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REPORT

on the proposal for a Council decision concerning the conclusion of the fourth amendment to the Montreal Protocol on substances that deplete the ozone layer

(COM(2001) 249 – C5-0251/2001 – 2001/0101(CNS))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Anneli Hulthén

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 8 May 2001 the Council consulted Parliament, pursuant to Article 174(4) of the EC Treaty and Article 133 in conjunction with the first sentence of Article 300(2) and first subparagraph of Article 300(3) of the Treaty, on the proposal for a Council decision concerning the conclusion of the fourth amendment to the Montreal Protocol on substances that deplete the ozone layer (COM(2001) 249 - 2001/0101 (CNS)).

At the sitting of 14 June 2001 the President of Parliament announced that she had referred this proposal to the Committee on the Environment, Public Health and Consumer Policy as the committee responsible (C5-0251/2001).

The Committee on the Environment, Public Health and Consumer Policy appointed Anneli Hulthén rapporteur at its meeting of 26 June 2001.

It considered the Commission proposal and draft report at its meetings of 27 August 2001.

At the latter it adopted the draft legislative unanimously.

The following were present for the vote: Caroline F. Jackson; chairman, Guido Sacconi; vice-chairman; Per-Arne Arvidsson, María del Pilar Ayuso González, David Robert Bowe, Niels Busk (for Jules Maaten), Chris Davies, Alexander de Roo, Avril Doyle, Christel Fiebiger (for Mihail Papayannakis), Marialiese Flemming, Karl-Heinz Florenz, Laura González Álvarez, Françoise Grossetête, Jutta D. Haug (for Anne Ferreira), Marie Anne Isler Béguin, Eija-Riitta Anneli Korhola, Giorgio Lisi (for John Bowis), Minerva Melpomeni Malliori, Emilia Franziska Müller, Riitta Myller, Ria G.H.C. Oomen-Ruijten, Béatrice Patrie, Marit Paulsen, Encarnación Redondo Jiménez (for Martin Callanan) Didier Rod (for Hiltrud Breyer), Dagmar Roth-Behrendt, Ulla Margrethe Sandbæk (for Jean-Louis Bernié), Giacomo Santini, Karin Scheele, Inger Schörling, Renate Sommer (for Cristina García-Orcoyen Tormo), María Sornosa Martínez, Bart Staes (for Patricia McKenna), Dirk Sterckx (for Karl Erik Olsson), Catherine Stihler, Robert William Sturdy (for Robert Goodwill), Nicole Thomas-Mauro, Kathleen Van Brempt (for Dorette Corbey), Phillip Whitehead.

The report was tabled on 7 September 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Proposal for a Council decision concerning the conclusion of the fourth amendment to the Montreal Protocol on substances that deplete the ozone layer (COM(2002) 249 – C5-0251/2001 – 2001/0101(CNS))

The proposal is approved.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council decision concerning the conclusion of the fourth amendment to the Montreal Protocol on substances that deplete the ozone layer (COM(2001) 249 – C5-0251/2001 – 2001/0101(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal for a Council decision (COM(2001) 249¹),
 - having regard to Articles 174(4), 133 and 300(2), first subparagraph of the EC Treaty,
 - having been consulted by the Council pursuant to Article 300(3), first subparagraph of the EC Treaty (C5-0251/2001),
 - having regard to Rules 67 and 97(7) of its Rules of Procedure
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0294/2001),
1. Approves the Commission proposal;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 213, 31.7.2001, p. 251

EXPLANATORY STATEMENT

1. Background

The Commission's proposal concerns the draft decision by which the Community would ratify and become a Party to the 1999 Beijing Amendment of the Montreal Protocol on substances that deplete the ozone layer.

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 of the recently identified ozone depleting substance bromochloromethane.
- Mandatory reporting of the amounts of Methyl Bromide used for quarantine and pre-shipment purposes.

The original Montreal Protocol was agreed in September 1987 and ratified by the Community in 1988. Each new amendment which is necessary to introduce new provisions into the Protocol, requires ratification by at least twenty Parties before it enters into force. Furthermore, each Party needs separately to ratify each amendment before being bound by the control measures contained therein. One step in the Community's ratification process is the consultation of the European Parliament.

2. The committee's recommendation

The present proposal is – as are other proposals for international environmental agreements – based on Article 300(3) of the EC Treaty, giving Parliament the possibility to deliver a positive or negative opinion. However, Council does not have to follow Parliament's position.

The Committee on the Environment, Public Health and Consumer Policy is of the opinion that the Montreal Amendment will improve the protection of the ozone layer, since it provides a higher degree of control of trade in ozone depleting substances. The provisions of the amendment are consistent with the Community's ozone protection policy and the legal measures necessary to implement these new controls are included in the new Community ozone regulation (EC 2037/2000)¹

Considering that Parliament's input into the decision-making process under the proposed legal base is extremely limited, the committee recommends that the report be adopted by Parliament without debate (Rule 114 of Parliament's Rules of Procedure).

¹ OJ L 244 of 29.9.2000