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*****III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation on substances that deplete the ozone layer (C5-0156/2000 – 1998/0228(COD))

European Parliament delegation to the Conciliation Committee

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

At the sitting of 17 December 1998 Parliament adopted its position at first reading on the proposal for a Council regulation on substances that deplete the ozone layer (COM(1998)398 – 1998/0228 (COD)).

At the sitting of 16 September 1999 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (5748/3/1999 – C5-0034/1999).

At the sitting of 15 December 1999 Parliament adopted amendments to the common position.

By letter of 1 February 2000 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 9 March 2000.

At that meeting the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At the same meeting it reached agreement on a joint text.

On 5 May 2000 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,¹ and forwarded it to Parliament and the Council in all the official languages.

On 30 May 2000 Parliament's delegation to the Conciliation Committee adopted the draft legislative resolution unanimously.

The following were present for the vote: James Provan, Vice-President and chairman of the delegation; Ingo Friedrich, Vice-President; Caroline Jackson, chairman of the Committee on the Environment, Public Health and Consumer Policy; Anneli Hulthén, rapporteur; Johannes Blokland, David Robert Bowie, Chris Davies, Marialiese Flemming, Françoise Grossetête, Roger Helmer (for Carmen Fraga Estévez), Bernd Lange (for Renzo Imbeni) and Inger Schörling.

The report was tabled on 7 June 2000.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation on substances that deplete the ozone layer (C5-0156/2000 –1998/0228(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (C5-0156/2000),
 - having regard to its position at first reading² on the Commission proposal to Parliament and the Council (COM(1998)398³),
 - (having regard to the Commission's amended proposal (COM(1999)067⁴),)
 - having regard to its position at second reading on the Council common position⁵,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2000)096 - C5-0135/2000)⁶,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0161/2000),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

² OJ C 098, 9.4.1999, p. 266.

³ OJ C 286, 15.9.1998, p. 6.

⁴ OJ C 083, 25.3.1999, p. 4.

⁵ OJ C not yet published.

⁶ OJ C not yet published.

EXPLANATORY STATEMENT

Background

1. On 17 August 1998, the Commission submitted a proposal for a Regulation on substances that deplete the ozone layer. This regulation seeks to phase out the production and use of substances depleting the ozone layer and covers the following substances:
 - partially halogenated HCFCs (hydrochlorofluorocarbons),
 - methyl bromide,
 - HCFCs (hydrochlorofluorocarbons) and
 - halons.

The regulation transposes at Community level the Montreal Protocol and supplements the existing Regulation (EC) No 3093/94⁷ which regulates the production and use of ozone-depleting substances in the Community.

2. On 17 December 1998, the European Parliament adopted its first reading, with 27 amendments. However, the Council was only able to accept a part of Parliament's amendments in its common position, which it adopted on 23 February 1999.
3. On 15 December 1999, the European Parliament adopted a total of 10 amendments at second reading. On 1 February 2000 the Council formally notified Parliament that it could not accept these amendments. This made it necessary to convene a conciliation committee.

Conciliation

4. Informal contacts with the Council began early in 2000, soon after the second reading and a first triologue with the Portuguese Presidency and the Commission was held on 2 February 2000. At this meeting both institutions, Parliament and Council, indicated their wish to find an agreement at triologue level in order to avoid meetings of the full Conciliation Committee as well as a further delay of the entry into force of the regulation. This first triologue meeting was characterised by a spirit of cooperation with Council accepting seven of Parliament's ten amendments and a possible compromise text concerning the remaining three amendments (Nos 14, 15 and 21) being discussed.
5. At its meeting of 15 February, the compromise proposed at the first triologue meeting was discussed in the Parliament's delegation and it was in principle accepted. However, at the second triologue meeting of 22 February, the Portuguese Presidency informed Parliament's negotiators that the Council was not in a position to accept the proposed package. The Presidency indicated that some Member States had particular problems in accepting amendment 15 which relates to HCFC use in refrigeration and air-conditioning. This amendment introduces a ban on the use of all HCFCs (also recycled HCFCs).
6. In return, the Presidency submitted a new compromise for the three amendments awaiting resolution. Although there was some narrowing of the gap between the positions of the

⁷ OJ L 333, 22.12.1994

two institutions regarding amendments 14 and 21, Parliament's negotiators could not accept the new compromise package as the Council proposed to postpone the phase-out of recycled HCFCs (amendment 15) to 2020. As no agreement could be reached, Parliament and Council decided to resume negotiations in another triologue meeting scheduled for 2 March 2000.

7. At the third triologue meeting, discussions focussed on amendment 15 and in particular on the phase-out of recycled HCFCs. The Commission proposed a combination of a phase-out date for recycled HCFCs and a review clause for this date. Despite some movement regarding the date for the final phase-out, no agreement could be reached. However, both parties, Parliament and Council, considered the Commission's proposal as a basis for a future agreement.
8. The conciliation procedure had to be formally opened in order to respect the deadline imposed by the Treaty. At the Conciliation Committee of 9 March 2000 on a different dossier ('Late payments') the conciliation procedure on the 'OZONE' dossier was formally opened as an 'A-point' without discussion.
9. Following the triologue of 2 March, the Council made another offer regarding the outstanding issues relating to amendment 14, 15 and 21 which was submitted to Mr Provan, chair of Parliament's delegation. This compromise was discussed at the meeting of Parliament's delegation of 15 March and unanimously accepted. The delegation mandated Mr Provan, chair of the delegation, to inform the Council in writing about this decision and the conciliation procedure could thereby be concluded.
10. The agreement reached regarding the most important amendment (No 15) contains two elements: a compromise on the proposed dates and a review clause. For the phase-out of HCFCs in refrigeration and air-conditioning plants the following dates were agreed: 2010 for virgin HCFCs and 2015 for recycled HCFCs. In addition, a review clause was introduced which allows for a modification of the phase-out date of recycled HCFCs. Before the end of 2008 the Commission will review the technical and economic availability of alternatives to recycled HCFCs. The results of this assessment will be the basis for a possible modification of the agreed date.

Conclusions

11. Parliament's delegation accepts the agreement reached and thanks the Portuguese Presidency of the Council and the Commission for their constructive cooperation. The agreement reached, particularly for the ban on recycled HCFCs where the Council did not wish to see any date at the start of the negotiation, can be considered as satisfactory and allows for an early entry into force of the regulation. The delegation therefore recommends that Parliament adopts the joint text attached.