



Brussels, 21/06/2019
SG.A2/CR

Opinion

Title: Evaluation of Regulation (EC) No 1005/2009 on substances that deplete the ozone layer

Overall opinion: POSITIVE

(A) Context

A layer of ozone in the upper atmosphere protects all living beings from harmful solar radiation. In the 1970s, scientists discovered that emissions from certain manufactured chemicals, including chlorofluorocarbons (CFCs) and halons, cause damage to this ozone layer. Many ozone-depleting substances are also strong greenhouse gases. Reducing their emissions thus helps to slow climate change. To this end, the EU regulates ozone layer depleting substances. A 2009 EU Regulation contributes to protecting the ozone layer by complying with the internationally agreed Montreal Protocol.

This evaluation examines how this EU Regulation has performed, and whether it is fit for purpose going forward. The findings will inform future deliberations on EU policies to protect the ozone layer.

(B) Main considerations

The Board acknowledges that the evaluation findings are well substantiated. The board takes note of plans to make the report more reader-friendly for non-experts.

The Board gives a positive opinion. The Board also considers that the report should further improve with respect to the following key aspects:

- (1) The evaluation does not clearly present the achievements of the Regulation. It does not sufficiently differentiate what the current Regulation achieved from the overall realisations of the longstanding rules in this field.**
- (2) The report does not explain how the Regulation, through its rigorous system of monitoring and enforcement in implementation of the Montreal Protocol, relates to the role the EU plays in the global coalition.**
- (3) The report does not clarify whether there is a need for continued higher ambition for the future, possibly related to climate action.**

(C) Further considerations and recommendations

(1) The evaluation should be clear on whether the objectives as set out in the preceding impact assessment were met. It should explain better how the various types and uses of ozone-depleting substances evolved, and how this influenced the protection of the ozone layer. It could also more explicitly discuss the extent to which simplification has materialised as anticipated.

(2) The evaluation should clarify the relevant points of comparison it uses as a basis for the analysis of the effects of the Regulation.

(3) In terms of achieved reduction of emissions of ozone-depleting substances, the report could more clearly present how this has contributed to combatting climate change. It should also clarify what is the remaining potential to contribute to the reduction of greenhouse gases.

(3) The report suggests that the global coalition has been effective with regard to ozone-depleting substances. The evaluation could do more to identify how this Regulation might enhance the EU's ability to influence future multilateral efforts.

(4) The evaluation could clarify the marginal costs, cost reductions and other benefits of remaining actions to take under the Regulation. This would help to assess the case for additional ambition in the future, also with regard to climate action.

Some more technical comments have been transmitted directly to the author DG.

(D) RSB scrutiny process

The Board advises the DG to take these recommendations into account before launching the interservice consultation.

Full title	Evaluation of Regulation (EC) No 1005/2009 on substances that deplete the ozone layer
Reference number	PLAN/2017/927
Date of RSB meeting	19.06.2019