

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(90)689 final

Brussels, 20 December 1990

Amendment to the proposal for a

COUNCIL REGULATION (EEC)

ON SUBSTANCES THAT DEplete THE OZONE LAYER

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

EXPLANATORY MEMORANDUM

At its sitting on 14 December 1990 the European Parliament delivered an opinion on the Commission proposal set out in document COM(90)3 final of 14 March 1990.

This proposal takes account of the amendments requested by the European Parliament where the Commission has been able to accept them.

Recital 2C (new)

Whereas the findings of IPCC (Intergovernmental Panel on Climate Change) working parties point to a clear need to reduce drastically and, within a few years, prohibit the use of CFCs, halons, and other substances that deplete stratospheric ozone;

Article 1

This Regulation applies to the importation, exportation, production and consumption of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and methyl chloroform referred to in Annex I, as defined in Article 2.

This Regulation applies to the importation, exportation, production and consumption of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and methyl chloroform and hydrochlorofluorocarbons (HCFC) referred to in Annex I, as defined in Article 2.

Article 2, indent 6a (new)

- 'hydrochlorofluorocarbons' means the substances listed in Group IVa of Annex I.

ORIGINAL TEXT

AMENDED TEXT

Article 8(3), second indent

The calculated level of its production of halons in the period 1 January to 31 December 1996 and in each 12-month period thereafter does not exceed 50% of the calculated level of its production of halons in 1986;

- The calculated level of its production of halons in the period 1 January to 31 December 1995 and in each 12-month period thereafter does not exceed 50% of the calculated level of its production of halons in 1986;

Article 8(5), indent 1a (new)

- the level of its production of methyl chloroform in the period 1 January to 31 December 1995 and in each 12-month period thereafter does not exceed 70% of its production in 1986;

Article 8(5), third indent

the level of its production of methyl chloroform in the period 1 January to 31 December 2000 and in each 12-month period thereafter does not exceed 60% of its level of production in 1986.

- the level of its production of methyl chloroform in the period 1 January to 31 December 2000 and in each 12-month period thereafter does not exceed 30% of its level of production in 1986.

Article 8(5), indent 3a (new)

- there is no production after 31 December 2004

ORIGINAL TEXT

AMENDED TEXT

Article 9(5), second indent

- in the period 1 January to 31 December 1996, and in each 12-month period thereafter, 50% of the calculated level of the quantity which it placed on the market or used for its own account within the Community in 1986.
- in the period 1 January to 31 December 1995, and in each 12-month period thereafter, 50% of the calculated level of the quantity which it placed on the market or used for its own account within the Community in 1986.

Article 9(9), indent 1a (new)

- In the period from 1 January 1995, and in each 12-month period thereafter, 70% of the calculated level of the quantity which it placed on the market or used for its own account within the Community in 1986.

Article 9(9), second indent

- in the period 1 January to 31 December 1998, and in each 12-month period thereafter, 80% of the calculated level of the quantity which it placed on the market or used for its own account within the Community in 1986,
- in the period 1 January to 31 December 2000 and in each 12-month period thereafter, 30% of the calculated level which it placed on the market or used for its own account within the Community in 1986,

Article 9 (9), indent 3a (new)

- producers shall not be permitted, after 31 December 2004, to place methyl chloroform on the market or use it for their own account within the Community.

Article 11(1)

1. Each producer, importer and exporter of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and methyl chloroform shall communicate to the Commission with a copy to the competent authority of the Member State concerned, not later than 28 February of every year the figures of its:

- production,
- quantities placed on the market or used for the producer's own account within the Community,
- imports into the Community,
- exports from the Community, separately to countries which are Parties to the Montreal Protocol and to those which are not,
- stocks,
- quantities destroyed, in accordance with technologies approved by the Parties to the Protocol,

of each of the chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and methyl chloroform listed in Annex I in respect of the period 1 January to 31 December 1991 and for each 12-month period thereafter.

Article 11(3)

3. The communications referred to in the last indent of paragraph 1 shall be made to the Commission for the first time on 28 February of the subsequent year following the date on which approval is granted.

1. Each producer, importer and exporter of controlled or transitional substances

shall communicate to the Commission and the European Environment Agency, with a copy to the competent authority of the Member State concerned, not later than 28 February of every year the figures of its:

- production,
- quantities placed on the market or used for the producer's own account within the Community,
- imports into the Community,
- exports from the Community, separately to countries which are Parties to the Montreal Protocol and to those which are not,
- stocks,
- quantities destroyed, in accordance with technologies approved by the Parties to the Protocol,

of each of the controlled or transitional substances

listed in Annex I in respect of the period 1 January to 31 December 1991 and for each 12-month period thereafter.

3. The communications referred to in the last indent of paragraph 1 shall be made to the Commission and the European Environment Agency for the first time on 28 February of the subsequent year following the date on which approval is granted.

ORIGINAL TEXT

AMENDED TEXT

Annex 1, first paragraph

The Regulation applies to the substances listed in this Annex, whether alone or in a mixture; it does not apply to any such substance which is in a manufactured product other than a container used for the transport or storage of the substance listed.

The Regulation applies to the substances listed in this Annex, whether alone or in a mixture.

ANNEX I, GROUP IIa (new)

CF_3Cl	(CFC-11)	1.0
C_2FCl_5	(CFC-111)	1.0
$\text{C}_2\text{F}_2\text{Cl}_4$	(CFC-112)	1.0
C_3FCl_7	(CFC-211)	1.0
$\text{C}_3\text{F}_2\text{Cl}_6$	(CFC-212)	1.0
$\text{C}_3\text{F}_3\text{Cl}_5$	(CFC-213)	1.0
$\text{C}_3\text{F}_4\text{Cl}_4$	(CFC-214)	1.0
$\text{C}_3\text{F}_5\text{Cl}_3$	(CFC-215)	1.0
$\text{C}_3\text{F}_6\text{Cl}_2$	(CFC-216)	1.0
$\text{C}_3\text{F}_7\text{Cl}$	(CFC-217)	1.0

ORIGINAL TEXT

AMENDED TEXT

ANNEX I, GROUP IVa (new)

CHFC1 ₂	(HCFC- 21)
CHF ₂ CF	(HCFC- 22)
CH ₂ FC1	(HCFC- 31)
C ₂ HFC1 ₄	(HCFC-121)
C ₂ HF ₂ CF ₃	(HCFC-122)
C ₂ HF ₃ CF ₂	(HCFC-123)
C ₂ HF ₄ CF ₂	(HCFC-124)
C ₂ H ₂ FC1 ₃	(HCFC-131)
C ₂ H ₂ F ₂ CF ₂	(HCFC-132)
C ₂ H ₂ F ₃ CF ₂	(HCFC-133)
C ₂ H ₃ FC1	(HCFC-141)
C ₂ H ₃ F ₂ CF	(HCFC-142)
C ₂ H ₃ FC1	(HCFC-151)
C ₂ HFC1 ₆	(HCFC-221)
C ₃ HF ₂ CF ₅	(HCFC-222)
C ₃ HF ₃ CF ₄	(HCFC-223)
C ₃ HF ₄ CF ₃	(HCFC-224)
C ₃ HF ₅ CF ₂	(HCFC-225)
C ₃ HF ₆ CF ₂	(HCFC-226)
C ₃ H ₂ FC1 ₅	(HCFC-231)
C ₃ H ₂ F ₂ CF ₄	(HCFC-232)
C ₃ H ₂ F ₃ CF ₃	(HCFC-233)
C ₃ H ₂ F ₄ CF ₂	(HCFC-234)
C ₃ H ₂ F ₅ CF ₂	(HCFC-235)
C ₃ H ₃ FC1 ₄	(HCFC-241)
C ₃ H ₃ F ₂ CF ₃	(HCFC-242)
C ₃ H ₃ F ₃ CF ₂	(HCFC-243)
C ₃ H ₃ F ₄ CF ₂	(HCFC-244)
C ₃ H ₄ FC1 ₃	(HCFC-251)
C ₃ H ₄ F ₂ CF ₂	(HCFC-252)
C ₃ H ₄ F ₃ CF ₂	(HCFC-253)
C ₃ H ₄ FC1 ₂	(HCFC-261)
C ₃ H ₅ F ₂ CF	(HCFC-262)
C ₃ H ₆ FC1	(HCFC-271)

ANNEX II, paragraph 1 (new)

The quantities laid down in Annex II shall be adjusted in line with the modifications relating to Articles 8 and 9.

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DOCUMENTS

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