

Wednesday 15 December 1999

COMMON POSITION  
OF THE COUNCILAMENDMENTS  
BY PARLIAMENT

(Amendment 17)

*Article 6(3), 1st subparagraph*3. *This Article shall take effect:***Deleted**

- *after an agreement has been concluded between the compensation bodies established or approved by the Member States relating to their functions and obligations and the procedures for reimbursement;*
- *from the date fixed by the Commission upon its having ascertained in close cooperation with the Member States that such an agreement has been concluded,*

*and shall apply for the whole duration of that agreement.*

(Amendment 18)

*Article 10(3)*

3. Without prejudice to paragraph 1 the Member States shall establish or approve the compensation body in accordance with Article 6(1) before ...<sup>(\*)</sup>. *If the compensation bodies have not concluded an agreement in accordance with Article 6(3) before ...<sup>(\*\*)</sup>, the Commission shall propose measures designed to ensure that the provisions of Articles 6 and 7 take effect before ...<sup>(\*\*\*)</sup>.*

3. Without prejudice to paragraph 1 the Member States shall establish or approve the compensation body in accordance with Article 6(1) before ...<sup>(\*)</sup>.

<sup>(\*)</sup> 18 months from the date of entry into force of this Directive.

<sup>(\*\*)</sup> 24 months from the date of entry into force of this Directive.

<sup>(\*\*\*)</sup> 30 months from the date of entry into force of this Directive.

<sup>(\*)</sup> 18 months from the date of entry into force of this Directive.

(Amendment 19)

*Article 10(4)*

4. *Member States may, in accordance with the Treaty, maintain or bring into force provisions which are more favourable to the injured party than the provisions necessary to comply with this Directive.*

**Deleted**

## 16. Substances that deplete the ozone layer \*\*\*II

A5-0077/1999

**European Parliament legislative resolution on the common position adopted by the Council with a view to the adoption of a European Parliament and Council regulation on substances that deplete the ozone layer (5748/3/1999 — C5-0034/1999 — 1998/0228(COD))**

(Codecision procedure: second reading)

*The European Parliament,*

- having regard to the Council common position (5748/3/1999 — C5-0034/1999)<sup>(1)</sup>,
- having regard to its position at first reading<sup>(2)</sup> on the Commission proposal to Parliament and the Council (COM(1998) 398)<sup>(3)</sup>,

<sup>(1)</sup> OJ C 123, 4.5.1999, p. 28.

<sup>(2)</sup> OJ C 98, 9.4.1999, p. 260.

<sup>(3)</sup> OJ C 286, 15.9.1998, p. 6.

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- having regard to the Commission's amended proposal (COM(1999) 67) <sup>(1)</sup>,
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0077/1999),
1. Amends the common position as follows;
  2. Instructs its President to forward its position to the Council and Commission.

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(Amendment 1)  
*Recital 16a (new)*

**(16a) Whereas the switch to new technologies or alternative products, required because the production and use of controlled substances are to be phased out, could lead to problems for small and medium-sized undertakings (SMUs) in particular; whereas the Member States should therefore consider providing appropriate forms of assistance specifically to enable SMUs to make the necessary changes;**

(Amendment 9)  
*Article 4(1), 2nd subparagraph*

The Commission may, following a request by a competent authority of a Member State and in accordance with the procedure laid down in Article 17, authorise a temporary exemption to allow the use of chlorofluorocarbons in military applications until 31 December 2008, where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used.

The Commission may, following a request by a competent authority of a Member State and in accordance with the procedure laid down in Article 17, authorise a temporary exemption to allow the use of chlorofluorocarbons **in hermetically sealed devices designed for implantation in the human body for delivery of measured doses of medication until 31 December 2004, and in existing** military applications under 31 December 2008, where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used.

(Amendment 14)  
*Article 5(1)(c)(iv)*

(iv) from 1 January 2001, in all other refrigeration and air-conditioning equipment produced after 31 December 2000, with the exception of *fixed air-conditioning equipment, with a cooling capacity of less than 100 kW, where the use of hydrochlorofluorocarbons shall be prohibited from 1 January 2003 in equipment produced after 31 December 2002 and of reversible air-conditioning/heat pump systems where the use of hydrochlorofluorocarbons shall be prohibited from 1 January 2004 in all equipment produced after 31 December 2003;*

(iv) from 1 January 2001, in all other refrigeration and air-conditioning equipment produced after 31 December 2000, with the exception of reversible air-conditioning/heat pump systems where the use of hydrochlorofluorocarbons shall be prohibited from 1 January 2004 in all equipment produced after 31 December 2003;

<sup>(1)</sup> OJ C 83, 25.3.1999, p. 4.

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(Amendment 15)

Article 5(1)(c)(v)

(v) from 1 January 2010, the use of virgin hydrochlorofluorocarbons shall be prohibited in the maintenance and servicing of refrigeration and air-conditioning equipment existing at that date;

(v) from 1 January **2005**, the use of virgin hydrochlorofluorocarbons shall be prohibited in the maintenance and servicing of refrigeration and air-conditioning equipment existing at that date; **all hydrochlorofluorocarbons shall be prohibited from 1 January 2007;**

(Amendment 21)

Article 5(6)

6. The Commission may, in accordance with the procedure laid down in Article 17, in the light of experience with the operation of this Regulation or to reflect technical progress, modify the list and the dates set out in paragraph 1.

6. The Commission may, in accordance with the procedure laid down in Article 17, in the light of experience with the operation of this Regulation or to reflect technical progress, modify the list and the dates set out in paragraph 1, **but in no case extend the periods set out therein.**

(Amendment 22)

Article 5(7)

7. The Commission may, following a request by a competent authority of a Member State and in accordance with the procedure laid down in Article 17, authorise a time-limited exemption to allow the use and placing on the market of hydrochlorofluorocarbons in derogation from paragraph 1 and Article 4(3) where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used.

7. The Commission may, following a request by a competent authority of a Member State and in accordance with the procedure laid down in Article 17, authorise a time-limited exemption to allow the use and placing on the market of hydrochlorofluorocarbons in derogation from paragraph 1 and Article 4(3) where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used. **The Commission shall immediately inform the Member States of any exemptions granted.**

(Amendment 24)

Article 14a (new)

**Article 14a****Notification of Member States**

**The Commission shall immediately notify the Member States of any measures it adopts pursuant to Articles 6, 7, 9, 12, 13 and 14.**

(Amendment 25)

Article 15(5)

5. Member States shall *promote, as appropriate, the establishment of destruction, recycling and reclamation facilities*. Member States shall define the minimum qualification requirements for the personnel involved. At the latest on 31 December 2001, Member States shall report to the Commission on the programmes related to the above qualification requirements. The Commission shall evaluate the measures taken by the Member States. In the light of this evaluation and of technical and other relevant information, the Commission, as appropriate, shall propose measures regarding those minimum qualification requirements.

5. Member States shall **establish systems to promote the recovery, recycling, reclamation and destruction of controlled substances and assign to users, refrigeration technicians or other appropriate bodies responsibility for ensuring compliance with the provisions of paragraph 1**. Member States shall define the minimum qualification requirements for the personnel involved. At the latest on 31 December 2001, Member States shall report to the Commission on the programmes related to the above qualification requirements. The Commission shall evaluate the measures taken by the Member States. In the light of this evaluation and of technical

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and other relevant information, the Commission, as appropriate, shall propose measures regarding those minimum qualification requirements.

(Amendment 26)

Article 19(3)

3. The competent authorities of the Member States shall carry out the investigations which the Commission considers necessary under this Regulation.

3. The competent authorities of the Member States shall carry out the investigations which the Commission considers necessary under this Regulation. **Member States shall also conduct random checks on imports of controlled substances, and communicate the schedules and results of those checks to the Commission.**

(Amendment 29)

Annex VII, 3rd indent

— for the making inert of occupied spaces where flammable liquid and/or gas release could occur in the military and petrochemical sector, and in cargo ships;

— for the making inert of occupied spaces where flammable liquid and/or gas release could occur in the military **and oil, gas** and petrochemical **sectors**, and in **existing** cargo ships;

## 17. Heavy goods vehicles travelling in Switzerland \*\*\*I

A5-0075/1999

**Proposal for a European Parliament and Council Regulation (EC) on the distribution of permits for heavy goods vehicles travelling in Switzerland (COM(1999) 35 — C5-0054/1999 — 1999/0022(COD))**

The proposal was amended as follows:

TEXT PROPOSED  
BY THE COMMISSION<sup>(1)</sup>

AMENDMENTS  
BY PARLIAMENT

(Amendment 2)

Recital 8

(8) Whereas the allocation of permits should be based on criteria that take full account of existing transport flows across the Alpine region;

(8) Whereas the allocation of permits should be based on criteria that take full account of existing **freight** transport flows **and genuine transport needs** across the Alpine region;

(Amendment 3)

Recital 9a (new)

**(9a) Whereas the measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(1)</sup>;**

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(1)</sup> OJ C 114, 27.4.1999, p. 4.