II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 27 June 1990

on the reduction of chlorofluorocarbons used by the Community's foam plastics industry

(90/437/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 155 thereof,

Whereas the Community has signed the Vienna Convention for the protection of the ozone layer, together with all of its Member States;

Whereas the Community has signed the Montreal Protocol on substances that deplete the ozone layer, together with all of its Member States;

Whereas the Council has adopted on 14 October 1988 Decision 88/540/EEC [1] for the conclusion and ratification of the Vienna Convention and the Montreal Protocol;

Whereas the Council has adopted on 14 October 1988 Regulation (EEC) No 3322/88 [2] for the implementation at Community level of the Montreal Protocol;

Whereas recent scientific studies have confirmed that some depletion of ozone layer has already occured and that the observed changes may be due, wholly or in part, to the increased atmopospheric abundance of trace gases, particularly chlorofluorocarbons (CFCs);

Whereas it is important to achieve the greatest feasible substitution of the CFCs listed in Annex I and halons in all areas of their use;

Whereas a number of Member States have reached voluntary agreements with the manufacturers of plastic foams for the progressive reduction with a view to possible elimination of the CFCs listed in Annex I from these products;

Whereas the Council resolution of 14 October 1988 for the limitation of use of chlorofluorocarbons and halons [3] invites the Commission, in cooperation with the Member States, to initiate discussions on voluntary agreements at the Community level with all the industries concerned, wherever feasible to substitute the CFCs listed in Annex I and halons in products or in equipment or processes using them;

Whereas, pending the availability of new substances, the reductions set out in Annex II will depend upon the commercial availability and use of alternative substances which have a positive but relatively low ozone-depletion potential (ODP) and which are environmentally acceptable in other respects;

Whereas the Council of Ministers concluded on 2 March 1989 that there is a need for a reduction of at least 85 % as soon as possible in the current level of production and use of the CFCs covered by the Montreal Protocol with a view to their being eliminated towards the end of the century, and for the said Protocol to be strengthened accordingly,

HEREBY RECOMMENDS:

I. to the Community's foam plastics manufacturers to seek:

(1) OJ No L 297, 31. 10. 1988, p. 8.
(2) OJ No L 297, 31. 10. 1988, p. 1.
(3) OJ No C 285, 9. 11. 1988, p. 1.

1. to limit the use of the fully halogenated chlorofluorocarbons listed in Annex I in foam plastics and to phase them out before the end of the century;

2. to reduce the use of fully halogenated chlorofluorocarbons by at least 35 % by the end of 1991 and by at least 65 % by the end of 1993 with respect to the 1986 consumption. In 1986 the Community use of the chlorofluorocarbons listed in Annex I for the manufacture of plastic foams was 85 400 ODP weighted tonnes. The breakdown of the above reductions for each sector of the foam plastics industry is set out in Annex II. Progress in reduction will be monitored by the annual sales statistics for the substances listed in Annex I issued by the producers in the Community;

II. to the federations mentioned in Annex III:

1. to use their best endeavours to ensure that the foam plastics industry within the Community minimizes its use of the controlled substances and achieves the reductions referred to in I.2;

2. to use their best endeavours to ensure that the industrial sectors they represent minimize their use of the controlled substances and achieve the reductions referred to in Annex II;

3. to present to the Commission an annual report on the progress made in respect of the target reductions listed in Annex II, including statistics where practicable, and starting with the year 1989;

III. to the Community's manufacturers of raw materials for the foam plastics for which any of the fully halogenated chlorofluorocarbons listed in Annex I are used as blowing agents, including the manufacturers of these blowing agents and the associations of both of these industrial sectors listed in Annex IV:

1. to pursue the development of materials, formulations and technology for the commercial production of foam plastics with reduced usage of the substances listed in Annex I, and to promote the utilization of such materials, formulations and technology for the manufacture of foam plastics;

2. to pursue programmes of research and development directed towards providing environmentally acceptable materials and technology which will enable foam plastics to be produced commercially without the use of any of the substances listed in Annex I;

3. to present to the Commission an annual report on the technical progress made in respect of III.1 and III.2 including statistics where practicable and starting with the year 1989;

IV. to Member States to use their best endeavours to ensure that the aims of the recommendation are achieved by contributions from their respective territories.

Done at Brussels, 27 June 1990.

For the Commission

Carlo RIPA DI MEANA

Member of the Commission

ANNEX I

Substances covered by this recommendation

Substance	Ozone depleting potential (ODP)
CFC-11	1,0
CFC-12	1,0
CFC-113	0,8
CFC-114	1,0
CFC-115	0,6

ANNEX II

Foam plastics industry

(1)	(2)	(3)	(4)
1. Polyurethane foam sector			
1.1. Flexible — slabstock	9 692	− 50 %	− 50 % (*)
1.2. Flexible — moulding	6 550	− 50 %	− 80 %
1.3. Rigid — appliances	9 250	− 45 %	− 50 %
1.4. Rigid — building / industrial	27 950	− 10 %	− 50 %
1.5. Others	6 950	− 25 %	− 65 %
2. Extruded polystyrene foam sector			
2.1. Extruded polystyrene board insulating boardstock	7 000	− 50 %	− 100 %
2.2. Extruded polystyrene foam packaging	6 000	− 100 %	− 100 %
3. Polyolefin foams	5 000	− 50 %	− 100 %
4. Phenolic foams	1 600	− 10 %	− 50 %

(1) Different sectors of the foam plastics industry.
(2) Mean values of estimates of CFCs used by each sector in European Economic Community (1986).
(3) Estimated percentage changes in CFC usage by the end of 1991 with respect to consumption in 1986.
(4) Estimated percentage changes in CFC usage by the end of 1993 with respect to consumption in 1986.
(*) Industry have indicated that a much higher reduction is expected to be achieved by 1993, but an exact figure could not be set.

ANNEX III

European federations representing sectors of the foam plastics industry

1. BING :	Federation of European Rigid Polyurethane Foam Associations
2. CECED :	European Committee of Manufacturers of Electrical Domestic Equipment
3. EPFA :	European Phenolic Foam Association
4. European Quality Assurance	Association of Expanded Polystyrene Foam Manufacturers
5. Europur :	European Association of Flexible Polyurethane Foam Blocks Manufacturers
6. Eutraplast :	Committee of Western European Plastics Converters Associations
7. Exiba :	European Extruded Polystyrene Insulation Board Associations
8. Panama International :	Panel Manufacturers International Association

ANNEX IV

Associations of manufacturers of raw materials for the foam plastics industry

1. EFCTC :	European Fluorocarbon Technical Committee
2. ISOPA :	European Isocyanate Producers Association
3. EPFA :	European Phenolic Foam Association