COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 202 final
Brussels, 9 June 1993

Proposal for a
COUNCIL REGULATION (EEC)

on substances that deplete the ozone layer

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The purpose of the present proposal is to consolidate the existing Regulations (EEC) No 594/91 and (EEC) No 3952/92 and to implement in the Community the controls made necessary by the Copenhagen Amendment to the Protocol. The proposal also completes current Community legislation by rendering the recovery of used ozone depleting substances mandatory in certain cases in line with a Decision by the Parties.

2. Council Regulation (EEC) No 594/91 of 4 March 1991 on substances that deplete the ozone layer[1], as amended through Regulation (EEC) No 3952/92[2], provides for quantitative restrictions on the production and consumption of chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane. It is based on the Montreal Protocol on substances that deplete the ozone layer as adjusted and amended in London in 1990, to which the Member States and the European Community are Parties, and as adjusted in Copenhagen in 1992.

3. The Scientific Assessment Panel of the United Nations Environment Programme (UNEP) found the hole in the ozone layer in the Antarctic in 1991 to be as deep and extensive as the holes observed in 1987, 1989 and 1990. For the first time, observations in the Antarctic confirmed that the loss of ozone coincides with an increase in ultraviolet radiation at ground level. Moreover, the stratospheric ozone layer is being depleted more rapidly than expected and ozone losses are now being observed over densely populated areas of Europe and North America. The satellite mounted TOMS spectrometer estimated ozone losses over the period December to March to be 5.5% per decade (range 2%-8%) over the period 1979 to 1991 at a latitude of 45° north. The concentration of chlorine in the stratosphere is expected to increase from the present level of 3.3 ppbv (parts per billion volume) to 4.1 ppbv in the year 2000. This increase in chlorine levels originates from emissions which took place prior to the discovery of the Antarctic ozone hole, and will occur even if all the Parties apply the Protocol as revised in 1990. To move down from this peak chlorine loading and to reduce the environmental effects associated with it, more stringent and comprehensive controls which could be rapidly implemented were required.

4. In the light of this scientific evidence, the Parties to the Protocol decided in 1992 in Copenhagen, inter alia, to strengthen existing control measures on chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane, and to extend the controls to methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons. All these substances will be banned on a worldwide basis by 1 January 1996, except hydrochlorofluorocarbons, which are temporarily needed to replace the more harmful ozone depleting substances, and methyl bromide, on which there are ongoing investigations.

---

(1) OJ No L 67, 14.3.91, p. 1.
(2) OJ No L 405, 31.12.92, p. 41.

5. The ratification of the Copenhagen Amendment to the Protocol and its implementation in the Community are in perfect harmony with the Fifth Action Programme, which underlines the necessity to further accelerate the phase-down of ozone depleting substances, even beyond what has been agreed at the international level(3). As regards the phase-out of chlorcfluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane, the implementation in the Community of the Copenhagen adjustments occurs through Council Regulation (EEC) No 3952/92, which phases-out chlorofluorocarbons and carbon tetrachloride one year earlier than foreseen under the Protocol. As regards the controls on methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons a new proposal from the Commission for a Regulation is required, which will also tackle the issue of recovery of used substances for recycling or safe destruction purposes.

6. The steady state ozone depletion potentials (ODP) of the controlled substances listed in the Montreal Protocol are substantial although they vary between and within control groups. For example, the ranges are as follows : CFCs (0.6 - 1.0); halons (3.0 - 10.0); carbon tetrachloride (1.1); 1.1.1-trichloroethane (0.1); methyl bromide (0.7); HBFCs (0.1 - 14.0); and HCFCs (0.005 - 0.52).

7. The environmental reasons to go further than the Copenhagen Amendment and to implement stricter controls within the Community to reduce the effects of the peak chlorine loading are compelling. By the time the precise effects of such unprecedented levels of chlorine are known and understood, it will be too late to legislate to reduce the amount of damage caused. Furthermore, exceptionally high levels of chlorine will persist for at least ten years before decreasing significantly. Therefore at a minimum the Community will be confronted with 20 years of future uncertainty.

8. Recently the World Meteorological Organization (Press Release No 507) published data from its Global Ozone Observing System which showed that for the first half of March 1993 total ozone values were 20%-25% lower than long-term average values for an area stretching from Scandinavia and central Europe to the Pacific coast of Asia. Over a 14-year period from 1979 to 1993 there has been a steady decline in the amount of total ozone recorded each winter between latitudes 45°N-65°N. For the winter of 1992/93 the average reduction was greater than 14%. Unfortunately, this continuous and increasing ozone depletion derives from our initial failure to act rapidly to control CFCs and halons. Future controls on HBFCs, HCFCs and methyl bromide, however stringent, will not mitigate the environmental effects of unprecedent atmospheric chlorine levels by the year 2000. The controls in the present proposal will, however, ensure that the ozone layer is regenerated as quickly as possible.

9. Emissions of chlorine and bromine from HCFCs and methyl bromide, if not regulated promptly, will make a substantial contribution to ozone destruction over the next 20 years. For example, the time dependent ODP of HCFC 22 over a five-year time interval is almost 3.5 times greater than its steady state value (0.19 compared to 0.055). Similarly, methyl bromide has a higher time-dependent ODP (15.3 compared to 0.7) than any other controlled substance. On the basis of such information the 1991 UNEP Scientific Assessment Panel estimates that a 10% reduction in methyl bromide emissions would result in a decrease in stratospheric bromine equivalent to a three-year

(3) COM(92) 23 final, Vol II, 27.3.92 p. 41, 42, 81 and 84.

acceleration of the CFC phase-out schedule. It is worth remembering that bromine reacts synergistically with chlorine to destroy ozone and that as chlorine levels increase the efficiency of bromine to deplete ozone increases.

10. Finally, the Community should be progressive in its approach to implementing the Copenhagen agreements because lenient controls on HCFCs and methyl bromide will increase the length of time required for the ozone layer to return to "normal" which will add to the uncertainty concerning the environmental effects of depletion. Also, lenient controls on HCFCs and methyl bromide will reduce the significant gains that have been made in accelerating the reduction and phase-out schedules for CFCs, halons, carbon tetrachloride and 1.1.1-trichlorethane.

11. In general terms, both within the Community and globally, the experience of the last five years has shown that the phase-out of ozone depleting substances is proceeding rapidly and at a much lower economic cost than expected. Contrary to expectations, the quality of goods and services has been maintained without price increases, and in many cases it has been relatively inexpensive, and sometimes even profitable, to find alternatives to ozone-depleting substances. Changes in regulatory regime imply that the costs associated with phase-out will also change. However, measurement of both costs and benefits is difficult and subject to substantial uncertainly, but it is clear that the benefits of regulatory action outweigh the costs even if quantification is not precise.

12. Since new scientific evidence continues to show accelerating and more extensive destruction of the Earth's ozone layer, the benefits accruing from the avoidance of environmental damage must also be greater. At the same time the economic cost of phasing-out ozone depleting substances has not increased in proportion to the benefits to be attained by prompt regulatory action, although it could rise markedly if insufficient time was allowed for substitutes and new technologies to become available. It is also true that any delay in the implementation of the 1992 Copenhagen Amendment, and the consequent loss of benefits accruing from such delay, would exceed the cost savings that might be derived from the desire to make decisions on a more quantitative or cost-effective basis.

13. The environmental benefits accruing from more stringent provisions than those contained in the Copenhagen Amendment are difficult to quantify in detail. However, it has been estimated that a 10% decrease in ozone will be associated with between 1.6 and 1.8 million additional cases of eye cataracts in humans per year worldwide, and 0.3 million additional cases of non-melanoma skin cancer (UNEP, Environmental Effects Panel Report, 1991). In addition, UV-B radiation will have a deleterious effect on food production and quality, on forestry and on natural ecosystems.

14. **Consumption of HCFCs within the Community will grow substantially unless a control system for such chemicals is implemented. During 1989 European Industry consumed 1 869 ODP weighted tonnes of HCFCs.** Three years later in 1992 this consumption value had risen to 3 336 ODP weighted tonnes, an increase of 78%. In comparison, over the same period CFC consumption declined by 42% from 222 566 to 129 479 ODP weighted tonnes. Therefore the mere imposition of controls will result in benefits to society and the environment. The need for controls on HCFCs was foreseen in the 1990 London Resolution on Transitional Substances and the acceleration of the phase-out schedules for CFCs, halons, carbon tetrachloride and 1.1.1-trichlorethane in previous Regulations (594/91/EEC and 3952/92/EEC) was accepted on the understanding that industry would be able to use HCFCs subject to limitations. Consequently, the present proposal is essentially concerned with limiting the use of HCFCs and on this basis the replacement cost, or cost to industry of making the transition from CFCs to HCFCs, has been met through previous Regulations.

15. The level of the cap, or quantitative limit, on the consumption of HCFCs has been selected to reflect the principles set down in the London Resolution which has now been formally incorporated into the Protocol through the Copenhagen Amendment. Namely, that HCFCs should not be used in applications which did not use controlled substances previously or where more environmentally suitable alternatives or technologies are available. Such restrictions must be followed by all Protocol Parties. At the intra-Community level the size of the cap has been calculated to reflect more detailed considerations which are idiosyncratic to the Community. For example, the calculated level of HCFC consumption is worked out in part on the consumption of CFCs in the 1989 base year. In 1989 Community consumption of CFCs in aerosols amounted to 22% of total consumption. This contrasts markedly with the consumption pattern of some of our international partners such as the United States of America who moved rapidly to eliminate use of CFCs in aerosols. Consequently, as it is not the Community's intention to allow the use of HCFCs in aerosols because this would involve direct emissions to the atmosphere, and as Article 2F paragraph 7(a)-(c) of the Protocol stipulates that HCFCs should only be used where absolutely necessary, the quantities that can be justifiably used in the Community will need to be less than the 3.1% cap agreed in Copenhagen.

16. From information supplied by the plastic foam, refrigeration and solvent sectors it was originally estimated that European user industries would require 7 352 ODP weighted tonnes of HCFCs. This is approximately equivalent to a cap set at 2.5% which would be reached in 1997. However, recent technical innovations have produced domestic refrigerators which operate using propane/butane refrigerant gases and which are insulated with foams made from other hydrocarbons. On this basis the European foam industry reduced its estimated need for HCFCs from 4 369 to 4 001 ODP weighted tonnes. The refrigeration and solvent sectors estimate that they will require 2 420 and 563 ODP weighted tonnes of HCFCs respectively. Overall the total estimated need of user industries for HCFCs has been revised downward to 6 984 ODP weighted tonnes which is approximately equivalent to a cap set at 2.3%. It is expected that following industrial projections a 2.3% cap will be reached in 1997 and a 2.5% cap will now be reached in 1998 instead of 1997.

17. The relevant cost to industry of limitations on the use of HCFCs is the cost of limiting consumption to 2.5%, but this cannot be calculated. The limit of the cap will be reached around 1998 and the prices paid for HCFCs over and above inflationary increases will depend on the demand situation at that time. It is also quite probable that technological developments between now and 1998 which reduce this perceived need make an evaluation of costs more difficult. Furthermore, the phase-out schedule associated with the cap has been chosen as the best estimate of the anticipated use profile for HCFCs. Therefore, depreciation costs in excess of normal depreciation are not anticipated.

18. The draft proposal addresses the question of partitioning rights to place HCFCs on the Community market through Article 4, paragraphs 8 and 10. The model proposed is based on previous Regulations (3952/92/EEC, 594/91/EEC and 3322/88 EEC). However, the system will now be applied to an expanding HCFC market as opposed to a declining CFC market. It may be anticipated that such rights will attract more interest than in the past, but it is difficult to envisage designing an allocation system which is more equitable than that which has already been tried and tested. Statistical data from 1989 onwards shows that all Community producers are selling HCFCs (period 1989-1992) and that market shares at the present time are relatively stable. However, it cannot be excluded that some shortfalls in supply might occur in the future because some producers may choose not to use or transfer their consumption rights. Within the limits imposed by Community legislation the Commission will respond to avoid such shortages.

19. The costs and benefits associated with a reduced use profile for methyl bromide are somewhat different in nature. As methyl bromide has an extremely high time-dependent ODP the benefits from substitution or emission control strategies will be greater on a per kilo basis than those for HCFCs. Reducing wasteful emissions will also result in cost savings to users. In general, there is much technical uncertainty about how the use of methyl bromide can be limited in existing applications and therefore detailed evaluation of costs is not possible. The proposed 25% cut in production and consumption of methyl bromide is more progressive than a freeze under the Protocol, but the reduction is modest to reflect this uncertainty. Further reductions can be considered later on the basisof the findings of the UNEP Assessment Panels prior to the 1995 meeting of the Protocol Parties. It is clear that part of the proposed 25% reduction can be met from substitution of methyl bromide by alternatives such as other chemical pesticides, biological control agents, soil solarisation, steam sterilization and changes in cropping practices as described in the UNEP Methyl Bromide Synthesis Report 1992.

20. During the Copenhagen meeting the Parties to the Protocol were unable to agree on more progressive measures because of the reluctance of Israel (a significant producer) and less-developed countries to accept methyl bromide as a controlled substance. Post-Copenhagen developed countries have the option to take stronger action, indeed such action is a necessity if we are to persuade developing countries to do more at the Seventh Meeting of the Protocol Parties in 1995. In this respect it is worth noting that the United States of America intends to phase-out production and consumption of methyl bromide by the year 2000.

21. There is a need for a Community action in order to rapidly implement the Copenhagen agreement. The Community is a key Party to the Protocol and therefore has to show unity and coherence vis-a-vis its negotiating partners and demonstrate its will to honour fully international commitments it has undertaken. Without a Community-wide implementation of its international obligations the Community jeopardizes its credibility in future negotiations, even unrelated to the protection of the ozone layer. The proposal is based upon Article 130s because the Protocol is an environmental agreement which seeks to restrict the production and consumption of ozone-depleting substances. Article 113 has been added as a joint legal basis in so far as the Montreal Protocol includes trade provisions.

22. Formal and informal consultations with industry have taken place prior to the submission of this Proposal. While the producers of ozone depleting substances fully support the phase-down of ozone-depleting substances in the earliest possible time frame and without derogations, user industries point to the need for controlled substances in certain applications beyond the phase-out. Their concern will be accommodated through the recycling of used substances and through the possibility of exceptions for essential uses after the phase-out. The specific essential uses that will be given the possibility of using controlled substances for a determined period beyond phase-out will be determined during the implementation phase of this new Regulation in consultation with the Member States through the Management Committee of Article 16 of the Regulation and taking into account the results of a similar exercise to be conducted by the UNEP Technical and Economic Panel at the same time.

23. There is no doubt that all OECD countries will implement the Copenhagen revision of the Protocol. Some of our international partners such as Japan will not go further than the Protocol requirements at the present time. Others, notably the United States of America, are prepared to do more. In America it is proposed that HCFCs with high ODPs, such as HCFC 141b, will be phased-out in all applications by 2003. Less powerful HCFCs such as HCFCs 22 and 142b will be banned in new equipment from the year 2010, and all other HCFCs such as 123, 124 and 225 will be phased-out by 2020 with only 0.5% remaining to be eliminated by 2030. The USA also intends to phase-out production and consumption of methyl bromide by the year 2000. Among the EFTA countries, Sweden has announced its intention to ban the use of HCFCs in all applications by the year 2000. Moreover, some Member States have already adopted or are proposing national legislation to protect the ozone layer more effectively. For example,

Germany has banned the use of HCFC 22 in all applications by the year 2000 with the exception of closed circuit refrigeration systems. Denmark intends to phase-out all HCFCs by 2002 and methyl bromide by 1998. For environmental, political and common market considerations the Community must be progressive in its approach to controlling HCFCs and methyl bromide. Consequently, it is proposed that HCFCs should be phased-out by 2016 and that production and consumption of methyl bromide should be reduced by 25% by 1996.

24. The European Community has ratified the Vienna Convention, the Montreal Protocol and the 1990 London Amendment to the Protocol. The provisions of these international legislative instruments have been implemented in the Community primarily through Regulations EEC No 3322/88, EEC No 594/91 and EEC No 3952/92. Consequently, this proposal also considers a new regulation to be the most effective and efficient instrument to implement the provisions of the 1992 Copenhagen Amendment to the Protocol and to ensure harmonization of existing Community legislation.

Proposal for a
COUNCIL REGULATION (EEC)

on substances that deplete the ozone layer

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 130s thereof,

Having regard to the proposal from the Commission,

Having regard of the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Council Regulation (EEC) No 594/91 of 4 March 1991 on substances that deplete the ozone layer(1) has been amended by Regulation (EEC) No 3952/92(2); whereas on the occasion of a further amendment it is desirable in the interests of clarity to recast this Regulation;

Whereas in view of the responsibilities of the Community for the environment and trade, all Member States and the Community have become Parties to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer as amended by the Parties to the Protocol at their second meeting in London;

Whereas it is established that continued emissions of ozone-depleting substances at current levels cause significant damage to the ozone layer;

Whereas, in the light of recent scientific evidence, the Parties to the Montreal Protocol have adopted at their fourth meeting in Copenhagen, at which the Community and the Member States played a leading role, a second amendment to the Protocol comprising additional measures for the protection of the ozone layer;

Whereas it is necessary for action to be taken at Community level to carry out the Community's obligations under the Convention and the second amendment to the Protocol, in particular to control within the Community the production and supply of methyl bromide and hydrobromofluorocarbons, and the supply and use of hydrochlorofluorocarbons;

Whereas, in the light notably of scientific evidence, it is appropriate in certain cases to introduce control measures which are more severe than those of the second amendment to the Protocol;

Whereas, bearing in mind the market structure for methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons, it is appropriate - to ensure fulfilment of the Community's obligations under the second amendment to the Protocol - to control consumption of these substances by controlling supply rather than demand; whereas supply can be controlled by limiting sales and use by producers of their own production and release into free circulation of imports;

---

(1) OJ No L 67, 14.3.1991, p. 1.
(2) OJ No L 405, 31.12.1992, p. 41.

Whereas it is necessary to keep under review the evolution of the market for ozone-depleting substances, particularly with regard to sufficient supply for essential uses, and the state of development of appropriate substitutes;

Whereas it is appropriate to promote the minimization of leakages of ozone depleting substances and the recovery of such used substances for recycling or safe destruction purposes,

HAS ADOPTED THIS REGULATION

CHAPTER I

INTRODUCTORY PROVISIONS

Article 1

Scope

This Regulation shall apply to the production, importation, exportation, supply, use and/or recovery of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons. It shall also apply to the reporting of data on these substances.

Article 2

Definitions

For the purposes of this Regulation:

- "Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer, whether in its original version from 1987 as adjusted in 1990 and 1992, its amended version from 1990 as adjusted in 1992, or its amended version from 1992,

- "Party" means any Party to the Protocol. However, as to the rights and obligations resulting from an amendment to the Protocol and any subsequent adjustments to this amendment, any State or regional economic integration organization for which that amendment has not entered into force is not considered as a Party,

- "controlled substances" means chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons, whether existing alone or in a mixture. This definition shall not cover any controlled substance which is in a manufactured product other than when in a container used for the transportation or storage of that substance, and insignificant quantities of any controlled substance originating from inadvertent or coincidential production during a manufacturing process, from unreacted feedstock, or from its use as process agent which is present in chemical substances as trace impurities, or that is emitted during product manufacture or handling,

- "chlorofluorocarbons" means the controlled substances listed in Group I of Annex I, including their isomers;

- "other fully halogenated chlorofluorocarbons" means the controlled substances listed in Group II of Annex I, including their isomers;

- "halons" means the controlled substances listed in Group III of Annex I, including their isomers;

- "carbon tetrachloride" means the controlled substance listed in Group IV of Annex I;

- "1,1,1-trichloroethane" means the controlled substance listed in Group V of Annex I;

- "methyl bromide" means the controlled substance listed in Group VI of Annex I;

- "hydrobromofluorocarbons" means the controlled substances listed in Group VII of Annex I, including their isomers;

- "hydrochlorofluorocarbons" means the controlled substances listed in Group VIII of Annex I, including their isomers;

- "producer" means any natural or legal person manufacturing controlled substances within the Community;

- "production" means the amount of controlled substances produced, minus the amount destroyed by technologies approved by the Parties and minus the amount entirely used as feedstock in the manufacture of other chemicals. Any amount recycled and re-used is not to be considered as "production";

- "undertaking" means any natural or legal person which produces, recycles for placing on the market or uses in the Community controlled substances for industrial or commercial purposes or which releases into free circulation in the Community such imported substances, or exports such substances from the Community for industrial or commercial purposes;

- "ozone-depleting potential" means the figure specified in the final column of Annex I representing the potential effect of each controlled substance on the ozone layer;

- "calculated level" means a quantity determined by multiplying the quantity of each controlled substance by the ozone-depleting potential of that substance specified in Annex I and by adding together, for each group of controlled substances in Annex I separately, the resulting figures;

- "industrial rationalization" means the transfer either between Parties or within a Member State of all or a portion of the calculated level of production of one producer to another, for the purpose of achieving economic efficiency of responding to anticipated shortfalls in supply as a result of plant closures;

- "recovery" means the collection and the storage of controlled substances;

- "recycling" means all cleaning processes of controlled substances such as filtering and drying, distillation, and re-processing.

CHAPTER II

PHASE-OUT SCHEDULE

Article 3

Control of production of controlled substances

1. Subject to the provisions of paragraphs 8 to 11, each producer shall ensure that:

   - the calculated level of its production of chlorofluorocarbons in the period 1 January to 31 December 1993 does not exceed 50% of the calculated level of its production of chlorofluorocarbons in 1986;

   - the calculated level of its production of chlorofluorocarbons in the period 1 January to 31 December 1994 does not exceed 15% of the calculated level of its production of chlorofluorocarbons in 1986;

   - there is no production of chlorofluorocarbons after 31 December 1994.

   However, subject to the provisions of paragraphs 8 to 11, each producer in a Member State in which the calculated level of production of chlorofluorocarbons was less than 15 000 tonnes in 1986 shall ensure that:

   - the calculated level of its production of chlorofluorocarbons in the period 1 January to 31 December 1993 does not exceed 50% of the calculated level of its production of chlorofluorocarbons in 1986;

   - the calculated level of its production of chlorofluorocarbons in the period 1 January to 31 December 1994 and in the following 12-month period does not exceed 15% of the calculated level of its production in 1986;

   - there is no production of chlorofluorocarbons after 31 December 1995.

   The Commission, in accordance with the procedure set out in Article 16, shall determine any essential uses of chlorofluorocarbons which may be permitted in the Community after 31 December 1994 and any quantities of chlorofluorocarbons which may be produced by each producer for this purpose. Such production shall be allowed only if adequate alternatives or recycled chlorofluorocarbons are not available.

2. Subject to the provisions of paragraphs 8 to 11, each producer shall ensure that:

   - the calculated level of its production of other fully halogenated chlorofluorocarbons in the period 1 January to 31 December 1993, does not exceed 50% of the calculated level of its production of other fully halogenated chlorofluorocarbons in 1989;

   - the calculated level of its production of other fully halogenated chlorofluorocarbons in the period 1 January to 31 December 1994 does not exceed 15% of the calculated level of its production of other fully halogenated chlorofluorocarbons in 1989;

   - there is no production of other fully halogenated chlorofluorocarbons after 31 December 1994.

   The Commission, in accordance with the procedure set out in Article 16, shall determine any essential uses of other fully halogenated chlorofluorocarbons which may be permitted in the Community after 31 December 1994 and any quantities of other fully halogenated chlorofluorocarbons which may be produced by each producer for this purpose. Such production shall be allowed only if adequate alternatives or recycled other fully halogenated chlorofluorocarbons are not available.

3. Subject to the provisions of paragraphs 8 to 11, each producer shall ensure that:

   - the calculated level of its production of halons in the period 1 January to 31 December 1993 does not exceed the calculated level of its production of halons in 1986;

   - there is no production of halons after 31 December 1993.

   The Commission, in accordance with the procedure set out in Article 16, shall determine any essential uses of halons which may be permitted in the Community after 31 December 1993 and any quantities of halons which may be produced by each producer for this purpose. Such production shall only be allowed if adequate alternatives or recycled halons are not available.

4. Subject to the provisions of paragraphs 8 to 11, each producer shall ensure that:

   - the calculated level of its production of carbon tetrachloride in the period 1 January to 31 December 1993 does not exceed 50% of the calculated level of its production of carbon tetrachloride in 1989;

   - the calculated level of its production of carbon tetrachloride in the period 1 January to 31 December 1994 does not exceed 15% of the calculated level of its production of carbon tetrachloride in 1989;

   - there is no production of carbon tetrachloride after 31 December 1994.

The Commission, in accordance with the procedure set out in Article 16, shall determine any essential uses of carbon tetrachloride which may be permitted in the Community after 31 December 1994 and any quantities of carbon tetrachloride which may be produced by each producer for this purpose. Such production shall be allowed only if adequate alternatives or recycled carbon tetrachloride are not available.

5. Subject to the provisions of paragraphs 8 to 11, each producer shall ensure that:

- the calculated level of its production of 1,1,1-trichloroethane in the period 1 January to 31 December 1993 does not exceed the calculated level of its production of 1,1,1-trichloroethane in 1989;

- the calculated level of its production of 1,1,1-trichloroethane in the period 1 January to 31 December 1994 and in the following 12-month period does not exceed 50% of the calculated level of its production of 1,1,1-trichloroethane in 1989;

- there is no production of 1,1,1-trichloroethane after 31 December 1995.

The Commission, in accordance with the procedure set out in Article 16, shall determine any essential uses of 1,1,1-trichloroethane which may be permitted in the Community after 31 December 1995 and any quantities of 1,1,1-trichloroethane which may be produced by each producer for this purpose. Such production shall be allowed only if adequate alternatives or recycled 1,1,1-trichloroethane are not available.

6. Subject to the provisions of paragraphs 8 to 11, each producer shall ensure that:

- the calculated level of its production of methyl bromide in the period 1 January to 31 December 1995 does not exceed the calculated level of its production of methyl bromide in 1991;

- the calculated level of its production of methyl bromide in the period 1 January to 31 December 1996 and in each 12-month period thereafter does not exceed 75% of the calculated level of its production of methyl bromide in 1991.

7. Subject to the provisions of paragrahs 9 to 11, each producer shall ensure that there is no production of hydrobromofluorocarbons after 31 December 1995.

The Commission, in accordance with the procedure set out in Article 16, shall determine any essential uses of hydrobromofluorocarbons which may be permitted in the Community after 31 December 1995 and any quantities of hydrobromofluorocarbons which may be produced by each producer for this purpose. Such production shall be allowed only if adequate alternatives or recycled hydrobromofluorocarbons are not available.

8. To the extent permitted by the Protocol, a producer may be authorized by the competent authority of the Member State in which its relevant production is situated, to exceed the calculated levels of its production set out in paragraphs 1 to 6 so as to satisfy the basic domestic needs of Parties operating under Article 5 of the Protocol, provided that the additional calculated levels of production of the Member State concerned do not exceed those permitted for this purpose by Articles 2A to 2E and 2H of the Protocol for the periods in question. The competent authority of the Member State concerned shall notify the Commission in advance of any such authorization.

9. To the extent permitted by the Protocol, a producer may be authorized by the competent authority of the Member State in which its relevant production is situated, to exceed the calculated levels of its production set out in paragraphs 1 to 8 for the purpose of industrial rationalization within the Member State concerned, provided that the calculated levels of production of that Member State do not exceed the sum of the calculated levels of production of its domestic producers set out in paragraphs 1 to 8 for the periods in question. The competent authority of the Member State concerned shall notify the Commission in advance of any such authorization.

10. To the extent permitted by the Protocol, a producer may be authorized by the Commission, in agreement with the competent authority of the Member State in which its relevant production is situated, to exceed the calculated levels of its production allowed under paragraphs 1 to 9 for the purpose of industrial rationalization between Member States, provided that the combined calculated levels of production of the Member States concerned do not exceed the sum of the calculated levels of production of their domestic producers set out in paragraphs 1 to 9 for the periods in question. The agreement of the competent authority of the Member State in which it is intended to reduce production shall also be required.

11. To the extent permitted by the Protocol, a producer may be authorized by the Commission, in agreement both with the competent authority of the Member State in which its relevant production is situated, and the government of the third Party concerned, to combine the calculated levels of its production allowed under paragraphs 1 to 10 with the calculated levels of production allowed to a producer in a third Party under the Protocol and its domestic legislation for the purpose of industrial rationalization with a third Party, provided that the combined calculated levels of production by the two producers do not exceed the sum of the calculated levels of production allowed under paragraphs 1 to 10 to the Community producer and the calculated levels of production allowed to the third Party producer under the Protocol and its domestic legislation.

Article 4

Control of supply of controlled substances

1. Subject to the provisions of paragraph 10, each producer shall ensure that:

- the calculated level of chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1993 does not exceed 50% of the calculated level of chlorofluorocarbons which it placed on the market or used for its own account in 1986;

- the calculated level of chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1994 does not exceed 15% of the calculated level of chlorofluorocarbons which it placed on the market or used for its own account in 1986;

- it does not place on the market or use for its own account chlorofluorocarbons after 31 December 1994.

The Commission, in accordance with the procedure set out in Article 16, shall determine any quantities of chlorofluorocarbons that could be placed on the market or used for its own account by each producer after 31 December 1994 for the purpose of essential uses.

2. Subject to the provisions of paragraph 10, each producer shall ensure that:

- the calculated level of other fully halogenated chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1993 does not exceed 50% of the calculated level of other fully halogenated chlorofluorocarbons which it placed on the market or used for its own account in 1989;

- the calculated level of other fully halogenated chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1994 does not exceed 15% of the calculated level of other fully halogenated chlorofluorocarbons which it placed on the market or used for its own account in 1989;

- it does not place on the market or use for its own account other fully halogenated chlorofluorocarbons after 31 December 1994.

The Commission, in accordance with the procedure set out in Article 16, shall determine any quantities of other fully halogenated chlorofluorocarbons that could be placed on the market or used for its own account by each producer after 31 December 1994 for the purpose of essential uses.

3. Subject to the provisions of paragraph 10, each producer shall ensure that:

- the calculated level of halons which it places on the market or uses for its own account in the period 1 January to 31 December 1993 does not exceed the calculated level of halons which it placed on the market or used for its own account in 1986;

- it does not place on the market or use for its own account halons after 31 December 1993.

The Commission, in accordance with the procedure set out in Article 16, shall determine any quantities of halons that could be placed on the market or used for his own account by each producer after 31 December 1993 for the purpose of essential uses.

4. Subject to the provisions of paragraph 10, each producer shall ensure that:

- the calculated level of carbon tetrachloride which it places on the market or uses for its own account in the period 1 January to 31 December 1993 does not exceed 50% of the calculated level of carbon tetrachloride which it placed on the market or used for its own account in 1989;

- the calculated level of carbon tetrachloride which it places on the market or uses for its own account in the period 1 January to 31 December 1994 does not exceed 15% of the calculated level of carbon tetrachloride which it placed on the market or used for its own account in 1989;

- it does not place on the market or use for its own account carbon tetrachloride after 31 December 1994.

The Commission, in accordance with the procedure set out in Article 16, shall determine any quantities of carbon tetrachloride that could be placed on the market or used by each producer for his own account after 31 December 1994 for the purpose of essential uses.

5. Subject to the provisions of paragraph 10, each producer shall ensure that:

- the calculated level of 1,1,1-trichloroethane which it places on the market or uses for its own account in the period 1 January to 31 December 1993 does not exceed the calculated level of 1,1,1-trichloroethane which it placed on the market or used for its own account in 1989;

- the calculated level of 1,1,1-trichloroethane which it places on the market or uses for its own account in the period 1 January to 31 December 1994 and in the following 12 month period does not exceed 50% of the calculated level of 1,1,1-trichloroethane which it placed on the market or used for its own account in 1989;

- it does not place on the market or use for its own account 1,1,1-trichloroethane after 31 December 1995.

The Commission, in accordance with the procedure set out in Article 16, shall determine any quantities of 1,1,1-trichloroethane that could be placed on the market or used for its own account by each producer after 31 December 1995 for the purpose of essential uses.

6. Subject to the provisions of paragraph 10, each producer shall ensure that:

- the calculated level of methyl bromide which it places on the market or uses for its own account in the period 1 January to

31 December 1995 does not exceed the calculated level of methyl bromide which it placed on the market or used for its own account in 1991;

- the calculated level of methyl bromide which it places on the market or uses for its own account in the period 1 January to 31 December 1996 and in each 12-month period thereafter does not exceed 75% of the calculated level of methyl bromide which it placed on the market or used for its own account in 1991.

7. Subject to the provisions of paragraph 10, each producer shall ensure that it does not place on the market or use for its own account hydrobromofluorocarbons after 31 December 1995.

The Commission, in accordance with the procedure set out in Article 16, shall determine any quantities of hydrobromofluorocarbons that could be placed on the market or used for his own account by each producer after 31 December 1995 for the purpose of essential uses.

8. Subject to the provisions of paragraph 10, each producer shall ensure that:

- the calculated level of hydrochlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1995 and in each 12-month period thereafter does not exceed the sum of:

  = 2.5 per cent of its calculated level of chlorofluorocarbons which it placed on the market or used for its own account in 1989; and

  = its calculated level of hydrochlorofluorocarbons which it placed on the market or used for its own account in 1989;

- the calculated level of hydrochlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 2000 and in each 12-month period thereafter does not exceed 75% of the sum referred to in the first indent;

- the calculated level of hydrochlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 2004 and in each 12-month period thereafter does not exceed 40% of the sum referred to in the first indent;

- the calculated level of hydrochlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 2008 and in each 12-month period thereafter does not exceed 20% of the sum referred to in the first indent;

- the calculated level of hydrochlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 2012 and in each 12-month period thereafter does not exceed 5% of the sum referred to in the first indent;

- it does not place on the market or use for its own account hydrochlorofluorocarbons after 31 December 2014.

By way of derogation from this paragraph, an individual producer may be permitted to exceed the above levels on the conditions laid down in paragraph 10.

9. The quantities referred to in paragraphs 1 to 8 apply to the amounts of virgin substances which the producer places on the market or uses for its own account within the Community from Community production or releases into free circulation from imports into the Community.

10. Any producer having the right to place on the market or use for its own account the substances referred to in this Article may transfer its right in respect of all or any quantities fixed in accordance with this Article to any other producer within the Community. The producer acquiring the right shall immediately notify the Commission. A transfer of the right to place on the market or use does not imply an additional right to produce.

At the request of a producer, the Commission may adopt measures to respond to any shortfalls in its right to place on the market or use for its own account hydrochlorofluorocarbons to the extent permitted by the Protocol.

Article 5

Control of use of hydrochlorofluorocarbons

1. Commencing on the first day of the sixth month following the entry into force of this Regulation, the use of hydrochlorofluorocarbons shall be banned, except

- as solvents;
- as refrigerants;
- for the production of plastic foams;
- in laboratory uses, including research and development; and
- in the medical field.

2. With effect from 1 January 1995, the use of hydrochlorofluorocarbons shall be banned

- in aerosol containers;
- in non-contained solvent uses including open-top cleaners and open-top dewatering systems, aerosols, adhesives, mould release agent and drain cleaning;
- as refrigerants in open equipment;
- as refrigerants in home refrigeration equipment, automotive and passenger transport air conditioning, in public and distribution cold stores and warehouses, and in industrial food processing, cooling and freezing within industrial installations if produced after 31 December 1994;

- for the production of flexible or rigid non-insulating foams except for the production of integral skin foams for safety applications; and

- as sterilants.

3. The Commission, in accordance with the procedure set out in Article 16 shall define the areas of application referred to in paragraphs 1 and 2 and may, in the light of technical progress, amend the list set out in paragraph 2.

4. Without prejudice to the provisions of Council Directive 83/189/EEC[3], Member States shall notify the drafts of the measures they intend to adopt to the Commission in order to allow it to examine them in the light of existing provisions and, if required, to ask Member States to suspend their adoption.

CHAPTER III

TRADE REGIME

Article 6

Licence to import from third countries

1. The release into free circulation in the Community of controlled substances which are subject to the quotas referred to in Article 7 shall be subject to presentation of an import licence, be the substances virgin, used or recycled. This licence shall be issued by the Commission upon verification of the respect of Articles 6, 7, 8 and 12. The Commission shall forward a copy of this licence to the competent authority of the Member State into which the importation is expected to take place. To this end, each Member State shall determine its competent authority.

2. A request for a licence shall contain:

(a) the name and the address of the importer and the exporter;

(b) the country of exportation;

(c) the description of each controlled substance stating:

- the commercial description;

- the heading and the CN code;

- the nature of the substance (virgin, used or recycled);

- the quantity of the substance in kilogrammes;

(3) OJ No L 109, 26.4.1983, p. 8.

(d) a statement of the purpose of the proposed import (destruction by technologies approved by the Parties, recycling, feedstock use or other use of the controlled substance);

(e) the place and date of proposed importation, if known.

Article 7

Importation from third countries of controlled substances

1. Without prejudice to Article 4(9) and unless the substances are used, recycled or destined for destruction by a technology approved by the Parties or for feedstock use in the manufacture of other chemicals, the release into free circulation in the Community of controlled substances imported from third countries shall be subject to quantitative limits.

2. The Community shall open the quotas set out in Annex II, which shall be applicable for each 12-month period laid down in that Annex, and allocate them to undertakings in accordance with the procedure set out in Article 16.

3. The Commission, in accordance with the procedure set out in Article 16, may modify the quotas set out in Annex II.

Article 8

Importation from non-Parties of controlled substances

1. The release into free circulation in the Community of virgin, used or recycled chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons , carbon tetrachloride or 1,1,1-trichloroethane imported from any State which is not a Party shall be prohibited.

2. Commencing one year after the date of the entry into force of the amendment to the Protocol as adopted by the Parties in Copenhagen, the release into free circulation in the Community of virgin, used or recycled hydrobromofluorocarbons imported from any State which is not a Party shall be prohibited. The Commission shall publish the date of the entry into force of this amendment in the Official Journal of the European Communities.

Article 9

Importation from non-Parties of products containing controlled substances

1. Subject to the decision referred to in paragraph 4, the release into free circulation in the Community of products imported from any State which is not a Party containing chlorofluorocarbons or halons shall be prohibited.

2. Subject to the decision referred to in paragraph 4, the release into free circulation in the Community of products imported from any State which is not a Party containing other fully halogenated chlorofluorocarbons, carbon tetrachloride or 1,1,1-trichloroethane shall be prohibited .

3. Subject to the decision referred to in paragraph 4, the release into free circulation in the Community of products imported from any State which is not a Party containing hydrobromofluorocarbons shall be prohibited.

4. The Commission, in accordance with the procedure set out in Article 16, shall adopt the lists of the products referred to in paragraphs 1, 2 and 3 in the light of the lists established by the Parties.

Article 10

Importation from non-Parties of products produced with controlled substances

In the light of the decision of the Parties, the Council, on a proposal from the Commission, shall adopt rules applicable to the release into free circulation in the Community of products imported from any State which is not a Party which are produced with controlled substances but which do not contain these substances. The Council shall act by a qualified majority.

Article 11

Exportation to non-Parties of controlled substances

1. The exportation from the Community of virgin, used or recycled chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride or 1,1,1-trichloroethane to any State which is not a Party shall be prohibited.

2. Comencing one year after the date published in the Official Journal pursuant to Article 8(2), the exportation from the Community of virgin, used or recycled hydrobromofluorocarbons to any State which is not a Party shall be prohibited.

Article 12

Exceptional authorization to trade with non-Parties

By derogation from Article 8, Article 9(1), (2) and (3) and Article 11, the trade of controlled substances, as well as products which contain and/or are produced with one or several of these substances, with any non-Party may be permitted by the Commission, to the extent that the non-Party is determined by a meeting of the Parties to be in full compliance with Article 2, Articles 2A to 2E, Article 2G and Article 4 of the Protocol and has submitted data to that effect as specified in Article 7 of the Protocol. The Commission shall act in accordance with the procedure set out in Article 16.

Article 13

Trade with territories not covered by the Protocol

The trade of controlled substances as well as products which contain and/or are produced with one or several substances with a territory not covered by the Protocol is prohibited according to the provisions of Article 8, Article 19(1) and Article 11.

In accordance with the procedure set out in Article 16, the Commission may derogate from the rule referred to in the first paragraph to the extent that the authorities of the territories in question provide guarantees which the Commission is satisfied are equivalent to those set out in Article 12.

CHAPTER IV

EMISSIONS CONTROL

Article 14

Recovery of used controlled substances

Commencing on the first day of the fourth month following the date of the entry into force of this Regulation, chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and hydrochlorofluorocarbons contained in

- stationary commercial and industrial refrigeration equipment and air conditioning;

- mobile refrigeration and mobile air-conditioning equipment;

- fire protection systems; and

- cleaning machinery containing solvents

shall be recovered as appropriate for destruction by technologies approved by the Parties or for recycling purposes during the servicing and maintenance of equipment as well as prior to equipment dismantling or disposal.

The Commission, in accordance with the procedure set out in Article 16, shall define the areas of application referred to in the first paragraph.

Article 15

Leakages of controlled substances

Commencing on the first day of the fourth month following the date of the entry into force of this Regulation, all precautionary measures should be taken to avoid leakages of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, hydrobromofluorocarbons and hyodrochlorofluorocarbons from commercial and industrial air-conditioning and refrigeration equipment during manufacture, installation, operation and servicing.

CHAPTER V

MANAGEMENT, DATA REPORTING AND FINAL PROVISIONS

Article 16

Management

The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the limit referred to in the third paragraph.

Article 17

Data reporting

1. Each producer, importer and/or exporter of controlled substances shall communicate to the Commission, with a copy to the competent authority of the Member State concerned, not later than 31 March of any year, beginning in 1995, its:

   - total production;

   - increase in production in terms of Article 3(8) to satisfy basic domestic needs of Parties operating under Article 5 of the Protocol;

   - increase in production in terms of Article 3(9), (10) and (11) upon authorized industrial rationalisations;

   - quantities recycled;

   - quantities destroyed in accordance with technologies approved by the Parties;

   - stocks;

- release into free circulation in the Community of imported virgin substances, separately from Parties and non-Parties;

- exports of production from the Community, separately to Parties and non-Parties;

- exports of recycled quantities from the Community, separately to Parties and non-Parties;

- production placed on the market or used for the producer's own account inside the Community;

- recycled quantities placed on the market or used for the undertaking's own account inside the Community;

- amounts used for feedstocks;

of each of the controlled substances in respect of the previous period 1 January to 31 December.

Notwithstanding these obligations, the communication referred to in this paragraph for the period 1 January to 31 December 1993 shall be done not later than the last day of the fourth month following the date of the entry into force of this Regulation.

2. Each producer, importer and/or exporter of methyl bromide in 1991 shall communicate to the Commission, with a copy to the competent authority of the Member State concerned, the data referred to in paragraph 1 in respect of that year not later than the last day of the fourth month following the date of the entry into force of this Regulation.

3. The Commission shall take the appropriate measures to protect the confidentiality of the data submitted.

Article 18

Inspection

1. In carrying out the tasks assigned to it by this Regulation, the Commission may obtain all necessary information from the governments and competent authorities of the Member States and from undertakings.

2. When sending a request for information to an undertaking the Commission shall at the same time forward a copy of the request to the competent authority of the Member State in whose territory the seat of the undertaking is situated, together with a statement of why this information is required.

3. The competent authorities of the Member States shall undertake the investigations which the Commission considers to be necessary under this Regulation.

4. If agreed by the Commission and the competent authority of the Member State in whose territory the investigation is to be made, the officials of the Commission shall assist the officials of such authority in carrying out their duties.

5. The Commission shall take the appropriate measures to protect the confidentiality of information of information obtained pursuant to this Article.

Article 19

Sanctions

Each Member State shall determine the penalties to be imposed in the event of failure to comply with this Regulation or with any national measures taken to secure its implementation; such penalties shall be effective, shall be commensurate with their purpose and shall have adequate deterrent effect.

Article 20

Regulation (EEC) No 594/91 is repealed.

Article 21

Entry into force

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council,

The President

ANNEX I

Substances covered by the Regulation

Group	Substance		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)	0.7

(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.

Group	Substance	Ozone-depleting potential
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
	$C_3H_2F_5Br$	14
	$C_3H_3FBr_4$	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	Substance		Ozone-depleting potential
Group VIII	$CHFCl_2$	(HCFC-21)	0.04
	CHF_2Cl	(HCFC-22)	0.055
	CH_2FCl	(HCFC-31)	0.02
	C_2HFCl_4	(HCFC-121)	0.04
	$C_2HF_2Cl_3$	(HCFC-122)	0.08
	$C_2HF_3Cl_2$	(HCFC-123)	0.06
	C_2HF_4Cl	(HCFC-124)	0.04
	$C_2H_2FCl_3$	(HCFC-131)	0.05
	$C_2H_2F_2Cl_2$	(HCFC-132)	0.05
	$C_2H_2F_3Cl$	(HCFC-133)	0.06
	$C_2H_3FCl_2$	(HCFC-141)	0.11
	$C_2H_3F_2Cl$	(HCFC-142)	0.07
	C_2H_4FCl	(HCFC-151)	0.005
	C_3HFCl_6	(HCFC-221)	0.07
	$C_3HF_2Cl_5$	(HCFC-222)	0.09
	$C_3HF_3Cl_4$	(HCFC-223)	0.08
	$C_3HF_4Cl_3$	(HCFC-224)	0.09
	$C_3HF_5Cl_2$	(HCFC-225)	0.07
	C_3HF_6Cl	(HCFC-226)	0.10
	$C_3H_2FCl_5$	(HCFC-231)	0.09
	$C_3H_2F_2Cl_4$	(HCFC-232)	0.10
	$C_3H_2F_3Cl_3$	(HCFC-233)	0.23
	$C_3H_2F_4Cl_2$	(HCFC-234)	0.28
	$C_3H_2F_5Cl$	(HCFC-235)	0.52
	$C_3H_3FCl_4$	(HCFC-241)	0.09
	$C_3H_3F_2Cl_3$	(HCFC-242)	0.13
	$C_3H_3F_3Cl_2$	(HCFC-243)	0.12
	$C_3H_3F_4Cl$	(HCFC-244)	0.14
	$C_3H_4FCl_3$	(HCFC-251)	0.01
	$C_3H_4F_2Cl_2$	(HCFC-252)	0.04
	$C_3H_4F_3Cl$	(HCFC-253)	0.03
	$C_3H_5FCl_2$	(HCFC-261)	0.02
	$C_3H_5F_2Cl$	(HCFC-262)	0.02
	C_3H_6FCl	(HCFC-271)	0.03

ANNEX II

Quantitative limits on imports from third Countries
(calculated levels expressed in tonnes)

Substance	Group I	Group II	Group III	Group IV	Group V	Group VI (% of 1991 imports) (1)	Group VII	Group VIII
For 12-month periods from 1 January to 31 December								
1993	1161	14	700	1288	2378			
1994	348	4	0	386	1189			
1995	0	0		0	1189	100%		60
1996					0	75%	0	60
1997						75%		60
1998						75%		60
1999						75%		60
2000						75%		45
2001						75%		45
2002						75%		45
2003						75%		45
2004						75%		24
2005						75%		24
2006						75%		24
2007						75%		24
2008						75%		12
2009						75%		12
2010						75%		3
2011						75%		3
2012						75%		3
2013						75%		3
2014						75%		3
2015 and thereafter						75%		0

(1) These percentages will be replaced by absolute figures as soon as these figures are available. They will be published by the Commission in the Official Journal.

ANNEX III

Codes and descriptions of the combined nomenclature for the substances referred to in Annexes I and II

CN code	Description
2903 40 10	*- - - Trichlorofluoromethane*
2903 40 20	*- - - Dichlorodifluoromethane*
2903 40 30	*- - - Trichlorotrifluoroethane*
2903 40 40	*- - - Dichlorotetrafluoroethane*
2903 40 50	*- - - Chloropentafluoroethane*
ex 2903 40 61	*- - - - Chlorotrifluoromethane, Pentachlorofluoroethane, Tetrachlorodifluoroethane, Heptachlorofluoropropane, Hexachlorodifluoropropane, Pentachlorotrifluoropropane, Tetrachlorotetrafluoropropane, Trichloropentafluoropropane, Dichlorohexafluoropropane or Chloroheptafluoropropane*
2903 40 70	*- - - Bromotrifluoromethane*
2903 40 80	*- - - Dibromotetrafluoroethane*
2903 40 91	*- - - Bromochlorodifluoromethane*
2903 14 00	*- - Carbon tetrachloride*
2903 19 10	*- - - 1,1,1-Trichloroethane*
ex 3823 90 96	*- - - - Mixtures containing products falling within codes 2903 40 10, 2903 40 20, 2903 40 30, 2903 40 40, 2903 40 50 or 2903 40 61*
ex 3823 90 97	*- - - - Mixtures containing products falling within codes 2903 40 70, 2903 40 80, 2903 40 91 or 3823 90 96*
ex 3823 90 98	*- - - Mixtures containing products falling within codes 2903 14 00 or 2903 19 10*

32

ISSN 0254-1475

COM(93) 202 final

DOCUMENTS

EN 14

Catalogue number : CB-CO-93-307-EN-C

ISBN 92-77-56747-3

Office for Official Publications of the European Communities
L-2985 Luxembourg