

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation  Control of halon exported for critical uses, export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane  Amending Regulation (EC) No 2037/2000 <a href="#">1998/0228(COD)</a>	Procedure completed
Subject 3.70.03 Climate policy, climate change, ozone layer 6.20.02 Export/import control, trade defence, trade barriers	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health, Consumer Policy	PPE-DE <a href="#">JACKSON Caroline</a>	09/12/2002
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2516</a>	25/06/2003
	<a href="#">Environment</a>	<a href="#">2491</a>	04/03/2003
European Commission	Commission DG <a href="#">Environment</a>	Commissioner	

Key events			
21/11/2002	Legislative proposal published	<a href="#">COM(2002)0642</a>	Summary
04/12/2002	Committee referral announced in Parliament, 1st reading		
04/03/2003	Debate in Council	<a href="#">2491</a>	
21/05/2003	Vote in committee, 1st reading		Summary
21/05/2003	Committee report tabled for plenary, 1st reading	<a href="#">A5-0179/2003</a>	
05/06/2003	Decision by Parliament, 1st reading	<a href="#">T5-0252/2003</a>	Summary
25/06/2003	Act adopted by Council after Parliament's 1st reading		
22/09/2003	Final act signed		
22/09/2003	End of procedure in Parliament		
16/10/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0268(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 2037/2000 <a href="#">1998/0228(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed

Documentation gateway					
Legislative proposal		<a href="#">COM(2002)0642</a> OJ C 045 25.02.2003, p. 0297-0299 E	21/11/2002	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0283/2003</a> <a href="#">OJ C 095 23.04.2003, p. 0027-0028</a>	26/02/2003	ESC	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0179/2003</a>	21/05/2003	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0252/2003</a> OJ C 068 18.03.2004, p. 0330-0424 E	05/06/2003	EP	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Regulation 2003/1804</a> <a href="#">OJ L 265 16.10.2003, p. 0001-0004</a> Summary

## Control of halon exported for critical uses, export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane

PURPOSE : to amend Regulation 2037/2000/EC as regards the critical uses and export of halons, the export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane. CONTENT : in applying Regulation 2037/2000/EC of the European Parliament of the Council on Substances that Deplete the Ozone layer, a large number of issues have emerged that need to be addressed through amendment to this Regulation. This proposal concerns four amendments : 1) the first issue concerns the controlled substance, halon : this amendment proposes to establish timeframes for reducing the use of halons for critical uses, where justified, when reviewing Annex VII. This will ensure that progress is made in reducing the scope of the use of halons for critical uses and thereby accelerating the improvement in the ozone layer; 2) the second issue concerns the export of halon : it is proposed that the Commission would be able to track whether halon exports were being used for critical uses in the importing country since halon, as a controlled substance, would require an Export Authorisation Number thus facilitating the task of the Commission in enforcement. Overall, this amendment would result in reduced production of halons globally, promotion of safe practices for the transport of halons for critical uses, mandatory monitoring of exports, confirmation that halons were being exported for critical uses, and so contribute to the recovery of the ozone layer; 3) the third issue concerns the export of controlled substances or products containing controlled substances : Article 11 of Regulation 2037/2000/EC prohibits the export of controlled substances or products containing controlled substances. This ban will encourage the recovery and destruction of such controlled substances according to the provisions of Article 16 of Regulation 2037/2000/EC. The major focus of Article 11 is to stop the growing export trade in used refrigeration and air-conditioning equipment, in particular domestic refrigerators and freezers, containing CFCs to developing countries. Even if the CFCs are taken out of the compressors in such equipment before export there is still about twice as much CFC contained in the rigid insulating foam in these products. In the absence of destruction facilities in developing countries this CFC will ultimately leak to the atmosphere and cause damage to the ozone layer. In addition developing countries are now starting to phase out CFCs and many have indicated that they do not wish to be recipients of second hand products and equipment that contain CFCs. However, as currently drafted Article 11 applies not just to refrigeration and air-conditioning equipment but to all products and equipment containing insulating foam or integral skin foam which was

produced with CFCs. This could mean for instance that second hand aircraft and vehicles containing rigid insulating foam or integral skin foam blown with CFCs could not be exported from the EC. Since it was the intention of Regulation 2037/2000/EC to restrict only the export of used refrigeration and air-conditioning equipment containing CFCs and not other products and equipment containing foam blown with CFCs an appropriate amendment is required; 4) the fourth issue concerns the provisions on new substances asset out in Article 22 and Annex II of Regulation 2037/2000/EC : as currently drafted Regulation 2037/2000/EC does not provide the same level of control to the new substance listed in Annex II - bromochloromethane - as is applied to other controlled substances and thereby the European Community is not fully meeting all its obligations under the Montreal Protocol. In order to redress this situation, it is necessary that the provisions applying to controlled substances also applies to the new substance - bromochloromethane.?

## Control of halon exported for critical uses, export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane

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The committee adopted the report by its chairman, Caroline JACKSON (EPP-ED, UK), broadly approving the proposal subject to a number of amendments (codecision procedure, 1st reading). The rapporteur cooperated closely with the Council in order to reach an agreement at first reading. The report took over entirely the modifications and additions introduced by the Council working group to the Commission text. These changes were mainly aimed at tightening up the Commission proposal and making it more specific. ?

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The European Parliament adopted a resolution drafted by Caroline JACKSON (EPP-ED, United Kingdom) making some amendments to the Commission's proposal. (Please see the summary dated 22/05/03.) Specifically, the main amendments state: - All noncritical installations of halon should be decommissioned by 31 December 2003. Decommissioned halon should be able to be stored for critical uses, exported from critical use storage or destroyed. - Regulation 2037/2000/EC permits exports of products and equipment containing halon, to satisfy critical uses listed in Annex VII. That Regulation is amended to allow bulk halon for export for critical uses until 31 December 2009, as long as it is obtained from recovered, recycled and reclaimed halon that originates from storage facilities authorised or operated by the competent authority. A review of exports of bulk halon will be called with a view to banning exports earlier than 31 December 2009, if appropriate. Exports of halon for critical uses are prohibited after 31 December 2003 if the halon is not from facilities authorised or operated by the competent authority to store halon for critical uses. - The Commission will be responsible for authorising exports for halon exported in products and equipment for critical uses. The Commission should only authorise these exports once the competent authority of the relevant Member State has verified that the exports are for one or more of the specific critical uses listed in Regulation 2037/2000/EC. In addition, the exporter is required to report actual exports at the end of the year. - Member States must report annually on controlled substances including halon that are recovered, recycled, reclaimed or destroyed.?

## Control of halon exported for critical uses, export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane

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PURPOSE : to adopt new measures to further protect the ozone layer, reduce global production of ozone depleting substances (ODS), promote safe practices for the transport of ODS, ensure mandatory monitoring of any exports and provide legal clarification where necessary. LEGISLATIVE ACT : Regulation 1804/2003/EC of the European Parliament and of the Council amending Regulation 2037/2000/EC as regards the control of halon exported for critical uses, the export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane. CONTENT : the Council adopted in first reading, following agreement with the European Parliament in the beginning of June 2003, a Regulation on the control of halon exported for critical uses, the export of products and equipment containing chlorofluorocarbons (CFCs) and controls on bromochloromethane. The Regulation is aimed at further protecting the ozone layer, reducing global production of ozone depleting substances (ODS), promoting safe practices for the transport of ODS, ensuring mandatory monitoring of any exports and providing legal clarification where necessary. It is aimed in particular at amending Regulation 2037/2000/EC on substances that deplete the ozone layer, namely with regard to the effective and safe implementation of its provisions. One of the Regulation's major focus is to stop the growing export trade in used refrigeration and airconditioning equipment (in particular domestic refrigerators, freezers and building insulation foam, containing CFCs) to developing countries. Therefore, the export of controlled substances, or products containing controlled substances, should be prohibited. Offtarget products containing CFCs (e.g. secondhand aircraft and vehicles containing rigid insulating foam, or integral skin foam blown with CFCs) are excluded from the scope of the Regulation. It provides for the possibility of establishing timeframes for reducing the use of halon for critical uses, taking into account the availability of technically and economically feasible alternatives or technologies that are acceptable from the standpoint of environment and health, when reviewing Annex VII (critical uses of halon) of Regulation 2037/2000/EC. This would accelerate the recovery of the ozone layer. Moreover, from 1 January 2004, only halon used for the purposes listed in Annex VII of the above mentioned Regulation will be allowed to remain installed for firefighting in the Community. Any equipment containing halon that is not listed in that Annex will be considered "noncritical" and should therefore be decommissioned by 31 December 2003. Bulk halon for export for critical uses will be allowed until 31 December 2009 as long as it is obtained from recovered, recycled and reclaimed halon that originates from storage facilities authorised or operated by the competent authority. If appropriate, and on the basis of a review, exports of bulk halon could be banned earlier than that date. Exports of halons for critical uses should be prohibited after 31 December 2003, if the halon is not from facilities authorised or operated by the competent authority to store this kind of halon. Finally, the Regulation provides for the same level of control to be applied to bromochloromethane as is applied to other controlled substances, bringing the Community in line with the obligations of the Montreal Protocol on Substances that deplete the Ozone Layer. ENTRY INTO FORCE : 05/11/2003.?