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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting 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 (16182/4/2004 – C6-0222/2005 – 2003/0189B(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Avril Doyle

PR_COD_2app

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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting 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 (16182/4/2004 – C6-0222/2005 – 2003/0189B(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (16182/4/2004 – C6-0222/2005),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2003)0492)²,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 62 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A6-0294/2005),
1. Approves the common position as amended;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 103E, 29.4.2004, p. 600.

² Not yet published in OJ.

Amendment 1 ARTICLE 5, PARAGRAPH 5 A (new)

5a. 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.

Justification

Reinstatement of an amendment from first reading in a modified form.

Amendment 2
ARTICLE 6 A (new)***Article 6a******Labelling***

Without prejudice to the provisions of Council Directive 67/548/EEC and of Directive 1999/45/EC of the European Parliament and of the Council in respect of the labelling of dangerous substances and preparations, motor vehicles covered by Article 2 of this Directive, if fitted with an air conditioning system designed to contain fluorinated greenhouse gases, shall not be placed on the market unless the chemical name of the fluorinated greenhouse gases is identified by way of a label using the accepted industry nomenclature. Such label shall clearly indicate that the air conditioning system contains fluorinated greenhouse gases and shall state their global warming potential. This shall be

clearly and indelibly stated on the vehicle, any advertisement and sales information. Such label shall be placed on the outside of the vehicle, in such a way as to be clearly visible, and not obscured.

Justification

Consumers must be adequately informed in order to make a choice on the type of air conditioning, if any, they are buying. Because mobile air conditioning can't be hermetically sealed, and because emissions are subject to the stress of driving and to an increased weight of the vehicle, such a choice can make a difference in protecting our climate.

EXPLANATORY STATEMENT

1. Response to Climate Change

The overall objective of the Commission proposal is to make a significant contribution towards the European Community's Kyoto Protocol target by introducing cost-effective mitigation measures. Action to reduce emissions of fluorinated gases needs to be considered in the context of wider efforts being taken to combat climate change. Climate change is recognised as one of the greatest environmental and economic challenges facing humanity. This Directive together with the Regulation on certain fluorinated greenhouse gases provide a legislative framework at the Community level to improve the containment and monitoring of fluorinated gases, as well as to introduce marketing and use restrictions for certain applications.

2. The Common Position(s)

Whereas the original Commission proposal was in the form of one Regulation with a single market legal base (Article 95), the Council reached a Common Position which took the form of two separate texts, a Directive based on Article 95 and a Regulation based on a dual legal base consisting of Articles 175 and 95. The rationale for the split of the Commission proposal into two different texts was to move all the requirements relating to emissions from air conditioning in motor vehicles from the proposed Regulation to a new Directive under the framework Directive 70/156/EEC for type-approval of motor vehicles.

In its First Reading the European Parliament did in fact ask for the requirements concerning air-conditioning systems for vehicles to be linked to the type-approval. Council has thus in fact given the European Parliament what it asked for, by presenting this Directive. Many of the European Parliament's other amendments adopted in first reading have also been incorporated in the Common Position. In addition, your rapporteur recognises that the automobile industry is a global one and that vehicles exported outside Europe will need to be provided with a network of mechanics trained in servicing the MAC systems that are produced in the EU.

3. The Rapporteur's Position

The rapporteur welcomes the proposed Directive from the Council which is an important step in combating Climate change. It is vital for the European Union to show that concrete measures are taken within Europe to mitigate emissions of greenhouse gases. It is evident, however, that there is a balance to be struck between being sufficiently ambitious in environmental terms and allowing the internal market to work without too many restrictions or administrative burdens. In addition, your rapporteur recognises that the automobile industry is a global one and that vehicles exported outside Europe will need to be provided with a network of mechanics trained in servicing the MAC systems that are produced in the EU.

a) Legal base

With regard to this Directive, the rapporteur finds that precisely because of internal market

consideration, Article 95 is the correct legal base for this Directive. This is due to the fact that the type-approval system is built on a common legislative framework justified by creating a well functioning internal market. This will in fact be the 58th daughter Directive of 70/156/EEC. It is hard to believe that anybody would want to create different type-approval procedures for each individual Member State.

b) Contents of the Directive

The rapporteur is also content with the overall contents of the Directive. As it stands now there will be a phase out of HFC-134a (which has a global warming potential, or GWP, of 1300). A ban will apply to all new vehicle models coming out of production lines as of 2011 and by 2017, every new vehicle produced will have to use alternatives. Even though the dates are slightly less ambitious than the European Parliament wished for it its first reading, the rapporteur is of the opinion that it will be difficult enough for industry to comply with the dates proposed, especially for small and medium sized companies.

The rapporteur is also of the opinion that a balance has to be struck between being technology prescriptive on the one hand in relation to the global warming potential of the gases to be allowed according to the Directive and promoting the development of alternative environmental technologies. As it stands now the ban in the Directive applies to gases with a global warming potential higher than 150, meaning that HFC-152a (which has a GWP of about 140) can still be used. This will allow further innovation and development of alternative technologies with regard to air-conditioning systems. The proposed European regulatory framework is significantly more ambitious than the rest of the world, where, instead of substituting HFC-134a for a gas with a lower GWP, the automobile industry is taking the approach of reducing leakage of 134a through developing better contained "enhanced" 134a-based MAC systems.

PROCEDURE

Title	Council common position for adopting a directive of the European Parliament and of the Council on emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC
References	16182/4/2004 – C6-0222/2005 – 2003/0189B(COD)
Legal basis	Article 251(2) and 95 EC
Basis in Rules of Procedure	Rule 162
Date of Parliament's first reading – P[5]	31.3.2004 T5-0237/2004
Commission proposal	COM(2003)0492 - C6-0222/2005
Amended Commission proposal	COM(2005)0296
Date receipt of common position announced in plenary	4.7.2005
Committee responsible Date announced in plenary	ENVI 7.7.2005
Rapporteur(s) Date appointed	Avril Doyle 12.7.2005
Previous rapporteur(s)	
Discussed in committee	14.9.2005
Date adopted	11.10.2005
Result of final vote	for: 43 against: 0 abstentions: 6
Members present for the final vote	Georgs Andrejevs, Johannes Blokland, John Bowis, Frederika Brepoels, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Anne Ferreira, Alessandro Foglietta, Françoise Grossetête, Satu Hassi, Gyula Hegyi, Mary Honeyball, Christa Kläß, Eija-Riitta Korhola, Urszula Krupa, Peter Liese, Jules Maaten, Roberto Musacchio, Riitta Myller, Vittorio Prodi, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Carl Schlyter, Richard Seeber, Jonas Sjöstedt, María Sornosa Martínez, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman
Substitutes present for the final vote	Margrete Auken, María del Pilar Ayuso González, Milan Gaľa, Hélène Goudin, Ambroise Guellec, Rebecca Harms, Kartika Tamara Liotard, Miroslav Mikolášik, Pál Schmitt, Renate Sommer, Andres Tarand, Phillip Whitehead
Substitutes under Rule 178(2) present for the final vote	
Date tabled – A6	12.10.2005 A6-0294/2005
Comments	