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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE EVALUATION

**of Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16
September 2009 on substances that deplete the ozone layer**

{SWD(2019) 406 final}

Regulation (EC) No 1005/2009 is **fit-for-purpose**. It **significantly contributes to the timely recovery of the stratospheric ozone layer and to reducing climate warming**. It also **ensures compliance with obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer and exerts influence on third countries** to do likewise. It **remains** crucial to have an effective policy in place and while the Regulation has **been fit-for-purpose, there are opportunities for updates, further simplification and better coherence with other legislation**.

Emissions from Ozone-depleting substances (ODS) led to the development of the “ozone hole”, with adverse impacts on our health. They also contribute to climate warming. Thus, ODS emissions must be prevented to achieve a recovery of the ozone layer and contribute to reaching the 1.5 degrees Celsius target of the Paris Agreement on Climate Change.

The Regulation has achieved its objectives effectively. It ensured EU compliance with the Montreal Protocol and ensured that ODS uses that have been phased-out, do not reappear. This requires strict rules and the ability to ensure effective enforcement. Over the past decades EU production for non-exempted uses was reduced from the Montreal Protocol baseline of 700 000 ODP tonnes¹ to 32 ODP tonnes. Similarly, EU consumption for non-exempted uses decreased from the baseline of 400 000 ODP tonnes to below zero. Since 2010, the Regulation has eliminated a few additional ODS applications and promoted the development of new alternatives.

The Regulation remains highly relevant. The EU must continue ensuring compliance with the Montreal Protocol. Any backsliding on the ODS phase-out could endanger the recovery of the ozone layer. Thus effective enforcement remains essential. By giving a good example, the EU influences global discussions and the required technical conversions in a way that maximises the global effort. The Regulation reflects technological and scientific development, by having flexibility conferred on the Commission to adjust the Regulation, for instance if new ODS should become a threat. There is broad support for continuing the control of ODS from all stakeholder groups.

Overall, the Regulation has been efficient. It is indisputable that it contributes to major environmental, health and climate benefits. In the absence of a global effort, the global ozone layer would have collapsed by the mid-21st century. Based on the latest scientific consensus, the ozone hole will recover by 2060. At the same time, the Regulation did not create unreasonable costs over the period 2010-2017. Changes introduced in 2010 have led to cost savings for undertakings of close to EUR 2 million and have significantly reduced Member States' administrative burden; costs incurred at European level have increased (i.e. setting up of a licensing and reporting systems) and there appears to be some scope for simplification.

In general, the Regulation aligns with relevant EU and international legislation. Further coherence could be achieved, i.e. with customs law, and the legal text could be streamlined.

The Regulation has a clear EU added value. Only a harmonized EU approach can implement the Montreal Protocol's obligations and respect internal market rules. It is also more efficient than national measures and stakeholders support regulating this policy area at EU level.

¹ Metric tonnes of an ODS multiplied by a factor representing the ozone depleting potential of the ODS.