

| Basic information                                                                                                                                                                                                                                                                                                                           |                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>1998/0228(COD)</b><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Regulation                                                                                                                                                                                                                                       | Procedure completed |
| Substances that deplete the ozone layer<br><br>Repealing Regulation (EC) No 3093/94 <a href="#">1993/0525(SYN)</a><br>Repealed by <a href="#">2008/0165(COD)</a><br>Amended by <a href="#">2002/0268(COD)</a><br>Amended by <a href="#">2004/0296(COD)</a><br><br><b>Subject</b><br><br>3.70.03 Climate policy, climate change, ozone layer |                     |

| Key players                   |                                                                    |  |                                                      |
|-------------------------------|--------------------------------------------------------------------|--|------------------------------------------------------|
| European Parliament           | <b>Committee responsible</b>                                       |  | <b>Rapporteur</b>                                    |
|                               | <div>DELE</div> EP Delegation to Conciliation Committee            |  | <a href="#">HULTHÉN Anneli (PSE)</a><br>31/01/2000   |
|                               | <b>Former committee responsible</b>                                |  | <b>Former rapporteur</b>                             |
|                               | <div>ENVI</div> Environment, Public Health, Consumer Policy        |  | <a href="#">HULTHÉN Anneli (PSE)</a><br>02/09/1999   |
|                               | <div>ENVI</div> Environment, Public Health and Consumer Protection |  | <a href="#">GRAENITZ Ilona (PSE)</a><br>21/07/1998   |
|                               | <div>ENVI</div> Environment, Public Health and Consumer Protection |  | <a href="#">JACKSON Caroline (PPE)</a><br>01/05/1999 |
|                               |                                                                    |  |                                                      |
| Council of the European Union | <b>Council configuration</b>                                       |  | <b>Meetings</b>                                      |
|                               | Economic and Financial Affairs ECOFIN                              |  | 2241                                                 |
|                               | Agriculture and Fisheries                                          |  | 2162                                                 |
|                               | Environment                                                        |  | 2017                                                 |
|                               | Environment                                                        |  | 2121                                                 |
|                               | Environment                                                        |  | 2153                                                 |
|                               | Fisheries                                                          |  | 2273                                                 |

| Key events |       |           |         |
|------------|-------|-----------|---------|
| Date       | Event | Reference | Summary |
|            |       |           |         |

|            |                                                                      |                                                                                                        |                         |
|------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------|
| 14/08/1998 | Legislative proposal published                                       | COM(1998)0398<br>   | <a href="#">Summary</a> |
| 06/10/1998 | Debate in Council                                                    |                                                                                                        |                         |
| 04/11/1998 | Committee referral announced in Parliament, 1st reading              |                                                                                                        |                         |
| 26/11/1998 | Vote in committee, 1st reading                                       |                                                                                                        | <a href="#">Summary</a> |
| 26/11/1998 | Committee report tabled for plenary, 1st reading                     | <a href="#">A4-0465/1998</a>                                                                           |                         |
| 16/12/1998 | Debate in Parliament                                                 |                     |                         |
| 11/02/1999 | Modified legislative proposal published                              | COM(1999)0067                                                                                          | <a href="#">Summary</a> |
| 23/02/1999 | Council position published                                           | <a href="#">05748/3/1999</a>                                                                           | <a href="#">Summary</a> |
| 26/07/1999 | Vote in committee, 1st reading                                       |                                                                                                        |                         |
| 26/07/1999 | Committee report tabled for plenary confirming Parliament's position | <a href="#">A5-0004/1999</a>                                                                           |                         |
| 16/09/1999 | Decision by Parliament, 1st reading                                  | <a href="#">T5-0013/1999</a>                                                                           |                         |
| 16/09/1999 | Committee referral announced in Parliament, 2nd reading              |                                                                                                        |                         |
| 24/11/1999 | Vote in committee, 2nd reading                                       |                                                                                                        | <a href="#">Summary</a> |
| 24/11/1999 | Committee recommendation tabled for plenary, 2nd reading             | <a href="#">A5-0077/1999</a>                                                                           |                         |
| 13/12/1999 | Debate in Parliament                                                 |                     |                         |
| 15/12/1999 | Decision by Parliament, 2nd reading                                  | <a href="#">T5-0155/1999</a>                                                                           | <a href="#">Summary</a> |
| 31/01/2000 | Parliament's amendments rejected by Council                          |                                                                                                        |                         |
| 09/03/2000 | Formal meeting of Conciliation Committee                             |                                                                                                        | <a href="#">Summary</a> |
| 15/03/2000 | Final decision by Conciliation Committee                             |                                                                                                        |                         |
| 05/05/2000 | Joint text approved by Conciliation Committee co-chairs              | <a href="#">3613/2000</a>                                                                              |                         |
| 30/05/2000 | Report tabled for plenary, 3rd reading                               | <a href="#">A5-0161/2000</a>                                                                           |                         |
| 13/06/2000 | Decision by Parliament, 3rd reading                                  | <a href="#">T5-0255/2000</a>                                                                           | <a href="#">Summary</a> |
| 13/06/2000 | Debate in Parliament                                                 |                   |                         |
| 16/06/2000 | Decision by Council, 3rd reading                                     |                                                                                                        |                         |
| 29/06/2000 | Final act signed                                                     |                                                                                                        |                         |
| 29/06/2000 | End of procedure in Parliament                                       |                                                                                                        |                         |
| 29/09/2000 | Final act published in Official Journal                              |                                                                                                        |                         |
| 11/08/2004 | Initial legislative proposal published                               | COM(2004)0550<br> |                         |

#### Technical information

|                               |                                                                     |
|-------------------------------|---------------------------------------------------------------------|
| <b>Procedure reference</b>    | 1998/0228(COD)                                                      |
| <b>Procedure type</b>         | COD - Ordinary legislative procedure (ex-codecision procedure)      |
| <b>Procedure subtype</b>      | Legislation                                                         |
| <b>Legislative instrument</b> | Regulation                                                          |
| <b>Amendments and repeals</b> | Repealing Regulation (EC) No 3093/94 <a href="#">1993/0525(SYN)</a> |

|                                   |                                                                                                                                      |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
|                                   | Repealed by <a href="#">2008/0165(COD)</a><br>Amended by <a href="#">2002/0268(COD)</a><br>Amended by <a href="#">2004/0296(COD)</a> |
| <b>Legal basis</b>                | EC Treaty (after Amsterdam) EC 175-p1                                                                                                |
| <b>Stage reached in procedure</b> | Procedure completed                                                                                                                  |
| <b>Committee dossier</b>          | CODE/5/12489                                                                                                                         |

| Documentation gateway                                                                     |                                                                                                                                                                      |                                                                                   |            |                         |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------|-------------------------|
| European Parliament                                                                       |                                                                                                                                                                      |                                                                                   |            |                         |
| Document type                                                                             | Committee                                                                                                                                                            | Reference                                                                         | Date       | Summary                 |
| Committee report tabled for plenary, 1st reading/single reading                           |                                                                                                                                                                      | <a href="#">A4-0465/1998</a><br><a href="#">OJ C 098 09.04.1999, p. 0005</a>      | 26/11/1998 |                         |
| Text adopted by Parliament, 1st reading/single reading                                    |                                                                                                                                                                      | <a href="#">T4-0756/1998</a><br><a href="#">OJ C 098 09.04.1999, p. 0198-0266</a> | 17/12/1998 | <a href="#">Summary</a> |
| Committee final report tabled for plenary, 1st reading /single reading                    |                                                                                                                                                                      | <a href="#">A5-0004/1999</a><br><a href="#">OJ C 054 25.02.2000, p. 0010</a>      | 26/07/1999 |                         |
| Text adopted by Parliament confirming position adopted at 1st reading                     |                                                                                                                                                                      | <a href="#">T5-0013/1999</a><br><a href="#">OJ C 054 25.02.2000, p. 0055-0076</a> | 16/09/1999 | <a href="#">Summary</a> |
| Committee recommendation tabled for plenary, 2nd reading                                  |                                                                                                                                                                      | <a href="#">A5-0077/1999</a><br><a href="#">OJ C 194 11.07.2000, p. 0006</a>      | 24/11/1999 |                         |
| Text adopted by Parliament, 2nd reading                                                   |                                                                                                                                                                      | <a href="#">T5-0155/1999</a><br><a href="#">OJ C 296 18.10.2000, p. 0036-0105</a> | 15/12/1999 | <a href="#">Summary</a> |
| Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading |                                                                                                                                                                      | <a href="#">A5-0161/2000</a><br><a href="#">OJ C 067 01.03.2001, p. 0013</a>      | 30/05/2000 |                         |
| Text adopted by Parliament, 3rd reading                                                   |                                                                                                                                                                      | <a href="#">T5-0255/2000</a><br><a href="#">OJ C 067 01.03.2001, p. 0023-0046</a> | 13/06/2000 | <a href="#">Summary</a> |
| Council of the EU                                                                         |                                                                                                                                                                      |                                                                                   |            |                         |
| Document type                                                                             | Reference                                                                                                                                                            |                                                                                   | Date       | Summary                 |
| Council position                                                                          | <a href="#">05748/3/1999</a><br><a href="#">OJ C 123 04.05.1999, p. 0028</a>                                                                                         |                                                                                   | 23/02/1999 | <a href="#">Summary</a> |
| European Commission                                                                       |                                                                                                                                                                      |                                                                                   |            |                         |
| Document type                                                                             | Reference                                                                                                                                                            |                                                                                   | Date       | Summary                 |
| Legislative proposal                                                                      | <a href="#">COM(1998)0398</a><br><br><a href="#">OJ C 286 15.09.1998, p. 0006</a> |                                                                                   | 14/08/1998 | <a href="#">Summary</a> |
| Modified legislative proposal                                                             | <a href="#">COM(1999)0067</a><br><a href="#">OJ C 083 25.03.1999, p. 0004</a>                                                                                        |                                                                                   | 11/02/1999 | <a href="#">Summary</a> |
| Commission communication on Council's position                                            | <a href="#">SEC(1999)0278</a><br>                                                 |                                                                                   | 20/02/1999 | <a href="#">Summary</a> |
|                                                                                           |                                                                                                                                                                      |                                                                                   |            |                         |

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|------------------------------------------------------------|----------------------------------------------------------------------------------------------------|------------|-------------------------|
| Reconsultation                                             | SEC(1999)0581<br> | 28/04/1999 |                         |
| Commission opinion on Parliament's position at 2nd reading | COM(2000)0096<br> | 02/03/2000 | <a href="#">Summary</a> |
| Supplementary non-legislative basic document               | COM(2004)0550<br> | 11/08/2004 | <a href="#">Summary</a> |

#### Other institutions and bodies

| Institution/body | Document type                                           | Reference                                                                    | Date       | Summary |
|------------------|---------------------------------------------------------|------------------------------------------------------------------------------|------------|---------|
| EESC             | Economic and Social Committee: opinion, report          | <a href="#">CES1445/1998</a><br><a href="#">OJ C 040 15.02.1999, p. 0034</a> | 02/12/1998 |         |
| CSL/EP           | Joint text approved by Conciliation Committee co-chairs | <a href="#">3613/2000</a>                                                    | 05/05/2000 |         |

#### Additional information

| Source              | Document                | Date |
|---------------------|-------------------------|------|
| European Commission | <a href="#">EUR-Lex</a> |      |

#### Final act

[Regulation 2000/2037](#)  
[OJ L 244 29.09.2000, p. 0001](#)

[Summary](#)

## Substances that deplete the ozone layer

1998/0228(COD) - 02/03/2000 - Commission opinion on Parliament's position at 2nd reading

In light of developments in 1998 and 1999 relating to substances that deplete the ozone layer, the Commission has drafted this amended proposal. The Commission has made two types of changes. Firstly, in response to the second reading by the European Parliament, a number of new provisions were accepted. The majority of these serve either to remove ambiguities or to provide further measures that correspond to but do not change the fundamental principles of the original Commission proposal. Secondly, the Commission has re-introduced time limits that were contained in the Political Agreement but that were left out of the Common Position awaiting more reliable information about the time of adoption. It has also replaced references to dates that have become obsolete by dates in line with the spirit of the Common Position in light of the likely adoption during 2000 of the new Regulation.

## Substances that deplete the ozone layer

1998/0228(COD) - 16/09/1999

The European Parliament confirmed its first reading in the context of the codecision procedure of the text that it adopted on 17.12.1998 concerning this proposal for a regulation.

## Substances that deplete the ozone layer

1998/0228(COD) - 20/02/1999 - Commission communication on Council's position

The Commission welcomes the Council's common position which received the unanimous support of the Member States.

# Substances that deplete the ozone layer

1998/0228(COD) - 17/12/1998 - Text adopted by Parliament, 1st reading/single reading

In adopting the report of Ms. Ilona GRAENITZ (PES, A) on substances that deplete the ozone layer, the European Parliament drew attention to the fact that over the last two years the hole in the ozone layer had grown by 20-25%, and that skin cancer, eye damage and damage to plants have continued to increase. Parliament's amendments generally shortened the proposed timetable for phasing out these substances. Member States were urged to consider helping SMEs to this end. In an attempt to combat the considerable illegal trade in the substances which are still used in out of date installations, Member States were called upon to carry out random checks on imports. The rapporteur was also in favour of an end to HCFC exports from the EU to those countries which still permit them. For Member States where climatic conditions make it difficult to use alternatives to methyl bromide for soil fumigation in agriculture, the competent authorities may, until December 2004, authorise exceptions for agriculture, subject to the mandatory use of impermeable plastic film. Even after the scheduled phase out of production and use of controlled substances, the Commission may, under certain conditions, grant exemptions for essential uses; care has to be taken that exemptions are granted mainly for medical uses or as chemical precursors for pharmaceuticals.

# Substances that deplete the ozone layer

1998/0228(COD) - 29/06/2000 - Final act

PURPOSE : to adopt a new Regulation relating to substances that deplete the ozone layer. COMMUNITY MEASURE : Regulation 2037/2000/EC of the European Parliament and of the Council on substances that deplete the ozone layer. CONTENT : following the agreement reached in conciliation between the European Parliament and the Council, the latter formally adopted the Regulation relating to substances which deplete the ozone layer, which replaces the current instrument for implementing the Montreal Protocol, i.e. Council Regulation 3093/94/EC. The conciliation agreement mainly concerned the progressive ban on the use of hydrochlorofluorocarbons for the maintenance or servicing of refrigeration and air-conditioning equipment. The dates agreed are 1 January 2010 and 1 January 2015 for virgin and recycled HCFCs respectively. A review clause has been added (31 December 2008) so that the date from which recycled HCFCs are banned can be changed depending on the technical and economic availability of alternative solutions. It should be noted that the Regulation provides for measures which go further than the Protocol, on the basis of experience with the existing Regulation and of progress in the availability of alternative substances. The main features are as follows: - a phase-out of the production and consumption of methyl bromide (a broad-spectrum pesticide gas used in agriculture to control soil borne pests) by 2005 with 60% cut in 2001 and 75% cut in 2003 in relation to the levels of 1999; - the introduction of controls on HCFCs; - further controls, including tighter deadlines, for all uses of HCFC, as solvents, refrigerants and foams; - a new ban on the sale and use of CFCs, halons, carbontetrachloride and 1,1,1-trichloroethane and further controls on trade in ozone-depleting substances; - action against new ozone-depleting substances; and immediate ban on production, sales and use of bromochloromethane and a provision including other new ozone-depleting substances not yet covered by the Montreal Protocol. ENTRY INTO FORCE : 30.09.2000. This Regulation shall apply from 01.10.2000.

# Substances that deplete the ozone layer

1998/0228(COD) - 15/12/1999 - Text adopted by Parliament, 2nd reading

In adopting the report by Mrs Anneli HULTHEN (PES, S), the European Parliament rejected most of the amendments proposed by the Environment Committee. However, the Parliament maintained its amendment which aims to ban the use of virgin HCFCs in existing refrigeration equipment and air conditioning from 2005, with a total ban on all HCFCs from 01/01/2007. It also deleted the derogations which the Council had planned to grant after 2001 for fixed air-conditioning equipment with a cooling capacity of less than 100 kW. The European Parliament requests that the Commission should be able to agree to a temporary exemption in order to allow the use of chlorofluorocarbons until 31/12/2004 in hermetically sealed devices designed for implantation in the human body with a view to supplying measured doses of medication. Lastly, the Parliament calls for support measures for small and medium sized undertakings which could meet with problems by reason of planned suspension of the production and the use of controlled substances.

# Substances that deplete the ozone layer

1998/0228(COD) - 11/02/1999 - Modified legislative proposal

The Commission's amended proposal incorporates in their entirety 5 amendments approved by the European Parliament. These amendments seek an earlier ban of HCFCs in the production of certain insulation foams, a ban on the supply of refrigerating gases and protection against fire in disposable containers, as well as more comprehensive monitoring and control of trade in the regulated substances. The Commission also accepted the principle behind 7 amendments which seek to clarify the scope and the objectives of the Regulation and include a measure providing that all the derogations regarding restrictions on the use of HCFCs are limited in time, and granted in a transparent way. These amendments, above all, permit the inclusion within the scope of the Regulation bromochloromethane and other new substances that damage the ozone layer. The Commission, on the other hand, did not accept the amendments concerning: - methyl bromide; - reductions in the productions of HCFCs in the very near future; - bringing forward the phasing-out of the production of HCFCs for certain uses before dates that are technically and economically feasible for companies throughout the Community; - bringing forward the date for the ban on the sale and use of halons.

# Substances that deplete the ozone layer

1998/0228(COD) - 14/08/1998 - Legislative proposal

**OBJECTIVE:** to adopt a new Regulation on substances which deplete the ozone layer, to replace Council Regulation (EC) No 3093/94. **SUBSTANCE:** the proposal for a new Regulation, transposing into Community law the amendments to the Montreal Protocol adopted in September 1997, provides for a series of new measures to protect the ozone layer. The main elements of the proposal are as follows: 1) further action on hydrochlorofluorocarbons (HCFCs): - reduction of the HCFC placing on the market 'cap' from 2.6% to 2% by 2001; - tighter HCFC end use controls: the proposal phases out HCFCs where alternatives exist; - production freeze and production phase-out schedule for HCFCs: to ensure that Community producers are not placed at a disadvantage on the international market; 2) phase-out of production and consumption of methyl bromide by 01/01/2001, with exemptions for 'critical uses', permitted where farmers would encounter particular problems in making the transition; 3) general prohibition on the placing on the market and use of CFCs and other fully halogenated substances, with exemptions for 'essential uses' and some limited exemptions to ease transition; 4) trade controls: the proposal includes provision for introducing a system for the authorisation of exports of other ozone-depleting substances. The aim is to allow exchanges of information and facilitate measures against illegal trade.

## Substances that deplete the ozone layer

1998/0228(COD) - 11/08/2004

This proposal to amend the base date in Regulation 2037/2000/EC for determining the allocation of quotas of hydrochlorofluorocarbons (HCFCs) to producers and importers in the EU-25 with respect only to the 10 new Member States that acceded on the 1 May 2004.

1999 is the base date in Regulation 2037/2000/EC for the allocation of the placing on the market quota to importers for HCFCs. The application of this base date to the EU-15 resulted in a 4% share of the quota for placing on the market being allocated to importers of HCFCs in the EU-15 and, 96 % being allocated to EU producers for the years 2003-2009 (Commission Decision 2002/654/EC).

From the 1 May 2004 it is necessary to adapt Commission Decision 2004/176/EC to take account of the new Member States import requirements of controlled substances and, inter alia, to allocate the HCFC placing in the market quota. It is also necessary to amend Commission Decision 2002/654 /EC determining a mechanism for the allocation of quotas to producers and importers for hydrochlorofluorocarbons for the years 2003 to 2009 under Regulation 2037/2000/EC.

Changing the base date from 1999 to an average of 2002 and 2003 would result in importers in the new Member States being allocated 10.35 ODP tonnes and producers being allocated 126.99 ODP tonnes compared to 5.44 ODP tonnes and 131.89 ODP tonnes respectively in 1999.

## 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).

## Substances that deplete the ozone layer

1998/0228(COD) - 13/06/2000 - Text adopted by Parliament, 3rd reading

The European Parliament in its third reading adopted a resolution approving the joint text by the Conciliation Committee on substances that deplete the ozone layer. The original report was drafted by Anneli HULTHEN (PES, Sweden).