Montreal Protocol on substances that deplete the ozone layer: fourth amendment

2001/0101(CNS) - 08/05/2001 - Legislative proposal

PURPOSE : to conclude the fourth amendment to the Montreal Protocol on substances that deplete the ozone layer. CONTENT : the Commission proposes to the Council that it approves, on behalf of the European Community, the 1999 Beijing Amendment to the Montreal Protocol. The original Montreal Protocol was adopted in September 1987 and concluded by the Community in 1988. An amendment is necessary whenever the Parties wish to introduce new provisions into the Protocol. Each new amendment requires acceptance by at least 20 Parties before it enters into force. Further, each Party needs separately to accept each amendment before being bound by the control measures contained therein. The Community approved the London amendment in 1991, the Copenhagen amendment in 1993 and the Montreal Protocol in 2000. It is now an appropriate time to approve the Beijing amendment. The Beijing amendment introduces the following new controls into the Montreal Protocol regime: - a freeze on production of hydrochlorofluorocarbons (HCFCs) in developed countries by 2004; - a freeze on production of HCFCs in developing countries by 2016; - a ban on trade in HCFCs with non-Parties to the Protocol; - a ban on the recently identified ozone depleting substance bromochlorormethane; - mandatory reporting of the amounts of Methyl Bromide used for the quarantine and pre-shipment purposes. The Commission negotiated these amendments on behalf of the European Community during the Eleventh meeting of Parties to the Montreal Protocol in December 1999 in Beijing. Negotiations were conducted in line with the negotiating directives for that meeting received from the Council and the provisions of the amendment are consistent with the Community's policy on ozone depleting substances and in particular the new regulation on ozone depleting substances. The legal measures necessary to implement these new controls are included in the Community ozone regulation 2037/2000/EC of the European Parliament and of the Council on substances that deplete the ozone. The substantive term of the Beijing amendment concern measures on HCFCs and on new substances, including restrictions on international trade. This puts the measures clearly within the scope of Community competence, based both on Community acts already adopted in the field of environment protection and on its exclusive competence to regulate trade with the third countries. It is therefore appropriate and necessary for the Community to approve the amendment. By March 2001 only five Parties had ratified the amendment, but an important number of Member Sates are in the process of ratifying now that the new EC regulation is in force. Community approval will help in the drive to achieve the twenty acceptances necessary for the amendment to enter into force.