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A5-0226/2000

13 September 2000

*****I** **REPORT**

on the proposal for a European Parliament and Council regulation amending regulation (EC) No. .../2000 on substances that deplete the ozone layer as regards the reference year for the allocation of hydrochlorofluorocarbons (COM(2000) 426 – C5-0363/2000 – 2000/0170(COD))

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 6 July 2000 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 175(1) of the EC Treaty, the proposal for a European Parliament and Council regulation on substances that deplete the ozone layer as regards the reference year for the allocation of hydrochlorofluorocarbons (COM(2000) 426 - 2000/0170 (COD)).

At the sitting of 5 September 2000 the President of Parliament announced that she had referred the proposal to the Committee on the Environment, Public Health and Consumer Policy as the committee responsible and to the Committee on Industry, External Trade, Research and Energy for its opinion (C5-0363/2000).

The Committee on the Environment, Public Health and Consumer Policy had appointed Anneli Hulthén rapporteur at its meeting of 19 June 2000.

It considered the Commission proposal and draft report at its meetings of 28 August 2000 and 11 September 2000.

At the last meeting 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, vice-chairman; Anneli Hulthén, draftsman; Maria del Pilar Ayuso González, Emmanouil Bakopoulos (for Laura González Álvarez), Hans Blokland, John Bowis, Dorette Corbey, Chris Davies, Avril Doyle, Marialiese Flemming, Karl-Heinz Florenz, Robert Goodwill, Heidi Anneli Hautala (for Hiltrud Breyer), Roger Helmer, Christa Kläß, Eija-Riitta Anneli Korhola, Bernd Lange, Paul A.A.J.G. Lannoye (for Marie Anne Isler Béguin), Peter Liese, Jules Maaten, Minerva Melpomeni Malliori, Jorge Moreira Da Silva, Emilia Franziska Müller, Rosemarie Müller, Giuseppe Nisticò, Mauro Nobilia (for Gianfranco Fini), Karl Erik Olsson, Mihail Papayannakis, Marit Paulsen, Frédérique Ries, Dagmar Roth-Behrendt, Guido Sacconi, Jean Saint-Josse, Karin Scheele, Jonas Sjöstedt, Bart Staes (for Patricia McKenna), Catherine Stihler, Antonios Trakatellis, Roseline Vachetta, Phillip Whitehead.

The Committee on Industry, External Trade, Research and Energy decided on 13 September 2000 not to deliver an opinion.

The report was tabled on 13 September 2000.

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

LEGISLATIVE PROPOSAL

Proposal for a European Parliament and Council regulation on substances that deplete the ozone layer as regards the reference year for the allocation of hydrochlorofluorocarbons (COM(2000) 426 – C5-0363/2000 – 2000/0170(COD))

The proposal is amended as follows:

Text proposed by the Commission ¹

Amendments by Parliament

(Amendment 1)

Article 1

In Article 4(3)(I)(h) of Regulation (EC) No.../2000, "1996" shall be replaced by "1999".

In Article 4(3)(i)(h) of Regulation (EC) No.../2000 ***"its percentage market share in 1996"*** shall be replaced by ***"the percentage share assigned to it in 1999"***.

¹ Not yet published in OJ

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a European Parliament and Council regulation on substances that deplete the ozone layer as regards the reference year for the allocation of hydrochlorofluorocarbons (COM(2000) 426 – C5-0363/2000 – 2000/0170(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2000) 426¹),
 - having regard to Article 251(2) and Article 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0363/2000),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0226/2000),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ

EXPLANATORY STATEMENT

Regulation (EC) No /2000 of the European Parliament and the Council on substances that deplete the ozone layer takes 1996 as the base year for allocating quotas of hydrochlorofluorocarbons (HCFCs). Since 1996 the HCFC market has changed considerably with respect to importers and the maintenance of 1996 would result in a large number of importers being deprived of their import quota. Changing the base date will benefit these enterprises without affecting the overall quantities of HCFCs that can be imported and will, therefore, not have any negative effects on the environment. As a general rule quotas should be based on the most recent and representative figures available, in this case 1999 and so the maintenance of 1996 could be considered arbitrary and might also result in a breach of the principle of non-discrimination and legitimate expectations.

The proposed amendment is thus necessary because the date currently contained in the regulation is inappropriate and if kept could result in the Community being open to legal challenge.