Notice to users of controlled substances in the European Union allowed for essential uses in the Community in 2008 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council on 'substances that deplete the ozone layer'

(2007/C 164/10)

I. This Notice concerns the following substances:

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
Group VIII:	hydrochlorofluorocarbons
Group IX:	bromochloromethane

II. This notice is addressed to users that intend to:

1. use the above substances within the Community for the manufacture of Metered Dose Inhalers (MDIs);

2. acquire the above substances for laboratory and analytical uses directly from a producer or by import into the Community and not from any distributor of the substances inside the Community.

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

IV. Decision IV/25 of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer sets out criteria and a procedure for determining 'essential uses' for which continued production and consumption are allowed after phase-out.

V. Article 3(1) of Regulation (EC) No 2037/2000 of the European Parliament and of the Council [1] requires the determination of quantities for essential uses of the above-mentioned controlled substances which may be permitted in the Community in 2008 if no adequate alternatives are available and in accordance with Decision IV/25 of the Parties to the Montreal Protocol.

VI. The Parties to the Montreal Protocol may take a Decision in September 2007 that authorises the maximum levels of production and consumption necessary to satisfy essential uses of CFCs in 2007 for metered dose inhalers (MDIs) for the treatment of asthma and chronic obstructive pulmonary diseases as specified in Annex I, subject to the conditions established by the Meeting of the Parties in paragraph 2 of its Decision VII/28.

VII. Decision XV/8 of the Parties to the Montreal Protocol authorises the production and consumption necessary to satisfy essential uses of controlled substances listed in Annexes A, B and C (Group II and III substances) of the Montreal Protocol for laboratory and analytical uses as listed in Annex IV to the report of the Seventh Meeting of the Parties, subject to the conditions set out in Annex II to the report of the Sixth Meeting of the Parties.

[1] OJ L 244 of 29.9.2000, p. 1 as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363 of 20.12.2006, p. 1).

VIII. In accordance with Decision X/19 of the Parties to the Montreal Protocol, the purity of controlled substances for laboratory and analytical uses should be at least 99,0 % for 1,1,1-trichloroethane and 99,5 % for CFCs and carbon tetrachloride. These high purity substances and mixtures containing controlled substances shall be supplied only in re-closable containers or high pressure cylinders smaller than three litres or in 10 millilitre or smaller glass ampoules, marked clearly as substances that deplete the ozone layer, restricted to laboratory and analytical uses and specifying that used or surplus substances should be collected and recycled wherever possible. The material should be destroyed following the procedures described in Article 16(1) of the Regulation if recycling is not practical.

IX. Adopted in December 2005, Decision XVII/10 of the Parties to the Montreal Protocol authorises the production and consumption necessary to satisfy essential uses of methyl bromide, the controlled substance listed in Annexe E (Group I substances) of the Montreal Protocol, for laboratory and analytical uses as listed in Annex IV to the report of the Seventh Meeting of the Parties, subject to the conditions set out in Annex II to the report of the Sixth Meeting of the Parties. The categories of permitted laboratory and analytical critical use of methyl bromide are listed in paragraph 2 of Decision XVIII/15. The uses listed in sub-paragraphs (a) and (c) of paragraph 6 of Decision VII/11 and Decision XI/15 are excluded from the allowed laboratory and analytical uses.

X. More information, including the texts of the relevant Decisions quoted here above (Decisions IV/25, XI/15, XV/8, XVI/16 XVII/10 and XVIII/15) can be found at:

http://ec.europa.eu/environment/ozone/pdf/2006_lab.pdf

XI. The procedure for allocating quantities of controlled substances for the above essential uses carried out under the Regulation (EC) No 2037/2000 and Regulation (EC) No 2038/2000 of the European Parliament and the Council [1] is the following:

1. An undertaking that has not been issued with a quota in 2007 and that requests consideration by the Commission for an essential use quota for the period 1 January 2008 to 31 December 2008 should make itself known to the Commission no later than 1 September 2007 by submitting the registration form available online at:

   http://ec.europa.eu/environment/ozone/ods_documents/ods_registration_form.doc

   After their registration in the ODS-database it is necessary to follow the procedure described in 2.

2. Essential use applications may be made by any user of substances listed at the beginning of this Notice.

   For CFCs for use in MDIs, all registered undertakings will receive an application form from the Commission.

For Laboratory Uses, each applicant should apply by completing the relevant form online via the ODS-database available at:

http://ec.europa.eu/environment/ozone/ods.htm

In addition to the online submission a signed print of the import declaration form needs to be sent to the Commission:

European Commission
Directorate-General Environment
Unit ENV.C.4 — Industrial Emissions & Protection of the ozone layer
BU-5 2/200
B-1049 Brussels
Fax (32-2) 292 06 92
E-mail: env-ods@ec.europa.eu

A copy of the application should also be sent to the competent authority of the Member State (refer to Annex II for appropriate address).

[1] OJ L 244 of 29.9.2000, p. 25.

XII. Only applications received by 1 September 2007 will be considered by the Commission.

XIII. The Commission will issue quotas to those users 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.

XIV. Following the above procedure, the Commission on the basis of a Decision will notify applicants of the quantities of controlled substances authorised in the Community for 2008 for which production and importation of controlled substances will be permitted.

XV. Those users holding an essential use quota for a controlled substance for 2007 will be able to make a request to a Community producer via the ODS-database or, if necessary, request an import licence from the Commission for a controlled substance up to their quota limit. The producer must 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

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
	$C_3F_4Cl_4$	(CFC 214)	1,0
	$C_3F_5Cl_3$	(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
	$C_2HF_2Br_3$		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
	C_3HFBr_6		1,5

Group	Substances		Ozone-depleting potential (1)
	$C_3HF_2Br_5$		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_3CFCl_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_2ClCF_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

Group	Substances		Ozone-depleting potential (1)
	$C_3H_3FCl_4$	(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
	$C_3H_4FCl_3$	(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
Group IX	CH_2BrCl	Halon 1011/bromochloro-methane	0,120

(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

Competent authorities of the Member States

BELGIQUE/BELGÏE

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DG per la Ricerca ambientale e lo sviluppo
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