ISSN 0378-6986

Official Journal

of the European Communities

C 242

Volume 41

1 August 1998

English edition

Information and Notices

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(1) Text with EEA relevance

I

(Information)

COMMISSION

Ecu [1]

(98/C 242/01)

Currency amount for one unit:

	31.7.1998	*July* [2]		*31.7.1998*	*July* [2]
Belgian and Luxembourg franc	40,6054	40,6916	Finnish markka	5,98601	5,99778
Danish krone	7,50427	7,51895	Swedish krona	8,77043	8,76700
German mark	1,96910	1,97320	Pound sterling	0,676257	0,667657
Greek drachma	327,367	328,679	United States dollar	1,10717	1,09750
Spanish peseta	167,227	167,463	Canadian dollar	1,66584	1,62990
French franc	6,60182	6,61523	Japanese yen	159,720	154,346
Irish pound	0,783724	0,784437	Swiss franc	1,65189	1,66118
Italian lira	1942,87	1945,48	Norwegian krone	8,35469	8,36647
Dutch guilder	2,22031	2,22448	Icelandic krona	79,1403	78,5298
Austrian schilling	13,8551	13,8827	Australian dollar	1,82160	1,77561
Portuguese escudo	201,571	201,883	New Zealand dollar	2,15864	2,11609
			South African rand	6,80908	6,84640

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

— call telex number Brussels 23789,

— give their own telex code,

— type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu,

— the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic fax answering service (No 296 10 97/296 60 11) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

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(1) Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ L 379, 30.12.1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ L 189, 4.7.1989, p. 1).
Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ L 349, 23.12.1980, p. 34).
Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ L 349, 23.12.1980, p. 27).
Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ L 345, 20.12.1980, p. 23).
Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ L 345, 20.12.1980, p. 1).
Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ L 311, 30.10.1981, p. 1).

(2) The monthly average of ecu exchange rates will be published at the end of each month.

Prior notification of a concentration

(Case No IV/M.1244 — BankAmerica/NationsBank)

(98/C 242/02)

(Text with EEA relevance)

1. On 24 July 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ([1]), as last amended by Regulation (EC) No 1310/97 ([2]), by which BankAmerica Corporation enters into a full merger, within the meaning of Article 3(1)(a) of the Regulation, with NationsBank Corporation.

2. The business activities of the undertakings concerned are banking and financial services.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1244 — BankAmerica/NationsBank, to:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1040 Brussels.

([1]) OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.
([2]) OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

Prior notification of a concentration

(Case No IV/M.1280 — KKR/Willis Corroon)

(98/C 242/03)

(Text with EEA relevance)

1. On 22 July 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 [1], as last amended by Regulation (EC) No 1310/97 [2], by which KKR Associates II (KKR), a member of the KKR Group, acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the Willis Corroon Group plc by way of purchase of the whole of the share capital in the target company.

2. The business activities of the undertakings concerned are:

— KKR: capital investments in management buy-outs,

— Willis Corroon: insurance brokerage world-wide,

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1280 — KKR/Willis Corroon, to the following address:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1040 Brussels.

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[1] OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.
[2] OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

Prior notification of a concentration

(Case No IV/M.1275 — Havas/Bertelsmann/Doyma)

(98/C 242/04)

(Text with EEA relevance)

1. On 24 July 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 [1], as last amended by Regulation (EC) No 1310/97 [2], by which the undertakings Bertelsmann Aktiengesellschaft (Bertelsmann) and Havas SA (Havas) acquire, within the meaning of Article 3(1)(b) of the Regulation, joint control of the undertaking Doyma (Doyma), constituting a joint venture.

2. The business activities of the undertakings concerned are:

— Bertelsmann: Publishing of books and magazines, distribution of music and records, private television,

— Havas: international and local communications business, advertising consultancy and publishing,

— Doyma: publishing magazines and journals in the field of medical press.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1275 — Havas/Bertelsmann/Doyma, to:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1040 Brussels.

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[1] OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.
[2] OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

Commission communication on the application of the transitional provisions of Directive 93/42/EEC relating to medical devices

(98/C 242/05)

This communication refers to Article 22(4) of Directive 93/42/EEC concerning medical devices. It aims at providing clarification on the aforementioned provision in order to ensure its uniform application throughout the European Community.

Article 22(4) of Directive 93/42/EEC requires Member States to continue to accept the placing on the market and the putting into service of devices which conform to the rules in force in their territory on 31 December 1994 pre-existing national rules) for a period of five years following the adoption of the aforementioned Directive, i.e. ending on 14 June 1998.

Accordingly, since 1 January 1995, when Directive 93/42/EEC became first applicable, it has been possible to place medical devices on the market and put them into service either in accordance with the pre-existing national rules or in compliance with Directive 93/42/EEC. From 15 June 1998, it will only be possible to place medical devices on the market and put them into service if they comply with Directive 93/42/EEC.

The term 'placing on the market' is defined in Article 1(2)(h) of Directive 93/42/EEC as the 'first making available in return for payment or free of charge of a device ... with a view to distribution and/or use on the Community market regardless of whether it is new or fully refurbished'. 'Putting into service' means in accordance with Article 1(2)(i), 'the stage at which a device is ready for use on the Community market for the first time for its intended use'. The concepts of placing on the market and putting into service refer to each individual product, and not to a type of device.

The provision of Article 22(4) applies in relation to devices placed on the market prior to 15 June 1998 in compliance with the pre-existing national rules of Member States. Member States may require evidence on compliance with such rules and, where no specific rules exist, on the assurance of an adequate level of safety of devices based on general safety considerations.

Regarding the 'putting into service' of those devices, the Commission considers that a device reaches this stage as soon as it is ready for use in the Community.

To a large extent, devices covered by Directive 93/42/EEC are ready for use at the time they are placed on the market by the manufacturer. In fact, distribution or other manipulations make no difference to their safety and performance, provided manufacturers' instructions have been followed. These devices are considered as being put into service at the same time as they are placed on the market. Therefore, such devices which have been made available by the manufacturer up to and including 14 June 1998 may, after that date, continue to be transferred to end-users and used in accordance with pre-existing national rules.

Some devices, prior to their use, need further processing, for instance sterilisation of surgical dressings, preparation of dental filling material, soaking and fitting of contact lenses. Such kind of processing by the end-user, according to its needs, is assigned to products by the manufacturer as part of the intended use. Relevant devices should be considered as being ready for use, even if the aforementioned processing by the end-user has not yet taken place.

However, devices placed on the market which, in view of their first use, need to be assembled or installed in the hospital and where these manipulations have an impact on safety and/or performances of the devices, are not considered as 'put into service', unless the aforementioned activities have been carried out.

It should be noted that Article 22(4) as well as the definition of 'putting into service' within the meaning of Directive 93/42/EEC are currently under revision [1]. Once the forthcoming amendment of Article 22(4) which is currently going through the legislative procedure will become applicable, the present interpretation will cease to apply.

[1] See Article 21(2)(g) of the common position adopted by the Council on 23 March 1998 with a view to adopting Directive 98/.../EC of the European Parliament and the Council on *in-vitro* diagnostic medical devices.

Notice regarding Council Regulation (EC) No 3093/94 to European Union importers of controlled substances that deplete the ozone layer

(98/C 242/06)

This notice is addressed to undertakings that intend to import in 1999 the following substances into the European Union from sources outside the European Union.

Group I — CFC 11, 12, 113, 114 or 115,

Group II — other fully halogenated CFCs,

Group III — halon 1211, 1301 or 2402,

Group IV — carbon tetrachloride,

Group V — 1,1,1-trichloroethane,

Group VI — methyl bromide,

Group VII — hydrobromofluorocarbons or,

Group VIII — hydrochlorofluorocarbons

Article 7 of Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer [1] requires the imposition of quantitative limits on the import of the substances listed under groups I to VII of Annex I to this notice [2]. Annex I to Council Regulation (EC) No 3093/94 specifies the substances to be controlled and Annex II specifies the quantity of imports allowed for groups I to VII.

The quantity for methyl bromide, group VI, is based on 75 % of the 1991 base-year quantities imported, by primary importers [3] and produced in the European Union.

The quantity of HCFCs, that is group VIII controlled substances, which producers and importers may place on the market and/or use for their own account within the European Union is calculated according to Article 4(8) of Council Regulation (EC) No 3093/94. According to this Article, the Commission shall, in accordance with Article 16 procedure, assign a quota to each producer or importer when the total quantity which producers and importers place on the market or use for their own account reaches 80 % of the total European Union quota or at least on 1 January 2000, whichever comes first.

Undertakings which are engaged in the importation of HCFCs can be in one of three categories:

1. importers who wish to place HCFCs on the European Union market and who are neither engaged in the production of HCFCs nor wish to sell HCFCs to European Union producers;

2. importers who are not engaged in the production of HCFCs and who do sell HCFCs to European Union producers;

3. European Union producers who import on their own account additional HCFCs to place on the European Union market.

Undertakings in category 1 are invited to apply for import quota allocations. If an importer belongs to both categories 1 and 2, they should state clearly the quantities they intend to import which are not intended for European Union producers. The Commission will allocate placing-on-the-market quotas for 1999 to HCFC producers within the European Union by means of a Commission Decision. The quantities imported by undertakings in categories 2 and 3 will form part of the producers' placing-on-the-market quotas.

The quantities imported by undertakings in categories 2 and 3 are still subject to import licences, which should be applied for during 1999. These quantities will be set against the individual placing-on-the-market quotas the Commission will allocate to producers for 1999. The total quantity of HCFCs which may be placed on the European Union market, as calculated by the procedure in Article 4(8) of the Regulation, is 8 097 ODP tonnes. Of this, some 4 % is available to importers in category 1.

For the purposes of the Regulation, quantities are measured in ODP tonnes which reflect the ozone-depleting potential of the substance [4].

[1] OJ L 333, 22.12.1994, p. 1.

[2] Controlled substances or mixtures which are imported in a manufactured product other than a container used for the transport or storage of the substance are excluded from the scope of this notice.

[3] Primary importers of methyl bromide are those importers who in 1991 purchased methyl bromide directly from producers outside the European Union.

[4] For mixtures: only the quantity of the controlled substances in the mixture should be included in the ODP quantity. 1,1,1-trichloroethane is always put on the market with stabilisers. Importers should establish from their supplier the percentage of stabiliser to be deducted before calculating the ODP-weighted tonnage.

The quantities of each group of controlled subtances which may be imported in 1999, be they pure or in a mixture, are set out below.

Group I	(CFC 11, 12, 113, 114 and 115)	0 ODP tonnes
Group II	(other fully halogenated CFCs)	0 ODP tonnes
Group III	(halon 1211, 1301 and 2402)	0 ODP tonnes
Group IV	(carbon tetrachloride)	0 ODP tonnes
Group V	(1,1,1-trichloroethane)	0 ODP tonnes
Group VII	(hydrobromofluoro-carbons)	0 ODP tonnes

Group VI (methyl bromide): the quantity of methyl bromide which may be imported in 1999 be it pure or in a mixture is 5 870 ODP tonnes.

Group VIII (HCFCs): the total quantity of hydrochloro-fluorocarbons, be they pure or in a mixture, which may be placed on the European market by producers and importers in 1999 is 8 079 ODP tonnes.

Subject to the decision of the Commission pursuant to Article 16 of the Regulation, additional quantities may be allowed for the following categories of imports:

(a) feedstock use: transformation of a controlled substance in a process in which it is entirely converted from its original composition,

(b) processing agent use: controlled substances used as chemical processing agents in existing installations, where emissions are insignificant,

(c) recovered substances: controlled substances that have been used in, and recovered from machinery or equipment and are to be reclaimed or destroyed in the European Union,

(d) recycled substances: controlled substances which have been recovered and have then undergone a basic cleaning process such as filtering and drying,

(e) reclaimed substances: controlled substances that have been recovered from machinery or equipment and have been reprocessed and upgraded through such mechanisms as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance,

(f) destruction: controlled substances that are to be destroyed by a technology approved by the parties to the Montreal Protocol which results in the permanent transformation, or decomposition of all or a significant portion of the substance,

(g) quarantine: controlled substances that are to be used for quarantine purposes as defined by the parties to the Montreal Protocol,

(h) preshipment: controlled substances that are to be used for preshipment purposes as defined by the parties to the Montreal Protocol,

(i) producer transfers: controlled substances that have been produced in a non-member country on behalf of an EU producer in accordance with Article 3(12) of Council Regulation (EC) No 3093/94. Only EU producers may import this category of imports,

(j) essential uses: controlled substances to be used for purposes considered essential in accordance with the criteria set out in Decision IV/25 of the parties to the Montreal Protocol and approved by the Commission pursuant to Article 16 of the Regulation. A separate notice regarding essential uses has been published. Undertakings wishing to import controlled substances for essential uses should apply for authorisation on the form supplied with that notice.

Undertakings wishing to be considered by the Commission for the award of import quotas for the 12-month period from 1 January 1999 to 31 December 1999, should apply to the Commission for an import quota on a copy of the form provided in Annex II to this notice.

The Commission hereby gives notice to undertakings wishing to apply for a quota to make the declaration in Annex II within one month of publication of this notice to:

European Commission,
Directorate-General XI,
Environment, Nuclear Safety and Civil Protection,
Unit D4,
Attention Per Rosenqvist,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

Enquiries can be made in writing to the above address or by telephone to (32-2) 295 57 81 or fax (32-2) 296 95 57.

Once the applications have been received, they will be considered by the European Commission and quotas will be set for each importer in consultation with the Article 16 Management Committee. All applicants will be informed of their quota by post. In accordance with Article 6 of the Regulation, undertakings may import the controlled substances only if they are in possession of an import licence issued by the Commission.

During the course of 1999, undertakings in receipt of a quota must apply to the Commission for an import licence for each shipment of controlled substances using the import licence application forms which will be sent to undertakings when they receive their quota. Provided the Commission services are satisfied that the request is in accordance with the quota authorised, an import licence will then be issued. The Commission reserves the right to withhold an import licence in cases where there are doubts that the substances to be imported are as described or are to be used for the authorised use.

Importers of recovered or reclaimed substances, if any, are also required to submit additional information with each licence application regarding the source and destination of the substance, and the processing to be undertaken. A certificate of analysis may also be required.

ANNEX I

Substances covered

Group	Substances		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
	$C_3F_5Cl_3$	(CFC 214)	1,0
	$C_3F_6Cl_3$	(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)	0,6
Group VII	$CHFBr_2$		1,00
	CHF_2Br		0,74
	CH_2FBr		0,73
	C_2HFBr_4		0,8
	$C_2HF_3Br_2$		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

Group	Substances		Ozone-depleting potential (1)
Group VII *(cont'd)*	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
	$C_3H_2F_5Br$		1,4
	$C_3H_3FBr_4$		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 VIII	$CHFCl_2$	(HCFC 21) (3)	0,040
	CHF_2Cl	(HCFC 22) (3)	0,055
	CH_2FCl	(HCFC 31)	0,020
	C_2HFCl_4	(HCFC 121)	0,040
	$C_2HF_2Cl_3$	(HCFC 122)	0,080
	$C_2HF_3Cl_2$	(HCFC 123) (3)	0,020
	C_2HF_4Cl	(HCFC 124) (3)	0,022
	$C_2H_2FCl_3$	(HCFC 131)	0,050
	$C_2H_2F_2Cl_2$	(HCFC 132)	0,050
	$C_2H_2F_3Cl$	(HCFC 133)	0,060
	$C_2H_3FCl_2$	(HCFC 141)	0,070
	CH_3FCl_2	(HCFC 141b) (3)	0,110
	$C_2H_3F_2Cl$	(HCFC 142)	0,070
	CH_3CF_2Cl	(HCFC 142b) (3)	0,065
	C_2H_4FCl	(HCFC 151)	0,005
	C_3HFCl_6	(HCFC 221)	0,070
	$C_3HF_2Cl_5$	(HCFC 222)	0,090
	$C_3HF_3Cl_4$	(HCFC 223)	0,080
	$C_3HF_4Cl_3$	(HCFC 224)	0,090
	$C_3HF_5Cl_2$	(HCFC 225)	0,070
	$CF_3CF_2CHCl_2$	(HCFC 225ca) (3)	0,025
	CF_2ClF_2CHClF	(HCFC 225cb) (3)	0,033
	C_3HF_6Cl	(HCFC 226)	0,100
	$C_3H_2FCl_5$	(HCFC 231)	0,090
	$C_3H_2F_2Cl_4$	(HCFC 232)	0,100
	$C_3H_2F_3Cl_3$	(HCFC 233)	0,230
	$C_3H_2F_4Cl_2$	(HCFC 234)	0,280
	$C_3H_2F_5Cl$	(HCFC 235)	0,520
	$C_3H_3FCl_4$	(HCFC 241)	0,090
	$C_3H_3F_2Cl_3$	(HCFC 242)	0,130
	$C_3H_3F_3Cl_2$	(HCFC 243)	0,120
	$C_3H_3F_4Cl$	(HCFC 244)	0,140
	$C_3HC_4FCl_3$	(HCFC 251)	0,010
	$C_3H_4F_2Cl_2$	(HCFC 252)	0,040
	$C_3H_4F_3Cl$	(HCFC 253)	0,030
	$C_3H_5FCl_2$	(HCFC 261)	0,020
	$C_3H_5F_2Cl$	(HCFC 262)	0,020
	C_3H_6FCl	(HCFC 271)	0,030

(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.

(3) Identifies the most commercially-viable substance as prescribed in the Protocol.

ANNEX II

FORM TO BE USED FOR THE DECLARATIONS (1)

1. Name, address and telephone No of the importer: .....

.....

2. Data concerning the substance to be imported in 1999:

— chemical name(s) (customs definition) and formula(e): .....

.....

— CN code(s): .....

— ODP-weighted imported quantity in tonnes (2) .....

.....

3. Nature and purpose of the substance (for definitions of terms used please see earlier): please tick one option only

virgin substances for feedstock use
virgin substances for processing agent use
virgin substances for destruction by an approved technology
virgin substances resulting from producer transfers
virgin substances for quarantine uses (3)
virgin substances for preshipment uses (3)
virgin substances for other uses (4)
recovered substances for reclamation
recovered substances for destruction by an approved technology
reclaimed substances for feedstock use
reclaimed substances for processing agent use
reclaimed substances for destruction by an approved technology
reclaimed substances for other uses

4. Description of quarantine or preshipment use:

.....

.....

5. Country of exportation: .....

6. Name and address of manufacturer or source company:

.....

7. Name and address of the undertaking where the substance will be used for quarantine or preshipment uses or as a feedstock or reclaimed or destroyed:

.....

8. Scheduled place and date of clearance by Community customs: .....

.....

We hereby certify that the substances we import will be as described on this form.

Place: ..... Date: .....

Name: ..... Signature: .....

(1) Please use separate forms for each group of substances, or where substances of the same group are used for different purposes or are of different natures (i.e. virgin, recovered or reclaimed).
(2) Imported quantities in tonnes multiplied by the ozone-depleting potential (ODP) of the substance concerned.
(3) Only for substances in group VI.
(4) Only for substances in group VI and group VIII.

Notice to European Union users of controlled substances allowed for essential uses in the European Union in 1999 under Council Regulation (EC) No 3093/94 on substances that deplete the ozone layer

(98/C 242/07)

This notice concerns the following substances:

— chlorofluorocarbons (CFCs) 11, 12, 113, 114 and 115,

— other fully halogenated chlorofluorocarbons,

— carbon tetrachloride,

— halons,

— 1,1,1-trichloroethane,

— hydrobromofluorocarbons (HBFCs).

This notice is addressed to undertakings that:

1. intend to use the above substances within the European Union for the manufacture of metered dose inhalers (MDIs) and

2. intend to acquire the above substances directly from a producer or by import into the European Union for laboratory and analytical uses.

Controlled substances for essential uses may be obtained from production within the European Union and if necessary by import from sources outside the European Union.

Users wishing to be considered by the Commission for the award of essential-use licences for the 12-month period from 1 January 1999 to 31 December 1999, should apply to the Commission for an essential-use licence using the form provided in Annex I or II to this notice.

Decision IV/25 of the parties to the Montreal Protocol on substances that deplete the ozone layer agreed criteria and a procedure for determining 'essential uses', for which continued production and consumption would be allowed after phase-out.

In accordance with Decision IV/25 of the parties to the Montreal Protocol, Articles 3 and 4 of Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer [1] require the determination of any essential uses of the abovementioned controlled substances which may be permitted in the Community in 1998.

Decision IX/18 of the parties to the Montreal Protocol authorised the levels of production and consumption necessary to satisfy essential uses of CFCs for metered dose inhalers (MDIs) for the treatment of asthma, chronic obstructive pulmonary diseases. For the production of MDIs in the European Union in 1999, the quantity of CFCs 11, 12, 113 and 114 authorised by the parties is 5 000 tonnes. For laboratory uses, Decision IX/17 of the parties has authorised the production and consumption necessary to satisfy essential laboratory uses subject to the conditions applied to the laboratory use exemption as contained in Annex II to the report of the sixth meeting of the parties [2].

In accordance with Decision VI/9 of the parties to the Montreal Protocol, the purity of controlled substances for laboratory purposes should be at least 99 % for 1,1,1-trichloroethane and 99,5 % for CFCs and carbon tetrachloride.

The procedure allocating quantities of controlled substances for the above essential uses foreseen by Council Regulation (EC) No 3093/94 is the following.

1. Essential-use applications may be made by any interested users of metered dose inhalers (MDIs) or laboratory uses. Requests should contain the information as set out in Annex I to this notice for MDIs or Annex II to this notice for laboratory uses.

2. Interested parties should send their application within one month of publication of this notice to:

Geoffrey Tierney,
European Commission,
Directorate-General XI,
Environment, Nuclear Safety and Civil Protection,
Unit D4,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

[1] OJ L 333, 22.12.1994, p. 1.

[2] Copies of these conditions are available from the above address.

Enquiries can be made in writing to the above address or by telephone (32-2) 296 87 57 or fax (32-2) 296 95 57.

3. Applications received within the period allowed under this notice will be considered by the Commission in accordance with the procedure set out in Article 16 of Regulation (EC) No 3093/94 on substances that deplete the ozone layer.

4. On the basis of the above procedure, a Commission decision will allocate quantities of controlled substances to the users of those applications in the European Union for 1999 for which additional production and importation of controlled substances will be permitted.

5. The Commission will then issue licences to those users identified and shall notify them of the use for which they have authorisation, the substance they are authorised to use and the quantity of the controlled substances concerned.

6. Those users holding an essential-use licence for a controlled substance for 1999 will be able to present their licensed demands to a producer or if necessary request an import licence from the Commission for the purpose of meeting the licensed demand. The producer may be authorised by the competent authority of the Member State in which its relevant production is situated to produce the controlled substance for meeting that licensed demand. The competent authority of the Member State shall notify the Commission well in advance of any such authorisation.

ANNEX I

Form to be used to declare metered dose inhalers (MDIs) [1] for the treatment of asthma and other chronic obstructive diseases

1. Name of the company: .....

.....

Address of the company: .....

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Contact person: .....

Tel.: .....

Fax: .....

e-mail: .....

[1] Applications for the use of metered dose inhalers (MDIs) for the treatment of asthma and other chronic obstructive diseases will need to be accompanied by a copy of the relevant marketing authorization issued by the competent national authorities confirming this specific use.

2. Data concerning the volume requested in 1999:

Substance		Formula	CN code	Quantity requested in 1999 (in kg)
Trichlorofluoromethane	CFC 11	$CFCl_3$	2903 41 00	
Dichlorodifluoromethane	CFC 12	CF_2Cl_2	2903 42 00	
Trichlorotrifluoroethane	CFC 113	$C_2F_3Cl_3$	2903 43 00	
Dichlorotetrafluoroethane	CFC 114	$C_2F_4Cl_2$	2903 44 00	
Other (*)				

(*) To be specified.

Total quantity to be imported: ..... (in kg)

Total quantity to be obtained from producers within the EU: ..... (in kg)

3. Historical data:

Please indicate below the volume of the substances used in 1995, 1996, 1997, as well as estimates for 1998.

Substance	1995 (kg)	1996 (kg)	1997 (kg)	1998 estimates (kg)
CFC 11				
CFC 12				
CFC 113				
CFC 114				
Other (specify)				

4. Name, address and telephone number of manufacturer or supplier:

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5. Please indicate below the stocks of CFCs currently held by your company.

Substance	Stocks (kg)
CFC 11	
CFC 12	
CFC 113	
CFC 114	
Other	

We hereby certify that we intend to use the declared substance for the essential use granted in the European Union in 1999, as indicated in this notice.

Place: ..... Date: .....

Name: ..... Signature: .....

ANNEX II

Form to be used to declare laboratory uses

1. Name of the company: .....

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Address of the company: .....

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.....

.....

Contact person: .....

Tel.: .....

Fax: .....

e-mail: .....

2. Data concerning the volume requested in 1999:

Substance		Formula	CN code	Quantity requested in 1999 (in kg)
Trichlorofluoromethane	CFC 11	$CFCl_3$	2903 41 00	
Dichlorodifluoromethane	CFC 12	CF_2Cl_2	2903 42 00	
Trichlorotrifluoroethane	CFC 113	$C_2F_3Cl_3$	2903 43 00	
Dichlorotetrafluoroethane	CFC 114	$C_2F_4Cl_2$	2903 44 00	
Chloropentafluoroethane	CFC 115	C_2F_5Cl	2903 44 90	
Carbon Tetrachloride		CCl_4	2903 14 00	
1,1,1 trichloroethane		$C_2H_3Cl_3$	2903 19 10	
Other (*)				

(*) To be specified (name, formula, CN code and purity).

Total quantities to be obtained from EU producers: ..... (in kg)

Total quantities to be imported: ..... (in kg)

Total quantities to be supplied from sources (other than producers) within the EU: ..... (in kg)

3. Please justify why the use of ozone-depleting substances (ODS) is still necessary and explain the steps being taken to identify non-ODS alternatives, including the likely dates when ODS can be phased out.

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4. Historical data:

Please indicate below the volumes of any controlled substances used for essential laboratory and analytical uses in 1995, 1996, 1997 as well as estimates for 1998.

Substance	1995 (kg)	1996 (kg)	1997 (kg)	1998 estimates (kg)

5. Are you the end-user of the controlled substances?

☐ NO, please go to 6.

☐ YES, please go to 7.

6. Name, address and telephone number of the producer or importer from which the controlled substances will be obtained:

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Names, addresses and telephone numbers of your clients (add additional annexes if needed):

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7. Do you intend to acquire the controlled substances directly from ☐ a producer/importer or ☐ a supplier or distributor?

Name, address and telephone number of producer or supplier (add additional annexes if needed):

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8. Declaration:

We hereby certify that we intend to use the declared substances for the essential use granted in the European Union in 1999 in accordance with the conditions applicable to the exemption for laboratory and analytical uses and the conditions indicated in this notice.

Place: ..... Date: .....

Name: ..... Signature: .....