



# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>Ozone layer protection: base year for the allocation of quotas of hydrochlorofluorocarbons (HCFCs) for the new Member States that acceded on 1 May 2004</p> <p>Amending Regulation (EC) No 2037/2000 <a href="#">1998/0228(COD)</a></p> <p>Subject 3.70.02 Atmospheric pollution, motor vehicle pollution 3.70.03 Climate policy, climate change, ozone layer</p>	Procedure completed

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety	PPE-DE <a href="#">FLORENZ Karl-Heinz</a>	29/11/2005
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2740</a>	27/06/2006
European Commission	Commission DG <a href="#">Environment</a>	Commissioner	

Key events			
24/10/2005	Legislative proposal published	<a href="#">13632/2005</a>	Summary
13/12/2005	Committee referral announced in Parliament, 1st reading		
21/03/2006	Vote in committee, 1st reading		Summary
24/03/2006	Committee report tabled for plenary, 1st reading	<a href="#">A6-0088/2006</a>	
27/04/2006	Results of vote in Parliament		
27/04/2006	Decision by Parliament, 1st reading	<a href="#">T6-0149/2006</a>	Summary
27/06/2006	Act adopted by Council after Parliament's 1st reading		
06/09/2006	Final act signed		
06/09/2006	End of procedure in Parliament		
25/09/2006	Final act published in Official Journal		

Technical information	
Procedure reference	2004/0296(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
Committee dossier	ENVI/6/23578

Documentation gateway					
Supplementary non-legislative basic document		<a href="#">COM(2004)0550</a>	11/08/2004	EC	Summary
Legislative proposal		<a href="#">13632/2005</a>	24/10/2005	CSL	Summary
Committee draft report		<a href="#">PE367.794</a>	03/02/2006	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0405/2006</a>	15/03/2006	ESC	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0088/2006</a>	24/03/2006	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0149/2006</a>	27/04/2006	EP	Summary
Draft final act		<a href="#">03613/2/2006</a>	06/09/2006	CSL	

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

Final act
<a href="#">Regulation 2006/1366</a> <a href="#">OJ L 264 25.09.2006, p. 0012-0012</a> Summary

## Ozone layer protection: base year for the allocation of quotas of hydrochlorofluorocarbons (HCFCs) for the new Member States that acceded on 1 May 2004

**PURPOSE** : to amend the base date in Regulation 2037/2000/EC for determining the allocation of quotas of hydrochlorofluorocarbons (HCFCs) to producers and importers in the EU-25 with respect only to the 10 new Member States that acceded on the 1 May 2004.

**PROPOSED ACT** : Council Regulation.

**CONTENT** : 1999 is the base date in Regulation 2037/2000/EC of the European Parliament and of the Council for the allocation of the placing on the market quota to importers for HCFCs.

The HCFC market in the ten new Member States has changed considerably since 1999 with the arrival of new companies and changing market shares with respect HCFCs. The application of 1999 as the base date for the allocation of HCFCs in these new Member States would result in a large number of companies not receiving an import quota. This could be considered as being arbitrary and might also result in a breach of the principles of non-discrimination and legitimate expectations.

As a general rule, quotas should be based on the most recent and representative figures available in order to ensure that a number of importing companies in the new Member States are not excluded. It is therefore appropriate to choose the years for which the most recent data are available. In order to best reflect the commercial situation on the HCFC market in the ten new Member States the average market-share of 2002 and 2003 should therefore be laid down as basis for the companies from those Member States.

According to the Commission, changing the base date from 1999 to an average of 2002 and 2003 would result in importers in the new

Member States being allocated 10.35 ODP tonnes and producers being allocated 126.99 ODP tonnes compared to 5.44 ODP tonnes and 131.89 ODP tonnes respectively in 1999.

## Ozone layer protection: base year for the allocation of quotas of hydrochlorofluorocarbons (HCFCs) for the new Member States that acceded on 1 May 2004

---

To recall, the Commission submitted the previous initial proposal to the Council in August 2004. The Working Party on the Environment agreed on 21 October 2005 to change the legal basis of the Regulation from Article 57 (2) of the Accession Treaty to Article 175 (1) of the EC Treaty. It also agreed consequential changes to the citations, recitals and Article 2.

While considering that the legal basis that it had originally proposed remains appropriate, the Commission can accept these changes. It would therefore be appropriate for the Committee of Permanent Representatives to agree:

- to the change of the legal basis; and

- as a consequence, that the Council should consult the European Parliament, Economic and Social Committee and Committee of the Regions on the basis of the modified proposal set out in the Addendum to this note.

The current and incoming Presidencies have undertaken to seek to negotiate a first-reading agreement with the European Parliament, in order that adoption of the Regulation might take place as soon as possible in 2006.

## Ozone layer protection: base year for the allocation of quotas of hydrochlorofluorocarbons (HCFCs) for the new Member States that acceded on 1 May 2004

---

The committee adopted the report by its chairman, Karl-Heinz FLORENZ (EPP-ED, DE), approving unamended - under the 1st reading of the codecision procedure - the proposed regulation amending Regulation (EC) No. 2037/2000 as regards the base year for the allocation of quotas of hydrochlorofluorocarbons with respect to the Member States that acceded on 1 May 2004.

## Ozone layer protection: base year for the allocation of quotas of hydrochlorofluorocarbons (HCFCs) for the new Member States that acceded on 1 May 2004

---

The European Parliament adopted a resolution drafted by Karl-Heinz FLORENZ (EPP-ED, DE), approving the proposal amending Regulation 2037/2000/EC as regards the base year for the allocation of quotas of hydrochlorofluorocarbons with respect to the Member States that acceded on 1 May 2004.

## Ozone layer protection: base year for the allocation of quotas of hydrochlorofluorocarbons (HCFCs) for the new Member States that acceded on 1 May 2004

---

PURPOSE: to amend the base year for the allocation of quotas of hydrochlorofluorocarbons taking account of EU enlargement in 2004.

LEGISLATIVE ACT: Regulation 13666/2006/EC of the European Parliament and of the Council amending Regulation 2037/2000 as regards the base year for the allocation of quotas of hydrochlorofluorocarbons with respect to the Member States that acceded to the European Union on 1 May 2004.

CONTENT: to recall, Regulation 2037/2000 took 1999 as the base year for allocating quotas of hydrochlorofluorocarbons (HCFCs). However, the market for HCFCs has changed considerably in the 10 new Member States since 1999. Thus, taking 1999 as the base year for allocating quotas of HCFCs in these new Member States would result in a large number of companies not being able to receive an import quota. In order to avoid the arbitrary nature of this, and in order not to breach the principles of non-discrimination, this Regulation adds a new provision to Regulation 2037/2000/EC.

This new provision stipulates that each producer and importer from the following list of countries:

- the Czech Republic,
- Estonia,
- Cyprus,
- Latvia,
- Lithuania,
- Hungary,
- Malta,
- Poland,
- Slovenia, and
- Slovakia

Is obliged to ensure that the calculated level of hydrochlorofluorocarbons which it places on the market or uses for its own account will not exceed as a percentage of the calculated levels set out the average of its percentage market share in 2002 and 2003.

ENTRY INTO FORCE: 26 September 2006.

APPLY: 1 January 2007.