



Council of the
European Union

Brussels, 6 December 2019
(OR. en)

7509/13
DCL 1

ENV 215
MI 201

DECLASSIFICATION¹

of document:	ST 7509/13 RESTREINT UE/EU RESTRICTED
dated:	15 March 2013
new status:	Public
Subject:	Recommendation for a Council Decision authorising the Commission to negotiate, on behalf of the Union, amendments and adjustments to the Montreal Protocol on substances that deplete the ozone layer

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

¹ Document declassified by the European Commission on 26 November 2019.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 March 2013

7509/13

RESTREINT UE/EU RESTRICTED

**ENV 215
MI 201**

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 13 March 2013

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc. **COM(2013) 128 final**

Subject: Recommendation for a Council Decision authorising the Commission to
negotiate, on behalf of the Union, amendments and adjustments to the
Montreal Protocol on substances that deplete the ozone layer

Delegations will find attached Commission document **COM(2013) 128 final**.

Encl.: **COM(2013) 128 final**



EUROPEAN
COMMISSION

Brussels, 12.3.2013
COM(2013) 128 final

Recommendation for a
COUNCIL DECISION

authorising the Commission to negotiate, on behalf of the Union, amendments and adjustments to the Montreal Protocol on substances that deplete the ozone layer

DECLASSIFIED

EXPLANATORY MEMORANDUM

1. The Union and its Member States are Parties to the Vienna Convention for the protection of the ozone layer, and to the Montreal Protocol on Substances that Deplete the Ozone Layer adopted under that Convention.
2. The Union considers that further action is needed to secure the success in reducing the use and emissions of ozone-depleting substances (ODS) under the Montreal Protocol over the last decades and, therefore, intends to contribute actively to negotiations, notably with respect to the following:

Actions on high-global warming potential alternatives to ozone-depleting substances, including amendments to the Montreal Protocol, and related instruments, to regulate hydrofluorocarbons (HFCs).
3. The objective of this Recommendation is that the European Commission be authorised to negotiate on the above-mentioned issues on behalf of the Union at the XXVth Meeting of the Parties to the Protocol, at the XXVIth Meeting of the Parties to the Protocol / Xth Conference of the Parties to the Convention and at the XXVIIth Meeting of the Parties to the Protocol, to ensure coordinated Union positions and actions.
4. The Recommendation will have no impact on the EU budget. Any conclusions that may emerge from these negotiations requiring implementation through Union legislation should be consistent with the Treaty and relevant Union legislation, in particular Regulation (EC) No 1005/2009 on substances that deplete the ozone layer² Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases³ and Directive 2006/40/EC relating to emissions from air-conditioning systems in motor vehicles⁴.

² OJ L 286, 31.10.2009, p. 1.
³ OJ L 161, 14.6.2006, p. 1.
⁴ OJ L 161, 14.6.2006, p. 12.

Recommendation for a

COUNCIL DECISION

authorising the Commission to negotiate, on behalf of the Union, amendments and adjustments to the Montreal Protocol on substances that deplete the ozone layer

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(3) thereof,

Having regard to the recommendation from the European Commission,

WHEREAS the Commission should be authorised to negotiate, on behalf of the European Union, amendments and adjustments to the Montreal Protocol on Substances that Deplete the Ozone Layer,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission is hereby authorised to negotiate, on behalf of the European Union, as regards matters falling within the Union's competence, amendments and adjustments to the Montreal Protocol at the XXVth Meeting of the Parties to the Protocol, at the XXVIth Meeting of the Parties to the Protocol / Xth Conference of the Parties to the Convention and at the XXVIIth Meeting of the Parties to the Protocol.
2. The Commission shall conduct the negotiations on behalf of the European Union, as regards matters falling within the Union's competence, in consultation with a special committee of representatives of Member States, and in accordance with the negotiating directives set out in the Annex hereto.
3. To the extent that the subject matter of the agreement falls within the shared competence of the Union and of its Member States, the Commission and the Member States should cooperate closely during the negotiating process, with a view to aiming for unity in the international representation of the European Union and its Member States.

Article 2

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*

DECLASSIFIED

ANNEX

NEGOTIATING DIRECTIVES

1. The Commission shall endeavour to ensure that an agreement leading to any revision of the Montreal Protocol and its application is consistent with relevant European Union legislation, and in particular with Regulation (EC) No 1005/2009 on substances that deplete the ozone layer, with Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases and with Directive 2006/40/EC relating to emissions from air-conditioning systems in motor vehicles.
2. With regard to the proposals to amend the Montreal Protocol to regulate hydrofluorocarbons (HFCs), the Commission shall engage in the negotiations on how to best address the issue of increasing HFC emissions and shall endeavour to ensure, in accordance with the position of the Union, that action under the Montreal Protocol:
 - (a) should not undermine the United Nations Framework Convention on Climate Change and any measures agreed therein,
 - (b) would not exclude HFCs from the scope of the Convention or any other instruments related thereto, and
 - (c) should not affect existing commitments undertaken by the Parties thereunder.
3. The Commission shall conduct negotiations in accordance with relevant European Union legislation in force or agreed positions of the Union established specifically for the purposes of these negotiations within the special committee of representatives of the Member States or within the Council.
4. The Commission shall report to the Council on the outcome of the negotiations and, where appropriate, on any problem that may arise during the negotiations.