



European Commission

Policy perspectives for Fluorinated Gases
from the European Climate Change Programme
to the legislative proposal

Wolfgang Hehn
European Commission
Enterprise Directorate General



Overview

1. ECCP - Mandate, Results and Recommendations
 2. ECCP - Follow-up by Commission, Council and the European Parliament
 3. Elements of the Legislative Proposal currently in Inter Service Consultation
-
4. Expected Schedule

ECCP- Mandate and Objectives

- ◆ General: Identify and develop elements of a European climate change strategy
- ◆ Working group for fluorinated gases:
 1. Identification of the most relevant applications for Community Measures
 2. Elaboration of proposals for cost-effective policy instruments for each of the applications of fluorinated gases

ECCP - Main conclusions

- ◆ Contribution of Fluorinated Gases to Global Warming about 2% in 1995 (64 mt CO₂ eq) and may reach 2-4% (98 million tons CO₂ eq) in 2010
- ◆ There is a cost-effective reduction potential of about 30 mt at costs of < 20 €/ t CO₂ and of about 49 mt at costs of < 50 €/ t CO₂



Main Recommendations (1)

The Working Group agreed that there is a **significant, cost-effective potential to reduce fluorinated gas emissions** from many sources. A clear political statement should be made that all reasonable efforts are undertaken to reduce emissions.

Current phrasing of the ECCP recommendation in the draft proposal:

- ◆ All measures practicable shall be taken to prevent and minimise emissions of fluorinated gases;
- ◆ This effectively sets the goal of zero emissions and the intention is to encourage development and dissemination of the best practice for minimising leakage to the extent this is technically achievable and cost-effective.

Main Recommendations (2)

Establish a regulatory framework on Community level on fluorinated gases

Main elements:

- ◆ Improved monitoring and verification of emissions
- ◆ Improved containment of fluorinated gases
- ◆ Marketing and use restrictions in certain applications

Main Recommendations (3)

Use existing legislation where appropriate:

- ◆ IPPC Directive for control of large point sources (HCFC-22 manufacture, aluminium, magnesium smelting)
- ◆ Waste legislation (ELV and WEEE)
- ◆ Link with Ozone Regulation necessary in order to avoid delays in phase-out of ozone depleting substances

ECCP - Follow-up by Commission, and Council of Ministers

- ◆ Commission Communication (Oct. 2001):
Endorsement of the findings of the ECCP
- ◆ Council of Ministers (Dec. 2001):
Endorsement, with more refined criteria for
use restrictions,
(Oct. 2000): study and prepare measures on
greenhouse gases from Mobile Air
Conditioning

ECCP: Reaction from the European Parliament:

- ◆ Resolution of 25 September 2002:

Welcomes the Commission's intention to forward a proposal for community legislation on fluorinated gases;
this proposal is to cover all applications of fluorinated gases

Elements of the Proposal: Containment

- ◆ All measures practicable to be taken to prevent and minimise emissions
- ◆ Inspection for leakage - mandatory at least once a year depending on quantity used
- ◆ Recovery for recycling or destruction - mandatory for most equipment
- ◆ Minimum qualifications for staff handling fluorinated gases - to be set by MS



Elements of the Proposal: Monitoring

Data to be reported to Commission annually by producers, importers and exporters on each substance on:

- Production
- Uses (feedstock or other)
- Quantities recycled, reclaimed or destroyed
- Stocks

Elements of the Proposal:

Marketing and Use Restrictions (1)

- ◆ SF6 in magnesium die casting
- ◆ SF6 in vehicle tyres
- ◆ Ban of non refillable containers
- ◆ Fluorinated gases in windows
- ◆ Fluorinated gases in sport shoes
- ◆ HFCs in self chilling drinks containers
- ◆ HFCs in One Component Foams
- ◆ HFCs in aerosols (except technical aerosols and metered dose inhalers)
- ◆ PFCs in fire fighting

Elements of the Proposal: Marketing and Use Restrictions (2)

- ◆ New restrictions can be added in consideration of
 - safety
 - health and medical considerations
 - technical feasibility
 - cost-effectiveness
 - environmental performance of alternative substances or technologies

Elements of the Proposal: Marketing and Use Restrictions (3)

- ◆ General orientation in the draft proposal:
“Fluorinated gases should only be used where other safe, technically feasible, cost-effective and more environmentally acceptable alternatives do not exist. Provision should therefore be made to restrict the marketing and use of fluorinated gases where acceptable alternatives do exist and to establish a mechanism to consider whether further marketing and use restrictions are appropriate.”

Potential elements of the Proposal: Mobile Air Conditioning

- ◆ Present use of HFC-134a is not considered as a sustainable solution
 - ❖ Commercially viable alternatives will be in the market in 5-10 years
 - ❖ Phase out in medium terms is called for
- ◆ Start phasing in alternatives in 2008 (?) and end by 2012 (?) in passenger cars
- ◆ Credits for early action to encourage innovation and to allow flexibility



Elements of the Proposal: Main issues to be resolved

- ◆ Legal base for the proposal internal market (Art. 95) or environment (Art. 174) of the European Treaty
- ◆ Details of the marketing and use restrictions, including mobile air conditioning (transition periods, scope)
- ◆ Revision clause and competence of a management committee

Next steps in preparation of legislation

- ◆ Inter-service consultation (June 2003)
Clarification of the residual technical and legal issues and finalisation of a draft
- ◆ Adoption of proposal by the Commission (July or September 2003)
- ◆ Discussion of the proposal in Council and Parliament (starting autumn 2003)

Important Documents

- ◆ Final report of the Working Group Fluorinated Gases (<http://europa.int/comm/enterprise/chemicals/index.htm>)
- ◆ Commission Communication on the implementation of the first phase of the ECCP, COM (2001) 580 of 23 October 2001
- ◆ Letter of DG Environment dt 12 June 2003 on the proposed new EC Regulation on fluorinated gases