Basic information

2003/0189B(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Emissions from air conditioning systems in motor vehicles **Subject** 3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles 3.70.02 Atmospheric pollution, motor vehicle pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CODE EP Delegation to Conciliation Committee	DOYLE Avril (PPE-DE)	16/11/2005

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	DOYLE Avril (PPE-DE)	12/07/2005

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2705	2006-01-30
Agriculture and Fisheries	2669	2005-06-20
Agriculture and Fisheries	2724	2006-04-25

European Commission

Commission DG	Commissioner
Environment	

Key events

Date	Event	Reference	Summary
11/08/2003	Legislative proposal published	COM(2003)0492	Summary
16/03/2004	Committee report tabled for plenary, 1st reading	A5-0172/2004	
21/06/2005	Council position published	16182/4/2004	Summary
07/07/2005	Committee referral announced in Parliament, 2nd reading		
11/10/2005	Vote in committee, 2nd reading		Summary

12/10/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0294/2005	
24/10/2005	Debate in Parliament		
26/10/2005	Decision by Parliament, 2nd reading	T6-0401/2005	Summary
26/10/2005	Results of vote in Parliament		
30/01/2006	Parliament's amendments rejected by Council		Summary
31/01/2006	Formal meeting of Conciliation Committee		
31/01/2006	Final decision by Conciliation Committee		Summary
14/03/2006	Joint text approved by Conciliation Committee co-chairs	03605/2006	
27/03/2006	Report tabled for plenary, 3rd reading	A6-0090/2006	
03/04/2006	Committee referral announced in Parliament, 1st reading		
04/04/2006	Debate in Parliament		
06/04/2006	Decision by Parliament, 3rd reading	T6-0134/2006	Summary
06/04/2006	Results of vote in Parliament		
25/04/2006	Decision by Council, 3rd reading		
17/05/2006	Final act signed		
17/05/2006	End of procedure in Parliament		
14/06/2006	Final act published in Official Journal		

Technical information

Procedure reference	2003/0189B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Stage reached in procedure	Procedure completed
Committee dossier	CODE/6/32197

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0172/2004	16/03/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0237/2004 OJ C 103 29.04.2004, p. 0450-0600 E	31/03/2004	Summary
Amendments tabled in committee		PE362.687	19/09/2005	
Committee recommendation tabled for plenary, 2nd reading		A6-0294/2005	12/10/2005	

Text adopted by Parliament, 2nd reading		T6-0401/2005 OJ C 272 09.11.2006, p. 0272-0393 E	26/10/2005	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A6-0090/2006	27/03/2006	
Text adopted by Parliament, 3rd reading		T6-0134/2006	06/04/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	09210/2005	07/06/2005	
Council position	16182/4/2004 OJ C 183 26.07.2005, p. 0017-0023 E	21/06/2005	Summary
Draft final act	03605/2/2006	17/05/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0492	11/08/2003	Summary
Commission communication on Council's position	COM(2005)0296	01/07/2005	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2005)0713	23/12/2005	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0100/2004 OJ C 108 30.04.2004, p. 0062-0064	28/01/2004	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	03605/2006	14/03/2006	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2006/0040
OJ L 161 14.06.2006, p. 0012-0018 Summary

Emissions from air conditioning systems in motor vehicles

2003/0189B(COD) - 23/12/2005 - Commission opinion on Parliament's position at 2nd reading

The Commission rejected Parliament’s sole amendment and stated that the amendment does not add anything to the proposal. Member States are already allowed to grant fiscal incentives provided that they comply with state aid rules, particularly the Guidelines on State Aid for environmental protection as well as on Commission notice on the application of the State aid rules to measures relating to direct business taxation. Such measures have to be notified to the Commission and assessed on a case by case basis.

Emissions from air conditioning systems in motor vehicles

2003/0189B(COD) - 01/07/2005 - Commission communication on Council's position

In its assessment of the common position, the Commission takes into account the change in the form of its proposal into a Directive dealing specifically with the issue of HFCs in MACs, using vehicle type approval legislation, and a Regulation to cover the remainder of its original proposal. The Commission agreed to this change in form on the basis that the content continues to be considered as an overall package that guarantees the environmental ambition of its original proposal. The Council also considered it important for the content of this legislation to be considered as an overall package. This is reflected the recitals, which emphasise that this legislation should be adopted and published in the Official Journal simultaneously.

As regards the Directive on MACs the common position has adopted the Parliament’s proposal to phase out fluorinated greenhouse gases from MACs using the type approval procedure instead of a transferable quota system. While the Commission could not initially accept such an amendment it has now decided to support the type-approval procedure since neither the Parliament nor the Council were ready to accept the Commission’s proposal and given that the overall environmental ambition of the Commission’s proposal is maintained.

Both the Commission and the Council did not accept the Parliament’s proposal to reduce the GWP of fluorinated gases in MACs from 150 to 50 since it would exclude the use of HFC-152a, a possible alternative technology, with only minimal environmental benefits. However, the Commission is committed within the framework of Article 8(1) of the type-approval Directive to review and to report on possible changes concerning the GWP of fluorinated gases in the light of technological and scientific developments.

The common position incorporates a large proportion of the amendments proposed in the Parliament’s first reading. Many help to clarify the terms of the proposal as well as to increase transparency and accountability. As part of the overall agreement, the Commission can also agree to a number of amendments proposed by the

Parliament that it initially rejected, for instance under the reporting provisions, that are partially accepted or reformulated in the common position. The common position also goes further than the Commission proposal in a number of instances, such as the new Article on labelling, which is acceptable to the Commission.

The majority of the proposed Parliament amendments were taken on board, in particular the Review Article in the Regulation was considerably strengthened and made more specific and it will provide the Commission with useful guidance to assess all the policy areas set out in the Regulation and to propose further measures where appropriate.

Emissions from air conditioning systems in motor vehicles

2003/0189B(COD) - 30/01/2006

The Council decided not to approve the European Parliament's second reading amendments to proposals for a directive on emissions from air conditioning systems in motor vehicles and for a regulation on certain fluorinated greenhouse gases.

The Council accordingly decided to convene the Parliament-Council conciliation committee with a view to negotiating a joint text.

Emissions from air conditioning systems in motor vehicles

2003/0189B(COD) - 11/08/2003 - Legislative proposal

PURPOSE : to put in place a legislative framework to reduce emissions of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride, which are powerful greenhouse gases covered by the Kyoto Protocol.

CONTENT : the European Commission has adopted this proposal for a Regulation to reduce emissions of fluorinated greenhouse gases. The proposal represents a further step towards fulfilling the EU's obligations under the Kyoto Protocol to reduce emissions of all gases contributing to global warming. Fluorinated gases are extremely powerful and long-lived greenhouse gases. Their emissions are forecast to increase rapidly in the coming years if no action is taken. The gases are used in refrigeration, air conditioning, fire-fighting equipment and various industry processes. The Commission's proposal is expected to reduce by almost a quarter the projected emissions of these gases by 2010.

The main sources of emissions from are hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride are refrigeration and air conditioning, including mobile air-conditioning in cars, and industry. They are also used as foam blowing agents, aerosol propellants, fire-fighting agents, process gases in semiconductor manufacture and electrical insulators. HFCs and PFCs are needed in some applications to replace the ozone

depleting substances being phased-out under Regulation 2037/2000/EC and the Montreal Protocol. As a result, their emissions have been increasing over recent years.

Currently, fluorinated gases account for 2% of total EU greenhouse gas emissions. However, their global warming potential is high and many of them have long atmospheric lifetimes. For example, sulphur hexafluoride has a global warming potential that is 23,900 times that of carbon dioxide (CO2), which is the most common greenhouse gas arising from human activities.

The Commission's proposal makes a significant contribution towards the European Union's Kyoto Protocol target to reduce greenhouse gas emission by 8% below 1990 levels in the period 2008-2012. Projected emissions of fluorinated gases are expected to be reduced by around 23 million tonnes of carbon dioxide equivalent by 2010, with even greater reductions in the period after.

More specifically, this proposal has four main elements:

- provisions to improve the containment of fluorinated gases;

- reporting requirements to strengthen the monitoring of emissions;

- marketing and use restrictions where containment is not feasible or the use of fluorinated gases is inappropriate;

- phase-out of HFC-134a in air-conditioning systems of new vehicles.

The containment of fluorinated gases will be improved by the requirement to take all measures that are technically and economically feasible to prevent and minimise emissions. In particular, all stationary refrigeration, air-conditioning, heat pump equipment and fire protection systems must be inspected for leakage by competent persons at least once a year. In addition, there is a requirement to install leakage detection systems for larger equipment and to maintain records on the quantities of fluorinated gases added or recovered from equipment. Provision is also made for the recovery of fluorinated gases for recycling or destruction during servicing and at the end of life ofequipment. Member States are required to establish training and certification programmes for persons involved in inspection and recovery activities.

The proposal also requires producers, importers and exporters of fluorinated gases to report annually to the Commission on the production, importation and exportation of fluorinated gases.

Where improving the containment of fluorinated gases is not feasible, or the use of fluorinated gases is considered inappropriate, the proposal includes a number of marketing and use restrictions. The gases and applications affected are: sulphur hexafluoride in magnesium die-casting; sulphur hexafluoride in vehicle tyres; fluorinated gases in non-refillable containers; hydrofluorocarbons and perfluorocarbons in non-confined evaporative cooling systems (for example self-chilling drinks cans); perfluorocarbons in new fire protection systems and fire extinguishers; fluorinated gases in window manufacture; fluorinated gases in footwear; hydrofluorocarbons in one component foams hydrofluorocarbons in novelty aerosols.

As regards air-conditioning systems in new vehicles, the proposal states that the phase-out of the use of the gas HFC-134a in air-conditioning systems in new vehicles is a key element of the proposal. Emissions from this sector are forecast to grow from 1.4 million tonnes of carbon dioxide equivalent in 1995 to 20 million tonnes of carbon dioxide equivalent in 2010 if action is not taken. The proposal introduces a flexible system based on transferable quotas to gradually phase-out the use of HFC-134a in new vehicle air-conditioning systems over the period 2009 to 2013. Companies have the possibility to transfer quotas between companies, if they wish to do so, enabling the overall goal to be reached in an economically efficient way.

There is an incentive for reductions to be made even earlier. Quotas can be increased for companies that take early action by placing vehicles on the market either without -HFC-134a air-conditioning systems or with less emissive HFC-134a air-conditioning systems (so-called enhanced systems) before the phase-out period begins on 1 January 2009.

At the end of the phase-out period, it will be possible to carry over any quotas remaining up to 2018. This is to allow flexibility to those who act faster than they are required to, and so have excess quotas, and to allow niche markets to be served with HFC-134a systems.

These provisions will work because they are accompanied by a system of sanctions that will ensure compliance with the phase-out.

FINANCIAL STATEMENT:,

- total allocation for action : EUR 2.736 million for commitment;

- impact on human resources : 2 permanent posts;

- financial impact of human resources : EUR 216.000;

- other administrative expenditure deriving from the action :EUR 40.000.

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.

Emissions from air conditioning systems in motor vehicles

2003/0189B(COD) - 17/05/2006 - Final act

PURPOSE: to control the leakage of specific fluorinated greenhouse gases in the air-conditioning systems fitted to vehicles and to prohibit, from a certain date, air-conditioning systems designed to contain fluorinated greenhouse gases with a global warming potential higher than 150.

LEGISLATIVE ACT: Directive 2006/40/EC of the European Parliament and of the Council relating to emissions from air-conditioning systems in motor vehicles and amending Directive 70/156/EEC

CONTENT: the Council adopted a Directive relating to emissions from air conditioning systems in motor vehicles following an agreement reached with the European Parliament in the conciliation committee. The Directive was adopted alongside a Regulation on fluorinated greenhouse gases. The legal acts form part of a comprehensive package aimed at implementing the European Climate Change Programme, which was established in June 2000. It has also been introduced as part of the Sixth Community Environment Action Programme, which recognises that the Community is committed to achieving an 8% reduction in the emission of greenhouse gases between 2008 and 2012 compared to 1990 levels.

The purpose, therefore, of this Directive is to reduce fluorinated greenhouse gases currently used in motor vehicles air conditioning systems ("hydroflourocarbon 134 a(HFC-134a) with a global warming potential of 1 300); and to do so by introducing a Community type-approval system for motor vehicles. The technical requirements for the type-approval motor vehicles vis-à-vis air condition systems will be harmonised in order to avoid the adoption of equipment that differ from one Member State to another and thereby to ensure the proper functioning of the internal market.

The Directive will apply to motor vehicles of categories M1 and N1 as defined by Directive 70/156/EEC, which this Directive amends. The provisions set out in this Directive:

- limit the possibility of retrofitting motor vehicles with air conditioning systems with FFGs with a global warming potential higher than 150 and to prohibit filling air-conditioning systems with such gases;

- to limit the emissions of certain fluorinated greenhouse gases from air condition system in motor vehicles by establishing limit values for leakage rates;

- to require manufacturers of vehicles to offer technical information on air conditioning systems to approved authorities.

Review clauses oblige the Commission to examine whether the present legislation should be extended to other categories of vehicles, namely categories M2 and M3 as well as classes II and III of category N1. Further, amendments may be tabled to take account of technological and scientific developments. The Commission will prepare a report on the application of this Directive by 4 July 2011 and, if necessary, present appropriate legislative proposals.

ENTRY INTO FORCE: 4 July 2006.

TRANSPOSITION: 4 January 2008. The measures will apply as from 5 January 2008.

Emissions from air conditioning systems in motor vehicles

2003/0189B(COD) - 06/04/2006 - Text adopted by Parliament, 3rd reading

The European Parliament has adopted the legislative resolution on the joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156 /EEC. (Please refer to the summary dated 31/01/2006).

Emissions from air conditioning systems in motor vehicles

2003/0189B(COD) - 26/10/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Avril **DOYLE** (EPP-ED, IE) and made one amendment to the common position. A new paragraph states that Member States may, with immediate effect, promote the installation of air conditioning systems using a gas, such as CO2, that is efficient and which has a low global warming potential. If Member States introduce fiscal or other incentives to encourage the installation of systems with a lower global warming potential, they shall notify these measures to the Commission.

Emissions from air conditioning systems in motor vehicles

2003/0189B(COD) - 31/03/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution based on the draft by Robert **GOODWILL** (EPP-ED, UK) adopted a large number of amendments to a draft regulation. On the question of quotas versus type approval for the use of fluorinated gases in new cars the Parliament supported its rapporteur and deleted the new quota system proposed by the Commission. Instead Members adopted an amendment introducing stricter limits for fluorinated gases in car air conditioning from January 2011. The Commission proposed banning gases with a global warming potential higher than 150 from that date but Parliament wanted the limit tightened to 50. For small-scale manufacturers, this provision shall apply from 1 January 2013.

Another important amendment adopted concerns prevention of the leaking of fluorinated gases. It says that all measures that are technically and economically feasible shall be taken to prevent and minimise emissions of fluorinated gases. This obligation should be applicable to more sectors and not just cover refrigeration, heating and air-conditioning but all sectors where these gases are used.

Parliament also wanted to enlarge the scope of the regulation by introducing recovery and placing on the market of gases, use of products and equipment containing these gases and reporting of data on these gases to the regulation. It also introduced a number of amendments on inspections for the leakage of these gases.