Emissions from air conditioning systems in motor vehicles

2003/0189B(COD) - 21/06/2005 - Council position

Of the 81 amendments made by Parliament, the Council accepts 54, and these have been incorporated, either verbatim, in part or in principle, into the Council's common position- 44 in the Regulation and 10 in the Directive. 27 amendments have not been incorporated.

The Council agreed with the Parliament’s amendments considering that the proposed quota system was not the most practical way to achieve the aim of reducing emissions from these systems and, ultimately, changing the refrigerant in all new systems to a less environmentally damaging substance (i.e. a gas with a substantially lower GWP). Therefore the quota system has been deleted.

The Council noted that the Parliament intended to use the EC Type Approval system pursuant to Directive 70/156/EEC for the purpose of controlling the way in which vehicles would be equipped with environmentally friendly air conditioning systems. The Council shares the Parliament’s objective and has implemented it using the standard form of a vehicle type approval Directive, under the parent legislation contained in Directive 1970/156/EEC.

Having decided to remove the mobile air-conditioning part of the proposal to a separate Directive, the Council gave very careful consideration to the appropriate legal base for the rest of the Regulation and, as reflected in the common position, decided that a dual legal base is the most appropriate solution. This means that the Regulation is based on Article 175(1). However, the Articles relating to the use-bans, the prohibition of placing on the market and labelling (see below) are all based on Article 95 of the Treaty.

The Common Position is in the form of a Regulation on certain fluorinated greenhouse gases and a Directive on emissions from MACs. The change in form reflects the Parliament’s wish to address MACs through type-approval legislation. The Council has taken a similar approach to the Parliament in terms of the legislative instrument to use for reducing emissions from MACs, and the Common Position gives this effect through a ‘type approval’-style Directive that amends Directive 1970/156/EC, with dates of phase out of HFC-134a in 2011 and 2017 for new types of vehicles, and new vehicles respectively. The Parliament had proposed 2011 for new types of vehicle and 2014 for all new vehicles.

The most important innovations introduced by the Council are as follows:

- Mobile air-conditioning:

1. Quota system : the Council agreed with the Parliament’s amendments considering that the proposed quota system was not the most practical way to achieve the aim of reducing emissions from these systems and, ultimately, changing the refrigerant in all new systems to a less environmentally damaging substance (i.e. a gas with a substantially lower GWP). Therefore the quota system has been deleted.

2. Type-approval Directive: the Council noted that the Parliament intended to use the EC Type Approval system pursuant to Directive 70/156/EEC for the purpose of controlling the way in which vehicles would be equipped with environmentally friendly air conditioning systems. The Council shares the Parliament’s objective and has implemented it using the standard form of a vehicle type approval Directive, under the parent legislation contained in Directive 70/156/EEC.

- Legal base of the remaining parts of the Regulation:

Having decided to remove the mobile air-conditioning part of the proposal to a separate Directive, the Council gave very careful consideration to the appropriate legal base for the rest of the Regulation and, as reflected in the common position, decided that a dual legal base is the most appropriate solution. This means that the Regulation is based on Article 175(1). However, the Articles relating to the use-bans, the prohibition of placing on the market and labelling are all based on Article 95 of the Treaty. The insertion of the Article requiring specific labelling of products containing fluorinated greenhouse gases was a new addition from the Council and seems to fit, to some extent, with the Parliament amendment on information to consumers.

In conclusion, despite the fact that the Council is not able to accept all of the amendments adopted by the European Parliament, it considers that the common position coincides to a large extent with the concerns of the Parliament. In relation to the mobile air-conditioning aspect, the format in the common position is new. However, in substance the aim of creating a more workable solution than the quota proposal, based on type approval legislation, is a shared goal of both Parliament and Council. It should be underlined that although there are two elements – a Regulation and a Directive – the Council and the Commission are in agreement that there is still only one proposal.