

Climate Change and Ozone Layer Depletion

Non-compliance with Regulation 2037/2000, on substances that deplete the ozone layer.

(a) Legal action of the European Commission against the Republic of Cyprus before the Court of Justice of the European Communities.

According to articles 16 and 17 of the Regulation (EC) 2037/2000 of the European Parliament and of the Council, the member states should take measures for the recovery, recycling, reclamation and destruction of controlled substances which are specified in the Regulation and affect the ozone, and take all practicable precautionary measures for the prevention and minimization of leakages of controlled substances.

The European Commission, following the issue, in October 2005, of a Reasoned Opinion addressed to the Republic of Cyprus, due to the insufficient implementation of the provisions of the above Regulation, proceeded to take legal action against the Republic of Cyprus, on 29.10.2007.

The document bringing the case to the Court refers, inter alia, to the absence of a legal framework for the specification of the qualifications of technicians responsible for the management of the controlled substances, the non-implementation of measures for the control of the leakage of substances, the non-introduction of a system for the processing and recovery of controlled substances and to the absence of information about the quantities of the controlled substances which were collected and destroyed.

In the defence which was lodged by the Republic of Cyprus on 30.1.2008, it is stated, inter alia, that most of the omissions referred to in the application are

addressed by the adoption, by the Republic of Cyprus, of Law No. 175(I)/2007, concerning the Substances which Deplete the Ozone Layer, the Regulations of 2007 (R.A.A. 622/2007), concerning the Substances which Deplete the Ozone Layer (Execution of Related Work) and the Regulations of 2007 (R.A.A. 623/2007), regarding the Substances which Deplete the Ozone Layer, which were published in the Official Gazette of the Republic on 31.12.2007, 28.12.2007 and 28.12.2007, respectively. Regarding the argument of the European Commission, of the non-introduction by the Republic of Cyprus of a system promoting the recovery, recycling, reclamation and destruction of controlled substances, it is noted that the Republic of Cyprus is promoting the storage and export of such substances, since the construction of suitable installations in the Republic is not economically viable.

(b) Use of halons in ships of the Cyprus Ship Register. According to article 4.4(v) of Regulation 2037/2000 of the European Parliament and of the Council on substances which deplete the ozone layer, fire protection systems and fire extinguishers containing halons should be decommissioned and halons should be recovered according to the specified procedure. On the basis of the above, halons should have been removed from the ships recorded in the Cyprus Ship Register, as from 1.5.2004.

I understand that the Environment Service, in letters submitted to the Ministry of Communications and Works and the Department of Merchant Shipping, has pointed out the need for compliance with the provisions of the above Regulation, but these have not yet been applied.

DG Environment of the European Commission, in its letter dated 5.7.2007, has indicated the possibility of taking legal action against the Republic of

Cyprus, due to non-compliance with the provisions of the above Regulation. Also, in the letter of the Director of the Department of Merchant Shipping, dated 10.8.2007, addressed to the Environment Service, it is stated that, in view of the above matter, the entrance of some Cypriot ships to Spanish ports has been prohibited by the Authorities of Spain.

National registry for the allowances of greenhouse gas emissions and reports and submission of data concerning climatological changes.

(a) On the basis of Directive 2003/87/EC, the Commission of the European Communities issued, on 18.7.2007, a decision concerning the national allocation plan of allowances for the emission of greenhouse gases for Cyprus for the period 2008-2012. The Commission accepted the above plan, but the approved annual quantity of allowances for allocation was cut by 23%. According to the estimations of the Environment Service, the above decrease, translated to absolute financial sizes in current prices, corresponds to a value which exceeds £100 million.

As a result of the above decision, the national allocation plan was revised and the preliminary draft of the revised plan was submitted, at the beginning of February 2008, by the Technical Committee to the Competent Authority (Minister of Agriculture, Natural Resources and Environment), which approved the draft at the end of February 2008. The National Allocation Plan will be submitted to the Council of Ministers and after approval will be communicated to the European Commission.

(b) According to the United Nations Treaty for the elimination of climate change and the relevant Kyoto Protocol, the European Union and the member

states should submit, at regular intervals, reports on the emissions of greenhouse gases, as well as the policies and measures taken for their reduction. Decision No. 280/2004/EC of the European Parliament and of the Council of 11.2.2004, concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol, clarifies, inter alia, the obligations of states to submit reports on climatological changes.

In 2006 and 2007, letters of formal notice were issued by the Commission of the European Communities, for the non-prompt submission of the aforesaid reports by the Republic of Cyprus, which were addressed by the submission of the required data. In the response letters it is stated that the Republic of Cyprus has no obligation for the submission of reports about greenhouse gas emissions, since Cyprus is not included in Appendix I of the United Nations Treaty and Appendix B of the Kyoto Protocol, but will submit, voluntarily, the relevant data to the Commission, as a contribution to the effort made by the Community to combat climate change.

Although in our previous year's Report we suggested that, in view of the divergence of opinion between the Commission and the Republic of Cyprus, for the obligation to submit the above data, efforts should be made for the clarification of the whole matter, a suggestion the Environment Service agreed with, the matter is still pending.

The European Commission issued, on 23.10.2007, a letter of formal notice, according to which the information submitted by the Republic of Cyprus on 21.3.2007, on the basis of article 3.2 of the aforesaid decision of the European Parliament, was incomplete. The Environment Service informed the Law Office that the Ministry of Agriculture, Natural Resources and

Environment still holds the view that the Republic of Cyprus is exempted from the commitments created by the above decision, yet the additional information required by the Commission was submitted.