

ODS data reporting FAQ

Frequently Asked Questions

Version: January 2014

Introduction

Within the European Union (EU), the use and trade in controlled substances that deplete the ozone layer (ODS) is regulated by EU regulation (EC) [1005/2009 \(ODS Regulation\)](#) (EC, 2009). This regulation stipulates that each company producing, importing and/or exporting into the EU, feedstock user, process agent user and destruction facility must annually report their activities concerning controlled substances. The ODS Regulation also extends to five additional substances having an ozone-depleting potential (new substances) for producers, importers and exporters.

Article 27 of the Regulation requires companies that produce and/or import and/or export and/or destroy and/or use as feedstock/process agents ODS to submit a report by 31 March each year for the previous calendar year. The format for the report was established by the European Commission assisted by a management committee composed of the representatives of the Member States in accordance with the management procedure in Article 25(2) of the ODS regulation.

Companies must submit their report to the European Commission, sending the same information to the Competent Authority of the relevant Member State. In order to do so, companies must use the Business Data Repository (BDR) system which is managed by the European Environment Agency (EEA). Details on how to use the BDR are provided in the BDR manual, including Annex II where a complete guide-through on the filling of the ODS questionnaire is provided.

This document contains answers to frequently asked questions by stakeholders concerning the reporting obligations. It aims to provide guidance to those entities subject to reporting requirements without prejudice to the obligations contained in the regulations.

This document shall not be understood as having a legal status.



Acknowledgments

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2 What to report (Definitions)?

2.1 Which gases are ODS?

Ozone-depleting substances (ODS) are a group of substances that, when released in air, deplete stratospheric ozone levels. The use and production of most ODS is regulated under the Montréal Protocol. These substances are referred to as controlled substances and all fall under the reporting obligation of companies under Article 27 of regulation 1005/2009 (ODS regulation). Controlled substances are divided into 9 groups: CFC's, other CFC's, halons, CTC, TCA, MB, HBFC's, HCFC's and BCM. Additionally, the ODS regulation sets out a reporting obligations for 5 other substances, referred to as new substances. For a list of all substances that are covered by the ODS regulation, see Annex I.

2.2 What is the Ozone Depleting Potential?

Not all ODS have the same effect on stratospheric ozone depletion. To account for these differences among the individual substances, they are given an Ozone Depleting Potential of ODP. This ODP is the relative amount of effect the substance will have compared to the effect of CFC-11. Halon-1301 for instance has an ODP of 10, meaning that when a quantity of halon-1301 is released in the atmosphere the impact will be 10 times larger than the release of an equivalent quantity of CFC-11. The ODP value for all substances is also included in Annex I.

2.3 What needs to be reported in case of preparations (blends)?

In case of blends only report the portion for the individual substance. Example: 10 kg of a blend containing 80% CTC and 20% of a non-ozone depleting substance need to be reported as "8 kg CTC".

2.4 What is considered 'production' under Article 27 (2) of the ODS Regulation?

You need to report production if during the reporting year you:

- produced any controlled substances
- produced any new substances
- still had stocks resulting from your production in a previous year

This obligation covers all kinds of production including unintentional by-production.

Note that you don't need to report as a producer in the above mentioned boxes but you should submit an empty ('NIL') report in the following cases:

- you reported in previous years but did not produce during the reporting year and you no longer hold stocks, or
- you have permanently stopped the production and any trade of controlled and new substances and you no longer hold any stocks.

2.5 Do I need to report 'by-production'?

You do not need to report by-production of insignificant amounts that are entirely emitted or remain as traces in your end-product (where emissions or residues would be in compliance with the applicable legislation). Note that emissions of most controlled substances also need to be reported to the European Pollutants Release and Transfer Register (E-PRTR) under Regulation (EC) 166/2006.

As a rule of thumb, unintended by-production that is subject to reporting usually concerns volumes that are taken off the process cycle and at least temporarily stored (e.g. in a buffer tank) before they are destroyed, used, placed on the market or sent for destruction in a facility outside the production side.

2.6 What is considered 'Imports'/'Exports' under Articles 27 (3) and 27 (4) of the ODS Regulation?

This reporting obligation covers all kinds of imports or exports of controlled and new substances under any customs procedure, including temporary imports such as inward processing or transit.

You need to report if during the reporting year you:

- imported or exported any controlled substances
- imported or exported any new substances
- imported or exported in previous years and still had stocks.

Note that you don't need to report as an importer/exporter in the above mentioned boxes but you should send an empty ('NIL') report in the following cases:

- you purchase controlled or new substances only from another EU based company and sell only to other EU based companies, do not import or export yourself, import or export only products and equipment containing or relying on controlled or new substances (e.g. fire-extinguishers, aircraft).
- you imported or exported substances or mixtures that contain ODS only in traces of technically unavoidable and undesired impurities.
- you reported in previous years but did not import nor export during the reporting year and you no longer hold stocks.
- you have permanently stopped the trade of controlled and new substances and you no longer hold any stocks.

3 Who needs to report?

Usually an individual company is only covered by one reporting obligation. In the past there were cases where you needed to submit more than one report but this is now automatically done once you tick the respective boxes under the 'Company Information' of the online questionnaire available in the BDR.

3.1 We reported under the ODS Regulation last year, but our company has not been involved in any relevant activity during the current reporting year. Do we still need to report?

In case you have not been involved in any relevant activity on the specific reporting year or you only imported/exported products and equipment containing or relying on controlled or new substance (e.g. fire extinguishers, aircraft) you need to fill in and submit a NIL reporting questionnaire in the BDR (see also Annex I of BDR manual).

3.2 Our company has various facilities. Who needs to report?

A report shall contain only data from an individual company (i.e. one legal entity). Do not submit a combined report that includes data of other companies, for example subsidiaries or sister companies. Where a company has several sites within one Member State you can submit a combined report covering all sites of that company within the Member State. Where a company has sites in more than one Member State you need to submit individual reports per Member State.

3.3 We submitted a report under the ODS regulation (1005/2009) do we also need to submit under the F-gas regulation (842/2006)?

The ODS regulation and the F-gas regulation have different reporting requirements and apply to different substances. If your company meets the criteria for submitting reports on F-gases (HFCs, PFCs, SF6), a separate report on F-gases must also be submitted via the BDR.

3.4 We have transactions with other companies, do we need to report?

Do not report any production, import or export that was not executed by your own company. For example, if you transferred quota to another company you do not need to report the corresponding

production. If you sold or handed over substances to another company for subsequent export, those exports need to be reported by the company that actually performed the export.

3.5 Is our company considered as an importer or an exporter?

Companies are considered to be importers or exporters only if they import or export ODS from/to countries outside the European Union (EU)¹.

Companies are not considered to be importers/exporters if they only buy or sell ODS to companies in other Member States of the European Union. Shipments between Member States of the EU are not considered to be imports/exports.

Trade with specific territories which are not part of the EU is considered to be import or export. In cases of doubt you should contact your Member State contact point or the entity designated by the European Commission. A list of the Member States contact points is provided in the European Commission's Communication and Information Resource Centre CIRCABC)².

3.6 Our company is a destruction facility; do we need to report (Article 27 (5))?

You need to report under Article 27(5) if your company during the reporting year destroyed waste containing controlled substances coming from other legal entities or destroyed controlled substances from own production (e.g. unintentional by-production).

You do not need to report under Article 27(5) if you:

- destroy only new substances (Halon 1202, n-PB, EB, TFMI and MC)
- do not destroy waste, e.g. if you are only collecting or storing waste for later forwarding to destruction facilities
- destroy waste that contains controlled substances only in traces of technically unavoidable and undesired impurities.

3.7 We used controlled substances as a feedstock or process agent during the reporting year (Article 27 (6) of the ODS Regulation). Do we need to report?

You need to report under Article 27(6) if you used controlled substances as a feedstock or process agent during the reporting year. You do not need to report the use of new substances (Halon 1202, n-PB, EB, TFMI and MC).

You do not need to tick the "Feedstock use" and/or the 'Process Agent use' in the following cases:

- You reported on feedstock or process agent uses in previous years but did not use any controlled substances this year. However, in case you have remaining stocks it is still necessary to submit a report for these stocks.
- You have permanently stopped the use of controlled substances as feedstock or process agent. In this case you should fill in and submit a NIL reporting questionnaire in the BDR (see also Annex I of BDR manual).

¹ The 28 Member States of the EU are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

² <https://circabc.europa.eu/w/browse/91661b30-3bd7-4b25-b083-dbc64092175c>

4 Where and how to report?

4.1 *Is there a standard reporting form?*

The format of the reports is established by the European Commission and the management Committee. The reporting via the online questionnaire which is available in EEA's BDR (see question 3.2) ensures that the correct reporting format is used.

4.2 *Where and how shall I send the report?*

You need to submit all reports electronically using the online questionnaire available at the [Business Data Repository \(BDR\)](#). The BDR is an electronic online reporting system managed by the European Environment Agency (EEA). It has been specifically developed for the handling of confidential information.

Using BDR for the submission of reports has a number of advantages:

- BDR is a more secure system than e-mail. It offers better protection against interception and loss of data.
- There is no need to submit to more than once as all stakeholders (DG Clima, EEA, national competent authorities) have access to BDR.
- The online questionnaire available at the BDR platform gives you the opportunity to perform quality checks during your reporting and also when submitting. This will help you to correct any errors before submitting your company's report.
- BDR is transparent and traceable, while it ensures the confidentiality of the reporting information. All stakeholders have access to the same level of information. In the BDR, you can also see the previous submitted reports of your company.

When using the BDR it is no longer necessary to send copies of your report to the European Commission or the competent authorities in your Member State. They can access the data submitted to the EEA thus the submission to the EEA is automatically considered as submission also to the European Commission and your Member State.

However, in case of any additional communication by e-mail with the EEA you may wish to copy the European Commission and the competent authority in your Member State to facilitate their assistance.

All reports are to be submitted electronically, using the online questionnaire which is available at the BDR platform. Do not submit any paper copies. The forms do not need to be signed or accompanied by any means of proof - you will receive an automatic confirmation after a successful submission. In the unlikely event of severe issues you will be formally requested to provide additional information at a later stage.

For more information on how to report using the BDR you are strongly encouraged to read the BDR manual.

4.3 *When shall I report?*

You need to submit your reports before 31 March of every year as required by Article 27(1) of the Regulation. If you do not submit your report or you submit it after the deadline the competent authorities in your Member State will be informed thereof and may issue a fine.

4.4 *How to report ODS taken back from a customer or sent back to the supplier?*

Report any quantity that had been exported and was re-imported, e.g. after a customer's complaint, as normal imports, as this is also subject to licensing. Do not deduct these quantities from the total exports. The same applies accordingly to any quantity re-exported after an import. Report any quantity that was placed on the European market and is returned to you, as "purchased" or "obtained from EU". Do not deduct these quantities from your sales figures. The same applies accordingly if you return quantities to your supplier in the EU.

4.5 *How should we report quantities?*

There is no threshold for small amounts. You need to report all quantities. However, for the reporting you should always round up to the next kilogram. Report all figures in metric kilogram with an accuracy of ± 1 kg. For example the import of 50.1 kg (fifty kilograms and one-hundred grams) should be reported as 51 kilogram. For clarity do not use any commas, points or spaces (e.g. as thousands dividers). The forms will not accept such formatting.

4.6 *How should I fill out the forms for stocks?*

The reporting forms require information on stocks (quantities) of ODS held by your company at the beginning (1 January) and end (31 December) of the calendar year that you are reporting on (Table 8). Note that if your company still had stocks at the beginning and/or end of the reporting year related to activities that fall under the reporting obligation (i.e. import, export, production, feedstock use, process agent use and/or destruction), these quantities have to be reported even if your company did not import, export, produce, use as feedstock or process agent and/or destroy ODS.

Producers should also report all stockpiled quantities of ODS for feedstock use at the end of the year, with a distinction between feedstock use for placing on the EU market and feedstock use for export. Stockpiled quantities are quantities of ODS that have been produced for feedstock use in the reporting year but that have not been used, placed on the market and/or exported during the reporting year but are held by your company at the end of the year (31 December).

4.7 *The data reported are commercially sensitive. How will they be treated?*

The Commission and the EEA have established procedures to ensure that all of the data relating to individual companies will be kept strictly confidential. The raw data is recorded in a confidential database and analysed by the Commission, the designated authority of the Member State and the EEA.

No company-specific information is disclosed to the public; all company data are aggregated into summary reports before being made available to the public, respecting a 3-company confidentiality rule.

4.8 *The report of the previous reporting year is not correct. Should I resubmit this report?*

All companies are encouraged to change reports of previous reporting years, if these should be revised. The online questionnaire can be used to correct or resubmit reports. In this case, make sure that the transaction year is correctly filled in, both in the envelope and in the questionnaire.

Annex I: List of Ozone Depleting Substances covered by Regulation (EC) No 1005/2009

Group	Substance			ODP
Group I (CFC's)	CFCl_3	CFC-11	Trichlorofluoromethane	1
	CF_2Cl_2	CFC-12	Dichlorodifluoromethane	1
	$\text{C}_2\text{F}_3\text{Cl}_3$	CFC-113	Trichlorotrifluoroethane	0,8
	$\text{C}_2\text{F}_4\text{Cl}_2$	CFC-114	Dichlorotetrafluoroethane	1
	$\text{C}_2\text{F}_5\text{Cl}$	CFC-115	Chloropentafluoroethane	0,6
Group II (other CFC's)	CF_3Cl	CFC-13	Chlorotrifluoromethane	1
	C_2FCl_5	CFC-111	Pentachlorofluoroethane	1
	$\text{C}_2\text{F}_2\text{Cl}_4$	CFC-112	Tetrachlorodifluoroethane	1
	C_3FCl_7	CFC-211	Heptachlorofluoropropane	1
	$\text{C}_3\text{F}_2\text{Cl}_6$	CFC-212	Hexachlorodifluoropropane	1
	$\text{C}_3\text{F}_3\text{Cl}_5$	CFC-213	Pentachlorotrifluoropropane	1
	$\text{C}_3\text{F}_4\text{Cl}_4$	CFC-214	Tetrachlorotetrafluoropropane	1
	$\text{C}_3\text{F}_5\text{Cl}_3$	CFC-215	Trichloropentafluoropropane	1
	$\text{C}_3\text{F}_6\text{Cl}_2$	CFC-216	Dichlorohexafluoropropane	1
	$\text{C}_3\text{F}_7\text{Cl}$	CFC-217	Chloroheptafluoropropane	1
Group III (Halon's)	CF_2BrCl	halon-1211	Bromochlorodifluoromethane	3
	CF_3Br	halon-1301	Bromotrifluoromethane	10
	$\text{C}_2\text{F}_4\text{Br}_2$	halon-2402	Dibromotetrafluoroethane	6
Group IV (CTC)	CCl_4	CTC	Tetrachloromethane (carbon tetrachloride)	1,1
Group V (TCA)	$\text{C}_2\text{H}_3\text{Cl}_3$ (2)	1,1,1-TCA	1,1,1-Trichloroethane (methylchloroform)	0,1
Group VI (MB)	CH_3Br	methyl bromide	Bromomethane	0,6
Group VII (HBFC's)	CHFBr_2	HBFC-21 B2	Dibromofluoromethane	1
	CHF_2Br	HBFC-22 B1	Bromodifluoromethane	0,74
	CH_2FBr	HBFC-31 B1	Bromofluoromethane	0,73
	C_2HFBr_4	HBFC-121 B4	Tetrabromofluoroethane	0,8
	$\text{C}_2\text{HF}_2\text{Br}_3$	HBFC-122 B3	Tribromodifluoroethane	1,8
	$\text{C}_2\text{HF}_3\text{Br}_2$	HBFC-123 B2	Dibromotrifluoroethane	1,6
	$\text{C}_2\text{HF}_4\text{Br}$	HBFC-124 B1	Bromotetrafluoroethane	1,2
	$\text{C}_2\text{H}_2\text{FBr}_3$	HBFC-131 B3	Tribromofluoroethane	1,1
	$\text{C}_2\text{H}_2\text{F}_2\text{Br}_2$	HBFC-132 B2	Dibromodifluoroethane	1,5
	$\text{C}_2\text{H}_2\text{F}_3\text{Br}$	HBFC-133 B1	Bromotrifluoroethane	1,6
	$\text{C}_2\text{H}_3\text{FBr}_2$	HBFC-141 B2	Dibromofluoroethane	1,7
	$\text{C}_2\text{H}_3\text{F}_2\text{Br}$	HBFC-142 B1	Bromodifluoroethane	1,1
	$\text{C}_2\text{H}_4\text{FBr}$	HBFC-151 B1	Bromofluoroethane	0,1
	C_3HFBr_6	HBFC-221 B6	Hexabromofluoropropane	1,5
	$\text{C}_3\text{HF}_2\text{Br}_5$	HBFC-222 B5	Pentabromodifluoropropane	1,9
	$\text{C}_3\text{HF}_3\text{Br}_4$	HBFC-223 B4	Tetrabromotrifluoropropane	1,8
	$\text{C}_3\text{HF}_4\text{Br}_3$	HBFC-224 B3	Tribromotetrafluoropropane	2,2
	$\text{C}_3\text{HF}_5\text{Br}_2$	HBFC-225 B2	Dibromopentafluoropropane	2

Group	Substance			ODP
	$C_3H_5F_6Br$	HBFC-226 B1	Bromohexafluoropropane	3,3
	$C_3H_2F_5Br_5$	HBFC-231 B5	Pentabromofluoropropane	1,9
	$C_3H_2F_4Br_4$	HBFC-232 B4	Tetrabromodifluoropropane	2,1
	$C_3H_2F_3Br_3$	HBFC-233 B3	Tribromotrifluoropropane	5,6
	$C_3H_2F_4Br_2$	HBFC-234 B2	Dibromotetrafluoropropane	7,5
	$C_3H_2F_5Br$	HBFC-235 B1	Bromopentafluoropropane	1,4
	$C_3H_3F_4Br_4$	HBFC-241 B4	Tetrabromofluoropropane	1,9
	$C_3H_3F_2Br_3$	HBFC-242 B3	Tribromodifluoropropane	3,1
	$C_3H_3F_3Br_2$	HBFC-243 B2	Dibromotrifluoropropane	2,5
	$C_3H_3F_4Br$	HBFC-244 B1	Bromotetrafluoropropane	4,4
	$C_3H_4F_3Br_3$	HBFC-251 B1	Tribromofluoropropane	0,3
	$C_3H_4F_2Br_2$	HBFC-252 B2	Dibromodifluoropropane	1
	$C_3H_4F_3Br$	HBFC-253 B1	Bromotrifluoropropane	0,8
	$C_3H_5F_4Br_2$	HBFC-261 B2	Dibromofluoropropane	0,4
	$C_3H_5F_2Br$	HBFC-262 B1	Bromodifluoropropane	0,8
	C_3H_6FBr	HBFC-271 B1	Bromofluoropropane	0,7
Group VIII (HCFC's)	$CHFCl_2$	HCFC-21	Dichlorofluoromethane	0,04
	CHF_2Cl	HCFC-22	Chlorodifluoromethane	0,055
	CH_2FCl	HCFC-31	Chlorofluoromethane	0,02
	C_2HFC_4	HCFC-121	Tetrachlorofluoroethane	0,04
	$C_2HF_2Cl_3$	HCFC-122	Trichlorodifluoroethane	0,08
	$C_2HF_3Cl_2$	HCFC-123	Dichlorotrifluoroethane	0,02
	C_2HF_4Cl	HCFC-124	Chlorotetrafluoroethane	0,022
	$C_2H_2FCl_3$	HCFC-131	Trichlorofluoroethane	0,05
	$C_2H_2F_2Cl_2$	HCFC-132	Dichlorodifluoroethane	0,05
	$C_2H_2F_3Cl$	HCFC-133	Chlorotrifluoroethane	0,06
	$C_2H_3FCl_2$	HCFC-141	Dichlorofluoroethane	0,07
	CH_3CFCl_2	HCFC-141b	1,1-Dichloro-1-fluoroethane	0,11
	$C_2H_3F_2Cl$	HCFC-142	Chlorodifluoroethane	0,07
	CH_3CF_2Cl	HCFC-142b	1-Chloro-1,1-difluoroethane	0,065
	C_2H_4FCl	HCFC-151	Chlorofluoroethane	0,005
	C_3HFC_6	HCFC-221	Hexachlorofluoropropane	0,07
	$C_3HF_2Cl_5$	HCFC-222	Pentachlorodifluoropropane	0,09
	$C_3HF_3Cl_4$	HCFC-223	Tetrachlorotrifluoropropane	0,08
	$C_3HF_4Cl_3$	HCFC-224	Trichlorotetrafluoropropane	0,09
	$C_3HF_5Cl_2$	HCFC-225	Dichloropentafluoropropane	0,07
	$CF_3CF_2CHCl_2$	HCFC-225ca	3,3-Dichloro-1,1,1,2,2-pentafluoropropane	0,025
	CF_2ClCF_2CHClF	HCFC-225cb	1,3-Dichloro-1,1,2,2,3-pentafluoropropane	0,033
	C_3HF_6Cl	HCFC-226	Chlorohexafluoropropane	0,1
	$C_3H_2FCl_5$	HCFC-231	Pentachlorofluoropropane	0,09
	$C_3H_2F_2Cl_4$	HCFC-232	Tetrachlorodifluoropropane	0,1
	$C_3H_2F_3Cl_3$	HCFC-233	Trichlorotrifluoropropane	0,23
	$C_3H_2F_4Cl_2$	HCFC-234	Dichlorotetrafluoropropane	0,28

Group	Substance			ODP
	$C_3H_2F_5Cl$	HCFC-235	Chloropentafluoropropane	0,52
	$C_3H_3FCl_4$	HCFC-241	Tetrachlorofluoropropane	0,09
	$C_3H_3F_2Cl_3$	HCFC-242	Trichlorodifluoropropane	0,13
	$C_3H_3F_3Cl_2$	HCFC-243	Dichlorotrifluoropropane	0,12
	$C_3H_3F_4Cl$	HCFC-244	Chlorotetrafluoropropane	0,14
	$C_3H_4FCl_3$	HCFC-251	Trichlorofluoropropane	0,01
	$C_3H_4F_2Cl_2$	HCFC-252	Dichlorodifluoropropane	0,04
	$C_3H_4F_3Cl$	HCFC-253	Chlorotrifluoropropane	0,03
	$C_3H_5FCl_2$	HCFC-261	Dichlorofluoropropane	0,02
	$C_3H_5F_2Cl$	HCFC-262	Chlorodifluoropropane	0,02
	C_3H_6FCl	HCFC-271	Chlorofluoropropane	0,03
Group IX (BCM)	CH_2BrCl	BCM	Bromochloromethane	0,12
New substances	$CBr_2 F_2$	Halon-1202	Dibromodifluoromethane	1,25
	C_3H_7Br	n-PB	1-Bromopropane (n-propyl bromide)	0,02 — 0,10
	C_2H_5Br	EB	Bromoethane (ethyl bromide)	0,1 — 0,2
	CF_3I	TFIM	Trifluoroiodomethane (trifluoromethyl iodide)	0,01 — 0,02
	CH_3Cl	MC	Chloromethane (methyl chloride)	0,02