

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

2002/0268(COD) - 21/11/2002 - Legislative proposal

PURPOSE : to amend Regulation 2037/2000/EC as regards the critical uses and export of halons, the export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane.

CONTENT : in applying Regulation 2037/2000/EC of the European Parliament of the Council on Substances that Deplete the Ozone layer, a large number of issues have emerged that need to be addressed through amendment to this Regulation. This proposal concerns four amendments : 1) the first issue concerns the controlled substance, halon : this amendment proposes to establish timeframes for reducing the use of halons for critical uses, where justified, when reviewing Annex VII. This will ensure that progress is made in reducing the scope of the use of halons for critical uses and thereby accelerating the improvement in the ozone layer; 2) the second issue concerns the export of halon : it is proposed that the Commission would be able to track whether halon exports were being used for critical uses in the importing country since halon, as a controlled substance, would require an Export Authorisation Number thus facilitating the task of the Commission in enforcement. Overall, this amendment would result in reduced production of halons globally, promotion of safe practices for the transport of halons for critical uses, mandatory monitoring of exports, confirmation that halons were being exported for critical uses, and so contribute to the recovery of the ozone layer; 3) the third issue concerns the export of controlled substances or products containing controlled substances : Article 11 of Regulation 2037/2000/EC prohibits the export of controlled substances or products containing controlled substances. This ban will encourage the recovery and destruction of such controlled substances according to the provisions of Article 16 of Regulation 2037/2000/EC. The major focus of Article 11 is to stop the growing export trade in used refrigeration and air-conditioning equipment, in particular domestic refrigerators and freezers, containing CFCs to developing countries. Even if the CFCs are taken out of the compressors in such equipment before export there is still about twice as much CFC contained in the rigid insulating foam in these products. In the absence of destruction facilities in developing countries this CFC will ultimately leak to the atmosphere and cause damage to the ozone layer. In addition developing countries are now starting to phase out CFCs and many have indicated that they do not wish to be recipients of second hand products and equipment that contain CFCs. However, as currently drafted Article 11 applies not just to refrigeration and air-conditioning equipment but to all products and equipment containing insulating foam or integral skin foam which was produced with CFCs. This could mean for instance that second hand aircraft and vehicles containing rigid insulating foam or integral skin foam blown with CFCs could not be exported from the EC. Since it was the intention of Regulation 2037/2000/EC to restrict only the export of used refrigeration and air-conditioning equipment containing CFCs and not other products and equipment containing foam blown with CFCs an appropriate amendment is required; 4) the fourth issue concerns the provisions on new substances asset out in Article 22 and Annex II of Regulation 2037/2000/EC : as currently drafted Regulation 2037/2000/EC does not provide the same level of control to the new substance listed in Annex II - bromochloromethane - as is applied to other controlled substances and thereby the European Community is not fully meeting all its obligations under the Montreal Protocol. In order to redress this situation, it is necessary that the provisions applying to controlled substances also applies to the new substance - bromochloromethane.