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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 166/1999**of 22 December 1998****concerning the export of certain ECSC steel products from Romania to the Community for the period 1 January to 31 December 1999 (extension of the double-checking system)**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas a Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, entered into force on 1 February 1995 ⁽¹⁾;

Whereas the parties decided in Association Council Decision No 5/98 ⁽²⁾ to extend the double-checking system introduced by Decision No 3/97 ⁽³⁾ for the period between 1 January and 31 December 1999;

Whereas it is consequently necessary to extend the Community implementing legislation introduced by Council Regulation (EC) No 84/98 of 19 December 1997 concerning the export of certain ECSC steel products from Romania to the Community for the period 1 January to 31 December 1998 (renewal of the double-checking system) ⁽⁴⁾,

Article 1

Regulation (EC) No 84/98 shall continue to apply for the period between 1 January and 31 December 1999, in accordance with the provisions of Association Council Decision No 5/98 between the European Communities and their Member States, of the one part, and Romania, of the other part. In the title, preamble and Article 1(1) and (4) of the Regulation, references to the period 1 January to 31 December 1998 shall be replaced by references to 1 January to 31 December 1999.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall apply with effect from 1 January 1999.

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

Done at Brussels, 22 December 1998.

For the Council

The President

C. EINEM

⁽¹⁾ OJ L 357, 31. 12. 1994, p. 2.

⁽²⁾ See page 9 of this Official Journal.

⁽³⁾ OJ L 13, 19. 1. 1998, p. 57.

⁽⁴⁾ OJ L 13, 19. 1. 1998, p. 1.

COMMISSION REGULATION (EC) No 167/1999
of 25 January 1999
establishing the standard import values for determining the entry price of certain
fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 January 1999.

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

Done at Brussels, 25 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 25 January 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	90,9
	204	48,8
	624	151,0
	999	96,9
0707 00 05	052	106,9
	999	106,9
0709 10 00	220	68,8
	999	68,8
0709 90 70	052	138,1
	204	202,8
	628	122,8
	999	154,6
0805 10 10, 0805 10 30, 0805 10 50	052	35,7
	204	41,3
	212	42,5
	220	31,7
	600	39,4
	999	38,1
0805 20 10	052	34,1
	204	63,2
	999	48,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	58,5
	204	47,3
	464	74,1
	624	75,3
	999	63,8
0805 30 10	052	52,6
	600	77,6
	999	65,1
0808 10 20, 0808 10 50, 0808 10 90	052	64,8
	060	37,2
	400	71,8
	404	71,8
	720	81,1
	728	97,6
	999	70,7
	052	148,4
0808 20 50	064	62,3
	400	80,8
	624	54,0
	720	40,2
	999	77,1

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 168/1999

of 25 January 1999

amending Regulation (EEC) No 3719/88 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Article 15 of Regulation (EEC) No 3719/88 is replaced by the following:

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Articles 9(2) and 23 thereof and the corresponding provisions of the other regulations on the common organisation of markets in agricultural products,

Article 15

1. The day an application for a licence or certificate is lodged means the day on which it is received by the competent agency, provided it is received not later than 1 p.m., regardless of whether the application is delivered direct to the competent agency or is forwarded to the competent agency by letter, written telecommunication or electronic mail.

Whereas, pursuant to Article 15 of Commission Regulation (EEC) No 3719/88⁽³⁾, as last amended by Regulation (EC) No 1044/98⁽⁴⁾, an application for a licence or certificate received by an issuing agency on a Saturday, Sunday or public holiday is deemed to have been lodged on the first following working day;

2. An application for a licence or certificate received by the competent agency either on a Saturday, Sunday or public holiday, or on a working day but after 1 p.m., shall be deemed to have been lodged on the first working day following the day on which it was in fact received.

Whereas, in certain cases, provision is made for specific periods for the lodging of applications for licences and certificates; whereas the final day of such periods may fall on a Saturday, Sunday or public holiday; whereas, for the sake of clarity, in such cases, provision should be made for the period for the lodging of applications to be extended to the first following working day; whereas, in order to avoid any likelihood of speculation, it should be specified that the extension may not be taken into account when calculating the amounts set in the licence or certificate or when determining the period of validity of the licence or certificate;

3. Where provision is made for an application for a licence or certificate to be lodged within a specific period, expressed as a number of days, and the final day of that period falls on a Saturday, Sunday or public holiday, the period shall end at 1 p.m. on the first following working day.

However, this extension shall not be taken into account when calculating the amounts set in the licence or certificate or when determining the period of validity of the licence or certificate.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

4. The time limits specified in this Regulation are in Belgian local time.'

Article 2

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ L 149, 20. 5. 1998, p. 11.

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 25 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 169/1999
of 25 January 1999
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 2248/98⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified within the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is accepted that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which do not conform to the rights established by this Regulation, can continue to be

invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, as last amended by European Parliament and Council Regulation (EC) No 82/97⁽⁴⁾, for a period of three months by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the tariff and statistical nomenclature section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the Combined Nomenclature within the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 25 January 1999.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ L 282, 20. 10. 1998, p. 55.

⁽³⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽⁴⁾ OJ L 17, 21. 1. 1997, p. 1.

ANNEX

Description of goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Mixture of flour for the preparation of rye bread consisting of (percentage by weight): — rye flour: 50,0 — wheat flour: 48,6 — wheat gluten: 1,4	1101 00 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1101 00 and 1101 00 90
2. Mixture of flour for the preparation of multigrain bread consisting of (percentage by weight): — common wheat flour: 78,5 — rye flour: 7,0 — oat flour: 4,0 — rice flour: 4,0 — barley flour: 2,0 — milled germ: 1,0 — wheat gluten: 3,5	1101 00 15	Classification is determined by General Rules 1, 3b and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1101 00 and 1101 00 15
3. Flour for bread making consisting of (percentage by weight): — common wheat flour: 99,85 — salt: 0,15 and very small quantities of amylase and anti-oxidant (E300)	1101 00 15	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1101 00 and 1101 00 15
4. Bread-making preparation based on flour for making farmhouse loaf consisting of (percentage by weight): — common wheat flour: 88 — rye flour: 10 — dried rye leaven: 1 — baker's yeast, emulsifier: 1 and very small quantities of amylase and anti-oxidant (E300)	1901 20 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1901 and 1901 20 00. The addition of baker's yeast and rye leaven means the product has the characteristics of a mixture for the preparation of bakers' wares of heading 1905 and it is excluded from Chapter 11 according to note 1(b) of this chapter.
5. Tablets of 550 mg containing 200 mg calcium ascorbate (salt of the vitamin C), 342 mg of an excipient consisting of dicalcium phosphate, micro-crystalline cellulose, cross-linked sodium carboxy methylcellulose and stearic acid and 8 mg magnesium stearate as an anti-caking agent	2106 90 92	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 2106, 2106 90 and 2106 90 92. The product is excluded from heading 2936 because of the presence of additives, which are not covered by note 1(f) and (g) of Chapter 29 and by the application of the Explanatory Notes to the Harmonised System, heading 2936, last paragraph, under (d)
6(a). A paste based on silver (high concentration) — Silver: 72,0 % — Cadmium compound: 8,9 % — Lead compound: 8,9 %	3207 30 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 (c) of Chapter 71, and by the wording of CN codes 3207 and 3207 30 00. See also the Explanatory Notes to the Harmonised System, heading 7106
6(b). A paste based on silver (medium concentration) — Silver: 45,0 % — Cadmium compound: 3,5 % — Lead compound: 3,5 % The products are used to apply electronic circuits onto enamelled steel sheets by means of a heat treatment.		

Description of goods	Classification (CN code)	Reasons
(1)	(2)	(3)
7. Powdered toner, with magnetic properties, used as a developer for photocopying machines. Composition: — Styrene and butyl acrylate copolymer: 40 % — Polypropylene: 3 % — Magnetite: 56 % — Silica: < 1 %	3707 90 30	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 3707, 3707 90 and 3707 90 30. See also the Explanatory Notes to the Harmonised System, heading 3215, point (a) and heading 3707, point (2)
8. Creamy-white powders, consisting of montmorillonite with 30 % added stearylamine. These powders of an organophylic nature, are miscible with organic solvents and they display a loss of 35 % mass when heated at 600 °C	3824 90 95	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 3824, 3824 90 and 3824 90 95. This product is not considered activated within the meaning of heading 3802. See also the Explanatory Notes to the Harmonised System, heading 3824, (40)

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 5/98 OF THE ASSOCIATION COUNCIL

between the European Communities and their Member States, of the one part, and
Romania, of the other part

of 23 December 1998

extending the double-checking system established by Decision No 3/97 of the Association Council for the period 1 January to 31 December 1999

(1999/57/EC)

THE ASSOCIATION COUNCIL,

Whereas the Contact Group referred to in Article 11 of Protocol 2 to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, which entered into force on 1 February 1995, met on 14 October 1998 and agreed to recommend to the Association Council established under Article 106 of the Agreement that the double-checking system introduced in 1998 by Association Council Decision No 3/97 should be extended for the period between 1 January and 31 December 1999;

Whereas the Association Council, having been supplied with all relevant information, has agreed with this recommendation,

HAS DECIDED AS FOLLOWS:

Article 1

The double-checking system established by Association Council Decision No 3/97 for the period 1 January to 31 December 1998 shall continue to apply for the period between 1 January and 31 December 1999. In the preamble and Article 1(1) and (3) of the Decision, references to the period 1 January to 31 December 1998 shall be replaced by references to '1 January to 31 December 1999'.

Article 2

This Decision shall enter into force on the day of its adoption.

It shall apply with effect from 1 January 1999.

Done at Brussels, 23 December 1998.

For the Association Council

The President

A. G. PLESU

COMMISSION

COMMISSION DECISION

of 11 January 1999

allocating import quotas for the fully halogenated chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and methyl bromide for the period 1 January to 31 December 1999, and in addition, allocating placing on the market quotas for hydrochlorofluorocarbons for the period 1 January to 31 December 1999

(notified under document number C(1998) 4563)

(Only the Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Swedish texts are authentic)

(Text with EEA relevance)

(1999/58/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer⁽¹⁾, and in particular Article 4(8) and Article 7(2) thereof,

Whereas Article 7(1) of Regulation (EC) No 3093/94 states that without prejudice to Article 4(8) and unless the substances are intended for destruction by a technology approved by the Parties, for feedstock use in the manufacture of other chemicals or for quarantine and pre-shipment, the release for free circulation in the Community of controlled substances imported from third countries shall be subject to quantitative limits;

Whereas the quantitative limits for the release into free circulation in the Community of controlled substances are set out in Annex II and Article 4(8) of Regulation (EC) No 3093/94; whereas these limits may be modified pursuant to Article 7(3);

Whereas any modification of these quantitative limits may not lead to Community consumption of controlled substances exceeding the quantitative limits established

according to the Montreal Protocol on substances that deplete the ozone layer;

Whereas Article 4(8) of Regulation (EC) No 3093/94 defines the total calculated level of hydrochlorofluorocarbons (HCFCs) which producers and importers may place on the market or use for their own account in the period 1 January to 31 December 1995 and in each 12-month period thereafter; whereas this corresponds to a quantity of 8 079 ODP tonnes;

Whereas the Commission is required, under Article 4(8), in accordance with the procedure laid down in Article 16, to assign a quota to each producer or importer when the total quantity of HCFCs which producers and importers place on the market or use for their own account reaches 80 % of the quantitative limit established or at the latest on 1 January 2000, whichever comes first;

Whereas the 80 % threshold has been reached in the year 1997; whereas it is likely that this will also be the case in 1998 making it necessary to assign placing on the market quotas for HCFCs for 1999;

Whereas the Commission is required under Article 7(2) of Regulation (EC) No 3093/94 to allocate quotas for controlled substances to undertakings each year in accordance with the procedure set out in Article 16;

⁽¹⁾ OJ L 333, 22. 12. 1994, p. 1.

Whereas the Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer ⁽¹⁾ and has thereby received applications for import quotas;

Whereas the applications for import quotas of the chlorofluorocarbons 11, 12, 113, 114 and 115 and halons exceed the import quotas available under Article 7(2); therefore the Commission cannot satisfy the applications;

Whereas some of the applications from the producers of ODS in the Community have been made for specific contingency purposes of possible breakdown of production, technical failure and non-availability of the substances in the Community; whereas requests by a producer to import under a contingency quota can only be considered following interruption to normal supply and non-availability of the substances within the Community;

Whereas the allocation of individual quotas to producers and importers is based on the principles of continuity, equality and proportionality; whereas, in establishing quotas, the Commission has been guided by the need to reduce further the production, import and use of substances which damage the ozone layer while interfering in the market as little as possible;

Whereas for methyl bromide the import quotas are allocated to the primary importers, considered by the Commission to be the importers who deal directly by way of invoicing with the producers outside the Community; whereas a reserve of 100,6 ODP tonnes of methyl bromide is retained for allocation during 1999 in accordance with the Article 16 procedure;

Whereas it is appropriate to retain part of the total HCFC placing on the market quota for allocation to importers in the Community who are not engaged in the production of HCFCs; whereas, in 1998, the level of imports is 4 % of the total quota available; whereas it is appropriate in 1999 to retain 4 % of the total quota for allocation to importers who are not engaged in the production of HCFCs; whereas this corresponds to a quantity of 323 ODP tonnes;

Whereas the HCFC placing on the market quota for each producer in the Community in 1999 shall reflect the market share which that producer reached in 1996, calculated in ODP tonnes; whereas it is appropriate to retain 1996 as a base-year; whereas it is considered appropriate to allocate the total available HCFC quantity of 7 756 ODP tonnes between producers without leaving a reserve;

Whereas import licences shall be issued by the Commission in accordance with Article 6 of the aforesaid Regula-

tion, after verification of compliance by the importer with Articles 7, 8 and 12;

Whereas the release for free circulation in the Community of chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons imported from any State not party is prohibited in accordance with Article 8 of Regulation (EC) No 3093/94;

Whereas the measures provided for in this Decision are in accordance with the opinion of the committee established by Article 16 of the same Regulation,

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of chlorofluorocarbons 11, 12, 113, 114 and 115 subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0 ODP weighted tonnes.
2. The quantity of chlorofluorocarbons 11, 12, 113, 114 and 115 subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 1 600 ODP weighted tonnes of virgin material for use as feedstock.
3. The quantity of chlorofluorocarbons 11, 12, 113, 114 and 115 subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 1 400 ODP weighted tonnes.
4. The quantity of other fully halogenated chlorofluorocarbons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0 ODP weighted tonnes.
5. The quantity of halons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0 ODP weighted tonnes.
6. The quantity of carbon tetrachloride subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 15 106 ODP weighted tonnes of virgin material for use as feedstock or as a processing agent.

⁽¹⁾ OJ C 242, 1. 8. 1998, p. 6.

7. The quantity of 1,1,1-trichloroethane subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0,496 ODP weighted tonnes of virgin material to be used as feedstock or as a processing agent.

8. The quantity of methyl bromide subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 shall be 5 870 ODP weighted tonnes of virgin material for uses other than feedstock and quarantine and preshipment.

9. The quantity of hydrobromofluorocarbons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1999 from sources outside the Community shall be 0 ODP weighted tonnes.

Article 2

1. The quantity of virgin carbon tetrachloride which may be imported by producers of ozone depleting substances in the European Community in 1999 for their own use as contingency against a possible breakdown of production or technical failure and where the substance is not available in the Community shall be 2 200 ODP weighted tonnes.

2. Any quantity of virgin carbon tetrachloride imported by producers of ozone depleting substances from sources outside the Community for the purposes defined in paragraph 1 of this Article shall be accounted for as production of carbon tetrachloride.

3. The quantity of virgin 1,1,1-trichloroethane which may be imported by producers of ozone depleting substances in the European Community in 1999 for their own use as contingency against a possible breakdown of production or technical failure and where the substance is not available in the Community shall be 2 000 ODP weighted tonnes.

4. Any quantity of virgin 1,1,1-trichloroethane which is imported by producers of ozone depleting substances from sources outside the Community for the purposes defined in paragraph 3 of this Article shall be accounted for as the production of 1,1,1-trichloroethane.

Article 3

1. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 which producers and importers may place on the market or use for their own account

within the Community in 1999 shall be 8 079 ODP tonnes.

2. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 which producers may place on the market or use for their own account within the Community in 1999 shall be 7 756 ODP tonnes.

3. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 to be allocated by the Commission to importers within the Community who are not engaged in the production of HCFCs shall be 323 ODP tonnes.

Article 4

1. The allocation of import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, carbon tetrachloride, 1,1,1-trichloroethane and methyl bromide during the period 1 January to 31 December 1999 shall be for the purposes indicated and to the companies indicated in Annex IIa hereto.

2. The allocation of quotas for the placing on the market or use for their own account of hydrochlorofluorocarbons by producers and importers in the Community during the period 1 January to 31 December 1999 shall be to the undertakings indicated in Annex IIb hereto.

3. The import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, carbon tetrachloride, 1,1,1-trichloroethane and methyl bromide during the period 1 January to 31 December 1999 shall be as set out in Annex IIIa ⁽¹⁾ hereto.

4. The quotas for the placing on the market or use for their own account of hydrochlorofluorocarbons by producers and importers in the Community during the period 1 January to 31 December 1999 shall be as set out in Annex IIIb ⁽¹⁾.

Article 5

This Decision is addressed to the undertakings listed in Annex I hereto.

Done at Brussels, 11 January 1999.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ Annex III is not published because it contains confidential commercial information.

*ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I — LIITE I — BILAGA I*

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PO Box 46 — St Andrews Road
Avonmouth
Bristol BS11 9YF
United Kingdom

Solvay Fluor und Derivate GmbH
Hans-Böckler-Allee 20
D-30173 Hannover

Agroquímicos de Levante SA
Avda. Primado Reig. 129 — 4º B
E-46020 Valencia

Albemarle SA
Av. Louise 523 (Boîte 19)
B-1050 Bruxelles

Alfa Agricultural Supplies SA
13, Tim. Filimonos str.
GR-11521 Athens

Biochem Ibérica
Apartado 250, Jardía
P-2870 Montijo

Bromine and Chemicals Ltd
201 Haverstock Hill
Hampstead
London NW3 4QG
United Kingdom

Eurobrom BV
Postbus 158
NL-2280 AD Rijswijk

Great Lakes Chemical (Europe) Ltd
PO Box 44, Oil Sites Road
Ellesmere Port
South Wirral L65 4GD
United Kingdom

Harlow Chemical Company Ltd
Templefields
Harlow, Essex
CM20 2BH
United Kingdom

Mebrom NV
Assenedestraat 4
B-9940 Ertvelde

Metron Technology (Deutschland) GmbH
Saturnstraße 48
Postfach 1243
D-85609 Aschheim

Metron Technology (Italia) Srl
Via per Ornago
I-20040 Bellusco

Metron Technology (UK) Ltd
2 Gregory Road
Kirkton Campus, Livingstone
West Lothian EH54 7DR
United Kingdom

Neoquímica — Exportação E
Apartado 97
P-2580 Carregado

Olin-Hunt
Keetberglaan 1 A
Havennr 1061
B-2070 Zwijndrecht

Zeneca Agrochemicals
Fernhurst Haslemere
Surrey GU27 3JE
United Kingdom

AB Ninolab
P.O. Box 137
S-194 22 Upplands Väsby

ADVchem
La Carretera 31
E-08776 Sant Pere de Ruidebitlles (Barcelona)

Alcobre SA
C/Luis I, Nave 6-B
E-28031 Madrid

Asahi Glass Europe BV
World Trade Center
Strawinskylaan 1525
NL-1077 XX Amsterdam

Bayer Hispania SA
C/Pau Claris 196
E-08037 Barcelona

Boucquillon NV
Nijverheidslaan 38
B-8540 Deerlijk

Calorie
503 Rue Hélène Boucher
Z.I. Buc
B.P. 33
F-78534 Buc Cedex

Caraibes Froid SARL
B.P. 6033
Ste Thérèse
F-97219 Fort-de-France

Celotex Limited
Warwick House
27/31 St Mary's Road
Ealing
London W5 5PR
United Kingdom

Efisol
14/24 Rue des Agglomérés
F-92024 Nanterre Cedex

Fibran SA
6th km Thessaloniki
Oreokastro
P.O. Box 40306
GR-56010 Thessaloniki

Fiocco Trade S.L.
C/Molina n° 16, Pta 5
E-46006 Valencia

Galco SA
Avenue Carton de Wiart 79
B-1090 Bruxelles

Galex SA
B.P. 128
F-13321 Marseille Cedex 16

Gasco NV
Assenedestraat 4
B-9940 Ertvelde

Greencool Refrigerants
Unit 12
Park Gate Business Centre
Chandlers Way
Park Gate
Southampton SO31 1FQ
United Kingdom

Guido Tazzetti & Co.
Strada Settimo 266
I-10156 Torino

H & H International Ltd
25 Richmond Avenue
London SW20 8LA
United Kingdom

HRP Refrigerants Ltd
Gellihirion Industrial Estate
Pontypridd CF37 5SX
United Kingdom

ICC Chemicals (UK) Ltd
Northbridge Road
Berkhamsted
Hertfordshire HP4 1EF
United Kingdom

Kal y Sol
P.I. Can Roca
C/Sant Martí s/n°
E-08107 Martorelles (Barcelona)

Nagase Europe Ltd
Crown House
143 Regent Street
London W1R 7LB
United Kingdom

Plasfi SA
Ctra Montblanc, s/n°
E-43420 Sta Coloma de Queralt (Tarragona)

Polar Cool S.L.
C/Valdemorillo 8
P.I. Ventorro del Cano
C/Valdemorillo 8
E-28925 Alcorcón (Madrid)

Promosol
Bld Henri Cahn
B.P. 27
F-94363 Bry-sur-Marne Cedex

Quimidroga SA
Calle Tuset 26
E-08006 Barcelona

Refrigerant Products Ltd
N9 Central Park Estate
Westinghouse Road
Trafford Park
Manchester M17 1PG
United Kingdom

Resina Chemie BV
Korte Groningerweg 1A
NL-9607 PS Foxhol

Synthesia Española SA
C/Conde Borrell 62
E-08015 Barcelona

SJB Chemical Products BV
Wellerondom 11
NL-3231 XV Brielle

Universal Chemistry & Technology (UCT) SpA
V. le A. Filippetti 20
I-20122 Milano

Vuoksi Yhtiö Oy
Os. Lappeentie 12
FIN-55100 Imatra

ANNEX IIa

GROUP I

Import quotas for virgin chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock

Company

Zeneca (UK)

Import quotas for recovered chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EC) No 3093/94 for destruction

Company

Solvay (D)

GROUP IV

Import quotas for virgin carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock or as a processing agent

Company

AlliedSignal (NL)

CING (GR)

Harlow (UK)

Rhodia (UK)

Import quotas for virgin carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 3093/94 for use as feedstock for contingency purposes

Company

ICI (UK)

GROUP V

Import quotas for virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock or as a processing agent

Company

Metron (D)

Metron (I)

Metron (UK)

Olin Hunt (B)

Import quota for virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock for contingency purposes

Company

Elf Atochem (F)

GROUP VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as soil fumigation and other uses subject to quotas

Company

Albemarle (B)

Alfa Supplies (GR)

Agroquímicos de Levante (E)

Biochem Ibérica (P)

Bromine (UK)

Eurobrom (NL)

Great Lakes (UK)

Mebrom (B)

Neoquímica (P)

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ANNEX IIb

Quotas for placing on the market or use for their own account of hydrochlorofluorocarbons by producers and importers in the Community during the period 1 January to 31 December 1999 shall be assigned to the undertakings indicated below

PRODUCER

AlliedSignal (NL)
Ausimont (I)
CING (GR)
DuPont (NL)
Elf Atochem (E, F)
ICI (UK)
Rhodia (UK)
Solvay (B, D, F)

IMPORTER

AB Ninolab (S)
ADVchem (E)
Alcobre (E)
Asahi Glass (NL)
Bayer Hispania (E)
Boucquillon (B)
Calorie (F)
Caraibes Froid (F)
Celotex (UK)
Efisol (F)
Fibran (GR)
Fiocco (E)
Galco (B)
Galex (F)
Gasco (B)
Greencool (UK)
Guido Tazzetti (I)
H&H International (UK)
HRPR (UK)
ICC Chemicals (UK)
Kal y Sol (E)
Nagase & Co (UK)
Plasfi (E)
Polarcool (E)
Promosol (F)
Quimidroga (E)
Refrigeration Prod. (UK)
Resina (NL)
SJB Chemical (NL)
Synthesia Española (E)
UCT (I)
Vuoksi (FIN)

COMMISSION DECISION

of 11 January 1999

on the allocation of quantities of controlled substances allowed for essential uses in the Community in 1999 under Council Regulation (EC) No 3093/94 on substances that deplete the ozone layer

(notified under document number C(1998) 4564)

(Only the Spanish, German, English, French, Italian, Dutch and Finnish texts are authentic)

(Text with EEA relevance)

(1999/59/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer⁽¹⁾, and in particular Articles 3, 4 and 7 thereof,

Whereas, because of concerns for the ozone layer, the Community has already phased out the production and consumption of certain controlled substances;

Whereas essential uses have to be decided for chlorofluorocarbons (Articles 3(1) and 4(1)); other fully halogenated chlorofluorocarbons (Articles 3(2) and 4(2)); halons (Articles 3(3) and 4(3)); carbon tetrachloride (Articles 3(4) and 4(4)); 1,1,1-trichloroethane (Articles 3(5) and 4(5)); and HBFCs (Articles 3(7) and 4(7));

Whereas the criteria used for assessing essential uses are in line with Decision IV/25 of the Parties to the Montreal Protocol and are as follows:

1. that a use of a controlled substance should qualify as 'essential' only if:
 - (a) it is necessary for the health, safety, or is critical for the functioning of society (encompassing cultural and intellectual aspects); and
 - (b) there are no technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health;
2. that production and consumption, if any, of a controlled substance for essential uses should be permitted only if:
 - (a) all economically feasible steps have been taken to minimise the essential use and any associated emission of the controlled substance; and

- (b) 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 needs of developing countries for controlled substances;

Whereas Decision IX/18 of the Parties to the Montreal Protocol authorises the levels of production and consumption necessary to satisfy essential uses of controlled substances for metered dose inhalers (MDIs) for the treatment of asthma and chronic obstructive pulmonary disease (COPD);

Whereas Decision IX/17 of the Parties to the Montreal Protocol authorises the production and consumption necessary to satisfy essential uses of controlled substances 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 and in Decision VII/11;

Whereas the Commission has published a notice⁽²⁾ to those companies in the European Community which use controlled substances that may be allowed for essential uses in the Community in 1999 pursuant to Council Regulation (EC) No 3093/94, and has thereby received applications for quantities of controlled substances for essential uses in 1999;

Whereas, in the framework of the Montreal Protocol nomination and assessment procedures for essential uses, Parties are requested to identify the users who may take advantage of essential uses in 1999;

Whereas the Commission issues licenses to the users identified pursuant to Articles 3, 4 and 7 and in accordance with the procedure set out in Article 16 of Council Regulation (EC) No 3093/94;

⁽¹⁾ OJ L 333, 22. 12. 1994, p. 1.

⁽²⁾ OJ C 242, 1. 8. 1998, p. 11.

Whereas, within this framework, a producer may be authorised by the competent authority of the Member State in which its relevant production is situated to produce the controlled substances for the purposes of meeting the licensed demands presented by the identified users; whereas the competent authority of the Member State concerned shall in turn notify the Commission well in advance of any such authorisation;

Whereas, pursuant to Decision IX/17 of the Parties to the Montreal Protocol, overall quantitative limits may be set for essential laboratory and analytical uses of controlled substances in the European Community during 1999;

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

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 16 of Council Regulation (EC) No 3093/94,

HAS ADOPTED THIS DECISION:

Article 1

Companies which may take advantage of the essential uses for their own account during 1999 for the manufac-

ture of metered dose inhalers and for the coating of cardiovascular surgical material are listed in Annex I.

Article 2

The total quantities of controlled substances permitted for essential uses during 1999 shall be as specified in Annex II.

Article 3

Within the overall limits set out in Annex IIB, the Commission shall issue licenses to acquire controlled substances from producers in the Community or by import for essential laboratory and analytical uses.

Article 4

1. This Decision is addressed to the companies listed in Annex I.
2. This Decision shall apply from 1 January 1999 to 31 December 1999.

Done at Brussels, 11 January 1999.

For the Commission

Ritt BJERREGAARD

Member of the Commission

*ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I — LIITE I — BILAGA I*

3M Health Care Ltd
Mrs L. Humphreys
3M House
Morley Street
Loughborough
Leicestershire LE11 1EP
United Kingdom

Laboratorio Aldo Unión SA
Dr. J. Sabater Sanmarti
Baronese de Maldá 73
Espluges de Llobregat
E-08950 Barcelona

Laboratorio Astra España SA
Dr. E. Cabré Matas
Mestre Joan Corrales, 95-105
Esplugues de Llobregat
E-08950 Barcelona

Baxter BV
Dr. T. Bronkhorst
Energieaan 3
P.O. Box 169
NL-5400 AD Uden

Bespak plc
Mr T. Clutterbuck
North Lynn Industrial Estate
King's Lynn
Norfolk PE30 2JJ
United Kingdom

Boehringer Ingelheim GmbH
Herrn J. Pink
D-55216 Ingelheim am Rhein

CCL Pharmaceuticals Ltd
Mrs C. King
Astmoor Industrial Estate
9 Arkwright Road
Runcorn
Cheshire WA7 1NU
United Kingdom

Chiesi Farmaceutici SpA
Dott. P. Chiesi
Via Palermo, 26 A
I-43100 Parma

Glaxo Wellcome
Mr Barry Rosenthal
Speke
Liverpool L24 9JD
United Kingdom

IG Sprühtechnik GmbH
Herrn F. Guck
Im Hemmet 1
D-79664 Wehr

Leiras Oy
Mr Kai Buri,
Pansiontie 47
P.O. Box 415
FIN-20101 Turku

Laboratorios Lesvi SA
Sr. Alejandro Biel Andrés
Polígono Industrial Can Pelegrí
E-08740 Sant Andreu de la Barca

Laboratorios Miquel, SA
Sr. A. Costa Espelleta
Santanyí, 16
E-08016 Barcelona

Norton Waterford Ltd
Mr Jim Kennedy
Unit 301 Industrial Park
Waterford
Ireland

Orion Corporation
Mr Pasi Salokangas
Orionintie 1
FIN-02200 Espoo

Rhône-Poulenc Rorer
Mr Bob Netrefa
London Road
Holmes Chapel
Cheshire CW4 8BE
United Kingdom

Schering-Plough Labo NV
Mr P. Gyselinck
Industriepark 30
B-2220 Heist op den Berg

SICOR — Società italiana corticosteroidi SpA
Dott. Roberto Giani
Via Terrazzano, 77
I-20017 RHO (Milano)

Valeas SpA Pharmaceuticals
Dott. Virgilio Bernareggi
Via Vallisneri, 10
I-20133 Milano

Valois SA
M. Chris Hall
50, avenue de l'Europe
F-78160 Marly-le-Roi

Laboratorios Vita, SA
Sr. Alejandro Biel Andrés
Av. Barcelona, 69
E-08970 Sant Joan Despí

ANNEX II

A. MEDICAL USES

Production of metered dose inhalers (MDIs) for the treatment of asthma and other chronic obstructive pulmonary diseases (COPDs).

Company	1999 quota allocation in tonnes (CFCs)
3M (UK)	
Bespak (UK)	
Boehringer (D)	
CCL Pharmaceuticals (UK)	
Chiesi (I)	
Glaxo Wellcome (UK)	
IG Sprühtechnik (D)	
Lab. Aldo-Unión (E)	
Lab. Astra (E)	
Lab. Lesvi (E)	
Lab. Vita (E)	
Leiras (FIN)	
Norton (IRL)	
Otsuka (E)	
Orion (FIN)	
Rhône-Poulenc Rorer (UK)	
Schering-Plough (B)	
Sicor (I)	
Valeas (I)	
Valois (F)	
Total	4 429

B. LABORATORY USES

Total quantities of controlled substances which may be produced or imported during 1999 for laboratory and analytical uses.

Controlled substance	Quantitative limit (in tonnes)
CFCs	150
Carbon tetrachloride	150
1,1,1-trichloroethane	35
Other ODS	0,005

Laboratory users or suppliers of laboratory chemicals needing to obtain controlled substances from producers or importers under this essential use exemption should apply to the Commission for authorisation. The total quantity each controlled substance authorised during 1999 for laboratory and analytical purposes shall not exceed the quantities listed above.

C. CARDIOVASCULAR SURGICAL MATERIALS

Controlled substance	Quantity (in tonnes)
CFC 113	0,100
