

# EPEE



# NEWS

A Newsletter from The European Partnership for Energy and the Environment (EPEE)

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## E P E E N E W S H E A D L I N E S

### KEY ITEMS

**EU DECISION TO RATIFY KYOTO** 2  
On 5 March, the Environment Council reached agreement on the Decision to ratify the Kyoto Protocol on behalf of the EU. Member States are now required to prepare their ratification by 1 June 2002.

**F-GASES LEGISLATION PREPARATIONS START AND ECCP FOLLOW-UP** 2  
DG Environment officials have received the internal green light to go ahead with the drafting of the proposal for fluorinated gases. They are now looking seriously at a Regulation instead of a Directive. Meanwhile, discussions in the European Parliament are expected to start on 22 April 2002 on the ECCP First Phase Communication.

**US ANNOUNCES NEW CLIMATE CHANGE APPROACH** 3  
On 14 February President Bush announced the US alternative to the Kyoto Protocol. This new approach commits the US to 'an aggressive strategy' to cut greenhouse gas intensity by 18% over the next 10 years. It has been much criticised as it advocates voluntary instead of mandatory targets for emission reduction and concentrates on GHG intensity rather than emissions per se.

**WEEE/RoHS discussed in the EP** 3  
On 19 February, the Environmental Committee of the European Parliament discussed the WEEE/RoHS proposals. HFCs were not mentioned. The deadline for amendments was the 28 February. Four amendments tabled on the RoHS proposal specifically mention HFCs. They aim to ensure that the environment and human health impact of HFCs are given special consideration in the review provision, with a view to examining the feasibility for substitution.

**6EAP CONCILIATION** 4  
The Council opened a conciliation procedure on the 6th Environment Action Programme on 12 February 2002. The amendment tabled by David Rowe MEP (PES, UK) touching on HFCs has been altered in the course of these discussions.

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## Kyoto Ratification at an EU level

On 5 March, the Environment Council reached agreement on the Decision to ratify the Kyoto Protocol on behalf of the EU. The Ministers also approved the 1998 burden-sharing agreement between EU Member States. Under this ratification Decision, Member States are now required to prepare their ratification by 1 June 2002, so that the European Community and its Member States can jointly deposit their ratification instruments with the Secretary-General of the United Nations before the World Summit on Sustainable Development (26 August - 4 September 2002).

One major outstanding matter resolved at this meeting was a Danish threat to block the entire Decision, given the country's concerns on the use of 1990 as the reference year for the establishment of Kyoto emission reduction targets. In the agreement reached, the targets stay as agreed at the "burden-sharing" agreement dating from June 1998 i.e. -21% for Denmark. These targets will however be revised in 2006.

For further information, please see:  
[http://www.europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=IP/02/355|0|RAPID&lg=EN&display=](http://www.europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/02/355|0|RAPID&lg=EN&display=)

## F-gases legislation preparations start and ECCP follow-up

DG Environment officials in the European Commission have received the internal green light to go ahead with the drafting of the proposal for the better containment and monitoring of fluorinated gases. Their ideas on the process have developed and they are now looking seriously at a Regulation instead of a Directive. Discussions about

marketing and use restrictions/bans are also resurfacing.

Currently, the idea is to proceed in two stages:

- \* A Regulation setting out initial provisions on containment, including reporting requirements, minimum training requirements, general requirements for leakage detection (e.g. annual inspection for equipment with more than 3kg of refrigerant), and a ban on disposable containers for HFCs;

and

- \* Working on the experience gained in phase 1 to look at further requirements, e.g. looking at leakage standards, minimum recovery rates of HFC from installations, and setting possible performance targets (there is not enough empirical evidence now to set such standards).

In phase 1, the Environment DG is looking at amending the existing EU Regulation on ozone depleting standards and so extend the EU-wide regulations for CFCs and HCFCs to HFCs. This is seen as the most practical option instead of a new regulation or a directive. Unlike a Directive it would reduce the flexibility of Member States in their interpretation and implementation of the EU law, and it would be "better for the environment."

Meanwhile, after the Environment Council adopted on 12 December 2001 the Conclusions on the first phase of the Implementation of the ECCP, the focus has now turned to the European Parliament. The leading Environment Committee has nominated Anneli Hulthén (Socialist, Sweden) as the Rapporteur for the first-phase Communication on the ECCP, which will touch upon the forthcoming Fluorinated

Gases Directive. The Industry Committee will deliver an opinion, the draftsman is Werner Langen (Christian Democrat, Germany).

Discussions in the European Parliament are expected to start on 22 April 2002 in the Environment Committee. The draft report is scheduled to be adopted in the Committee on 23 May and voted in the June 2002 Plenary.

### US announces new climate change approach

President Bush made public on 14 February, the much awaited US alternative to the Kyoto Protocol - under the collective title of Clearer Skies and Global Climate Change initiatives.

The President announced that this new approach commits the US to 'an aggressive strategy' to cut greenhouse gas intensity by 18% over the next ten years. The overarching concern is 'that US workers and citizens of the developing world are not unfairly penalised'. The goal is to reduce rate of emissions from 183 metric tons per million dollars of GDP in 2002 to 151 metric tons per million dollars in 2012. The government also undertook to review progress and 'if it is not sufficient or sound science justifies further action' the US will take additional action, if necessary post 2010.

President Bush announced the US's intention not to interfere with the plans of any nation to ratify the Kyoto Protocol. He added that while the US is committed to the UN Framework convention on Climate Change (UNFCCC) and its central goal, however the Kyoto approach however would involve the US making unacceptable cuts in the economy 'to meet an arbitrary target'. He stated it would have cost the economy \$400 billion, and caused a loss of some 4.9 million

jobs. The initiatives he announced are in his opinion comparable to the average progress under the Kyoto Protocol.

The majority of reactions to this new approach have been critical. The main criticisms levelled at the new approach are because it advocates voluntary instead of mandatory targets for emission reduction and sets less ambitious goals. It is incentive driven (i.e. it makes it profitable not to pollute) and includes no disincentives to producing emissions, such as a tax on emissions. It targets greenhouse gas intensity rather than greenhouse gas emissions per se.

European politicians have dismissed the plan as ineffective. Key European figures have been unanimous in reiterating that the UN Kyoto protocol provides the only framework to reduce global emissions. Commissioner Wallström stated that the plan was not an alternative to the Kyoto Protocol, to which the EU remained fully committed. The March Environment Council adopted Conclusions on the US Programme. In these Conclusions the Ministers expressed concern that not real emission reduction would be achieved under this programme. The Conclusions describe the programme as insufficient to effectively tackle global warming and urge the US to assume its responsibilities under Kyoto and to strengthen the recently adopted plan.

### WEEE/RoHS discussed in the EP

On 19 February, the Environmental Committee of the European Parliament discussed the WEEE/RoHS proposals. The main areas discussed on the Directive on the Restriction of Hazardous Substances (RoHS) were the Rapporteur's amendment to change the date for entry into force of the ban (from 2007 to 2006), the proposed temporary exclusion of spare parts in older

goods and concerns over replacements for lead. HFCs were not mentioned in this debate.

The deadline for amendments was the 28 February. Four of the twenty-four amendments tabled on the RoHS proposal make specific mention of HFCs. The main changes to the provisions of the draft Directive aim in these amendments aims to ensure that the environment and human health impact of HFCs are given special consideration at the time of review of the Directive, with a view to examining the feasibility of substitution of such substances.

The vote in Committee is scheduled for 21 March. EPEE intends to contact key MEPs on this issue ahead of the Committee vote to express its concerns on the approach taken to HFCs.

## 6EAP Conciliation

As a follow-up to the recent European Parliament Second Reading of the 6EAP, the Council and the European Parliament opened a conciliation procedure on this issue on 12 February 2002. The first formal meeting was held on 14 February 2002.

The amendment tabled by David Rowe MEP (PES, UK) has been altered in the course of these discussions. The changed wording is "encouraging the development of more environmentally sound and technically feasible alternatives aiming at reducing emissions, including the establishment of Community measures, phasing out the production where appropriate and feasible and reducing the use of industrial fluorinated gases HFCs (hydrofluorocarbons), PFCs (Perfluorocarbons) and SF<sub>6</sub> (sulphur hexafluoride) [...]."

The proposal to amend the wording came from the Council's conciliation delegation. It is seen as a meeting mid-way between the EP and Council Position. Although this

wording is provisional for the moment (as nothing is agreed until all is agreed at conciliation) the amendment in question is one of six that on which the discussion is considered to be over, unless a new element is introduced.

The Conciliation Committee will meet again during the week of 11 March in Strasbourg. The Committee members are hopeful to reach an agreement on the whole proposal at the next meeting.

## Sustainable Development

February 2002 was a busy month for Sustainable Development (SD) dossier at an EU level. The European Parliament adopted a Resolution on the upcoming Barcelona European summit which will touch on SD, a European Policy Centre (EPC) conference on 'Sustainability and Globalisation- towards Johannesburg' took place and the European Commission adopted a Communication "Towards a global partnership for sustainable development", which proposes a set of actions through which the EU would contribute to global sustainable development.

### Commission Communication and Council Conclusions on the external dimension of sustainable development

On 13 February, the European Commission adopted a Communication "Towards a global partnership for sustainable development". It is seen as a strategy for the external dimension of sustainability and as a preparatory document for the Johannesburg Summit. Of interest to EPEE is the particular weight that the document sets on climate change. Climate change is linked to the increased energy demand and the fact that many developing countries do not have the capacity to cope with this issue. Responding to the energy demand of the least developed countries in a sustainable manner remains a key challenge for the Johannesburg summit.

The Commission has already been criticised for its global strategy by business representatives including the World Business Council for Sustainable Development as well as NGO's such as the WWF. The main criticism concerns the fact that the targets set by the Commission are not specific enough for a concrete implementation.

The Environment Council adopted conclusions on the EU sustainable development strategy on 4 March 2002. According to the Ministers, priority issues on the external dimension of the EU's sustainable development strategy should include the decoupling of economic growth from environmental degradation; the promotion of environmentally and socially responsible investments and business practices; and the launch of strategic partnerships with governments and other stakeholders on water and energy.

#### The EPC Conference

The EPC conference brought together a wide range of speakers including Commissioner Wallström, Tony Long from WWF, industry representatives, a Spanish Presidency and a US government representative. All participants agreed that much work needs to be done in the coming six months ahead of the Johannesburg summit.

The Commissioner stated it was time for a wake-up call for sustainability and urgency needs to be injected into the preparations. Wallström spoke of a global complacency and fear of paralysis in the face the enormity of the task on the table - decisive action is needed now to rectify serious environmental problems. She further stated that industry has a role to play and 'business should be brought on board the way NGOs came on board at Rio.' Sustainable Development is in the strategic interest of business. If a

North/South deal is made the Commissioner stressed that it should be 'underpinned' by a public- private sector partnership.

#### EP Resolution on the Barcelona Summit

The European Parliament adopted a high-profile Resolution on the Barcelona Summit. The Rapporteur was Caroline Jackson (EPP, UK). The Resolution criticises the sustainability indicators developed by the Commission - the EP believes that number of these indicators used for assessing the environmental aspects of SD should be increased. The Resolution also calls for a specific resource consumption indicator to break the link between economic growth and resource use and for rules for compensation liability in environmental matters.

#### SBSTA June 2002 meeting preparations

The Subsidiary Body on Scientific and Technological Advice (SBSTA) to the UNFCCC announced at its meeting during the COP Marrakech meeting in November 2001 that it would treat the issue of limiting emissions of hydrofluorocarbons and perfluorocarbons at its June 2002 meeting in Bonn.

In order to prepare this discussion the SBSTA called for "new information on available and potential ways and means of limiting emissions of HFCs and PFCs, taking into account, inter alia, health, medical, environmental and safety considerations, energy efficiency and associated emissions in carbon dioxide equivalent, and technical and economic considerations." The deadline for submission of this information was 1 March 2002.

The call was to Parties to and the relevant bodies of the Montreal Protocol, the IPCC,

intergovernmental organisations and non-governmental organisations. EPEE submitted information, which included a copy of the Responsible Use Principles of the Partnership, copies of the HFC brochure as well as a position paper based principally on the EPEE ECCP position paper.

The Spanish Presidency submitted a paper on behalf of the European Community together with Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. Amongst other suggestions, this paper called for the SBSTA to develop a prioritised work programme on HFC and PFC emissions. The EU submission can be consulted at:

<http://europa.eu.int/comm/environment/climat/submissionpamsfinal.pdf>

### Belgium launches its National Climate Change Programme

Belgium adopted its National Climate Change Programme on Wednesday 6 March 2002. The programme aims to reduce greenhouse gases emissions by 7.5% in the period 1990 and 2012.

The Climate Change Programme is 130 pages long and divided into four chapters touching upon Belgium's commitments to climate change, a global evaluation of the plan and the principal measures and follow-up to the plan. The main measure of the plan is a proposed CO<sub>2</sub> tax. A CO<sub>2</sub> tax of 11.5 Euros per tonne of CO<sub>2</sub> would reduce emissions by 13.7Mt by 2010.

A second major plank of the climate plan is a series of negotiated agreements to reduce greenhouse gases between industry sectors and Belgium's three regions - Flanders, Wallonia and Brussels. The government plan indicates that sectors concluding

agreements could be exempt from the carbon tax.

The full details of the programme are yet to be made public and will then be available on the Internet:

<http://deleuze.fgov.be>

### Austria update

The standstill period, which started with the notification by the Austrian Ministry of Environment of its Draft Ordinance on certain Prohibitions and Restrictions for HFCs and other industrial gases to the European Commission according to Directive 98/34 on 23 January 2002, will end on 24 April 2002.

EPEE continues to take actions and measures to express its concerns at both an EU level and National level on this issue, with a view to getting the Member States and the Commission to lodge a complaint against the proposed measure. The EPEE legal paper on this issue will be finalised in the coming weeks.

### Switzerland update

The consultation period for responding to the Swiss proposed Ordinance to modify parts of its existing Regulation on dangerous substances for the environment concerning ozone-depleting substances and stable substances in the air, which covers fluorinated gases, will end on 25 March 2002.

The Swiss proposal envisages the following provisions:

- \* the manufacture, importation of HFC foams and products containing HFC foams will be banned from 1/1/2003, unless one cannot achieve the same level of insulation in the technology using

- other materials;
- \* federal authorities can grant a temporary derogation for specific technologies to manufacturers and importers if there are no known substitute technologies and when the quantity of HFCs used/imported are only to be used in said technologies;
- \* Moreover, the proposal envisages banning the production, importation, exportation and renovation of equipment containing HFCs from:
  - \* 1 January 2003, domestic refrigeration and freezer appliances;
  - \* 1 January 2005, dehumidifiers;
  - \* 1 January 2008 air conditioning used in motor vehicles;
  - \* 1 January 2005 air conditioners.

The federal authorities can grant temporary derogations on request for HFC use in technologies if there is no substitute technology available. For installations using more than 3kg of HFCs, users have to get a licence from the local authorities ("Cantons").

EPEE is in the process of preparing a submission to the Swiss government.

### Environment of Electronic and Electrical Equipment (EEE)

A workshop for stakeholders on the Business Impact Study on the draft EEE Directive took place on 8 February, organised by ICER in conjunction with ENTEC. A further more general workshop on the draft proposal took place in Brussels on the 21-22 February. These workshops were technical in nature.

In essence, the workshop on the draft proposal stressed that the EEE Directive aims to complement and facilitate the WEEE and RoHS Directives. The Business Impact Assessment has been launched, and first results are expected by Summer 2002. The

final draft of the Directive is expected to be adopted by the Commissioner at the end of 2002.

The proposal is being drafted by DG Enterprise, which stresses that while the Directive aims to reduce the environmental impact of the product life-cycle, it also aims to ensure the competitiveness of European industry in this area. DG Enterprise also stressed the link to Integrated Product Policy (IPP) and the EU sustainable development strategy as well as to the 6th Environment Action Programme. The EEE Directive is conceived as a first legislative example of IPP thinking.

Representatives of EPEE participated in these workshops.

### Energy efficiency in buildings

The European Parliament adopted the Rapporteur's, Alejo Vidal-Quadras Roca MEP (PES, Spain) Report on the proposal for a Directive on the energy performance of buildings on 6 February 2002.

The MEPs weakened the Council position as they voted against early introduction of mandatory building energy certificates. The Directive will introduce a requirement for all building sales and rent transactions to be accompanied by an energy performance certificate allowing prospective occupants to compare future costs. Under the Parliament's proposal, Member States will not have to transpose the law until 2005 or apply certification to all existing buildings until 2010.

According to an article in ENDS 7 February 2002, the Rapporteur MEP Alejo Vidal-Quadras Roca confirmed that, following this vote, Member States would not be obliged to require energy audits in the sale or rent of existing buildings until towards the end of 2010. "This type of legislation is not so easy

to adapt" at national level, he said. Mr Vidal-Quadras also told ENDS that other of the parliament's amendments focused more attention on cooling systems for buildings in southern European countries and could reduce the need for air conditioning. The proposal now returns the Council of Ministers for their final review of the text before adoption.

### Denmark update

The new Danish Government has yet to make its position clear on the proposed phase-out of HFCs put on hold after the change of government in November 2001. However, it seems that a proposal for a new HFC regulation will be sent to consultation with stakeholders before a final decision will be adopted.

## U P C O M I N G E V E N T S C A L E N D A R

### M a r c h

- 6 **Company Action Group Meeting** (closed)
- 21 **ENVI Committee vote on WEEE/RoHS**
- 25 **Deadline for comments to the Swiss proposal**
- 25-27 **The Fourth Annual Earth Technology Forum in Washington DC**

### A p r i l

- 17 **Workshop on "the ECCP Programme - F-gases - The way forward"** (closed)
- 18 **Strategy Development Group Meeting** (closed)
- 24 **Deadline for comments on the Austrian proposal as notified**

### J u n e

- 18 **Steering Committee Meeting** (closed)

Please submit items for EPEE NEWS and the UPCOMING EVENTS CALENDAR to [secretariat@epeeglobal.org](mailto:secretariat@epeeglobal.org)