

# Substances that deplete the ozone layer

1998/0228(COD) - 23/02/1999 - Council position

The Council's common position retains, either in their entirety or in part, 7 amendments proposed by the European Parliament in its first reading and which were incorporated in the Commission's amended proposal. The following are the amendments in question: - making reference to the latest observations concerning the depletion of the ozone layer and risks to health and the environment as a result of an increase in UV-B rays; - mentioning the possibility of granting derogations for essential users, even after the elimination of the substances which deplete the ozone layer (the part of the amendment concerning derogations for medical uses was not retained); - clearly indicating that the authorised derogations in the context of measures regarding the use of hydrofluorocarbons (HCFCs) are limited in time; - inviting the Commission to take measures to guarantee an exchange of informations among national authorities and between national authorities and the Commission; - introduction of a new definition of 'new substances', as well as a new Annex II containing the substance 'bromochloromethane'. The main changes or innovations introduced by the Council are the following: - Methyl bromide: the common position sets a less ambitious date for total elimination than that proposed by the Commission (2005 instead of 2001), however, with a stricter procedure at Community level with respect to eventual derogations for 'critical uses'. The use of methyl bromide for quarantine and pre-shipment will continue to be exempted. The level of reductions (a 60% cut in 2001 and a 75% cut in 2003 in relation to 1991 levels, as opposed to 50% and 70%) is higher than that provided in the Montreal Protocol. A safeguard clause provides for the possibility to adjust the levels set for 2003 by a committee procedure, in order to respond to the needs of a Member State, bearing in mind the absence of appropriate substitutes. The Council extended to 120 days the period of eventual derogations to the prohibition of the use of methyl bromide in case of urgency but limiting the quantity that can be used to 20 tonnes; - Hydrofluorocarbons (HCFCs): as far as production is concerned, the Council, while accepting the Commission's proposed timetable, introduced a broader revision clause. Regarding the amount of HCFCs that can be placed on the market and used, the common position provides for the elimination of virgin HCFCs from 2010, five years earlier than proposed by the Commission. As far as the limitation on use of HCFCs is concerned, the Council has tightened the Commission's proposed timetable for the use of HCFCs as solvents, refrigerants and foams. The possibility for HCFCs to replace halons in a limited range (critical uses) of fire protection systems is foreseen; - Halons: the common position introduces more rigorous measures, except for critical uses, by prohibiting the use of halons in current fire protection systems, except for recycled, recovered or regenerated halons, which will be prohibited from 2003. It introduces the obligation for the Member States to notify the Commission regarding the amounts required for critical uses as well as the situation with regard to measures being taken to reduce them, and the obligation for the Commission to re-examine each year the critical uses by the committee procedure. Furthermore, it is provided for that fire protection systems and extinguishers containing halons will be taken off the market before the end of 2003. - Trading regime: the common position prohibits importations of CFCs, halons and other totally halogenated substances regulated under the active processing regime. It bans the export of HCFCs to countries which are not parties to the Montreal Protocol from 01/01/2004. Lastly, the common position contains more detailed provisions on the recovery of regulated used substances (ban on the placing on the market of regulated substances in disposable containers in all cases, except for essential uses) and the prevention of leaks (annual obligation that refrigeration equipment, which has refrigerant fluid of more than 3kg is inspected).