Commission Regulation (EU) No 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer

COMMISSION REGULATION (EU) No 537/2011

of 1 June 2011

on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses 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,

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 the third subparagraph of Article 10(6) thereof,

Whereas:

(1) The mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses should ensure that the quantity annually authorised under licences for individual producers and importers does not exceed 130 % of the annual average of the calculated level of controlled substances licensed for the producer or importer for essential laboratory and analytical uses in the years 2007 to 2009 and that the total quantity annually authorised under licences, including licences for hydrochlorofluorocarbons under Article 11(2) of Regulation (EC) No 1005/2009, shall not exceed 110 ozone-depleting potential (hereinafter 'ODP') tonnes.

(2) The total quantities of controlled substances allowed for laboratory and analytical uses for the undertakings which produced or imported under license in the years 2007 to 2009 cannot exceed 77 243,181 ODP kilograms, being calculated on the basis of the licensed production and imports in the reference period.

(3) The difference to the maximum quantity of 110 ODP tonnes (32 756,819 ODP kilograms), as well as the quantities for which no declarations have been submitted by the undertakings which produced or imported under licence in the years 2007 to 2009, 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.

(4) 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:

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 537/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 1

The quotas for controlled substances for laboratory and analytical uses shall be allocated to producers and importers to which no production or import license was issued in the years 2007 to 2009 in accordance with the mechanism set out in the Annex.

Article 2

This Regulation shall apply from 1 January 2011.

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

Done at Brussels, 1 June 2011.

For the Commission

The President

José Manuel BARROSO