

EPEE



NEWS

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The Commission ECCP sub-working Group on 'Fluorinated Gases' was reconvened on 6 May 2002 to discuss with the Commission the planned legislation on F-Gases. EPEE participated in the meeting. The Commission intends to adopt the proposal on F-Gases by October 2002.

Denmark releases HFC phase-out proposal for public consultation 2

Denmark released its new draft Statutory Order on certain industrial greenhouse gases proposing to phase-out HFCs for public consultation in mid-April. Comments to the proposal are requested by 1 June 2002. The new text bans new refrigeration systems, heat-pumps and air-conditioning systems with more than 10kg of HFCs as of 2007, and includes a wider list of exempted applications. It is expected that the Minister will sign the Order by mid-June 2002.

EP discusses ECCP first phase communication 2

Anneli Hulthén's (PES, Sweden) draft report on the Commission Communication on the first phase of the ECCP was released in April. Currently, the draft text is not in line with ECCP approach to planned F-Gases legislation. The deadline for amendments is 15 May.

Switzerland notifies EFTA and WTO its F-Gases proposal 4

The Swiss fluorinated gases phase-out proposal was notified to the Commission (under the EFTA agreement) in late March 2002. The standstill period ends on the 19 June 2002. In addition, Switzerland notified the proposal to the Committee of Technical Barriers to Trade (CTBT) of the WTO and the deadline for comments is the 19 May.

Update on Austria 4

By 24 April 2002, Spain, France, Belgium, Italy, the Netherlands and the European Commission have submitted detailed opinions on the notified Austrian HFC-ban proposal. Sweden, France and Finland have submitted observations. These submissions mean that the standstill period is extended for three months until the 24 July.

WEEE/RoHS adopted in European Parliament 4

On 10 April 2002 the European Parliament adopted its Second Reading Recommendations on the WEEE/RoHS proposals. It is expected that these proposals will now go to conciliation.

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ECCP Working Group on 'Fluorinated Gases'

The Commission ECCP sub-working Group on 'Fluorinated Gases' was reconvened on 6 May 2002 to discuss the planned legislation on F-Gases. The Commission updated the meeting on the timetable for adoption of the planned legislative text; the Business Impact and Regulatory impact studies would be finalised by July 2002 and the text of the legislation would be drafted mainly in July, including a consultation of stakeholders. Then, the Commission inter-service consultation would begin in September 2002 and the proposal is expected to be adopted by the college of Commissioners in October 2002.

DG Environment spoke in favour of an amendment to the ODS Regulation to include F-Gases. Several Member States (Italy, UK, Finland, Sweden and The Netherlands) and all industry representatives expressed their opposition to this proposal. DG Enterprise seems to tend towards favouring stand-alone legislation. The Commission concluded that it would need to consult the Commission legal service on this issue.

The next meeting of the Working Group is scheduled for the 27 June 2002.

Denmark releases HFC phase-out proposal for public consultation

Denmark has released its new draft Statutory Order on certain industrial greenhouse gases proposing to phase-out HFCs for public consultation on 19 April 2002.

The new text bans new refrigeration systems, heat-pumps and air-conditioning systems containing more than 10kg of

HFCs as of 1 January 2007 (as opposed to 2006 in the previous version). In this new version, the industrial use of HFCs, PFCs and SF6 is not included, with the exception of the industrial use of HFCs in the production of flexible foam. Moreover, the legislation includes a wider list of applications exempted from the legislative provisions. Mobile refrigeration systems, heat-pumps and air-conditioning systems containing between 0.15 kg and 10 kg of HFCs, as well as air-conditioning systems, in which the industrial greenhouse gases are used in a hermetic closed system containing under 50 kg of HFCs are exempted.

Comments to the proposal are requested by 1 June 2002. The Environment Minister Hans-Christian Schmidt is expected to make a final decision in June 2002, and the Order should take effect on 1 July 2002 or, alternatively, one month after the date of its entry into force. The Minister has the possibility to consult the Danish Parliament "Folketing" on the issue. He will most probably call the Parliament for a meeting in June to discuss the proposal before adopting it.

The Danish Environment Ministry has made it clear that it does not plan to notify the draft Order to the European Commission, as it considers that only minor changes are made in the new version.

EP discusses ECCP first phase communication

Anneli Hulthén (PES, Sweden) published her draft report on the Commission Communication on the first phase of the ECCP in mid-April.

The wording on the planned F-Gases legislation is at odds with the ECCP

approach. Hulthén states in point 22 of the draft report in relation to the awaited legislation on f-gases:

"[The European Parliament] welcomes the Commission's intention to submit a proposal for a framework directive on fluorinated gases but regrets the fact that instead of tackling this rapidly growing aspect of EU greenhouse gases, the Commission opts to focus simply on limited initiatives for containment and recycling of such fluorinated gases, despite the fact that phasing them out for new equipment is simple to achieve for many applications."

In her explanatory statement on F-Gases Hulthén further says that the use of fluorinated gases "should be restricted where there are alternative solutions, e.g. by means of a positive list."

A discussion on the draft report took place on the issue in the Environment Committee on 22 April. During the Committee discussion, there was no mention of fluorinated gases. The Rapporteur emphasised that she welcomes the Commission's statement that the objective of reducing greenhouse gas emissions from the 1990 level by minus 8% is a minimum requirement. Peter Liese (EPP, Germany) stressed that industry is already undertaking action to cut greenhouse gas emissions and that the Commission should look at potential cuts in private households and transport. He also called for the Commission to go ahead with its planned proposal on energy efficiency in electronic equipment. Rolf Linkohr (PES, Germany) emphasised that if the costs for a particular industry sector are too high then the consensus in Europe on attaining Kyoto targets can easily fall apart.

The deadline for amendments is 15 May 2002 and the Environment Committee will vote on the report on 17-18 June 2002.

Switzerland notifies EFTA and WTO its F-Gases proposal

The Swiss fluorinated gases phase-out proposal was notified to the Commission (under the EFTA agreement) in late March 2002. The standstill period for comments ends on 9 June 2002.

While the notification falls under the scope of EC Directive 1998/34 on notification, the procedure is different, as Switzerland is an EFTA country. In this case, the Commission is solely responsible for deciding whether to respond to the notification. The response can only take the form of observations. Should the Commission decide to comment on the notified text, it will forward its draft observation to Member States for their comments before officially submitting a response. Other EFTA states have also the right to comment.

In addition, Switzerland notified the Committee of Technical Barriers to Trade (CTBT) of the WTO in late March 2002 and the deadline for comments is the 19 May (under WTO rules these comments should be sent directly to the Swiss Agency of Environment, Forests and Landscape). The CTBT agreement states that members shall 'take into account any comments received' or answer any clarification sought by other Members on the notified text. The common practice is for a member to reply in writing to any comments received. In WTO matters, the European Commission is competent to act for the European Community. For the Commission the procedure for adoptions of comments is similar to that for EFTA notification, and other WTO members have the right to respond.

The Commission, should it choose to respond, will present one single observation for both the WTO and EFTA notification processes.

The English text of the document notified to the Commission can be reviewed at: <http://europa.eu.int/comm/enterprise/tris/webdata/20029503EN.doc>

Update on Austria

By 24 April 2002, Spain, France, Belgium, the Netherlands, Italy and the European Commission had submitted detailed opinions on the notified Austrian HFC-ban proposal. Sweden, France and Finland have submitted observations. Thus, France submitted both a detailed opinion and an observation. These submissions mean that the standstill period is extended for a further three months until the 24 July 2002. Austria will be asked to respond to the detailed opinion submitted. A date has not been set for a response by Austria, should Austria choose to respond.

WEEE/RoHS adopted in European Parliament

On 10 April 2002 the European Parliament adopted its Second Reading recommendations on the WEEE/RoHS proposals.

The European Parliament's final position on RoHS does not mention HFCs but states that 'particular attention shall be paid during the review to the impact on the environment and on human health of other hazardous substances and materials used in electrical and electronic equipment'. The Commission is called on to examine the feasibility of substituting such substances and material and will come forward with a proposal on this issue as appropriate. Thus, the inclusion of HFCs in the provision of the Directive at the point of review is still possible.

The Parliament's position further calls for the Parliament and the Council to have the power to decide on the prohibition of other hazardous substances and the substitution

of more environmentally friendly alternatives to those in the finally agreed Directive - with the provision that the decision can only be made 'as soon as the necessary scientific data is available'. This means that any revision of the legislation or of the exemption list will be dealt with by the co-decision procedure and that the Parliament could, again, in the future include HFCs in the legislation.

On the amendments connected with the Selective treatment annex of the WEEE proposal, an amendment removing HCs from the list of gases for selective treatment was rejected and an amendment replacing the specific reference to CFC, HCFC, HFC or HC with 'Equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15' was adopted.

It is expected that these proposals will now go to conciliation. MEPs who spoke at the debate ahead of the Plenary vote, made it clear that the European Parliament is united on the key elements of the proposal. Several MEPs stressed that the Council's position needs to be substantially tightened up and strengthened in conciliation.

EPEE/EFCTC April F-Gases workshop

EPEE in partnership with the European Fluorocarbon Technical Committee (EFCTC) hosted on 16 April in Brussels a workshop dedicated to discussions on the future European legislation on fluorinated gases (F-Gases). Attendees included the European Commission representatives, MEPs, NGO representatives, National Ministry officials and industry representatives. The speakers included Oliver Deleuze, the Belgian Secretary of State for Energy, Marianne Wenning Deputy Head of the Commission's Climate Change Unit and Christina Orcoyen Tormo, MEP.

Discussions covered the scientific context of climate change issues, why F-Gases are used and for what applications, sustainability issues around F-Gases use, and, in particular, regulatory solutions for emissions containment and control. The panel discussions allowed an open exchange of views between users, producers, academics, regulators, legislators, consumer associations and NGOs.

Particular attention was paid to the principles of responsible use of F-gases. The majority of participants agreed that there is a continuing role for the responsible use of f-gases, to provide efficient, low risk systems and applications that offer significant benefits. Unnecessary restrictions on the use, production and applications of F-Gases, it was agreed, will ultimately be to the detriment of the environment and will lead to an increase in safety risks.

Real emission reduction, achieved by better monitoring and containment will be the primary elements of new legislation. The intention of the Commission to prepare such an EU level F-Gases legislative proposal was welcomed by all the participants and several attendees spoke out against attempts by Member States such as Austria and Denmark to launch unilateral and unbalanced legislation on the use F-Gases. However most participants were quick to respond negatively to a suggestion by Marianne Wenning that the planned legislation could take the form of an amendment to the current Ozone Depleting Substance (ODS) Regulation.

Energy efficiency in end-use equipment

The European Commission (DG Energy and Transport) held a workshop on 30 April in order to discuss the initiative with stakeholders and representatives of Member

States and of the European Environment Agency (EEA). EPEE members attended this workshop. Various matters, such as minimum efficiency standards and existing energy related efficiency initiatives were discussed. The Commission will include these initiatives in the planned Directive. Product certification and voluntary/mandatory requirements were also discussed. On the issue of tests by third parties, Member States announced that they would push for strict rules instead of voluntary agreements.

The planned framework Directive on energy efficiency in end-use-equipment is one of the proposals included in the first phase implementation Communication of the ECCP (as the Proposal for a Framework Directive for minimum energy efficiency requirements for end-use equipment) on which the Commission will take action in the coming 24 months. The proposal will set limits on emissions so as to increase energy efficiency linked to the uses of the EEE. It should also give the flexibility to manufacturers to reach these targets through methods of their own choice. The final proposal is expected in mid-2002.

The scope of the proposal is expected to cover all the end-use equipment which is sold and used in the EU market and which consumes a significant amount of energy. It would also include standard components (electric motors, power supplies) and specific functions (e.g. stand by).

EEA Greenhouse Gas Emissions Report

The European Environment Agency (EEA) published on 29 April the European Union's greenhouse gas emissions figures for the year 2000. They are compiled from data provided by Member States and quality-checked for the European Commission by

the EEA and its Topic Centre on Air and Climate Change.

Figures show that the EU has met its commitment under the United Nations Framework Convention on Climate Change (UNFCCC) to stabilise its emissions by the year 2000. Greenhouse gas emissions in the EU in 2000 were 3.5% lower than in the base year 1990. Environment Commissioner Margot Wallström welcomed the report. However, all Member States, except the United Kingdom, project their emissions (by 2010) to be above their Burden Sharing target, under the Kyoto protocol. The new EEA data confirm that in the year 2000 most Member States were well above their target path for Kyoto. Commissioner Wallström therefore warned that without further efforts and additional policies and measures at both European and national level, the European Union would not be able to reach its target of minus 8% in the Kyoto commitment period 2008-2012."

Wallström calls on stakeholders to contribute to sustainable development

Speaking at one of the European Commission's "Green Week" events in Brussels on 18 April 2002, Commissioner Margot Wallström called on all stakeholders, and particularly businesses, to get involved in debate on sustainable development ahead of the August 2002 World Summit in Johannesburg. Her appeal is linked to the fact that little progress was made in the preparatory talks for the Johannesburg summit in New York.

Wallström stated that "more stakeholders must be involved to achieve good results" and effective implementation is another crucial issue to be addressed in Johannesburg. She urged all parties to narrow down "a long list of wishes" to a few concrete items for the Johannesburg agenda. The EU trade Commissioner Pascal Lamy also spoke at the event, pointing out that although progress had been "uneven", all international trade negotiations were now being conducted under the umbrella of sustainable development. He emphasised that the Commission's will to show a united front on sustainability.

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

- 19 **Deadline for comments to the Swiss proposal as notified to the WTO**
- 19-22 **7th International Energy Agency Heat Pump Conference "Heat Pumps - Better by Nature" in Beijing**

J u n e

- 6-8 **European Business Summit "Entrepreneurship and Sustainable Development in an Enlarged Europe"**
- 18 **Steering Committee Meeting (closed)**
- 19 **Deadline for comments to the Swiss proposal as notified to EFTA**
- 24-25 **Environment Council**

J u l y

- 24 **Extended standstill period for Austrian proposal ends**

**Please submit items for EPEE NEWS and the UPCOMING EVENTS CALENDAR to
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