# COMMISSION RECOMMENDATION

**of 27 June 1990**

**on the reduction of chlorofluorocarbons used by the Community's refrigeration industry**

(90/438/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 155 thereof,

Whereas the Community has signed the Vienna Convention for the protection of the ozone layer, together with all of its Member States;

Whereas the Community has signed the Montreal Protocol on substances that deplete the ozone layer, together with all of its Member States;

Whereas the Council has adopted on 14 October 1988 Decision 88/540/EEC [1] for the conclusion and ratification of the Vienna Convention and the Montreal Protocol;

Whereas the Council has adopted on 14 October 1988 Regulation (EEC) No 3322/88 [2] for the implementation at Community level of the Montreal Protocol;

Whereas recent scientific studies have confirmed that some depletion of the ozone layer has already occured and that the observed changes may be due, wholly or in part, to the increased atmospheric abundance of trace gases, particularly chlorofluorocarbons (CFCs);

Whereas it is important to achieve the greatest feasible substitution of the CFCs listed in Annex I and halons in all areas of their use;

Whereas a number of Member States have reached voluntary agreements with their refrigeration industries for the progressive reduction in view of possible elimination of the CFCs listed in Annex I from these products;

Whereas the Council resolution of 14 October 1988 for the limitation of use of chlorofluorocarbons and halons [3] invites the Commission, in cooperation with the Member States, to initiate discussions on voluntary agreements at the Community level with all the industries concerned, wherever feasible to substitute the CFCs listed in Annex I and halons in products or in equipment or processes using them;

Whereas the European CFC producers represented by the European Chemical Industry Federation (CEFIC) have declared that they will recover and recycle used CFCs where technically feasible;

Whereas the refrigeration industry of the Community has elaborated a code of practice [4] concerning the design, installation, maintenance, and repair of refrigeration equipment as well as waste disposal for reducing the release of CFCs into the atmosphere;

Whereas, pending the availability of alternative substances with zero ozone-depletion potential (ODP), and which are environmentally acceptable in other respects, the reductions referred to in paragraph I.2 will depend upon the commercial availability and use of alternative substances which have a positive but relatively low ozone-depletion potential;

Whereas in some sectors of the refrigeration industry, such as domestic refrigeration, only marginal reductions in the consumption of controlled substances can be achieved prior to the commercial availability of alternative refrigerants;

Whereas the Council of Ministers concluded on 2 March 1989 that there is a need for a reduction of at least 85 % as soon as possible in the current level of production and use of the CFCs covered by the Montreal Protocol with a view to their being eliminated towards the end of the century, and for the said Protocol to be strengthened accordingly,

HEREBY RECOMMENDS:

I. to all sectors of the refrigeration and air conditioning industry in the Community, including manufacturers, installers and those undertaking the servicing of refrigeration and air conditioning equipment; and to all users of such equipment in the commercial, industrial, and public sectors together to seek:

1. to limit the consumption of the fully halogenated chlorofluorocarbons listed in Annex I used as refrigerants in refrigeration, with a view to phasing them out before the end of the century;

[1] OJ No L 297, 31. 10. 1988, p. 8.
[2] OJ No L 297, 31. 10. 1988, p. 1.
[3] OJ No C 285, 9. 11. 1988, p. 1.

[4] CECOMAF GT1-001 : Reduction of chlorofluorocarbon emissions from refrigerating systems.

2. to reduce the consumption of fully halogenated chlorofluorocarbons by at least 25 % by the end of 1991 and by at least 50 % by the end of 1993 with respect to the 1986 consumption. In 1986 the Community consumption of the chlorofluorocarbons listed in Annex I in refrigeration was 28 800 ODP weighted tonnes. Progress in reduction will be monitored by the annual sales statistics for the substances listed in Annex I issued by the producers in the Community;

3. to take all practicable measures to capture and return to the suppliers or other appropriate centres any used refrigerant for reclamation where technically feasible;

II. to the federations mentioned in Annex II:

1. to use their best endeavours to ensure that the refrigeration industry within the Community minimizes its consumption of the controlled substances and achieves the reductions referred to in I.2;

2. to present to the Commission an annual report on the progress made in respect of the target reductions mentioned above, including statistics where practicable and starting with the year 1989;

III. to Member States to use their best endeavours:

1. to introduce requirements, in conjunction with their industry, for training, of operatives and technicians in the safe handling of refrigerants, leading to a certificate of competency; and, through their technical institutions, to establish a precise definition of professional qualification of operatives and technicians and technical competency of companies;

2. to encourage research and development of equipment used in the recovery of CFCs;

3. to introduce measures with a view to phasing out the use of disposable CFC containers;

4. to encourage recovery and recycling and to support the efforts of training of personnel;

5. to ensure that the aims of the recommendation are achieved by contributions from their respective territories.

Done at Brussels, 27 June 1990.

*For the Commission*

Carlo RIPA DI MEANA

*Member of the Commission*

*ANNEX I*

**Substances covered by this recommendation**

| Substance | Ozone-depleting potential |
|---|---|
| CFC13 (CFC- 11) | 1,0 |
| CF2C12 (CFC- 12) | 1,0 |
| C2F3C13 (CFC-113) | 0,8 |
| C2F4C12 (CFC-114) | 1,0 |
| C2F5C1 (CFC-115) | 0,6 |

*ANNEX II*

1. AREA : Air Conditioning & Refrigeration European Association
2. CECED : European Committee of Manufacturers of Electrical Domestic Equipment
3. CECOMAF : European Committee of Manufacturers of Refrigeration Equipment
4. RIB : Refrigeration Industry Board (RIB/CECOMAF)