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DOCUMENT 1-976/81

REPORT

drawn up on behalf of the Committee on the
Environment, Public Health and Consumer
Protection

on the proposal from the Commission of the
European Communities to the Council
(Doc. 1-620/81) for a decision on the
consolidation of precautionary measures
concerning chlorofluorocarbons in the
environment

Rapporteur: Mrs C. SCRIVENER

By letter of 9 October 1981, the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal for a decision on the consolidation of precautionary measures concerning chlorofluorocarbons in the environment.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible.

On 3 November 1981, the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Scrivener rapporteur.

It considered the proposal at its meetings of 10 November, 25 November 1981 and 26 January 1982 and at the last-mentioned meeting adopted the proposal and draft report with 13 votes in favour and 7 abstentions.

The following voted: Miss Hooper, vice-chairman and acting chairman; Mrs Weber, vice-chairman; Mrs Scrivener, rapporteur; Mr Berkhouwer, Mr Bombard, Mr Del Duca, Mr Ghergo, Mrs Krouwel-Vlam, Mrs Lentz-Cornette, Mrs Maij-Weggen (deputizing for Mr Alber), Mr Mertens (deputizing for Mr Clinton), Mr Muntingh, Mrs Pantazi-Tzifa, Mr Protopapadakis (deputizing for Mrs Schleicher), Mr Remilly, Mrs Seibel-Emmerling, Mr Sherlock, Mrs Spaak, Mrs Squarcialupi and Sir Peter Vanneck (deputizing for Mr Johnson).

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council on the consolidation of precautionary measures concerning chlorofluorocarbons in the environment

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(81) 558 fin.)¹
 - having been consulted by the Council (Doc. 1-620/81),
 - having regard to the Communication from the Commission to the Council of 26 May 1981²,
 - having regard to the need to take firm measures against anything disturbing the balance of the atmosphere,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-976/81),
1. Welcomes the fact that the minimal aim of reducing the use of chlorofluorocarbons (CFC 11 and CFC 12) within the Community as propellant gases in aerosols by at least 30% in relation to the 1976 level has largely been achieved by 31 December 1981;
 2. Notes, however, that there are significant disparities between the rates of reduction in the use of CFCs 11 and 12 in the individual Member States, a situation which is distorting competition;
 3. Therefore urges all Member States which did not achieve the desired reduction of 30% by the end of 1981 to further intensify their efforts to reach this target without delay;
 4. Considers it desirable for the information on the production and sale of chlorofluorocarbons to be obtained by independent inquiry commissioned by the European Community;
 5. Invites the Commission, in cooperation with national experts and the industry concerned, to intensify the negotiations now started, with a view to reducing to a minimum the chlorofluorocarbon emissions for which the refrigeration, foam plastics and solvents sectors are responsible;

¹ OJ No. C 269 of 21.10.1981, p. 5

² COM(81) 261 final

6. Earnestly hopes that the Commission will be able to encourage worldwide initiatives to reduce the production and use of CFCs in countries and continents which have not yet succeeded in doing so;
7. Urges the Commission to obtain as swiftly as possible information concerning aerosol cans imported from third countries into the European Community;
8. Considers it necessary for the consumer to be informed of the possible consequences of chlorofluorocarbon emissions into the atmosphere;
9. Approves the Commission's proposal.

EXPLANATORY STATEMENTI. BACKGROUND TO THE PROPOSAL FOR A DECISION

1. The Council Decision of 26 March 1980¹ contains provisions for:

- (a) a ban on all increases in chlorofluorocarbon CFC production capacity within the Community, and,
- (b) a reduction of at least 30% , in relation to the 1976 reference level, in the use of these chlorofluorocarbons in the filling of aerosol cans by 31 December 1981.

The Council reserved the right to adopt, no later than 30 June 1981, on a proposal from the Commission, such measures as might become necessary in the light of a re-examination of the available scientific and economic data.

2. The European Parliament was consulted by the Council and supported this solution in 1979². However, in its report³, the Committee on the Environment had asked for the use of chlorofluorocarbons (CFCs) to be reduced by 50% by 31 December 1981 and by 100% by 31 December 1983.

3. In its detailed Communication of 26 May 1981⁴, the Commission supplied the Council with the scientific and economic data needed for the re-examination referred to in the Decision of 26 March 1980.

As regards economic data, the Commission noted that the use of CFC 11 and 12 in aerosols within the Community is decreasing whilst the use of these same CFCs in other sectors is increasing rapidly.

4. As regards the scientific data, the Commission feels that there is nothing to suggest that the potential risks of CFCs for the ozone layer can be questioned at this stage. It therefore concludes that the preventive policy pursued so far by the Community should be continued.

¹ OJ No. L 90 of 3 April 1980, p. 45

² OJ No. C 4 of 7 January 1980, p. 69

³ Doc. 1-570/79 (Newton Dunn Report)

⁴ COM(81) 261 final

II. CONTENT OF THE PROPOSAL FOR A DECISION

5. In the light of these factors, the Commission is proposing the following measures:

- (a) zero growth of the production capacity of CFC 11 and 12 (as before) and the definition of both production capacity and of a reference figure for that production (new) - (Article 1),
- (b) zero growth of the use of CFC 11 and 12 in the filling of aerosol cans in accordance with the following principles (Article 2):
 - (aa) no increase beyond the 1981 levels of use;
 - (bb) the reference level for 1981 should be at least 30% lower than the 1976 level;
- (c) unspecified action programme for the reduction of CFC emissions when these substances are used in the sectors of foam plastics, refrigeration and solvents (Article 3, paragraph 2),
- (d) the introduction, on a voluntary basis, of an information system enabling the Commission to collect all the necessary information on the production and use of CFCs from the manufacturer or the Member States (Article 3, paragraph 1),
- (e) revision clause for 30 June 1984 (Article 4).

III. SPECIFIC REMARKS

A. Use of CFC 11 and 12 in the filling of aerosol cans

6. Article 2 of the proposal seeks to require the Member States:
- (a) to prevent any increase in the use of CFC 11 and 12 in the filling of aerosol cans in relation to the total quantity used in 1981;
 - (b) the 1981 reference level must be at least 30% below the 1976 level.

7. Note: It should be remembered that the use of CFC 11 and 12 will have declined by more than 30% in the Community by the end of 1981. Between 1976 and 1980 the reduction was 23.5%. But it is important to note that the level of reduction varied considerably between the individual Member States (Germany, Holland and Denmark between 40 and 50%, the reduction being well below 30% in some other countries).

8. It is hardly likely that the Member States which achieved much higher reduction levels will fall back in view of the industrial plant expenses which were incurred in order to achieve this reduction.

B. Use of CFC 11 and 12 in the sectors of foam plastics, refrigeration and solvents

9. Article 3 (2) of the proposal for a Decision seeks to limit CFC emissions when these substances are used in the sectors of foam plastics, refrigeration and solvents. The Commission's concern is justified. Firstly, it is well known that these types of use produce emission (e.g. CFCs are normally released into the atmosphere when refrigerators are maintained), even if these emissions are on a smaller scale than when CFC is used as a propellant gas in aerosols. Secondly, the use of CFCs in these sectors is increasing dramatically as shown by the following figures:

| | 1977 | | 1980 |
|--|------|----|------|
| Use of CFCs for foam plastics, refrigeration and solvents as a proportion of total use | 30% | to | 42% |
| Use of CFCs as a propellant gas in aerosols as a proportion of total use | 70% | to | 58% |

10. In other words, although the use of CFC 11 and 12 in the filling of aerosols declined by 28.5% between 1976 and 1980, their use for other purposes increased by 34.7%. According to figures supplied by the Commission¹, this increase largely took place in the foam plastics sector.

11. Although, therefore, the Commission's concern is well founded, the solution it proposes is largely inadequate in its present form. Article 3, paragraph 2, states: 'Member States shall cooperate with the Commission in actions aimed to reduce CFC losses...'. It is therefore considered desirable for the Commission to continue its efforts and to draw up practical proposals for reducing CFC emissions in these sectors as soon as possible.

¹See COM(81) 261 final, p. 5

C. Zero growth of production capacity

12. The Council Decision of 26 March 1980¹ provided for zero growth of CFC 11 and 12 production capacity. According to the Commission proposal, this zero growth requirement should be maintained. But the Commission has clearly had difficulty in applying and monitoring this regulation in the past. One problem at the outset is that the Commission has not yet been able to give a precise figure for the total production capacity².

13. The Commission lacks the necessary information from the CFC manufacturers. It has attempted to compensate for this in its proposal by estimating and defining a notional production capacity (see Annex to the proposal, p. 5). In this way the Commission has arrived at a notional capacity of 480,000 tonnes per year.

D. Restriction of Community measures to CFC 11 and 12

14. The Commission proposal is confined to CFC 11 and 12. In 1979, a majority of the members of the Committee on the Environment³ took the view that the Community measures should apply to all chlorofluorocarbons. The Council did not accept this view and restricted the measures to CFC 11 and 12.

15. The Commission communication of 26 May 1981⁴ contains no information on CFCs other than CFC 11 and 12. It states: 'It might be pointed out that the Commission has not received any information since 1977 on CFCs other than CFC 11 and 12, although there would appear to be a marked increase in the use thereof'. It goes without saying that this matter must be pursued in greater depth in coming years.

E. Measures at international level

16. In its Communication of 26 May 1981⁵, the Commission notes that world production of CFCs (with the exception of the Community and the United States) has increased by 36.7% in relation to the 1976 level. It therefore rightly concludes that the Community should call for steps as part of the United Nations Environment Programme (UNEP) to reduce CFC production in those countries and continents which have not so far introduced reduction programmes of their own. It is regrettable that this Commission view is not reflected in its proposal for a Council Decision.

¹OJ No. L 90 of 3 April 1980, p. 45

²COM(81) 261 final, p. 6

³Doc. 1-570/79, p. 8

⁴COM(81) 261 final, p. 5

⁵COM(81) 261 final, pp. 10 and 11

17. It is for this reason that the Committee on the Environment is urging that the Commission be given a specific negotiating brief by the Council to demand the following measures under the UNEP:

- (a) international ban on increases in CFC production capacity;
- (b) gradual reduction of the use of CFC as a propellant gas.

20. Conclusion

Bearing in mind the above observations and the information provided in the Communication from the Commission to the Council of 26 May 1981, the Committee on the Environment, Public Health and Consumer Protection recommends that Parliament adopt the proposal for the consolidation of precautionary measures concerning the reduction of the use of CFCs in the Community.

