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REPORT

on the proposal for a Council decision on the conclusion of the amendment to the Montreal Protocol on substances that deplete the ozone layer (COM(1999) 392 – C5-0186/1999 – 1999/0157(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)

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PROCEDURAL PAGE

By letter of 27 September 1999 the Council consulted Parliament, pursuant to Article 300(3), first subparagraph of the EC Treaty, on the proposal for a Council decision on the conclusion of the amendment to the Montreal Protocol on substances that deplete the ozone layer (COM(1999) 392 - 1999/0157 (CNS)).

At the sitting of 25 October 1999 the President of Parliament announced that she had referred this proposal to the Committee on Environment, Public Health and Consumer Policy as the committee responsible (C5-0186/1999).

The Committee on the Environment, Public Health and Consumer Policy appointed Anneli Hulthén rapporteur at its meeting of 24 November 1999.

It considered the proposal for a Council decision and draft report at its meeting(s) of 24 May 2000.

It adopted the draft legislative resolution unanimously.

The Committee on the Environment, Public Health and Consumer Policy decided to apply the procedure without debate pursuant to Rule 114(1) of the Rules of Procedure.

The following were present for the vote: Alexander de Roo, acting chairman; Anneli Hulthén, rapporteur; Per-Arne Arvidsson, Maria del Pilar Ayuso González, Emmanouil Bakopoulos (for Mihail Papayannakis), Hans Blokland, Carlo Fatuzzo (for John Bowis), Marialiese Flemming, Karl-Heinz Florenz, Cristina Gutiérrez Cortines, Marie Anne Isler Béguin, Eija-Riitta Anneli Korhola, Torben Lund, Jorge Moreira Da Silva, Emilia Franziska Müller, Rosemarie Müller, Riitta Myller, Giuseppe Nisticò, Karl Erik Olsson, Béatrice Patrie, Marit Paulsen, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Horst Schnellhardt, Renate Sommer (for Avril Doyle) and Catherine Stihler.

The report was tabled on 29 May 2000.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council decision on the conclusion of the amendment to the Montreal Protocol on substances that deplete the ozone layer (COM(1999) 392 – C5-0186/1999 – 1999/0157(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(1999) 392¹),
 - having regard to Articles 174(4) 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 (C5-0186/1999),
 - 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 (A5-0146/2000),
1. Approves the conclusion of the amendment to the Montreal Protocol;
 2. Instructs its President to forward its position to the Council and Commission, the governments and parliaments of the Member States and the parties of the Montreal Protocol.

¹ OJ C 21, 25.1.2000, p. 9.

EXPLANATORY STATEMENT

1. Background

The Commission's proposal concerns the draft decision by which the Community would ratify and become a Party to the 1997 Montreal Amendment of the Montreal Protocol on substances that deplete the ozone layer.

The Montreal amendment introduces three new controls into the Montreal Protocol regime:

- regarding methyl bromide, a ban on imports from and exports to any State not Party to the Montreal Protocol;
- a ban on exports (except for destruction) of used, recycled and reclaimed controlled substances from Parties which are in non-compliance with the Montreal Protocol;
- a mandatory licensing system for imports and exports of controlled ozone-depleting substances.

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.

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).