

COMMISSION

COMMISSION DECISION

of 20 July 2005

on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2004 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council

(notified under document number C(2005) 296)

(Only the Czech, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovakian, Slovenian, Spanish and Swedish texts are authentic)

(2005/596/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

31 December 2004, and in each 12-month period thereafter.

Having regard to the Treaty establishing the European Community,

- (3) Article 4(3)(d) of Regulation (EC) No 2037/2000 sets out the total calculated level of hydrochlorofluorocarbons which producers and importers may place on the market or use for their own account in the period 1 January to 31 December 2004.

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 Article 7 thereof,

- (4) The Commission has published a notice to importers in the Community of controlled substances that deplete the ozone layer⁽²⁾ and has thereby received declarations on intended imports in 2004. It has published a further notice for the 10 Member States acceding on the 1 May 2004 and has received declarations of intended imports for the period 1 May 2004 to 31 December 2004⁽³⁾.

Whereas:

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

- (2) Article 4(2)(c) of Regulation (EC) No 2037/2000 sets out the total calculated level of methyl bromide which producers and importers may place on the market or use for their own account in the period 1 January to

- (5) For hydrochlorofluorocarbons the allocation of quotas to producers and importers is in accordance with the provisions of Commission Decision 2002/654/EC of 12 August 2002 determining a mechanism for the allocation of quotas to producers and importers for hydrochlorofluorocarbons for the years 2003 to 2009 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council⁽⁴⁾.

⁽¹⁾ OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 2077/2004 (OJ L 359, 4.12.2004, p. 28).

⁽²⁾ OJ C 162, 11.7.2003, p. 10.

⁽³⁾ OJ C 133, 11.5.2004, p. 2.

⁽⁴⁾ OJ L 220, 15.8.2002, p. 59.

- (6) Commission Decision 2004/176/EC of 20 January 2004 on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2004 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council⁽¹⁾ should be amended to take account of increased quantitative limits in Annex III to Regulation (EC) No 2037/2000 as amended by the 2003 Act of Accession⁽²⁾, due to the accession of 10 new Member States on 1 May 2004. This increase in the amount of controlled substances that can be placed on the market then needs to be allocated.
- (7) In the interests of legal clarity and transparency Decision 2004/176/EC should therefore be replaced. In view of the experience gained in this decision and its associated licensing and for the purpose of ensuring that interested companies and operators may continue to benefit in due time from the licensing system, it is appropriate that the present decision shall apply from 1 May 2004.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18(1) of Regulation (EC) No 2037/2000,

may be released for free circulation in the Community in 2004 from sources outside the Community shall be 550 060,00 ODP 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 Community in 2004 from sources outside the Community shall be 4 629 950,61 ODP kilograms.

6. 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 Community in 2004 from sources outside the Community shall be 2 552 968,89 ODP kilograms.

7. The quantity of controlled substances of group IX (bromochloromethane) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 114 612,00 ODP kilograms.

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 Community in 2004 from sources outside the Community shall be 4 860 000,00 ozone depleting potential (ODP) 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 Community in 2004 from sources outside the Community shall be 54 350 000,00 ODP 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 Community in 2004 from sources outside the Community shall be 9 621 160,00 ODP kilograms.

4. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 2037/2000 that

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 2004 shall be for the purposes indicated and to the companies indicated in Annex I hereto.

2. The allocation of import quotas for halons during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex II hereto.

3. The allocation of import quotas for carbon tetrachloride during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex III hereto.

4. The allocation of import quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex IV hereto.

5. The allocation of import quotas for methyl bromide during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex V hereto.

⁽¹⁾ OJ L 55, 24.2.2004, p. 57.

⁽²⁾ OJ L 236, 23.9.2003, p. 710.

6. The allocation of import quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex VI hereto.

7. The allocation of import quotas for bromochloromethane during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex VII hereto.

8. The import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, hydrobromofluorocarbons, hydrochlorofluorocarbons and bromochloromethane during the period 1 January to 31 December 2004 shall be as set out in Annex VIII hereto.

Article 3

Decision 2004/176/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision.

Article 4

This Decision is addressed to the following undertakings:

Agropest S.A.
ul. Górnica 12/14
PL-91-765 Łódź

Agroquímicos de Levante SA
Poligono Industrial Castilla
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Albemarle Chemicals
Étang de la Gaffette
Boulevard Maritime
BP 28
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Albemarle Europe SPRL
Parc scientifique Einstein
Rue du Bosquet 9
B-1348 Louvain-La-Neuve

Alcobre SA
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Poligono Industrial Vallecas
E-28031 Madrid

Alfa Agricultural Supplies S.A.
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GR-152 31 Halandri, Athens

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

Arkema & Arkema Quimica SA
Cours Michelet — La Défense 10
F-92091 Paris-La Défense

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

Avantec SA
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BaySystems Iberia
C/ Pau Clarís 196
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Biochem Iberica
Químicos Agrícolas e Industriais, Lda
Estrada M. 502 — Apartado 250
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Calorie SA
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F-78534 Buc Cedex

Caraïbes Froid SARL
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Sainte-Thérèse, route du Lamentin
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Cleanaway Ltd
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United Kingdom

Desautel SAS (FR)
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Oliemolenstraat 2
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Nederland

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Galco SA
Avenue Carton de Wiart 79
B-1090 Bruxelles

Galex SA
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Great Lakes Chemical (Europe) Ltd
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United Kingdom

Guido Tazzetti & Co. SpA
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Harp International Ltd
Gellihirion Industrial Estate
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United Kingdom

Honeywell Fluorine Products Europe BV
Kempenweg 90
Postbus 264
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HUNC — Halon Users National Consortium
PO Box 111
Petersfields Hants GU31 4PL
United Kingdom

Ineos Fluor Ltd
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Runcorn, Cheshire WA7 4QF
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Laboratorios Miret SA (LAMIRSA)
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Sigma Aldrich Chimie SARL
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L'isle d'abeau Chesnes
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Sigma Aldrich Company Ltd
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Solvay Fluor und Derivate GmbH
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Solvay Solexis SpA
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I-20021 Bollate (MI)

Syngenta Crop Protection
Surrey Research Park
Guildford
Surrey GU2 7YH
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Synthesia Española SA
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Synthomer Ltd
Templefields, Central Road
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United Kingdom

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PL-05-500 Piaseczno

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

Wigmors
ul. Irysowa 5
PL-51-117 Wrocław

Article 5

This Decision shall apply from 1 May 2004 and shall expire on 31 December 2004.

Done at Brussels, 20 July 2005.

For the Commission
Stavros DIMAS
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 2004.

Company

Cleanaway Ltd (UK)
Honeywell Fluorine Products (NL)
Solvay Fluor GmbH (DE)
Syngenta Crop Protection (UK)

ANNEX II

GROUP III

Import quotas for halons allocated to importers in accordance with Regulation (EC) No 2037/2000 for destruction during the period 1 January to 31 December 2004.

Company

Cleanaway Ltd (UK)
Desautel SAS (FR)
HUNC — Halon Users National Consortium (UK)

ANNEX III

GROUP IV

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction for the period 1 January to 31 December 2004.

Company

Cleanaway Ltd (UK)
Fenner-Dunlop BV (NL)
Honeywell Fluorine Products (NL)
Ineos Fluor Ltd (UK)
Phosphoric Fertilisers Industry (EL)
Synthomer (UK)

ANNEX IV

GROUP V

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction for the period 1 January to 31 December 2004.

Company

Arch Chemicals (B)
Arkema & Arkema Quimica (FR)
Cleanaway Ltd (UK)

ANNEX V

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 feedstock uses and for destruction for the period 1 January to 31 December 2004.

Company

Agropest (PL)
Agroquímicos de Levante (ES)
Albemarle Europe (B)
Alfa Agricultural Supplies (EL)
Albemarle Chemicals (FR)
Biochem Iberica (PT)
Cleanaway Ltd (UK)
Eurobrom BV (NL)
Great Lakes Chemical (UK)
Mebrom NV (B)
P.U.P.H. SOLFUM Sp. z o.o. (PL)
Sigma Aldrich Chemie GmbH (DE)

ANNEX VI

GROUP VIII

Import quotas for hydrochlorofluorocarbons allocated to producers and importers in accordance with Regulation (EC) No 2037/2000 and in accordance with the provisions of Decision 2002/654/EC for feedstock uses, process agents, for reclamation, for destruction and other applications allowed under Article 5 of Regulation (EC) No 2037/2000 for the period 1 January to 31 December 2004.

Producer

Arkema & Arkema Quimica (FR)
DuPont de Nemours (NL)
Honeywell Fluorine Products (NL)
Ineos Fluor Ltd (UK)
Rhodia Organique (UK)
Solvay Fluor GmbH (DE)
Solvay Solexis SpA (IT)

Importer

Alcobre (ES)
Asahi Glass (NL)
Avantec SA (FR)
Boc Gazy (PL)
BaySystems Iberia (ES)
Calorie SA (FR)
Caraïbes Froid SARL (FR)
Etis d.o.o. (SI)
Empor d.o.o. (SI)
Galco S.A. (B)
Galex S.A. (FR)
Guido Tazzetti (IT)
HARP International (UK)
Linde Gaz Polska (PL)
Matero (CY)
Mebrom (B)
Prodex-System (PL)
PW Gaztech (PL)
Refrigerant Products (UK)
Sigma Aldrich Chimie (FR)
Sigma Aldrich Company (UK)
SJB Chemical Products (NL)
Solquimia Iberia, SL (ES)
Synthesia Española (ES)
Termo-Schiessl (PL)
Universal Chemistry & Technology (IT)
Wigmors (PL)

ANNEX VII

GROUP IX

Import quotas for bromochloromethane allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses during the period 1 January to 31 December 2004.

Company

Eurobrom BV (NL)

Laboratorios Miret SA (LAMIRSA) (ES)

Sigma Aldrich Chemie GmbH (DE)

ANNEX VIII

(This Annex is not published because it contains confidential commercial information).
