

Environment: substances depleting the ozone layer. Recast

2008/0165(COD) - 01/08/2008 - Legislative proposal

PURPOSE: to revise and recast EU provisions on substances that deplete the ozone layer.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: in 1987 the Montreal Protocol on Substances that Deplete the Ozone Layer was approved thereby starting the phase-out of ozone-depleting substances (ODS). The Protocol has been hailed as one of the most successful of all international environmental agreements. All 191 Parties to the Montreal Protocol have achieved a 95% reduction in the consumption of ODS compared to the baselines set in 1987. The ozone layer is slowly recovering thanks to the control measures introduced by the Protocol. Experts, however, warn Parties to the Convention (of which the Community is one) to be continuously vigilant and to take account of remaining uncertainties – notably the impact of ODS on climate change.

The main Community instrument regulating ODS is Regulation (EC) No 2037/2000 implementing the Montreal Protocol. This has been amended fourteen times. During a review of the main Regulation in 2006, those questioned found the Regulation to work satisfactorily but commented specifically on the Regulation's complexity and a need for greater clarity.

CONTENT: the purpose of this proposal is to simplify, revise and consolidate Regulation (EC) No 2037/2000 in the form of a recast. Recasting makes it possible to combine, in a single text, the original unchanged provisions as well as new substantive amendments. In addition, the proposal seeks to tighten up or add certain provisions in order to ensure better implementation and enforcement of the legislation by national authorities with the aim of achieving a high level of environmental protection. Simplifications should also have the effect of reducing any unnecessary administrative burdens.

In brief, the Commission proposes to maintain the scope of Regulation (EC) 2037/2000 other than where products and equipments relying on controlled substances are to be extended. This is being proposed in order to align definitions with those in the Montreal Protocol and in order to close any loopholes for trade in products containing controlled substances. The Regulation will apply to substances listed in Annexes I and II. Annex II offers a certain amount of flexibility in terms of establishing monitoring measures for substances found to have ozone-depleting potential. Significant control measures have also been introduced.

In addition a new Chapter has been added on derogations from the ban on production, placing on the market and use. Previously these provisions have been spread out between requirements on phase-out schedules on controlled substances and products.