Notice to exporters of controlled substances that may deplete the ozone layer in the European Union in 2005 regarding Regulation (EC) No 2037/2000 of the European Parliament and of the Council on 'Substances that deplete the ozone layer' [1]

(2004/C 187/04)

This notice is addressed to undertakings that intend to export the following substances from the European Union during the period 1 January 2005 to 31 December 2005.

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 or

Group VIII: hydrochlorofluorocarbons

Group IX: bromochloromethane.

Exports of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons and bromochloromethane or products and equipment, other than personal effects containing those substances or whose continuing function relies on the supply of these substances, are prohibited. Note that exceptions to this prohibition are exports of:

— controlled substances produced pursuant to Article 3(6) to satisfy the basic domestic needs of Parties operating according to Article 5 of the Montreal Protocol,

— controlled substances produced under Article 3(7) to satisfy essential or critical uses of Parties,

— products and equipment containing controlled substances produced under Article 3(5) or imported pursuant to Article 7(b) of the Regulation,

— products and equipment containing HCFCs to be exported to countries where the use of HCFCs in such products is still permitted, according to Article 5(5) of the Regulation,

— recovered, recycled and reclaimed halon stored for critical uses in facilities authorised or operated by the competent authority to satisfy critical uses listed in Annex VII until 31 December 2009, and products and equipment containing halon to satisfy critical uses listed in Annex VII,

— controlled substances to be used for feedstock and processing agent applications,

[1] OJ L 244, 29.9.2000, p. 1. Regulation as amended by Commission Decision 2004/232/EC (OJ L71, 10.3.2004, p. 28).

— used products and equipment that contain rigid insulating foam or integral skin foam which have been produced with chlorofluorocarbons. This exemption does not apply to:

  — refrigeration and air-conditioning equipment and products;

  — refrigeration and air-conditioning equipment and products which contain chlorofluorocarbons, or whose continuing function relies on the supply of chlorofluorocarbons used as refrigerants, in other equipment and products;

  — building insulation foam and products;

— pursuant to Article 4(2), production and import of methyl bromide for non-QPS uses is prohibited.

Pursuant to Article 11(2), export of:

— methyl bromide to any State not party to the Protocol is prohibited,

— from 1 January 2004, exports from the Community of hydrochlorofluorocarbons to any State not party to the Protocol shall be prohibited;

Pursuant to Article 11(3), export of:

— hydrochlorofluorocarbons to any State not Party to the Protocol is prohibited from 1 January 2004. Party status depends on meeting criteria set out in Decision XV/3 of the Montreal Protocol.

Article 12 requires the authorisation of exports of the substances listed under Groups I to IX of Annex I to this notice (see also Annex I to the Regulation). Such export authorisations should be issued by the European Commission after verification of compliance with Article 11 ([1]).

For the purposes of the Regulation, quantities are measured in ODP kilograms to reflect the ozone depleting potential of the substance ([2]).

A user that wishes to export controlled substances listed under Group I to IX of Annex 1 of this Notice for the period from 1 January 2005 to 31 December 2005, should make itself known to the European Commission, preferably no later than 3 September 2004.

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Other applicants that have been issued with an export authorisation in 2004 should complete and submit the relevant form(s) according to the export substance(s) on the ODS website http://europa.eu.int/comm/environment/ods/index.htm in order to receive an export authorisation number (EAN).

A copy of the application should also be sent to the competent authority of the Member State (see Annex II).

An EAN will be provided and the applicant notified providing the application meets the eligibility criteria for an Export Authorisation Number. A user may export the controlled substances listed in Annex I to this Notice during the course of 2005 only if it is in possession of an EAN issued by the European Commission. The European Commission reserves the right to withhold issuing an EAN where it is not satisfied with the information provided.

([1]) Amended by Regulation (EC) 1804/2003 (OJ L 265, 16.10.2003, p. 1).

([2]) For mixtures: only the quantity of the controlled substances in the mixture should be included in the quantity. 1,1,1-trichloroethane is always put on the market with stabilisers. Exporters should establish from their supplier what is the percentage of stabiliser to be deducted before calculating the weighted tonnage.

ANNEX I

SUBSTANCES COVERED

Group	Substances		Ozone-depleting potential [1]
Group I	$CFCl_3$	(CFC 11)	1,0
	CF_2Cl_2	(CFC 12)	1,0
	$C_2F_3Cl_3$	(CFC 113)	0,8
	$C_2F_4Cl_2$	(CFC 114)	1,0
	C_2F_5Cl	(CFC 115)	0,6
Group II	CF_3Cl	(CFC 13)	1,0
	C_2FCl_5	(CFC 111)	1,0
	$C_2F_2Cl_4$	(CFC 112)	1,0
	C_3FCl_7	(CFC 211)	1,0
	$C_3F_2Cl_6$	(CFC 212)	1,0
	$C_3F_3Cl_5$	(CFC 213)	1,0
	$C_3F_4Cl_4$	(CFC 214)	1,0
	$C_3F_5Cl_3$	(CFC 215)	1,0
	$C_3F_6Cl_2$	(CFC 216)	1,0
	C_3F_7Cl	(CFC 217)	1,0
Group III	CF_2BrCl	(halon 1211)	3,0
	CF_3Br	(halon 1301)	10,0
	$C_2F_4Br_2$	(halon 2402)	6,0
Group IV	CCl_4	(carbon tetrachloride)	1,1
Group V	$C_2H_3Cl_3$ [2]	(1,1,1-trichloroethane)	0,1
Group VI	CH_3Br	(methyl bromide)	0,6
Group VII	$CHFBr_2$		1,00
	CHF_2Br		0,74
	CH_2FBr		0,73
	C_2HFBr_4		0,8
	$C_2HF_2Br_3$		1,8
	$C_2HF_3Br_2$		1,6
	C_2HF_4Br		1,2
	$C_2H_2FBr_3$		1,1
	$C_2H_2F_2Br_2$		1,5
	$C_2H_2F_3Br$		1,6
	$C_2H_3FBr_2$		1,7
	$C_2H_3F_2Br$		1,1
	C_2H_4FBr		0,1
	C_3HFBr_6		1,5
	$C_3HF_2Br_5$		1,9
	$C_3HF_3Br_4$		1,8
	$C_3HF_4Br_3$		2,2
	$C_3HF_5Br_2$		2,0
	C_3HF_6Br		3,3
	$C_3H_2FBr_5$		1,9
	$C_3H_2F_2Br_4$		2,1
	$C_3H_2F_3Br_3$		5,6
	$C_3H_2F_4Br_2$		7,5
	$C_3H_2F_5Br$		1,4
	$C_3H_3FBr_4$		1,9
	$C_3H_3F_2Br_3$		3,1
	$C_3H_3F_3Br_2$		2,5
	$C_3H_3F_4Br$		4,4
	$C_3H_4FBr_3$		0,3
	$C_3H_4F_2Br_2$		1,0
	$C_3H_4F_3Br$		0,8
	$C_3H_5FBr_2$		0,4
	$C_3H_5F_2Br$		0,8
	C_3H_6FBr		0,7

Group	Substances		Ozone-depleting potential (1)
Group VIII	$CHFCl_2$	(HCFC 21) (3)	0,040
	CHF_2Cl	(HCFC 22) (3)	0,055
	CH_2FCl	(HCFC 31)	0,020
	C_2HFCl_4	(HCFC 121)	0,040
	$C_2HF_2Cl_3$	(HCFC 122)	0,080
	$C_2HF_3Cl_2$	(HCFC 123) (3)	0,020
	C_2HF_4Cl	(HCFC 124) (3)	0,022
	$C_2H_2FCl_3$	(HCFC 131)	0,050
	$C_2H_2F_2Cl_2$	(HCFC 132)	0,050
	$C_2H_2F_3Cl$	(HCFC 133)	0,060
	$C_2H_3FCl_2$	(HCFC 141)	0,070
	CH_3CFCl_2	(HCFC 141b) (3)	0,110
	$C_2H_3F_2Cl$	(HCFC 142)	0,070
	CH_3CF_2Cl	(HCFC 142b) (3)	0,065
	C_2H_4FCl	(HCFC 151)	0,005
	C_3HFCl_6	(HCFC 221)	0,070
	$C_3HF_2Cl_5$	(HCFC 222)	0,090
	$C_3HF_3Cl_4$	(HCFC 223)	0,080
	$C_3HF_4Cl_3$	(HCFC 224)	0,090
	$C_3HF_5Cl_2$	(HCFC 225)	0,070
	$CF_3CF_2CHCl_2$	(HCFC 225ca) (3)	0,025
	CF_2ClCF_2CHClF	(HCFC 225cb) (3)	0,033
	C_3HF_6Cl	(HCFC 226)	0,100
	$C_3H_2FCl_5$	(HCFC 231)	0,090
	$C_3H_2F_2Cl_4$	(HCFC 232)	0,100
	$C_3H_2F_3Cl_3$	(HCFC 233)	0,230
	$C_3H_2F_4Cl_2$	(HCFC 234)	0,280
	$C_3H_2F_5Cl$	(HCFC 235)	0,520
	$C_3H_3FCl_4$	(HCFC 241)	0,090
	$C_3H_3F_2Cl_3$	(HCFC 242)	0,130
	$C_3H_3F_3Cl_2$	(HCFC 243)	0,120
	$C_3H_3F_4Cl$	(HCFC 244)	0,140
	$C_3H_4FCl_3$	(HCFC 251)	0,010
	$C_3H_4F_2Cl_2$	(HCFC 252)	0,040
	$C_3H_4F_3Cl$	(HCFC 253)	0,030
	$C_3H_5FCl_2$	(HCFC 261)	0,020
	$C_3H_5F_2Cl$	(HCFC 262)	0,020
	C_3H_6FCl	(HCFC 271)	0,030
Group IX	CH_2BrCl	Halon 1011/bromochloromethane	0,120

(1) These ozone-depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically in the light of decisions taken by the Parties to the Montreal Protocol on substances that deplete the ozone layer.
(2) This formula does not refer to 1,1,2-trichloroethane.
(3) Identifies the most commercially-viable substance as prescribed in the Protocol.

ANEXO II/PŘÍLOHA II/BILAG II/ANHANG II/ΠΑΡΑΡΤΗΜΑ II/ANNEX II/LISA II/ANNEXE II/II. MELLÉKLET/ALLEGATO II/II PRIEDAS/II PIELIKUMS/ANNESS II/BIJLAGE II/ZAŁĄCZNIK II/ANEXO II/PRÍLOHA II/PRILOGA II/LIITE II/BILAGA II

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