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*****III REPORT**

on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council on certain fluorinated greenhouse gases
(PE-CONS 3604/2006 – C6-0065/2006 – 2003/0189A(COD))

European Parliament delegation to the Conciliation Committee

Delegation chairman: Antonios Trakatellis
Rapporteur: Avril Doyle

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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council on certain fluorinated greenhouse gases (PE-CONS 3604/2006 – C6-0065/2006 – 2003/0189A(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3604/2006 – C6-0065/2006),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2003)0492)²,
 - having regard to its position at second reading³ on the Council common position⁴,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2005)0713)⁵,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 65 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A6-0087/2006),
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 to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ OJ C 103 E, 29.4.2004, p. 450.

² Not yet published in OJ.

³ *Texts Adopted*, 26.10.2005, P6_TA(2005)0400.

⁴ OJ C 183 E, 26.7.2005, p. 0001.

⁵ Not yet published in OJ.

EXPLANATORY STATEMENT

Background

The Commission's original proposal on 11 August 2003 was for a Regulation concerning certain fluorinated greenhouse gases (f-gases), which have a high global warming potential. This Regulation was to cover both stationary applications and mobile air conditioning.

The overall aim of the Commission proposal was to contribute to reaching the objectives set in the Kyoto Protocol by reducing emissions of fluorinated greenhouse gases (f-gases) through adopting measures to both promote the quality of the environment, and take into account the functioning of the internal market.

On 31 March 2004 Parliament adopted its position at first reading. The Council adopted its common position on 21 June 2005 and divided the single legislative proposal into two separate pieces of legislation. One a Directive dealing with mobile air conditioning, based on the vehicle type approval framework directive, and a second Regulation dealing with stationary applications of certain fluorinated greenhouse gases, the current text.

The Parliament concluded its second reading on the Regulation on 26 October 2005 adopting 26 amendments to the Council's common position. The Council was unable to accept all these amendments, which meant that the Conciliation committee had to be convened.

Conciliation

Parliament's delegation to the Conciliation Committee held its constituent meeting on 10 January 2006 and its members mandated the chair of the delegation, Mr Trakatellis, the chair of the committee responsible, Mr Florenz, the rapporteur, Mrs Doyle and shadow rapporteur, Mrs Corbey, to enter into informal negotiations with the Council.

The issues at stake were the following: possibility for the Member States to keep or introduce national measures stricter than those foreseen by the Regulation; technical provisions regarding f-gas containment; reporting and review of the Regulation; definition of placing on the market; cross border transport; labelling; notification of measures introducing further bans of f-gases; training and certification.

During an informal triologue, held on 17 January, a preliminary agreement on certification and training requirements, some technical aspects of containment and some of the amendments concerning reporting and review were reached.

The meeting of the Conciliation Committee was held on the evening of 31 January 2006 under the joint chairmanship of Mr Trakatellis, Vice-President, and Josef Pröll, Austrian Minister for Environment, and in the presence of Environment Commissioner Stavros Dimas.

The discussion at this meeting focused on the issues of stricter national measures, revision clause and labelling.

An agreement covering outstanding issues was reached.

The key points of the agreement in the conciliation procedure can be summarised as follows.

- Stricter national measures

The Conciliation Committee agreed on the general principle that Member States can maintain or introduce stricter national measures in accordance with the provisions of the Treaty. On the specific case of the existing national measures in Denmark and Austria, against which the Commission has been considering legal action, a safeguard clause was introduced, which will allow the two Member States to keep their legislation until 31 December 2012.

- Revision clause

In the context of the compromise on national measures, the conciliation Committee introduced a clause allowing for revision of the provisions in the light of existing or future international commitments to combat climate change

- Labelling

The Conciliation Committee agreed on a compromise foreseeing that appliances containing fluorinated gases can be placed on the market only if they bear a label clearly indicating the names of the fluorinated gases and the quantity contained in the appliance. The instruction manuals accompanying the appliances must also indicate the potential environmental impact of the gases.

Conclusions

The European Parliament delegation is satisfied with the agreement reached, as it goes far beyond what was possible during the first and second readings. The provisions concerning stricter national measures and labelling represent a substantial improvement of the Common Position. The delegation wishes to thank the Austrian Presidency and the Commission for their constructive cooperation. It recommends that Parliament should adopt the attached joint text.

EXTENSION OF DEADLINES

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| Extension of deadline for second reading by Council | No |
| Extension of deadline for convening the Committee Requesting institution – date | No |
| Extension of deadline for work in the Committee Requesting institution – date | No |
| Extension of deadline for adopting the act Requesting institution – date | No |