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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

**DECISION OF THE COUNCIL AND OF THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES, MEETING WITHIN THE COUNCIL****of 15 October 2010****on the signature and provisional application of the Euro Mediterranean Aviation Agreement
between the European Union and its Member States, of the one part, and The Hashemite
Kingdom of Jordan, of the other part**

(2011/181/EU)

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION MEETING WITHIN THE COUNCIL

Having regard to the Treaty on the Functioning of the European Union and in particular Article 100(2), in conjunction with Article 218 paragraphs 5 and 7 and the first subparagraph of Article 218(8) thereof,

Whereas:

- (1) The Commission has negotiated on behalf of the Union and of the Member States a Euro Mediterranean aviation agreement with The Hashemite Kingdom of Jordan (hereinafter, the 'Agreement') in accordance with the Council Decision authorising the Commission to open negotiations.
- (2) The Agreement was initialled on 17 March 2010.
- (3) The Agreement should be signed and applied provisionally by the Union and the Member States, subject to its possible conclusion at a later date.
- (4) It is necessary to lay down procedural arrangements for deciding, if appropriate, how to discontinue the provisional application of the Agreement. It is also necessary to lay down appropriate procedural arrangements for the participation of the Union and the Member States in the Joint Committee set up under Article 21 of the Agreement and in the dispute settlement procedures provided in Article 22 of the Agreement, as well as for implementing certain provisions of the Agreement concerning security and safety,

HAVE ADOPTED THIS DECISION:

*Article 1***Signature**

1. The signing of the Euro Mediterranean Aviation Agreement between the European Union and its Member

States, of the one part, and The Hashemite Kingdom of Jordan, of the other part, (hereinafter 'the Agreement'), is hereby approved on behalf of the Union, subject to a Council Decision concerning the conclusion of the Agreement ⁽¹⁾.

2. The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union, subject to its conclusion.

*Article 2***Provisional application**

Pending its entry into force, the Agreement shall be applied on a provisional basis by the Union and by the Member States from the first day of the month following the earliest of: (i) the date of the last note by which the Contracting Parties notify each other of the completion of the procedures necessary to provisionally apply the Agreement, or (ii) subject to the internal procedures and/or domestic legislation, as applicable, of the Contracting Parties, the date that falls 12 months from the date of signature of the Agreement.

*Article 3***Joint Committee**

1. The European Union and the Member States shall be represented in the Joint Committee established under Article 21 of the Agreement by representatives of the Commission and the Member States.

2. The position to be taken by the European Union and its Member States within the Joint Committee with respect to amendments to Annex III or Annex IV to the Agreement in accordance with Article 26(2) of the Agreement and to matters of exclusive competence of the EU that do not require the adoption of a decision having legal effect shall be established by the Commission and shall be notified in advance to the Council and the Member States.

⁽¹⁾ The text of the Agreement will be published together with the decision on its conclusion.

3. For Joint Committee decisions concerning matters that fall within the competence of the EU, the position to be taken by the European Union and its Member States shall be adopted by the Council, acting by qualified majority on a proposal from the Commission, unless the applicable voting procedures set down in the EU Treaties provide otherwise.

4. For Joint Committee decisions concerning matters that fall within Member States' competence, the position to be taken by the European Union and its Member States shall be adopted by the Council, acting by unanimity, on a proposal from the Commission or from Member States, unless a Member State has informed the General Secretariat of the Council within 1 month of the adoption of that position that it can only consent to the decision to be taken by the Joint Committee with the agreement of its legislative bodies.

5. The position of the Union and of the Member States within the Joint Committee shall be presented by the Commission, except in matters that fall within the exclusive competence of the Member States, in which case it shall be presented by the Presidency of the Council or, if the Council so decides, by the Commission.

Article 4

Settlement of Disputes

1. The Commission shall represent the Union and the Member States in dispute settlement proceedings under Article 22 of the Agreement.

2. The decision to suspend the application of benefits pursuant to Article 22(7) of the Agreement shall be taken by

the Council on the basis of a Commission proposal. The Council shall decide by qualified majority.

3. Any other appropriate action to be taken under Article 22 of the Agreement on matters which fall within the EU competence shall be decided upon by the Commission, with the assistance of a Special Committee of representatives of the Member States appointed by the Council.

Article 5

Information to the Commission

1. Member States shall promptly inform the Commission of any decision to refuse, revoke, suspend or limit the authorisation of an air carrier that they intend to adopt under Article 4 of the Agreement.

2. Member States shall promptly inform the Commission of any requests or notifications made or received by them under Article 13 (Aviation safety) of the Agreement.

3. Member States shall promptly inform the Commission of any requests or notifications made or received by them under Article 14 (Aviation security) of the Agreement.

Done at Luxembourg, 15 October 2010.

For the Council

The President

E. SCHOUPE

COUNCIL DECISION**of 9 March 2011****concerning the renewal of the Agreement for scientific and technological cooperation between the European Community and Ukraine**

(2011/182/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186, in conjunction with point (v) of Article 218(6)(a), thereof,

Having regard to the proposal from the Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) By its Decision 2003/96/EC of 6 February 2003 ⁽¹⁾, the Council approved the conclusion of the Agreement for scientific and technological cooperation between the European Community and Ukraine.
- (2) Article 12(b) of the Agreement provided that the Agreement would be concluded for an initial period ending on 31 December 2002 and would be renewable by common agreement between the Parties for additional periods of 5 years.
- (3) By a Decision of 22 September 2003 ⁽²⁾ which entered into force on 8 November 2004, the Council approved the renewal of the Agreement for a further period of 5 years.
- (4) At the third meeting of the EU-Ukraine Sub-Committee No 7, held on 26 and 27 November 2008 in Kyiv, both Parties confirmed their interest in a renewal of the above-mentioned Agreement for a further 5 years.
- (5) The material content of the renewed Agreement is identical with the material content of the Agreement which expired on 7 November 2009.
- (6) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.

- (7) The renewal of the Agreement for scientific and technological cooperation between the European Community and Ukraine should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The renewal of the Agreement for scientific and technological cooperation between the European Community and Ukraine, for an additional period of 5 years, is hereby approved on behalf of the Union.

Article 2

The President of the Council shall, acting on behalf of the Union and in accordance with Article 12 of the Agreement, give notification to the Government of Ukraine that the Union has completed its internal procedures necessary for the entry into force of the renewed Agreement ⁽³⁾ and make the following notification to Ukraine:

‘As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” in the text of the Agreement are, where appropriate, to be read as “the European Union”.’

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 9 March 2011.

For the Council
The President
CSÉFALVAY Z.

⁽¹⁾ OJ L 36, 12.2.2003, p. 31.

⁽²⁾ OJ L 267, 17.10.2003, p. 24.

⁽³⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

REGULATIONS

COMMISSION REGULATION (EU) No 291/2011

of 24 March 2011

on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer

THE EUROPEAN COMMISSION,

information and Decision XXI/6, a list of those uses for which technically and economically feasible alternatives that are acceptable from the standpoint of environment and health are available should be established.

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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⁾, and in particular Article 10(2) thereof,

(4) A positive list of permitted essential uses of methyl bromide, as agreed by the Parties in Decision XVIII/15, as well as the uses which the TEAP has identified to be without alternatives should also be established.

Whereas:

(5) In addition, it should be clarified that the use of controlled substances for primary and secondary educational purposes cannot be considered essential and should be limited to higher education or vocational training. Furthermore, the use of controlled substances in experimental chemistry kits available to the general public should not be considered as essential.

(1) The Union has already phased out the production and consumption of controlled substances for most uses. The Commission is required to determine essential laboratory and analytical uses for controlled substances other than hydrochlorofluorocarbons.

(2) Decision XXI/6 of the Parties to the Montreal Protocol consolidates existing decisions and extends the global laboratory and analytical use exemption beyond 31 December 2010 until 31 December 2014 for all controlled substances except for hydrochlorofluorocarbons, thus authorising the production and consumption necessary to satisfy essential laboratory and analytical uses of controlled substances, subject to the conditions established under the Montreal Protocol.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 25(1) of Regulation (EC) No 1005/2009,

HAS ADOPTED THIS REGULATION:

(3) Decision VI/25 of the Parties to the Montreal Protocol specifies that a use can only be considered as essential if there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health. In its 2010 Progress Report, the Technical and Economical Assessment Panel (TEAP) has identified a significant number of procedures for which alternatives to the use of controlled substances are now available. Based on that

Article 1

The production, import and use of controlled substances other than hydrochlorofluorocarbons may be permitted for any essential laboratory and analytical use specified in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 286, 31.10.2009, p. 1.

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

Done at Brussels, 24 March 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

Essential laboratory and analytical uses of controlled substances other than hydrochlorofluorocarbons

1. The following uses of controlled substances other than hydrochlorofluorocarbons are considered as essential laboratory and analytical uses:
 - (a) the use of controlled substances as a reference or standard:
 - to calibrate equipment which uses controlled substances,
 - to monitor emission levels of controlled substances,
 - to determine residue levels of controlled substances in goods, plants and commodities;
 - (b) the use of controlled substances in laboratory toxicological studies;
 - (c) laboratory uses in which the controlled substance is transformed in a chemical reaction like controlled substances used as feedstock;
 - (d) the use of methyl bromide inside a laboratory to compare the efficacy of methyl bromide and its alternatives;
 - (e) the use of carbon tetrachloride as a solvent for bromination reactions involving N-bromosuccinimide;
 - (f) the use of carbon tetrachloride as chain transfer agent in free-radical polymerisation reactions;
 - (g) any other laboratory and analytical use for which a technically and economically feasible alternative is not available.
 2. The following uses of all controlled substances other than hydrochlorofluorocarbons are not considered as essential laboratory and analytical uses:
 - (a) refrigeration and air-conditioning equipment used in laboratories, including refrigerated laboratory equipment such as ultra-centrifuges;
 - (b) cleaning, reworking, repair, or rebuilding of electronic components or assemblies;
 - (c) preservation of publications and archives;
 - (d) sterilisation of materials in a laboratory;
 - (e) any use in primary or secondary education;
 - (f) as components in experimental chemistry kits available to the general public and not intended for use in higher education;
 - (g) for cleaning or drying purposes, including the removal of grease from glassware and other equipment;
 - (h) for the determination of hydrocarbons, oils and greases in water, soil, air or waste;
 - (i) testing of tar in road paving materials;
 - (j) forensic finger-printing;
 - (k) testing of organic matter in coal;
 - (l) as a solvent in the determination of cyanocobalamin (Vitamin B12) and bromine index;
 - (m) in methods that use the selective solubility in the controlled substance, including the determination of cascarosides, thyroid extracts, and the formation of picrates;
 - (n) to preconcentrate analytes in chromatographic methods (e.g. high performance liquid chromatography (HPLC), gas chromatography (GC) adsorption chromatography), atomic absorption spectroscopy (AAS), inductively coupled plasma spectroscopy (ICP), X-ray fluorescence analysis;
 - (o) for the determination of iodine index in fats and oils;
 - (p) any other laboratory and analytical use for which a technically and economically feasible alternative is available.
-

COMMISSION IMPLEMENTING REGULATION (EU) No 292/2011

of 23 March 2011

fixing allocation coefficient, rejecting further applications and closing the period for submitting applications for available quantities of out-of-quota isoglucose to be sold on the Union market at reduced surplus levy

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EU) No 222/2011 of 3 March 2011 laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2010/2011 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) The quantities covered by certificate applications for out-of-quota isoglucose submitted from 14 to 18 March 2011 and notified to the Commission exceed the limit set in Article 1 of Regulation (EU) No 222/2011.
- (2) Therefore, in accordance with Article 5 of Regulation (EU) No 222/2011 it is necessary to fix an allocation coefficient, which the Member States shall apply to the

quantities covered by each notified certificate application, to reject the applications which have not yet been notified and to close the period for submitting the applications.

- (3) In order to act before the issuing of certificates applied for, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which certificate applications for out-of-quota isoglucose have been submitted under Regulation (EU) No 222/2011 from 14 to 18 March 2011 and notified to the Commission shall be multiplied by an allocation coefficient of 51,126352 %. Applications for certificates submitted from 21 to 25 March 2011 are hereby rejected and the period for submitting applications for certificates is closed as from 28 March 2011.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 23 March 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 60, 5.3.2011, p. 6.

COMMISSION IMPLEMENTING REGULATION (EU) No 293/2011

of 23 March 2011

fixing allocation coefficient, rejecting further applications and closing the period for submitting applications for available quantities of out-of-quota sugar to be sold on the Union market at reduced surplus levy

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EU) No 222/2011 of 3 March 2011 laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2010/2011 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) The quantities covered by certificate applications for out-of-quota sugar submitted from 14 to 18 March 2011 and notified to the Commission exceed the limit set in Article 1 of Regulation (EU) No 222/2011.
- (2) Therefore, in accordance with Article 5 of Regulation (EU) No 222/2011 it is necessary to fix an allocation

coefficient, which the Member States shall apply to the quantities covered by each notified certificate application, to reject the applications which have not yet been notified and to close the period for submitting the applications.

- (3) In order to act before the issuing of certificates applied for, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which certificate applications for out-of-quota sugar have been submitted under Regulation (EU) No 222/2011 from 14 to 18 March 2011 and notified to the Commission shall be multiplied by an allocation coefficient of 67,106224 %. Applications for certificates submitted from 21 to 25 March 2011 are hereby rejected and the period for submitting applications for certificates is closed as from 28 March 2011.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 23 March 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 60, 5.3.2011, p. 6.

COMMISSION IMPLEMENTING REGULATION (EU) No 294/2011**of 24 March 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 2011.

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

Done at Brussels, 24 March 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	ET	73,9
	IL	82,8
	JO	71,2
	MA	53,9
	TN	115,9
	TR	76,5
	ZZ	79,0
0707 00 05	EG	170,1
	TR	146,1
	ZZ	158,1
0709 90 70	MA	34,1
	TR	119,3
	ZA	49,8
	ZZ	67,7
0805 10 20	EG	54,1
	IL	72,6
	MA	52,2
	TN	48,6
	TR	73,9
	ZZ	60,3
0805 50 10	EG	66,4
	MA	45,2
	TR	50,5
	ZZ	54,0
0808 10 80	AR	85,5
	BR	87,7
	CA	88,7
	CL	88,3
	CN	107,6
	MK	50,2
	US	141,6
	UY	66,1
	ZA	94,2
0808 20 50	ZZ	90,0
	AR	90,1
	CL	71,6
	CN	56,3
	US	142,1
	ZA	96,7
	ZZ	91,4

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 295/2011**of 24 March 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 276/2011 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 2011.

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

Done at Brussels, 24 March 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 76, 22.3.2011, p. 42.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 25 March 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	51,49	0,00
1701 11 90 ⁽¹⁾	51,49	0,00
1701 12 10 ⁽¹⁾	51,49	0,00
1701 12 90 ⁽¹⁾	51,49	0,00
1701 91 00 ⁽²⁾	48,63	2,88
1701 99 10 ⁽²⁾	48,63	0,00
1701 99 90 ⁽²⁾	48,63	0,00
1702 90 95 ⁽³⁾	0,49	0,22

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

DECISIONS

COUNCIL DECISION

of 21 March 2011

appointing a member of the Court of Auditors

(2011/183/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 286(5) thereof,

Article 1

Mr Harald WÖGERBAUER is hereby appointed member of the Court of Auditors for the period from 1 April 2011 to 31 December 2013.

Having regard to the opinion of the European Parliament ⁽¹⁾,

Article 2

Whereas:

This Decision shall enter into force on the date of its adoption.

(1) Mr Hubert WEBER, member of the Court of Auditors, has resigned with effect from 1 January 2011.

Done at Brussels, 21 March 2011.

(2) Mr Hubert WEBER should therefore be replaced for the remainder of his term of office,

For the Council

The President

MARTONYI J.

⁽¹⁾ Opinion of 8 March 2011 (not yet published in the Official Journal).

COMMISSION DECISION

of 24 March 2011

on the allocation of quantities of controlled substances allowed to be imported or produced for laboratory and analytical uses in the Union in 2011 under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer

*(notified under document C(2011) 1819)***(Only the Dutch, English, French, German, Italian, Spanish and Swedish texts are authentic)**

(2011/184/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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⁾, and in particular Article 10(2) thereof,

Whereas:

- (1) The Union has already phased out the production and consumption of controlled substances for most uses. The Commission is required to determine the quantities of controlled substances other than hydrochlorofluorocarbons that may be used for essential laboratory and analytical uses, and the companies that may use them.
- (2) The Commission has published a 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 ⁽²⁾ and has received declarations on intended laboratory and analytical uses of controlled substances for 2011.
- (3) The determination of the allocated quota shall ensure that the quantitative limits set out in Article 10(6) are respected. As those quantitative limits include quantities of hydrochlorofluorocarbons licensed for laboratory and analytical uses, the production and import of hydrochlorofluorocarbons for those uses should also be covered by this Decision.

- (4) The quantity resulting from the deduction of the quantities allocated to undertakings which produced or imported under licence in the years 2007 to 2009 from the maximum quantity of 110 ODP tons should be allocated to undertakings for which no production or import licences were issued in the reference period 2007 to 2009. The allocation mechanism should ensure that all undertakings requesting a new quota receive an appropriate share of the quantities to be allocated.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 25(1) of Regulation (EC) No 1005/2009,

HAS ADOPTED THIS DECISION:

Article 1

The quotas for importing and producing controlled substances for laboratory and analytical uses in the year 2011 shall be allocated to the undertakings listed in Annex I.

The maximum quantities that may be produced or imported in 2011 for laboratory and analytical uses allocated to these undertakings are set out in Annex II.

Article 2

This Decision shall apply from 1 January 2011 and shall expire on 31 December 2011.

Article 3

This Decision is addressed to the following undertakings:

ABCR Dr Braunagel GmbH & Co.
Im Schleht 10
76187 Karlsruhe
Germany

Acros Organics BVBA
Janssen Pharmaceuticaaan 3a
2440 Geel
Belgium

⁽¹⁾ OJ L 286, 31.10.2009, p. 1.

⁽²⁾ OJ C 107, 27.4.2010, p. 20.

Airbus Operations SAS Route de Bayonne 316 31300 Toulouse France	Arkema France SA 420, rue d'Estienne D'Orves 92705 Colombes Cedex France
Bayer CropScience AG (DEU) Gebäude A729 41538 Dormagen Germany	Eras Labo (FRA) 222 D1090 38330 Saint-Nazaire-les-Eymes France
Harp International Ltd Gellihirion Industrial Estate Rhondda, Cynon Taff Pontypridd CF37 5SX United Kingdom	Honeywell Fluorine Products Europe BV Laarderhoogtweg 18 1101 EA Amsterdam Netherlands
Honeywell Specialty Chemicals GmbH Wunstorfer Strasse 40 Postfach 100262 30918 Seelze Germany	LGC Standards GmbH Mercatorstr. 51 46485 Wesel Germany
Mallinckrodt Baker BV Teugseweg 20 7418 AM Deventer Netherlands	Mebrom NV Assenedestraat 4 9940 Rieme Ertvelde Belgium
Merck KGaA Frankfurter Strasse 250 64271 Darmstadt Germany	Mexichem UK Ltd (ex Ineos Fluor) PO Box 13 The Heath, Runcorn Cheshire WA7 4QX United Kingdom
Ministry of Defence Defence Fuel Lubricants and Chemicals PO Box 10.000 1780 CA Den Helder Netherlands	Panreac Quimica SA Pol. Ind. Pla de la Bruguera, C/Garrafa 2 08211 Castellar del Vallès-Barcelona Spain
Sicor Spa Via Terazzano 77 20017 Rho Italy	Sigma Aldrich Chimie SARL 80, rue de Luzais L'Isle d'Abeau Chesnes 38297 St Quentin Fallavier France
Sigma Aldrich Company Ltd The Old Brickyard, New Road Gillingham SP8 4XT United Kingdom	Sigma Aldrich Laborchemikalien GmbH Wunstorfer Strasse 40 Postfach 100262 30918 Seelze Germany
Sigma Aldrich Logistik GmbH Riedstrasse 2 89555 Steinheim Germany	Solvay Fluor GmbH Hannover Hans-Boeckler-Allee 20 30173 Hannover Germany

Stockholm University Department of Applied Environmental Science (ITM) 10691 Stockholm Sweden	Tazzetti Fluids SRL Corso Europa n. 600/a Volpiano (TO) Italy
VWR International SAS 201 rue Carnot 94126 Fontenay-sous-Bois France	

Done at Brussels, 24 March 2011.

For the Commission
Connie HEDEGAARD
Member of the Commission

ANNEX I

Undertakings entitled to produce or import for laboratory and analytical uses

The quota of controlled substances which may be used for laboratory and analytical uses, are allocated to:

Company
ABCR Dr Braunagel GmbH & Co [DE]
Acros Organics BVBA [BE]
Airbus Operations SAS [FR]
Arkema France SA [FR]
Bayer CropScience AG [DE]
Eras Labo [FR]
Harp International Ltd [UK]
Honeywell Fluorine Products Europe BV [NL]
Honeywell Specialty Chemicals GmbH [DE]
LGC Standards GmbH [DE]
Mallinckrodt Baker BV [NL]
Mebrom NV [BE]
Merck KGaA [DE]
Mexichem UK Ltd (ex Ineos Fluor) [UK]
Ministry of Defence [NL]
Panreac Quimica SAU [ES]
Sicor Spa [IT]
Sigma Aldrich Chimie SARL [FR]
Sigma Aldrich Company Ltd [UK]
Sigma Aldrich Laborchemikalien GmbH [DE]
Sigma Aldrich Logistik GmbH [DE]
Solvay Fluor GmbH [DE]
Stockholm University [SE]
Tazzetti Fluids SRL [IT]
VWR Intern. SAS [FR]

ANNEX II

This Annex is not published because it contains sensitive commercial information.

COMMISSION DECISION

of 24 March 2011

on the allocation of import quotas for controlled substances, and the quantities that may be released for free circulation in the Union, under Regulation (EC) No 1005/2009 of the European Parliament and of the Council, for the period 1 January to 31 December 2011

(notified under document C(2011) 1820)

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

(2011/185/EU)

THE EUROPEAN COMMISSION,

in the Union in 2011 from sources outside the Union shall be 11 025 000,00 ozone depleting potential (ODP) kilograms.

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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⁾, and in particular Article 16 thereof,

Whereas:

- (1) The release for free circulation in the Union of imported controlled substances is subject to quantitative limits as set out in Article 16 of Regulation (EC) No 1005/2009.
- (2) The Commission has published a 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⁽²⁾, and has thereby received declarations on intended imports in 2011.
- (3) The quantitative limits and quotas should be determined for the period 1 January to 31 December 2011.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 25(1) of Regulation (EC) No 1005/2009,

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 1005/2009 which may be released for free circulation

2. The quantity of controlled substances of group III (halons) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2011 from sources outside the Union shall be 30 733 655,00 ODP kilograms.

3. The quantity of controlled substances of group IV (carbon tetrachloride) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2011 from sources outside the Union shall be 2 752 200,00 ODP kilograms.

4. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2011 from sources outside the Union shall be 400 030,00 ODP kilograms.

5. The quantity of controlled substances of group VI (methyl bromide) subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2011 from sources outside the Union shall be 810 120,00 ODP kilograms.

6. The quantity of controlled substances of group VII (hydrobromofluorocarbons) subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2011 from sources outside the Union shall be 1 058,50 ODP kilograms.

7. The quantity of controlled substances of group VIII (hydrochlorofluorocarbons) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2011 from sources outside the Union shall be 4 970 602,212 ODP kilograms.

8. The quantity of controlled substances of group IX (bromochloromethane) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2011 from sources outside the Union shall be 246 012,00 ODP kilograms.

⁽¹⁾ OJ L 286, 31.10.2009, p. 1.

⁽²⁾ OJ C 107, 27.4.2010, p. 20.

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 2011 shall be for the purposes indicated and to the undertakings indicated in Annex I.

2. The allocation of import quotas for halons during the period 1 January to 31 December 2011 shall be for the purposes indicated and to the undertakings indicated in Annex II.

3. The allocation of import quotas for carbon tetrachloride during the period 1 January to 31 December 2011 shall be for the purposes indicated and to the undertakings indicated in Annex III.

4. The allocation of import quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2011 shall be for the purposes indicated and to the undertakings indicated in Annex IV.

5. The allocation of import quotas for methyl bromide during the period 1 January to 31 December 2011 shall be for the purposes indicated and to the undertakings indicated in Annex V.

6. The allocation of import quotas for hydrobromofluorocarbons during the period 1 January to 31 December 2011 shall be for the purposes indicated and to the undertakings indicated in Annex VI.

7. The allocation of import quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2011 shall be for the purposes indicated and to the undertakings indicated in Annex VII.

8. The allocation of import quotas for bromochloromethane during the period 1 January to 31 December 2011 shall be for the purposes indicated and to the undertakings indicated in Annex VIII.

9. The individual import quotas for undertakings shall be as set out in Annex IX.

Article 3

This Decision shall apply from 1 January 2011 and shall expire on 31 December 2011.

Article 4

This Decision is addressed to the following undertakings:

Albemarle Europe SPRL Parc scientifique Einstein Rue du Bosquet 9 1348 Louvain-la-Neuve Belgium	ABCR Dr Braunagel GmbH & Co. (DE) Im Schleht 10 76187 Karlsruhe Germany
Aesica Queenborough Ltd (UK) Queenborough Kent ME11 5EL United Kingdom	AGC Chemicals Europe Ltd York House Hillhouse International Thornton Cleveleys Lancashire FY5 4QD United Kingdom
Arkema France SA 420 rue d'Estienne d'Orves 92705 Colombes Cedex France	Arkema Química S.A. Avenida de Burgos 12 28036 Madrid Spain
BASF Agri Production SAS 32 rue de Verdun 76410 Saint-Aubin-lès-Elbeuf France	Bayer Crop Science AG Gebäude A729 41538 Dormagen Germany
Dow Deutschland Anlagengesellschaft mbH Bützflether Sand 21683 Stade Germany	DuPont de Nemours (Nederland) BV Baanhoekweg 22 3313 LA Dordrecht Netherlands
Dyneon GmbH Werk Gendorf Industrieparkstraße 1 84508 Burgkirchen Germany	Eras Labo 222 RN 90 38330 Saint-Nazaire-les-Eymes France

Esto Cheb s.r.o. Paleckého 2087/8a 35002 Cheb Czech Republic	Eusebi Impianti Srl Via Mario Natalucci 6 60131 Ancona Italy
Eusebi Service Srl Via Vincenzo Pirani 4 60131 Ancona Italy	Excelsyn Molecular Development Ltd (UK) Mostyn Road Holywell Flintshire CH8 9DN United Kingdom
Fujifilm Electronic Materials (Europe) NV Keetberglaan 1A Haven 1061 2070 Zwijndrecht Belgium	Halon & Refrigerants Services Ltd J.Reid Trading Estate Factory Road, Sandycroft Deeside, Flintshire CH5 2QJ United Kingdom
Fire Fighting Enterprises Ltd 9 Hunting Gate, Hitchin SG4 0TJ United Kingdom	Honeywell Fluorine Products Europe BV Laarderhoogtweg 18, 1101 EA Amsterdam Netherlands
Hovione Farmaciencia SA Sete Casas 2674-506 Loures Portugal	ICL-IP Europe BV Fosfaatweg 48 1013 BM Amsterdam Netherlands
Intergeo Ltd Thermi Industrial Area 57001 Thessaloniki Greece	Laboratorios Miret SA Géminis 4 08228 Terrassa, Barcelona Spain
LPG Tecnicas en Extincion de Incendios SL C/Mestre Joan Corrales 107-109 08950 Esplugas de Llobregat, Barcelona Spain	Lufthansa CityLine GmbH Waldstr. 247 51147 Köln Germany
Mebrom NV Assenedestraat 4 9940 Rieme Ertvelde Belgium	Meridian Technical Services Ltd 14 Hailey Road DA18 4AP Erith, Kent United Kingdom
Mexichem UK Ltd PO Box 13 The Heath Runcorn Cheshire WA7 4QX United Kingdom	Poż-Pliszka Sp. z o.o. ul. Szczecińska 45 80-392 Gdańsk Poland
R.P. Chem s.r.l. Via San Michele 47 31062 Casale sul Sile (TV) Italy	Sabena Technics DNR Bois de Ponthual BP 90154 35800 Saint-Lunaire France
Safety Hi-Tech S.r.l. Via Cavour 96 67051 Avezano (AQ) Italy	Savi Technologie Sp. z o.o. ul. Wolności 20 Psary 51-180 Wrocław Poland

Sigma Aldrich Company Ltd The Old Brickyard, New Road Gillingham SP8 4XT United Kingdom	Sigma Aldrich Logistik GmbH Riedstraße 2 89555 Steinheim Germany
SJB Energy Trading BV (NL) Slagveld 15 3230 AG Brielle Netherlands	Solvay Fluor GmbH Hans-Böckler-Allee 20 30173 Hannover Germany
Solvay Fluores France 25 rue de Clichy 75442 Paris France	Solvay Solexis SAS Avenue de la République 39501 Tavaux Cedex France
Solvay Solexis SpA Viale Lombardia 20 20021 Bollate (MI) Italy	Sterling S.r.l. Via della Carboneria 30 06073 Solomeo di Corciano (PG) Italy
Syngenta Crop Protection Surrey Research Park 30 Priestly Road Guildford Surrey GU2 7YH United Kingdom	Tazzetti SpA Corso Europa n. 600/a 10070 Volpiano (TO) Italy
TEGA Technische Gase und Gastechnik GmbH Werner-von-Siemens-Straße 18 97076 Würzburg Germany	Thomas Swan & Co Ltd Rotary Way Consett County Durham DH8 7ND United Kingdom
Total Feuerschutz GmbH Industriestr. 13 68526 Ladenburg Germany	

Done at Brussels, 24 March 2011.

For the Commission
Connie HEDEGAARD
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 1005/2009 for feedstock uses and process agent uses during the period 1 January to 31 December 2011.

Company

Honeywell Fluorine Products Europe (NL)
Mexichem UK (UK)
Solvay Solexis (IT)
Syngenta Crop Protection (UK)
Tazzetti Fluids (IT)
TEGA Technische Gase und Gastechnik (DE)

ANNEX II

GROUP III

Import quotas for halons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and critical uses during the period 1 January to 31 December 2011.

Company

BASF Agri Product (FR)
ERAS Labo (FR)
ESTO Cheb (CZ)
Eusebi Impianti (IT)
Eusebi Service (IT)
Fire Fighting Enterprises Ltd (UK)
Halon & Refrigerant Services (UK)
Intergeo (EL)
LPG Tecnicas en Extincion de Incendios (ES)
Lufthansa CityLine (DE)
Meridian Technical Services (UK)
Poz-Pliszka (PL)
Sabena Technics (FR)
Safety Hi-Tech (IT)
Savi Technologie (PL)
Total Feuerschutz (DE)

*ANNEX III***GROUP IV**

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2011.

Company

Dow Deutschland (DE)
Mexichem UK (UK)

*ANNEX IV***GROUP V**

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2011.

Company

Arkema (FR)
Fujifilm Electronic Materials Europe (BE)

*ANNEX V***GROUP VI**

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2011.

Company

Albemarle Europe (BE)
ICL-IP Europe (NL)
Mebrom (BE)
Sigma Aldrich Logistik (DE)

ANNEX VI

GROUP VII

Import quotas for hydrobromofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2011.

Company

ABCR Dr Braunagel (DE)
Excelsyn Molecular Development (UK)
Hovione Farmaciencia (PT)
R.P. Chem (IT)
Sterling (IT)

ANNEX VII

GROUP VIII

Import quotas for hydrochlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and process agent uses, as well as for laboratory and analytical uses, for the period 1 January to 31 December 2011.

Company

Aesica Queenborough (UK)
AGC Chemicals Europe (UK)
Arkema France (FR)
Arkema Química (ES)
Bayer CropScience (DE)
DuPont de Nemours (NL)
Dyneon (DE)
Honeywell Fluorine Products Europe (NL)
Mexichem UK (UK)
Sigma Aldrich Company (UK)
Sigma Aldrich Logistik (DE)
SJB Energy Trading (NL)
Solvay Fluor (DE)
Solvay Fluores France (FR)
Solvay Solexis (FR)
Solvay Solexis (IT)
Tazzetti Fluids (IT)

ANNEX VIII

GROUP IX

Import quotas for bromochloromethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses during the period 1 January to 31 December 2011.

Company

Albemarle Europe (BE)
ICL-IP Europe (NL)
Laboratorios Miret (ES)
Sigma Aldrich Logistik (DE)
Thomas Swan & Co (UK)

ANNEX IX

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