
— Promosol (F)
— Refrigerant Products (UK)
— Sigma Aldrich Chimie (F)
— Sigma Aldrich Company (UK)
— SJB Chemical Products (NL)
— Synthesia (E)
— Universal Chemistry & Technology (I)