

Control of halon exported for critical uses, export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane

2002/0268(COD) - 22/09/2003 - Final act

PURPOSE : to adopt new measures to further protect the ozone layer, reduce global production of ozone depleting substances (ODS), promote safe practices for the transport of ODS, ensure mandatory monitoring of any exports and provide legal clarification where necessary. **LEGISLATIVE ACT :** Regulation 1804/2003/EC of the European Parliament and of the Council amending Regulation 2037/2000/EC as regards the control of halon exported for critical uses, the export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane. **CONTENT :** the Council adopted in first reading, following agreement with the European Parliament in the beginning of June 2003, a Regulation on the control of halon exported for critical uses, the export of products and equipment containing chlorofluorocarbons (CFCs) and controls on bromochloromethane. The Regulation is aimed at further protecting the ozone layer, reducing global production of ozone depleting substances (ODS), promoting safe practices for the transport of ODS, ensuring mandatory monitoring of any exports and providing legal clarification where necessary. It is aimed in particular at amending Regulation 2037/2000/EC on substances that deplete the ozone layer, namely with regard to the effective and safe implementation of its provisions. One of the Regulation's major focus is to stop the growing export trade in used refrigeration and airconditioning equipment (in particular domestic refrigerators, freezers and building insulation foam, containing CFCs) to developing countries. Therefore, the export of controlled substances, or products containing controlled substances, should be prohibited. Offtarget products containing CFCs (e.g. secondhand aircraft and vehicles containing rigid insulating foam, or integral skin foam blown with CFCs) are excluded from the scope of the Regulation. It provides for the possibility of establishing timeframes for reducing the use of halon for critical uses, taking into account the availability of technically and economically feasible alternatives or technologies that are acceptable from the standpoint of environment and health, when reviewing Annex VII (critical uses of halon) of Regulation 2037/2000/EC. This would accelerate the recovery of the ozone layer. Moreover, from 1 January 2004, only halon used for the purposes listed in Annex VII of the above mentioned Regulation will be allowed to remain installed for firefighting in the Community. Any equipment containing halon that is not listed in that Annex will be considered "noncritical" and should therefore be decommissioned by 31 December 2003. Bulk halon for export for critical uses will be allowed until 31 December 2009 as long as it is obtained from recovered, recycled and reclaimed halon that originates from storage facilities authorised or operated by the competent authority. If appropriate, and on the basis of a review, exports of bulk halon could be banned earlier than that date. Exports of halons for critical uses should be prohibited after 31 December 2003, if the halon is not from facilities authorised or operated by the competent authority to store this kind of halon. Finally, the Regulation provides for the same level of control to be applied to bromochloromethane as is applied to other controlled substances, bringing the Community in line with the obligations of the Montreal Protocol on Substances that deplete the Ozone Layer. **ENTRY INTO FORCE :** 05/11/2003.