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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
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Subject:	ODS Regulation: WPE meeting on 13 March 2023: Steering note

Delegations will find attached a steering note prepared by the Presidency with a view to the meeting of the Working Party on the Environment on 13 March 2023.

Presidency Steering note

Meeting of the Working Party for Environment –

13 March 2023 – ODS regulation

The Presidency has prepared this steering note to guide discussions during the WPE meeting on March 13th. This steering note has been prepared based on the discussions at the WPE meeting on February 17th and written comments from Member States.

State of play

The Commission published the proposal for the revised Regulation on Substances that deplete the ozone layer on the April 5th, 2022. It was presented by the Commission in the WPE in May 2022. The examination of the proposal was initiated under the French Presidency and continued under the Czech Presidency. The proposal was discussed in parallel to the proposal for a revised regulation on F-gases. The Presidency presented a compromise text to the WPE meeting on February 17th.

Delegations are invited to comment and express positions on the text. To facilitate the examination, please find below the rationale of the proposed substantial changes.

Horizontal note

The provisions that are identical or equivalent in the two proposals, and until now were discussed in the context of the F-gas regulation, have now been integrated in the consolidated compromise text. Delegations are therefore invited to express if they share the assessment from the Presidency, regarding the elements imported from the F-gas regulation.

CHAPTER III Exemptions to prohibitions

Article 8 Essential laboratory and analytical uses

At the meeting of February 17th, many delegations argued that a withdrawal of current registration requirement could lead to an increase in fraudulent practice and make it more difficult for the competent authorities of the Member States to identify these companies and to carry out checks. The Presidency therefore proposes to replace the Commission's proposal with text from the current regulation (Article 8, paragraphs 2a and 2b).

Article 10 Emergency use of methyl bromide; recital 13

This provision, corresponding to article 12.3 of Regulation (EC) No 1005/2009, has never been used. Several MS have questioned whether a need would appear in the future and have suggested deleting the article. At the meeting of February 17th, however, many MS also argued that future emergency situations could not be ruled out. The Presidency proposes to revert to the Commission's proposal and maintain the possibility for exemptions. In parallel, the Presidency suggests underlining in recital 13 that such an exemption would be unlikely, based on experiences so far.
