

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 September 2005

on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2005 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council

(notified under document number C(2005) 2036)

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

(2005/0000/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) 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)(i)(d) of Regulation (EC) No 2037/2000 prohibits each producer and importer placing any methyl bromide on the market or using any for their own account after 31 December 2004. Article 4(4)(i)(b) allows a derogation from this prohibition if methyl bromide is used to meet the licensed requests for critical uses of those users identified as described in Article 3(2)(ii). The quantity of methyl bromide licensed for critical uses for the period 1 January to 31 December 2005 is published in a separate Commission decision.

(3) Article 4(2)(iii) allows a derogation from Article 4(2)(i)(d) if methyl bromide is imported or produced for quarantine and pre-shipment (QPS) applications. The amount of methyl bromide that can be imported or produced for these purposes in 2005 must not exceed the average of the calculated level of methyl bromide which a producer or importer placed on the market or used for its own account for QPS in the years 1996, 1997 and 1998.

(4) Article 4(3)(i)(e) 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 2005.

(5) 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 2005.

(6) 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 ⁽³⁾.

⁽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 187, 22.7.2004, p. 11.

⁽³⁾ OJ L 220, 15.8.2002, p. 59.

- (7) Decision 2004/176/EC on the allocation of quantities of controlled substances in 2004 expired on 31 December 2004. 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 January 2005.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18(2) of Regulation (EC) No 2037/2000,

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 2005 from sources outside the Community shall be 5 644 000,00 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 2005 from sources outside the Community shall be 31 584 500,00 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 2005 from sources outside the Community shall be 17 601 428,90 ODP 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 Community in 2005 from sources outside the Community shall be 500 060,00 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 2005 from sources outside the Community for quarantine and pre-shipment uses shall be 502 736,06 ODP kilograms.

6. The quantity of controlled substances of group VI (methyl bromide) subject to Regulation (EC) No 2037/2000 for all uses except quarantine and pre-shipment and critical uses⁽¹⁾ which may be released for free circulation in the Community in 2005 from sources outside the Community shall be 1 587 656,06 ODP 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 Community in 2005 from sources outside the Community shall be 3 157 554,752 ODP kilograms.

8. The quantity of controlled substances of group IX (bromo-chloromethane) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2005 from sources outside the Community shall be 120 612,000 ODP 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 2005 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 2005 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 2005 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 2005 shall be for the purposes indicated and to the companies indicated in Annex IV hereto.

⁽¹⁾ A separate Commission Decision will be published for critical uses of methyl bromide.

5. The allocation of import quotas for methyl bromide during the period 1 January to 31 December 2005 shall be for the purposes indicated and to the companies indicated in Annex V hereto.

6. The allocation of import quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2005 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 2005 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 2005 shall be as set out in Annex VIII hereto.

Article 3

This Decision is addressed to the following undertakings:

Agropest S.A.
ul. Górnicza 12/14
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BaySystems Iberia
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Calorie SA
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Albemarle Chemicals
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Alfa Agricultural Supplies SA
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GR-152 31 Halandri, Athens

Asahi Glass Europe BV
World Trade Center
Strawinskylaan 1525
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Avantec SA
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F-94363 Bry-sur-Marne Cedex

Boc Gazy
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PL-02-757 Warszawa

Caraïbes Froid SARL
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Ste-Thérèse, route du Lamentin
F-97219 Fort-de-France (Martinique)

Desautel SAS (FR)
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F-01121 Montluel Cedex

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Fenner-Dunlop BV
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Ineos Fluor Ltd
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Article 4

This Decision shall apply from 1 January 2005 and shall expire on 31 December 2005.

Done at Brussels, 5 September 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 2005.

Company

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

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 2005.

Company

Cleanaway Ltd (UK)
Desautel SAS (FR)
Poz Pliszka (PL)
Siemens SAS (FR)
Unitor ASA (NL)

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 2005.

Company

Cleanaway Ltd (UK)
Dow Deutschland (DE)
Fenner-Dunlop BV (NL)
Honeywell Fluorine Products (NL)
Ineos Fluor Ltd (UK)
Phosphoric Fertilisers Industry (GR)

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 2005.

Company

Fujifilm Electronic Materials Europe (BE)

Arkema SA (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 2005.

Company

Agropest (PL)

Albemarle Chemicals (FR)

Alfa Agricultural Supplies (EL)

Arkema SA (FR)

Cleanaway Ltd (UK)

Eurobrom BV (NL)

Great Lakes Chemicals (UK)

Mebrom NV (BE)

PUPH Solfum (PL)

Sigma Aldrich Chemie (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 Commission 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 2005.

Producer
Arkema SA (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 SA (BE) Galex SA (FR) Tazzetti Fluids S.r.l. (IT) Harp International (UK)	Linde Gaz Polska (PL) Matero (CY) Mebrom (BE) Prodex-Systems (PL) Refrigerant Products (UK) Sigma Aldrich Chimie (FR) Sigma Aldrich Company (UK) SJB Chemical Products (NL) Solquimia Iberia, SL (ES) Synthesia Espanola (ES) UAB Genys (LT) 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 2005.

Company

Eurobrom BV (NL)

Great Lakes (UK)

Laboratorios Miret, SA (LAMIRSA) (ES)

Sigma Aldrich Chemie (DE)

ANNEX VIII

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