Notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2021 and undertakings intending to produce or import these substances for essential laboratory and analytical uses in 2021

(2020/C 115/04)

1. This Notice is addressed to undertakings that are concerned by the Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer ([1]) (the Regulation) and which intend in 2021:

   (a) to **import or export** to or from the European Union substances listed in Annex I of the Regulation; or

   (b) to produce or import these substances for essential laboratory and analytical uses in the European Union.

   Undertakings are invited to note that the withdrawal of the United Kingdom of Great Britain and Northern Ireland ('the United Kingdom') from the European Union may affect if and to the extent to which, they will be concerned in 2021.

   The Withdrawal Agreement provides for a transition period during which Regulation (EC) No 1005/2009 applies to and in the United Kingdom in accordance with that Agreement. That period will end on 31 December 2020, unless the Joint Committee established by the Withdrawal Agreement adopts, before 1 July 2020, a single decision extending the transition period for up to 1 or 2 years.

   After the transition period Regulation (EC) No 1005/2009 will no longer apply to and in Great Britain. However, it will continue to apply to and in Northern Ireland in accordance with the Protocol on Ireland/Northern Ireland included in the Withdrawal Agreement and Political Declaration on the future relationship between the United Kingdom and the European Union.

2. The following groups of substances are concerned:

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

3. Any import or export of controlled substances ([2]) 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 of the European Parliament and of the Council ([3]), lasting not longer than 45 days. Any production of controlled substances for essential laboratory and analytical uses requires prior authorisation.

([1]) OJ L 286, 31.10.2009, p. 1.
([2]) Note that only import or export exempted from the general import and export ban pursuant to Article 15 and 17 may be permitted.
([3]) OJ L 145, 4.6.2008, p. 1.

4. Furthermore, the following activities are subject to quantitative limits:

   (a) Production and import for laboratory and analytical uses;

   (b) Import for free circulation in the European Union for critical uses (halons);

   (c) Import for free circulation in the European Union for feedstock uses;

   (d) Import for free circulation in the European Union for process agent uses.

   The Commission allocates quotas for (a), (b), (c), and (d). The quotas are determined on the basis of the quota applications and:

   — in accordance with Article 10(6) of the Regulation and Commission Regulation (EU) No 537/2011 ([4]) for the case (a) above,

   — in accordance with Article 16 of the Regulation for the cases (b), (c) and (d) above.

For activities listed in paragraph 4

5. Any undertaking that in 2021 wishes to import or produce controlled substances for essential laboratory and analytical uses, or to import controlled substances for critical uses (halons), for feedstock uses, or for process agent uses needs to follow the procedure described in paragraph 6 to 9.

6. The undertaking, which has not yet registered in the ODS Licensing System (https://webgate.ec.europa.eu/ods2) needs to do so before **19 May 2020**.

7. The undertaking needs to complete and submit the *quota application form* available online in the ODS Licensing System.

   The *quota application form* will be available online as of **19 May 2020** in the ODS Licensing System.

8. Only duly completed *quota application forms* that are free of errors received by **19 June 2020** will be considered as valid by the Commission.

   Undertakings are encouraged to submit their *quota application forms* as soon as possible and sufficiently ahead of the deadline to allow for potential corrections and resubmissions before the deadline.

9. The submission of a *quota application form* by itself does not give any right to import or produce controlled substances for essential laboratory and analytical uses or to import controlled substances for critical uses (halons), for feedstock uses, or for process agent uses. Before such an import or production takes place in 2021, undertakings must apply for a licence using the *licence application form* available online in the ODS Licensing System.

For import for uses other than those listed in paragraph 4 and for export

10. Any undertaking that in 2021 wishes to export controlled substances or import controlled substances for uses other than those listed in paragraph 4 needs to follow the procedure described in paragraph 11 and 12.

11. The undertaking, which has not yet registered in the ODS Licensing System needs to do so as soon as possible.

12. Before an import for uses other than those listed in paragraph 4 or an export takes place in 2021, undertakings must apply for a licence using the *licence application form* available online in the ODS Licensing System.

([4]) OJ L 147, 2.6.2011, p. 4.