COMMISSION DECISION

of 20 December 1994

on the allocation of quantities of controlled substances allowed for essential uses in the Community in 1995, under Council Regulation (EEC) No 594/91, as amended, on substances that deplete the ozone layer

(94/827/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, especially Article 130s,

Having regard to Council Regulation (EEC) No 594/91 of 4 March 1991 on substances that deplete the ozone layer [1] as amended through Decision (EEC) No 3952/92 [2],

Whereas because of state of the concern for the ozone layer the Commission has decided to phase out certain controlled substances earlier than in the Montreal Protocol commencing on 1 January 1995;

Whereas Regulation (EEC) No 594/91 as amended states the Commission shall determine any essential uses which may be permitted in the Community after 31 December 1994 and any quantities of controlled substances which may be produced, placed on the market or used for their own account by producers for these purposes;

Whereas those essential uses have to be decided for chlorofluorocarbons, as per Articles 10 (1) and 11 (1), fully halogenated chlorofluorocarbons, as per Articles 10 (2) and 11 (2), halons, as per Articles 10 (3) and 11 (3), carbon tetrachloride, as per Articles 10 (4) and 11 (4) of Regulation (EEC) No 594/91;

Whereas the criteria applied to assessing essential uses are in line with Decision IV/25 of the Fourth Meeting of the Parties to the Montreal Protocol and are:

(a) that a use of a controlled substance should qualify as 'essential' only if:

(i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and

(ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health;

(b) that production and consumption, if any, of a controlled substance for essential uses should be permitted only if:

(i) all economically feasible steps have been taken to minimize the essential use and associated emission of the controlled substance; and

(ii) the controlled substance is not available in sufficient quantity and quality from existing stocks of banked or recycled controlled substances, also bearing in mind the developing countries' need for controlled substances;

Whereas the Commission has published Decision 94/563/EC [3] on the quantities of controlled substances allowed for essential uses in the Community determined on the basis of limited applications from Member States which were considered to meet the essential use criteria in line with the above mentioned Montreal Protocol Decision IV/25;

Whereas the Commission has published a notice to users in the European Community of controlled substances allowed for essential uses in the Community in 1995 [4] regarding Council Regulation (EEC) No 594/91, as amended, and has thereby received applications for quantities of controlled substances for essential uses for 1995;

Whereas in the framework of the Montreal Protocol nomination and assessment procedures for essential uses, Parties are requested to identify those users who may take advantage of those essential uses in 1995;

Whereas the Council's common position of the 8 June 1994 on the Commission Proposal COM(93) 202 final [5] foresees in Articles 3, 4 and 7 a procedure whereby the requirements for essential uses can be met accordingly and the Commission shall issue licences to those users identified, according to Article 7, and in accordance with the Committee procedure set out in Article 12 of Regulation (EEC) No 594/91;

[1] OJ No L 67, 14. 3. 1991, p. 1.
[2] OJ No L 405, 31. 12. 1992, p. 41.
[3] OJ No L 215, 20. 8. 1994, p. 21.
[4] OJ No C 253, 10. 9. 1994, p. 4.
[5] OJ No C 301, 27. 10. 1994, p. 1.

Whereas in order to meet those essential laboratory uses identified in Decision 94/563/EC, the Commission shall identify those distributors who may supply the controlled substances for this purpose;

Whereas consequently under this framework a producer may be authorized by the competent authority of the Member State in which its relevant production is situated, to produce the controlled substances for the purpose of meeting the licensed demands presented by the identified users, and that the competent authority of the Member State concerned shall in turn notify the Commission well in advance of any such authorization;

Whereas the identified essential uses fall into four categories, notably: medical uses, solvent uses, laboratory uses and other uses; whereas the quantitatively most important essential use is the medical use of MDIs for the treatment of asthma and other chronic obstructive diseases, as endorsed by the UNEP Technology and Economic Assessment Panel (TEAP) in their March 1994 recommendations to the Parties of the Montreal Protocol;

Whereas Article 12 of Regulation (EEC) No 594/91 sets out the procedure according to which decisions can be taken concerning the implementation of the Regulation;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 12 of the same Regulation;

Whereas the list of essential uses and the quantities of the controlled substances are hereby given in Annex for the information of producer and user industries,

HAS ADOPTED THIS DECISION:

Article 1

Those companies who may take advantage of those essential uses for their own account in 1995 are presented in Annex 2. The allocation of essential use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, the other fully halogenated chlorofluorocarbons, halons and carbon tetrachloride during the period 1 January to 31 December 1995 shall be as indicated in the Annex 3 (1) hereto.

Article 2

Those companies who may take advantage of the essential uses exemption for laboratory uses, as specified in Decision 94/563/EC.

Article 3

1. This Decision is addressed to the companies listed in Annex 1.

2. This Decision shall apply as follows:

Control period: from 1 January 1995 to 31 December 1995.

Done at Brussels, 20 December 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

(1) Annex 3 is not published because it contains commercially sensitive information.

ANEXO 1 / BILAG 1 / ANHANG 1 / ΠΑΡΑΡΤΗΜΑ 1 / ANNEX 1 / ANNEXE 1 / ALLEGATO 1 / BIJLAGE 1 / ANEXO 1

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ANNEX 2

A. MEDICAL USES

(i) **Production of metered dose inhalers (MDI's) for the treatment of asthma and other chronic obstructive pulmonary diseases (CFC 11, CFC 12, CFC 113, CFC 114).**

(in tonnes)

Company	Quantity
3M (UK)	514
Aldo-Union (E)	57,2
Astra (E)	17
Bespak (UK)	156
Boehringer (D)	825
CCL Industries (UK)	591
Chiesi Farmaceutics (I)	120
Fisons Pharmaceuticals (UK)	489
G. Pohl-Boskamp (D)	10
Gas Servei (E)	140
Glaxo (UK)	3 624
I.G. Sprühtechnik (D)	174,5
Lacer (E)	0,834
Liquid Carbonic (E)	800
Norton (IR)	667
Pharmasol (UK)	6
Resolution Chemicals (UK)	3
Schering-Plough (B)	167
Servier (F)	124
Valeas (I)	187
Valois (F)	136
Vari (I)	1,7
Total	8 810,234

(ii) **Cleaning of medical prosthetics (CFC 113).**

(in tonnes)

Company	Quantity
Cordis (F)	30
Dideco (I)	10
Dimso-Stryker (F)	0,75
Domilens (F)	1,2
Fresenius-Smad (F)	80
Medinov (F)	1,4
Total	123,35

(iii) **Solvent use to prepare silicone solution for dipcoating of medical devices (CFC 113).**

(in tonnes)

Company	Quantity
Dideco (I)	10
Terumo (B)	13
Total	23

(iv) **Diluent use for ethylene oxide in sterilization of chloramphenicol powder used in eye-ointments (CFC 12).**

(in tonnes)

Company		Quantity
Parke-Davis & Co. Ltd (UK)		0,4224
	Total	0,4224

B. SOLVENT USES

B.1. CFCs :

(i) *Active reagents used to develop fingerprints on paper (CFC 113).*

(in tonnes)

Company		Quantity
Home Office (UK)		9
	Total	9

(ii) *Inert solvent use for the manufacture of reverse osmosis membrane in the manufacture of food and pharmaceutical products (CFC 113).*

(in tonnes)

Company		Quantity
PCI (UK)		10
	Total	10

B.2. Carbon tetrachloride (CCl_4) :

(i) *Production of chlorinated rubber, chlorinated paraffin and as intermediate product for plant treatment preparations.*

(ii) *Production of chlorinated rubber.*

(in tonnes)

Company		Quantity
Caffaro (I)		20
	Total	20

(iii) *Production of fibre optics.*

(iv) *Solvent use for NCl_3 in chlorine production.*

(in tonnes)

Company		Quantity
Albermarle (F)		20
Rhône-Poulenc (F)		500
	Total	520

(v) *Purification and absorption distillation of chlorine.*

(in tonnes)

Company	Quantity
Akzo Nobel (NL)	50
Total	50

(vi) *Production of terephtaloyldichloride.*

(in tonnes)

Company	Quantity
Akzo Aramid (NL)	72
Total	72

C. LABORATORY USES

C.1. CFCs

(in tonnes)

Company	Quantity
Acros Chimica NV (B)	0,425
Agmarin (GR)	0,03
Ausimont (I)	0,2
Bacacos P. (GR)	0,035
Bie & Bern. (DK)	1,5
Carlo Erba (F)	2,1
Carlo Erba (I)	6,4
Fisons Sc. (UK)	7,8
Fluorochem (UK)	0,269
Hoechst (DK)	0,8
J. T. Baker (NL)	20
Liquid Carbonic (E)	25
Merck (D)	76
Merck (UK)	12
Prolabo (F)	5
Promochem (D)	33
Rathburn Chemicals (UK)	6
Riedel (D)	16
Roumboulakis M. (GR)	0,035
SDS (F)	4
Sigma-Aldrich (F)	0,18
Sigma-Aldrich (D)	1,94
Sigma-Aldrich (UK)	2,101
Struers (DK)	0,45
Vel (B)	0,02
Total	221,3

(i) *Use of CFC 113 in the extraction of organic compounds:*

(ii) *Quality testing of drying filters in refrigeration systems (CFC 113):*

(iii) *Research and development of alternative propellants for polyurethane hard foams (CFC 11):*

(iv) *Use of CFC 113 in the analysis of oil content in water:*

C.2. Carbon tetrachloride

(in tonnes)

Company	Quantity
Acros Chimica NV (B)	0,3
Agmartin (GR)	0,035
Bacacos P. (GR)	0,03
Bie & Bern. (DK)	1,9
Carlo Erba (F)	6,5
Carlo Erba (I)	20,5
Fisons Pharm. (UK)	1
Fisons Sc. (UK)	1,5
J. T. Baker (NL)	20
Merck (D)	80
Merck (UK)	23
Prolabo (F)	13,5
Promochem (D)	3
Rathburn Chemicals (UK)	3
Ringsted (DK)	250 liters
Roumboulakis M. (GR)	0,035
SDS (F)	20
Sigma-Aldrich (F)	0,333
Sigma-Aldrich (D)	2,5
Sigma-Aldrich (UK)	1,6
Struers (DK)	0,4
Vel (B)	5
Total	205,033 + 250 liters

(i) *Use in water analysis:*

(ii) *Use in the testing of gas filters:*

(iii) *Use in halogenation reaction in research laboratories:*

(iv) *Use as standards for control of chemical products and monitoring of organic pollution of water, air, etc.:*

(v) *Use as an extraction agent and solvent for analysis for unforseable purposes:*

(vi) *Laboratory and research uses general: research on ODSs thermodynamics, thermophysics, chemistry kinetics and toxicology:*

D. MISCELLANEOUS USES

(in tonnes)

Company	Quantity
Eurodif Prod. (F)	30
Total	30

ANEXO 4 / BILAG 4 / ANHANG 4 / ΠΑΡΑΡΤΗΜΑ 4 / ANNEX 4 / ANNEXE 4 / ALLEGATO 4 / BIJLAGE 4 / ANEXO 4

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