EUROPEAN COMMISSION

Notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2011 and undertakings intending to request for 2011 a quota for these substances intended for laboratory and analytical uses

(2010/C 107/12)

The Commission herewith also gives advanced notice that the concerned Internet pages indicated below are currently being revised and that the addresses may change. While an automatic forwarding will be ensured, in cases of doubt the Commission should be contacted to obtain the latest address.

I. This Notice is addressed to undertakings that are concerned by the Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer [1] (the Regulation) and that intend to **import** or **export** to or from the European Union, or that indent to request for 2011 a quota for laboratory and analytical uses, for any of the following substances covered by the Regulation during the period 1 January 2011 to 31 December 2011:

Group I: CFC 11, 12, 113, 114 or 115

Group II: other fully halogenated CFCs

Group III: halon 1211, 1301 or 2402

Group IV: carbon tetrachloride

Group V: 1,1,1 trichloroethane

Group VI: methyl bromide

Group VII: hydrobromofluorocarbons

Group VIII: hydrochlorofluorocarbons

Group IX: bromochloromethane

Dibromodifluoromethane (halon-1202).

II. As a general rule, the production, import and export of substances referred to under point I is prohibited, except for specific cases foreseen by the Regulation.

III. Any import or export of substances exempted from the general import or export ban requires a licence by the Commission, except in cases of transit, temporary storage, customs-warehousing or free zone procedure as referred to in Regulation (EC) No 450/2008, lasting no longer than 45 days. Also the import or export of Dibromodifluoromethane is exempted from the licensing requirement.

IV. Any production of controlled substances for laboratory and analytical uses requires a prior authorisation.

V. The request for a quota for laboratory and analytical uses follows the same procedure as indicated below for imports. Quotas will be allocated in line with Article 10(6) of the Regulation.

[1] OJ L 286, 31.10.2009, p. 1.

VI. Any undertaking that wishes to import or export controlled substances in 2011 and that has not requested an import licence or export authorisation in the previous years, needs to notify the Commission by submitting no later than **1 July 2010** the registration form available online at: http://ec.europa.eu/environment/ozone/ods.htm. Following the registration, undertakings need to follow the procedure described in paragraph VII.

VII. Undertakings that requested an import licence or export authorisation in previous years should complete and submit the relevant declaration form available online via the Main-ODS-database (http://ec.europa.eu/environment/ozone/ods.htm).

In the case of import declarations, a duly signed copy of the final declaration needs to be sent to the Commission after completion of the online declaration process:

European Commission
Directorate-General for the Environment
Unit ENV.C.4 — Industrial emissions and protection of the ozone layer
BU-1 2/147
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22920692
E-mail: env-ods@ec.europa.eu

The Commission encourages the submission of duly signed copies by e-mail.

VIII. The declaration forms in the ODS-database will be available as of 1 June 2010.

IX. Only duly completed declaration forms (in case of import declarations: the signed copies) that are free of errors received by **31 July 2010** will be considered as valid by the Commission.

Undertakings are encouraged to submit their declaration as soon as possible and sufficiently ahead of the deadline to allow for potential corrections within the declaration period.

The submission of a declaration by itself does not give any right to perform imports or exports.

X. Before an import or export, subject to licensing (see point III), takes place in 2011, undertakings must have submitted a corresponding declaration and must apply for a licence by the Commission using the online application form available in the online Main-ODS-database.

XI. To verify the nature of the substance and the purpose of the import or export as described by the undertaking in the licence request, the Commission may ask the applicant to submit additional information.

XII. A licence will be issued if the Commission is satisfied that the request is in accordance with the declaration and in conformity with the legal requirements. The applicant will be informed by e-mail about the acceptance of the licence request. The Commission reserves the right to withhold an export licence when the substance to be exported is not as described or may not be used for the purposes requested or cannot be exported in compliance with the Regulation.

The Commission may reject a request for a licence, when the competent authorities of the importing country have informed the Commission that the import of the controlled substance would adversely impact on the implementation of control measures of the importing country in place to comply with its obligations under the Protocol or would lead to an excess of the quantitative limits under the Protocol for that country.

XIII. Imports for free circulation in the European Union are subject to quantitative limits, determined by the Commission on the basis of the import declarations for controlled substances for the following uses:

(a) laboratory and analytical uses (subject to a production/import quota and quantitative limitation; see points IV and V above);

(b) critical uses (halons);

(c) feedstock uses;

(d) process agent uses.