

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 242 final.

Brussels, 14 May 1979

Proposal for a
COUNCIL DECISION
concerning chlorofluorocarbons in the environment ^Δ

(submitted to the Council by the Commission)

COM(79) 242 final.

EXPLANATORY MEMORANDUM

1. Council Resolution of 30 May 1978 on fluorocarbons in the environment.

On 30 May 1978, the Council adopted^(*) the following resolution on fluorocarbons in the environment :

- (i) The problems of the effects of fluorocarbons on the ozone layer and of ultraviolet radiation on health cannot be ignored. In so far as Member States are carrying out research on these problems nationally, it is desirable that they should cooperate on a Community basis in planning this research and in making available and interpreting the results. The Community of course recognizes the overall coordinating role of UNEP (United Nations Environment Programme) in relation to research.
- (ii) Immediate steps should be taken to encourage all the aerosol and plastic foam industries using chlorofluorocarbons F-11 (CCl₃F) and F-12 (CCl₂F₂) to intensify research into alternative products and to promote the development of alternative methods of application.
- (iii) Immediate steps should be taken to encourage the manufacturers and users of equipment containing chlorofluorocarbons F-11 and F-12 to eliminate the discharge of these compounds.

.../...

(*) O.J. No. C 133 of 7 June 1978.

- (iv) All appropriate measures should be taken to ensure that the industry situated within the Community does not increase its production capacity in respect of chlorofluorocarbons F-11 and F-12.
- (v) In the second half of 1978 the effect of fluorocarbons on the environment will be re-examined in the light of the information then available with a view to arriving at a Community policy.

2. Common position of 6 December 1978.

In the light of point (v) of the resolution and with a view to taking a concerted line at the International Conference on Chlorofluoromethanes, held in Munich from 6 - 8 December 1978, the following common position was agreed by Member States on 6 December, 1978 :^{1/}

- (i) The starting-point for a common position should be the Council Resolution of 30 May 1978.
- (ii) Point 5 of the Council Resolution states that "in the second half of 1978 the effect of fluorocarbons on the environment will be re-examined in the light of the information then available with a view to arriving at a Community policy". Member States declare that a reduction in the use of CFC's is desirable as a precautionary measure.

Within the framework of the European Economic Community such a reduction will be sought on the basis of a Community policy aimed particularly at aerosols.

.../...

^{1/} R/3351/78(ENV208), 8 December 1978.

- (iii) Member States are confident that measures aimed at achieving a reduction in the use of CFC's will also be taken by other countries.
- (iv) Continuing consideration will be given by the Community to the fluorocarbon question, which may lead to the adoption of further appropriate measures in the light of the scientific and economic evidence available.

Results of International Conference on Chlorofluoromethanes, held in Munich 6 - 8 December 1978.

The International Conference on Chlorofluoromethanes took place in Munich, December 6 - 8, 1978 at the invitation of the Federal Republic of Germany. The following countries and organizations participated : Australia, Belgium, Canada, Denmark, France, Italy, Netherlands, Norway, Sweden, Switzerland, United Kingdom, United States of America, Yugoslavia, OECD, UNEP and the Commission of the European Communities.

The Conference adopted recommendations relating to :

- (i) The problem of ozone depletion and associated hazards.
- (ii) Economic questions and analysis of economic consequences; questions of trade, and
- (iii) Alternatives for Political Decisions.

The full text of recommendation (iii), which like the other recommendations, was adopted unanimously, was as follows :

.../...

- (i) The problems of the effects of chlorofluorocarbons on the ozone layer and of ultraviolet radiation on health cannot be ignored. The conference recommends that, as a precautionary measure, there should be a global reduction in the release of CFC's. It therefore calls on all governments, industry and other bodies to work towards the goal of achieving a significant reduction in the release of CFC's in the next few years in relation to 1975 data.
- (ii) The conference recognizes that in the light of new and convincing scientific evidence decisive reductions in the use of CFC's will be necessary.
- (iii) In seeking the reductions in CFC releases mentioned above, the governments concerned should attempt to achieve the maximum possible international harmonization of measures to ensure, by joint efforts, the most effective approaches to the problem and to avoid barriers to trade.
- (iv) Immediate steps should be taken to encourage all the aerosol and plastic foam industries using chlorofluorocarbons F-11 and F-12 to intensify research into alternative products and to promote the development of alternative methods of application.
- (v) Immediate steps should be taken to encourage manufacturers and users of equipment containing chlorofluorocarbons F-11 and F-12 to eliminate the discharge of these compounds.

.../...

Meeting of Council of 18 and 19 December 1978.

At the meeting of the Environment Council, held on 18 and 19 December 1978, the German Delegation reported on the results of the International Conference on Chlorofluoromethanes, which was held in Munich, 6 - 8 December 1978.

The Council noted this report by the German delegation. On the basis of the scientific data and recommendations put forward at the Munich Conference, the German delegation requested the Council to ask the Commission to look into the possibilities of harmonizing the measures aimed at reducing the use of fluorocarbons, while bearing in mind the following factors :

- (a) the Member States could take all necessary steps to reduce the use of fluorocarbons in aerosols by 30% compared to the 1975 level, before 1 January 1981;
- (b) during the first six months of 1981, an examination should be carried out at Community level to see whether the reduction suggested in (a) above had been achieved;
- (c) during the first six months of 1981, an examination should also be carried out to see what new measures should be envisaged in the light of the latest available scientific data;
- (d) if new scientific data should suggest an increase of the danger of pollution by fluorocarbons, measures should be adopted to reduce still more the use of products containing fluorocarbons.

The Council asked the Commission to make concrete proposals, at the earliest opportunity, bearing the results of the Munich Conference in mind. These proposals or a progress report could be submitted to the next meeting of the Environment Council.

The draft decision.

In the light of the Council's invitation referred to in paragraph 4 above, a draft Council decision has been prepared. Given that this proposition is based on Article 235 of the EEC Treaty, the European Parliament must be consulted. The consultation of the Economic and Social Committee is suitable.

PROPOSAL FOR A

Council Decision concerning Chlorofluorocarbons in the Environment

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas, as stated in the resolution of the Council of the European Communities and of the Representatives of the Governments of the Member States meeting within the Council of 17 May 1977 on the continuation and implementation of a European Community policy and action programme on the environment (1), it is necessary to review continuously at Community level the impact of chemicals on the environment;

Whereas the Resolution of the Council of 30 May 1978 on fluorocarbons in the environment (2) states that the problems of the effects of chlorofluorocarbons (CFCs) on the ozone layer and of ultraviolet radiation on health cannot be ignored;

Whereas a reduction in the production of CFCs has already been achieved;

(1) O.J. No. C 139 of 13 June 1977, p. 1

(2) O.J. No. C 133 of 7 June 1978, p. 1

2.

Whereas the Member States, in accordance with the terms of the Resolution of 30 May 1978, adopted a common position on 6 December 1978 concerning CFCs in the environment, to be put to the International Conference on Chlorofluoromethanes held in Munich 6-8 December; and whereas that Conference adopted certain recommendations, and in particular Recommendation III relating to alternatives for political decisions;

Whereas, in accordance with the common position of Member States of 6 December 1978 and in accordance with Recommendation III of the Munich Conference, a significant reduction in the use of CFCs giving rise to emissions should be achieved in the next few years; and whereas such a reduction should be sought on the basis of a policy with reference to the use of CFCs in aerosols;

Whereas, in making the reduction in the use of CFCs, Member States should consult with the Commission in order to secure that their measures are in harmony, do not adversely affect the proper functioning of the common market and avoid the creation of barriers to trade;

Whereas, since the specific powers of action required to adopt the provisions in this Decision have not been provided for in the Treaty, it is necessary to invoke Article 235 thereof;

HAS ADOPTED THIS DECISION:

Article 1

Member States shall take all appropriate measures to ensure that the industry situated in their territory does not increase its production capacity in respect of chlorofluorocarbons;

Article 2

Member States shall take all necessary steps to achieve by 31 December 1981 a reduction of 30 % in the use of chlorofluorocarbons in aerosols in relation to 1976 levels of use.

Article 3

In taking the measures for the reduction mentioned in Article 2, Member States shall consult with the Commission with a view to ensuring that such measures are consistent with the proper functioning of the common market.

Article 4

Member States shall provide the Commission with the necessary data relating to the use of chlorofluorocarbons in aerosols not later than 30 June 1982 in order to permit the Commission to verify whether the reduction referred to in Article 2 has been achieved in relation to each Member State.

Article 5

In the course of the first half of 1982, the measures to be taken will be re-examined in the light of the scientific and economic evidence available. To this end, Member States shall provide the Commission with the results of any study of research in this field which become available to them. The Council shall adopt not later than 31 December 1982, on a proposal from the Commission, such further measures as may be necessary in the light of this reexamination.

Article 6

The Decision is addressed to the Member States.