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*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
on fluorinated greenhouse gases
(COM(2012)0643 – C7-0370/2012 – 2012/0305(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Bas Eickhout

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on fluorinated greenhouse gases
(COM(2012)0643 – C7-0370/2012 – 2012/0305(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0643),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0370/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union
 - having regard to the opinion of the European Economic and Social Committee of 23 May 2013¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Transport and Tourism (A7-0240/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal

Amendment 1

Proposal for a regulation

Recital 2 b (new)

Text proposed by the Commission

Amendment

(2 b) The increase in the use of fluorinated greenhouse gases has served the objective of substituting other substances depleting the ozone layer. Fluorinated greenhouse gases currently represent only 2% of overall greenhouse gas emissions in the Union. Fluorinated greenhouse gases are mainly used in the regions of the Union with warmer climatic conditions. If the targets for their use are not set in a balanced way, companies in some Member States will have to face a heavier burden than in others.

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) A Commission report on the application, effects and adequacy of Regulation (EC) No 842/2006 concluded that the current containment measures, if fully applied, have the potential to reduce emissions of fluorinated greenhouse gases. Those measures should, therefore, be maintained and clarified on the basis of the experience gained in implementing them. Certain measures should also be extended to other appliances in which substantial quantities of fluorinated greenhouse gases are used, such as refrigerated trucks and trailers. The obligation to establish and maintain records of equipment that contains such gases should also cover electrical switchgear.

(3) A Commission report on the application, effects and adequacy of Regulation (EC) No 842/2006 concluded that the current containment measures, if fully applied, have the potential to reduce emissions of fluorinated greenhouse gases. Those measures should, therefore, be maintained and clarified on the basis of the experience gained in implementing them, ***and should be complemented by requirements in relation to recovery schemes, and by the extensive use of recovered and recycled fluorinated greenhouse gases together with the introduced bans.*** Certain measures should also be extended to other appliances in which substantial quantities of fluorinated

greenhouse gases are used, such as refrigerated trucks and trailers. The obligation to establish and maintain records of equipment that contains such gases should also cover electrical switchgear.

Amendment 3

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The Commission's report also concluded that more can be done to reduce emissions of fluorinated greenhouse gases in the Union, in particular by avoiding the use of those gases where there are safe and energy efficient alternative technologies with no impact or a lower impact on the climate. *A decrease of up to two thirds of the 2010 emissions by 2030 is cost-effective because proved and tested alternatives are available in many sectors.*

Amendment

(4) The Commission's report also concluded that more can be done to reduce emissions of fluorinated greenhouse gases in the Union, in particular by avoiding the use of those gases where there are safe and energy efficient alternative technologies with no impact, or a lower impact, on the climate. *Given the availability, in many sectors, of alternatives which are reliable and technically and economically viable and are designed to operate in the different climatic conditions of the Member States, a decrease of more than two thirds of the 2010 emissions can be readily achieved and at a reasonable cost by 2030.*

Amendment 4

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The European Parliament Resolution on a comprehensive approach to non-CO₂ climate relevant anthropogenic emissions (B7-0474/2011) welcomed the Union's commitment to support action on hydrofluorocarbons (HFCs) under the Montreal Protocol as a prime example of a non-market based approach to reducing greenhouse gas emissions. That

Resolution also urged for the exploration of ways to promote an immediate phase down of HFCs at international level through the Montreal Protocol.

Amendment 5

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Comprehensive data acquisition is necessary in order to monitor progress towards achieving the objectives relating to the reduction of emissions of fluorinated greenhouse gases. The obligation to establish and maintain records concerning equipment containing such gases should, therefore, also apply to electrical switchgear and other equipment covered by this Regulation.

Justification

It is more appropriate to cover the need for record keeping in a specific recital.

Amendment 6

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) Given that there are suitable alternatives, the current ban on using sulphur hexafluoride in magnesium die-casting and the recycling of magnesium die-casting alloys should be extended to facilities that use less than 850 kg per year. Similarly, with an appropriate transitional period, the use of refrigerants with very high global warming potential ("GWP") to service or maintain refrigeration equipment with a charge size equivalent to **5 tonnes** of CO₂ or more should be banned.

Amendment

(7) Given that there are suitable alternatives, the current ban on using sulphur hexafluoride in magnesium die-casting and the recycling of magnesium die-casting alloys should be extended to facilities that use less than 850 kg per year. Similarly, with an appropriate transitional period, the use of refrigerants with global warming potential ('GWP') **of more than 2 500** to service or maintain refrigeration equipment with a charge size equivalent to **50 tonnes** of CO₂ or more should be banned.

Amendment 7

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Additional bans on the placing on the market of new equipment for refrigeration, air-conditioning and fire protection that operate using specific fluorinated greenhouse gases should be introduced where suitable alternatives to the use of those substances are available. In the light of future technical developments and the availability of cost-efficient alternatives to the use of fluorinated greenhouse gases, the Commission should be empowered to include other products and equipment or to exclude, also temporarily, certain categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are not available for technical or economic reasons, including insufficient supply of alternative substances on the market to meet the demand, or due to applicable safety standards excluding the use of relevant

Amendment

(8) Additional bans on the placing on the market of **foams, aerosols, solvents**, new equipment for refrigeration, air-conditioning, and fire protection that operate using specific fluorinated greenhouse gases should be introduced where suitable alternatives to the use of those substances are available. In the light of future technical developments and the availability of cost-efficient alternatives to the use of fluorinated greenhouse gases, the Commission should be empowered to include other products and equipment or to exclude, also temporarily, certain categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are not available for technical or economic reasons, including insufficient supply of alternative substances on the market to meet the demand, or due to applicable safety standards excluding the use of relevant

alternatives.

alternatives.

Amendment 8

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Such bans should only be introduced where they will result in lower overall greenhouse gas emissions, in particular from both the leakage of any fluorinated greenhouse gases and the CO₂ emissions resulting from their energy consumption. Equipment containing fluorinated greenhouse gases should thus be allowed if their overall greenhouse gas emissions are less than those that would result from an equivalent equipment without fluorinated greenhouse gases, ***which has the maximum allowed energy consumption set out in relevant implementing measures adopted under Directive 2009/125/EC (Ecodesign).***

Amendment

(9) Such bans should only be introduced where they will result in lower overall greenhouse gas emissions, in particular from both the leakage of any fluorinated greenhouse gases and the CO₂ emissions resulting from their energy consumption ***and production process.*** Equipment containing fluorinated greenhouse gases should thus be allowed if their overall greenhouse gas emissions ***over the whole life-cycle, including feedstock and by-product emissions,*** are less than those that would result from an equivalent equipment without fluorinated greenhouse gases ***in line with ecodesign principles.***

Amendment 9

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) ***Gradually reducing*** the placing on the market of hydrofluorocarbons has been identified as the most effective, cost-efficient way of reducing emissions of those substances in the long term.

Amendment

(11) ***The regulatory approach used for ozone-depleting substances under Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer¹, should also be used to regulate HFCs. In addition to bans on the placing on the market of HFC-based equipment, containment measures and recovery requirements, the gradual reduction of*** the placing on the market of ***the Union of HFCs*** has been identified as the most effective, cost-

efficient way of reducing emissions of those substances in the long term. ***This approach should be supported by additional bans on the placing of HFC-based equipment, containment measures and recovery requirements.***

¹ *OJ L 286, 31.10.2009, p. 1*

Amendment 10

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) To implement the gradual reduction of the placing on the market of *hydrofluorocarbons*, the Commission should allocate quotas to individual producers and importers for placing them on the market in order that the overall quantitative limit for placing *hydrofluorocarbons* on the market in the Union is not exceeded.

Amendment

(12) To implement the gradual reduction of the placing on the market of *HFCs*, the Commission should allocate quotas to individual producers and importers for placing them on the market in order that the overall quantitative limit for placing on the market of *HFCs* in the Union is not exceeded. ***The use of quotas should be subject to a fee which should be collected by the Commission and redistributed to address regional divergences in implementing the Regulation within the Union.***

Amendment 11

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The quota allocation to individual companies should be based on the quantities of *hydrofluorocarbons* they have produced or imported during the reference period from **2008** to **2011**. However, in order not to exclude small operators, five per cent of the overall quantitative limit should be reserved for importers and

Amendment

(13) The quota allocation to individual companies should be based on the quantities of *HFCs* they have produced or imported during the reference period from **2009** to **2012**. However, in order not to exclude small operators, five per cent of the overall quantitative limit should be reserved for importers and producers who

producers who have not imported or produced more than 1 tonne of fluorinated greenhouse gases in the reference period.

have not imported or produced more than 1 tonne of fluorinated greenhouse gases in the reference period.

Amendment 12

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The manufacturing process for some fluorinated greenhouse gases can result in significant by-product emissions of other fluorinated greenhouse gases. Such by-product emissions should be eliminated as a condition for placing fluorinated greenhouse gases on the market in order to ensure that full life-cycle climate impact is addressed.

Amendment 13

Proposal for a regulation Recital 18

Text proposed by the Commission

Amendment

(18) The Commission should continuously monitor the effects of reducing the placing on the market of *hydrofluorocarbons*, including the effect of reduction on the supply for appliances where the use of *hydrofluorocarbons* would result in lower life-cycle emissions than if an alternative technology was used The monitoring should also ensure the early detection of health or safety concerns, due to negative impacts on the availability of medicinal products. A comprehensive review should be carried out ***before 2030*** in time to adapt the provisions of this Regulation in the light of its implementation and of new developments and to adopt, if appropriate, further reduction measures.

(18) The Commission should continuously monitor the effects of reducing the placing on the market of *HFCs*, including the effect of reduction on the supply for appliances where the use of *HFCs* would result in lower life-cycle emissions than if an alternative technology was used The monitoring should also ensure the early detection of health or safety concerns, due to negative impacts on the availability of medicinal products. A comprehensive review should be carried out ***after the first five years of implementation*** in time to adapt the provisions of this Regulation in the light of its implementation and of new developments and to adopt, if appropriate, further reduction measures. ***Thereafter, reviews will be carried out every five***

years. This Regulation should not apply to medical applications which are of critical use, where no suitable alternative exists, or where such alternatives cannot be used for technical, economic or safety reasons.

Justification

A comprehensive review should be conducted every five years in order to ensure that the regulation is being implemented as effectively as possible and that any appropriate changes are made.

The critical use of medical applications containing fluorinated greenhouse gases must be maintained where no suitable alternatives are available, in order to guarantee the safe and effective delivery of essential health.

Amendment 14

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In order to take technological progress and the development of markets affected by this Regulation into account, and to ensure compliance with international agreements, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission with regard to the following: specifying requirements for standard leakage checks; extending the list of equipment subject to mandatory recovery of fluorinated greenhouse gases; specifying minimum requirements and the conditions for the mutual recognition of training programmes for persons who install, maintain, repair or decommission the equipment and who check leaks and recover fluorinated greenhouse gases, and for the certification of those persons and of companies that perform such tasks; amending labelling requirements; prohibiting the placing on the market of ***more products and equipment*** that contain or rely on

Amendment

(20) In order to take technological progress and the development of markets affected by this Regulation into account, and to ensure compliance with international agreements, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission with regard to the following: specifying requirements for standard leakage checks; extending the list of equipment subject to mandatory recovery of fluorinated greenhouse gases; specifying minimum requirements and the conditions for the mutual recognition of training programmes for persons who install, maintain, repair or decommission the equipment and who check leaks and recover fluorinated greenhouse gases, and for the certification of those persons and of companies that perform such tasks; amending labelling requirements; prohibiting the placing on the market of ***medium-voltage secondary switchgear*** that contain or rely on

fluorinated greenhouse gases; amending the maximum quantities of *hydrofluorocarbons* that may be placed on the market and exempting the supply of *hydrofluorocarbons* for specific critical uses from the quota requirement for health and safety reasons; determining the rules for recalculating reference values for the placing on the market of *hydrofluorocarbons* by individual undertakings and amending or supplementing the mechanism for the allocation of quotas; revising the thresholds for reporting requirements; establishing requirements for the reporting systems on emissions of fluorinated greenhouse gases and the use of the data on emissions collected by the Member States; including other substances with a significant *global warming potential* in the lists of substances covered by this Regulation and updating the lists on the basis of new scientific findings, in particular the *global warming potential* of the substances listed in the annexes to *the* Regulation.

fluorinated greenhouse gases; amending the maximum quantities of *HFCs* that may be placed on the market and exempting the supply of *HFCs* for specific critical uses from the quota requirement for health and safety reasons; determining the rules for recalculating reference values for the placing on the market of *HFCs* by individual undertakings and amending or supplementing the mechanism for the allocation of quotas; revising the thresholds for reporting requirements; establishing requirements for the reporting systems on emissions of fluorinated greenhouse gases and the use of the data on emissions collected by the Member States; including other substances with a significant *GWP* in the lists of substances covered by this Regulation and updating the lists on the basis of new scientific findings, in particular the *GWP* of the substances listed in the annexes to *this* Regulation.

Amendment 15

Proposal for a regulation Article -1 a (new)

Text proposed by the Commission

Amendment

Article -1a

Scope

The objective of this Regulation is to protect the environment by reducing emissions of fluorinated greenhouse gases and to stimulate innovation in sustainable technologies. Accordingly, this Regulation lays down rules on containment, use, recovery and destruction of fluorinated greenhouse gases, and prohibits specific uses of such gases, whilst setting out quantitative limits for the placing on the market of HFCs. In addition to the

enhancement of sustainable growth within the Union, this Regulation is intended to provide valuable input for the adoption of a future international agreement.

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘fluorinated greenhouse gases’ means the hydrofluorocarbons (‘HFCs’), perfluorocarbons (‘PFCs’), sulphur hexafluoride (‘SF₆’) and other greenhouse gases that contain fluorine, as listed in *Annex I*, whether alone or in a mixture;

Amendment

(1) ‘fluorinated greenhouse gases’ means the hydrofluorocarbons (‘HFCs’), perfluorocarbons (‘PFCs’), sulphur hexafluoride (‘SF₆’) and other greenhouse gases that contain fluorine, as listed in *Annexes I and II*, whether alone or in a mixture, **and they shall only refer to those fluorinated greenhouse gases listed in Annex I unless otherwise indicated;**

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) ‘hydrofluorocarbons (HFCs)’ means substances listed in section 1 of Annex I, or mixtures containing any of those substances;

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) ‘perfluorocarbons (PFCs)’ means substances listed in section 2 of Annex I,

or mixtures containing any of those substances;

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 1 c (new)

Text proposed by the Commission

Amendment

(1c) ‘sulphur hexafluoride (SF6)’ means the substance listed in section 3 of Annex I, or mixtures containing this substance;

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) ‘operator’ means the natural or legal person *possessing* the equipment and systems covered by this Regulation *and exercising actual power over the technical functioning of them*;

(4) ‘operator’ means the natural or legal person *exercising actual control over the technical functioning of* the equipment and systems covered by this Regulation;

Justification

The fact that there are two conditions in the original definition would undermine legal certainty when it comes to implementing the regulation in the transport sector.

Amendment 21

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Text proposed by the Commission

Amendment

(13) ‘stationary’ means not *in motion* during operation;

(13) ‘stationary’ means not *normally in movement* during operation;

Justification

Definition modified to conform to Regulation (EC) No 842/2006.

Amendment 22

Proposal for a regulation

Article 1 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13a) ‘mobile’ means normally in movement during operation;

Amendment 23

Proposal for a regulation

Article 1 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15a) ‘refrigerated van’ means a vehicle with a weight of less than 3.5 tonnes that is designed and manufactured primarily to carry goods and that is equipped with a refrigeration unit;

(Ex AM 1 (COMP 1) Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) ‘technical aerosol’ means an aerosol dispenser used in maintaining, repairing, cleaning, testing, disinsecting, manufacturing, installing and in other applications where a non-flammable formulation is required;

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – point 16 b (new)

Text proposed by the Commission

Amendment

(16b) ‘container’ means an intermodal transport unit that is designed and manufactured primarily to carry goods, and is equipped with a refrigeration unit;

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 16 c (new)

Text proposed by the Commission

Amendment

(16c) ‘heat pump’ means equipment or installation that extracts heat at a low temperature from air, water or earth and supplies heat only;

Justification

This definition, derived from Regulation (EC) No 842/2006, clarifies the distinction between reversible air conditioning containing heat pumps (split systems, multi-split/VRF systems, rooftop systems, centrifugal chillers and displacement chillers) and heat pumps providing heating only (referred to as heat pumps). It conforms to nomenclature in the Preparatory Study (Annex V, p. 259 and Annex VI, p. 309) and Impact Assessment (p. 118).

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point 16 d (new)

Text proposed by the Commission

Amendment

(16d) ‘Leakage’ means an abnormal release of fluorinated greenhouse gases from equipment, which is significantly higher than the leakage rate specified as part of the design of that equipment if any;

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 16 e (new)

Text proposed by the Commission

Amendment

(16e) ‘leakage detection system’ means a calibrated mechanical, electrical or electronic device for detecting leakage of fluorinated greenhouse gases which, on detection, alerts the operator;

Justification

Definition extracted from Regulation (EC) No 842/2006.

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – point 16 f (new)

Text proposed by the Commission

Amendment

(16f) ‘undertaking’ means any natural or legal person which:

(a) produces, recovers, recycles, reclaims, uses, destroys, delivers or receives fluorinated greenhouse gases;

(b) imports fluorinated greenhouse gases;

(c) exports fluorinated greenhouse gases;

(d) places fluorinated greenhouse gases on the market; or

(e) operates, installs, services, maintains, repairs or decommissions equipment or systems that contain fluorinated greenhouse gases;

Justification

Definition derived from Regulation (EC) No 1005/2009.

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point 16 g (new)

Text proposed by the Commission

Amendment

(16g) ‘feedstock’ means any fluorinated greenhouse gas, listed in Annexes I and II, or fluorinated compound listed in Annexes I, II and IV, to Regulation (EC) No 1005/2009, that undergoes chemical transformation in a process in which it is converted from its original composition to another;

Justification

Definition derived from Regulation (EC) No 1005/2009.

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – point 16 h (new)

Text proposed by the Commission

Amendment

(16h) ‘process agent’ means any fluorinated compound used as a chemical process agent;

Justification

Definition derived from Regulation (EC) No 1005/2009.

Amendment 32

Proposal for a regulation

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All measures which are technically and economically feasible shall be taken to minimise leakages of fluorinated greenhouse gases.

Amendment 33

Proposal for a regulation

Article 2 – paragraph 2

Text proposed by the Commission

2. Operators of equipment that contains fluorinated greenhouse gases shall take **precautions** to prevent their unintentional release (hereinafter "leakage").

Amendment

2. Operators of equipment that contains fluorinated greenhouse gases shall take **precautionary measures** to prevent their unintentional release (hereinafter "leakage"). **Without prejudice to the obligation to take precautionary measures to prevent leakages, operators shall ensure that maximum leakage rates are not exceeded.**

Amendment 34

Proposal for a regulation

Article 2 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Where a leakage of those gases is detected, the operators shall ensure that the equipment is repaired without undue delay.

Amendment

3. Where a leakage of those gases is detected, the operators shall ensure that the equipment is repaired without undue delay **but no later than one week after detection and before any further use of the equipment.**

Justification

It should be made clear that, in the event of a gas leakage, the equipment must be repaired before being put to further use.

Amendment 35

Proposal for a regulation

Article 2 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

(a) installing, servicing, maintaining, repairing or decommissioning equipment referred to in Article 3(1);

Amendment

(a) installing, servicing, maintaining, repairing or decommissioning equipment referred to in Article 3(1), **as well as**

equipment containing alternatives to fluorinated greenhouse gases;

Amendment 36

Proposal for a regulation

Article 2 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) installing, servicing, maintaining, repairing or decommissioning electrical switchgear **that contains SF₆**;

(c) **recovering SF₆ when handling**, installing, servicing, maintaining, repairing or decommissioning electrical switchgear;

Justification

If fitters are to look after or repair devices containing SF₆, it must be ensured that they are highly qualified. That said, switchgear with SF₆ in it is never positioned in a public place; instead, there is someone in charge at all times, and the gear is operated only by trained staff. Certification does not, therefore, need to cover operating personnel as a whole, but only those persons who actually handle SF₆ gas.

Amendment 37

Proposal for a regulation

Article 2 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) **delivering or receiving fluorinated greenhouse gases for the tasks listed in points (a), (b) and (c).**

deleted

Amendment 38

Proposal for a regulation

Article 2 – paragraph 5

Text proposed by the Commission

Amendment

5. Any person who assigns the task of installing, servicing, maintaining, repairing or decommissioning electrical switchgear that contains SF₆ or equipment referred to in Article 3(1) to another party shall

5. Any person who assigns the task of **handling**, installing, servicing, maintaining, repairing or decommissioning electrical switchgear that contains SF₆ or equipment referred to in Article 3(1) to

ascertain that that other party holds the necessary certificates pursuant to Article 8 for the required tasks.

another party shall ascertain that that other party holds the necessary certificates pursuant to Article 8 for the required tasks.

Justification

If fitters are to look after or repair devices containing SF₆, it must be ensured that they are highly qualified. That said, switchgear with SF₆ in it is never positioned in a public place; instead, there is someone in charge at all times, and the gear is operated only by trained staff. Certification does not, therefore, need to cover operating personnel as a whole, but only those persons who actually handle SF₆ gas.

Amendment 39

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 specifying the minimum precautionary measures and maximum leakage rates referred to in paragraph 2, based on best practices and experience in Member States for each type of equipment. Those rules shall be adopted by [1 January 2015].

Amendment 40

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. Operators of equipment that contains fluorinated greenhouse gases with a *global warming potential* equivalent to 5 tonnes of CO₂ not contained in foams shall ensure that the equipment is checked for leakage. However, equipment with hermetically sealed systems which are labelled as such, containing fluorinated greenhouse gases with a *global warming potential* equivalent to less than 10 tonnes CO₂, shall not be

1. Operators of equipment that contains fluorinated greenhouse gases with a *GWP* equivalent to 5 tonnes of CO₂ ***or more*** not contained in foams shall ensure that the equipment is checked for leakage. However, equipment with hermetically sealed systems which are labelled as such, containing fluorinated greenhouse gases with a *GWP* equivalent to less than 10 tonnes of CO₂, shall not be subject to

subject to leak checks under this Article.

leakage checks under this Article.

Amendment 41

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 3 – point a

Text proposed by the Commission

Amendment

(a) stationary refrigeration equipment;

(a) stationary **and mobile** refrigeration equipment;

Amendment 42

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) stationary air-conditioning equipment;

(b) stationary **and mobile** air-conditioning equipment;

Amendment 43

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 3 – point e

Text proposed by the Commission

Amendment

e) refrigerated trucks **and refrigerated** trailers.

e) **refrigeration equipment on** refrigerated **trains, trucks, vans, trailers and containers.**

Justification

The scope of the regulation should be broadened in order to guarantee fair competition in the transport sector.

Amendment 44

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) equipment that contains fluorinated greenhouse gases with a *global warming potential* equivalent to 5 tonnes of CO₂ or more but to less than 50 tonnes of CO₂, shall be checked for leakage at least once every 12 months;

Amendment

(a) equipment that contains fluorinated greenhouse gases with a *GWP* equivalent to 5 tonnes of CO₂ or more but to less than 50 tonnes of CO₂, shall be checked for leakage at least once every 12 months ***or where there is a leakage detection system installed, every 24 months;***

Amendment 45

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) equipment that contains fluorinated greenhouse gases with a *global warming potential* equivalent to 50 tonnes of CO₂ or more, but to less than 500 tonnes of CO₂, shall be checked for leakage at least once every six months;

Amendment

(b) equipment that contains fluorinated greenhouse gases with a *GWP* equivalent to 50 tonnes of CO₂ or more, but to less than 500 tonnes of CO₂, shall be checked for leakage at least once every six months ***or where there is a leakage detection system installed, every twelve months;***

Amendment 46

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) equipment that contains fluorinated greenhouse gases with a *global warming potential* equivalent to 500 tonnes of CO₂ or more shall be checked for leakage at least once every three months.

Amendment

(c) equipment that contains fluorinated greenhouse gases with a *GWP* equivalent to 500 tonnes of CO₂ or more shall be checked for leakage at least once every three months ***or, where there is a leakage detection system installed, every six months.***

Amendment 47

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 specifying requirements for the leakage checks to be carried out in accordance with paragraph 1 of this Article for each type of equipment referred to in that paragraph, identifying those parts of the equipment most likely to leak, and amending the list of equipment in paragraph 1 of this Article to include other types of equipment in the light of market trends and technological progress.

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 specifying requirements for the leakage checks to be carried out in accordance with paragraph 1 of this Article for each type of equipment referred to in that paragraph, identifying those parts of the equipment most likely to leak, and amending the list of equipment in paragraph 1 of this Article to include other types of equipment in the light of market trends and technological progress. ***The specific requirements for the leakage checks shall be adopted by [1 January 2015].***

Amendment 48

**Proposal for a regulation
Article 5**

Text proposed by the Commission

Article 5

Record keeping

1. Operators of equipment that contains fluorinated greenhouse gases not contained in foams, shall for each piece of equipment establish and maintain records of the following information identifying the equipment:

- (a) the quantity and type of fluorinated greenhouse gases installed;
- (b) the quantities of fluorinated greenhouse gases added and the reasons for adding them;

Amendment

Article 5

Record keeping

1. Operators of equipment, ***listed in Article 3(1)***, that contains fluorinated greenhouse gases not contained in foams, shall for each piece of ***such*** equipment establish and maintain records of the following information identifying the equipment:

- (a) the quantity and type of fluorinated greenhouse gases installed;
- (b) the quantities of fluorinated greenhouse gasess added and the reasons for adding them ***indicating whether the substance had been recycled or reclaimed, as well as the name and address of the undertaking that carried out the recycling or reclamation;***

- (c) the quantity of fluorinated greenhouse gases recovered;
- (d) observed leakage rates;
- (e) an identification of the undertaking and the person who installed, serviced, maintained and, where applicable, repaired or decommissioned the equipment;
- (f) the dates and results of the checks carried out under Article 3(1) and (3);
- (g) if the equipment was decommissioned, the measures taken to recover and dispose of the fluorinated greenhouse gases.

This paragraph shall apply to operators of electrical switchgear that contains SF₆ and of the equipment referred to in Article 3(2).

2. ***Unless the*** records referred to in paragraph 1 ***are*** registered in a database set up by the competent authorities of the Member States, ***the operators referred to in paragraph 1 shall keep the records until at least two years after decommissioning the equipment.***

Unless the records referred to in paragraph 1 are registered in a database set up by the competent authorities of the Member States, persons or undertakings carrying out the activities referred to in paragraph 1(e) for operators shall keep copies of the records for at least five years.

The records shall be made available on request to the competent authority or to the Commission.

3. The Commission ***may*** determine the format of the records referred to in paragraph 1 and specify how they should

- (c) the quantity of fluorinated greenhouse gases recovered;
- (d) observed leakage rates;
- (e) an identification of the undertaking and the person who installed, serviced, maintained and, where applicable, repaired or decommissioned the equipment;
- (f) the dates and results of the checks carried out under Article 3(1) and (3);
- (g) if the equipment was decommissioned, the measures taken to recover and dispose of the fluorinated greenhouse gases.

This paragraph shall apply to operators of electrical switchgear that contains SF₆ and ***to operators*** of the equipment referred to in Article 3(2).

2. ***The*** records referred to in paragraph 1 ***shall be*** registered in a database set up by the competent authorities of the Member States. ***The Commission shall provide operational guidance and technical assistance to Member States on the establishment and maintenance of the database. Member States shall ensure that the public has access to relevant information in the database in accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information¹.***

3. The Commission ***shall*** determine the format of the records referred to in paragraph 1 and specify how they shall be

be established and maintained in an implementing act. ***That implementing act shall be*** adopted in accordance with the examination procedure referred to in Article 21.

established and maintained in an ***electronic database through*** an implementing act adopted in accordance with the examination procedure referred to in Article 21. ***The format and specifications shall be adopted by [1 January 2015.]***

¹ OJ L 41, 14.2.2003, p. 26

Amendment 49

Proposal for a regulation

Article 6 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1a. Without prejudice to Article 9(1), producers and importers shall be prohibited from placing on the market fluorinated greenhouse gases listed in Annexes I and II unless any fluorinated greenhouse gases produced as a by-product during the manufacturing process, including during the manufacturing process of their feedstocks and process agents, are destroyed.

Justification

HFC production often occurs in third countries with no restrictions on by-products emissions (like HFC-23 emissions). The Commission proposal could therefore unintentionally increase global emissions of F-gases unless there is a prohibition on placing on the market any F-gas whose by-product emissions produced during the manufacturing process are not destroyed.

Amendment 50

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

Producers of fluorinated compounds shall take all the precautions necessary to limit emissions of fluorinated greenhouse gases,

Producers of fluorinated compounds shall take all the precautions necessary to limit emissions of fluorinated greenhouse gases,

to the greatest extent possible, during production, transport and storage.

to the greatest extent possible, during production, transport and storage. ***This shall also apply where greenhouse gases are produced as by-products.***

Amendment 51

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

Those producers shall ensure that ***any*** trifluoromethane (HFC-23) produced as a by-product ***in significant quantities*** is destroyed ***as part of the manufacturing process***.

Amendment

Those producers shall ensure that trifluoromethane (HFC-23) produced as a by-product ***as part of the manufacturing process*** is destroyed ***in line with best available techniques***.

Justification

Requiring ‘any amount’ of HFC-23 by-product to be destroyed is unreasonable. Some emission is almost inevitable, even with appropriate destruction technology in place it is only possible to destroy about 99% of the HFC-23 but not all of it. This would lead to the production of fluorochemicals being transferred outside Europe where by-products would not need to be controlled, thereby leading to higher emissions than would have occurred had the activities remained in Europe. Destruction should be in line with best available techniques.

Amendment 52

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list of equipment in paragraph 1 to include other types of equipment in view of their increasing relevance due to the commercial or technological development.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list of equipment in paragraph 1 to include other types of equipment in view of their increasing relevance due to the commercial or technological development, ***and to adopt detailed rules regarding the recovery schemes referred to in paragraph 1a.***

Justification

In order to promote producer responsibility, recovery schemes should be set up in all Member States to ensure the recycling, reclamation or destruction of F-gases.

Amendment 53

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. Prior to disposal of a fluorinated greenhouse gas container, the ***person who used the container for transport or storage*** shall arrange for the recovery of any residual gases to make sure they are recycled, reclaimed or destroyed.

Amendment

3. Prior to disposal of a fluorinated greenhouse gas container, the ***operator who exercises actual control over its technical functioning***, shall arrange for the recovery of any residual gases *in order* to make sure *that those gases* are recycled, reclaimed or destroyed.

Amendment 54

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a

Producer Responsibility Scheme

1. Member States shall ensure that producer responsibility schemes are in place for the recovery of fluorinated greenhouse gases and their recycling, reclamation or destruction. Such schemes, designed to cover fluorinated greenhouse gases in products and equipment outside the scope of Directive 2012/19/EU, and in foams, shall be adopted by [1 January 2016].

2. Such producer responsibility schemes shall:

(a) enable operators and persons to discard recovered fluorinated greenhouse gases, including products and equipment

containing fluorinated greenhouse gases, at an accessible collection point in their vicinity at no charge;

(b) require operators and persons decommissioning equipment to discard recovered fluorinated greenhouse gases at an accessible collection point;

3. Provided that the schemes meet the criteria listed in paragraph 2, or demonstrate comparable effectiveness, Member States may:

(a) require producers and importers to set up such schemes;

(b) require other operators or persons to participate in such schemes; or

(c) maintain existing schemes.

4. For the purposes of environmental protection, the Commission shall develop minimum quality standards for the recovery of fluorinated greenhouse gases from products as well as equipment that has been collected. Those standards shall reflect the state of the art and be published by the Commission.

Amendment 55

Proposal for a regulation Article 8 – paragraph 1-6

Text proposed by the Commission

Article 8

Training and certification

1. Member States shall establish **training and** certification programmes for the following persons:

(a) persons who install, service, maintain, repair or decommission **of** the equipment listed in the third subparagraph of Article

Amendment

Article 8

Training and certification

1. Member States shall establish **and maintain** certification programmes **including evaluation processes, and shall ensure that training is available** for the following persons:

(a) persons who install, service, maintain, repair or decommission the equipment listed in the third subparagraph of Article

3(1);

(b) persons who install, service, maintain, repair or decommission electrical switchgear that contains SF6;

(c) persons who carry out the *leak* checks provided for in Article 3(1);

(d) persons who recover fluorinated greenhouse gases as provided for in Article 7.

2. The **training** programmes provided for in paragraph 1 shall cover the following:

(a) applicable regulations and technical standards;

(b) emission prevention;

(c) recovery of fluorinated greenhouse gases;

(d) safe handling of equipment of the type and size covered by the certificate;

(e) technologies to replace or to reduce the use of fluorinated greenhouse gases and their safe handling.

3. Certificates under the certification programmes provided for in paragraph 1 shall be issued on condition of the applicant having completed **a training programme** established in accordance with paragraphs 1 and 2.

4. Member States shall establish certification programmes for undertakings carrying out the activities mentioned in paragraph 1, points (a) to **(d)**, for other

3(1) **including when such equipment contains alternatives to fluorinated greenhouse gases;**

(b) persons who install, service, maintain, repair or decommission electrical switchgear that contains SF6 **in systems which are not hermetically sealed;**

(c) persons who carry out the *leakage* checks provided for in Article 3(1);

(d) persons who recover fluorinated greenhouse gases as provided for in Article 7.

(da) persons who carry out the tasks referred to in points (a), (b) and (c) on equipment that uses refrigerants containing alternatives to fluorinated greenhouse gases;

2. The **certification** programmes **and training** provided for in paragraph 1 shall cover the following:

(a) applicable regulations and technical standards;

(b) emission prevention;

(c) recovery of fluorinated greenhouse gases;

(d) safe handling of equipment of the type and size covered by the certificate;

(e) technologies to replace or to reduce the use of fluorinated greenhouse gases and their safe handling.

3. Certificates under the certification programmes provided for in paragraph 1 shall be issued on condition of the applicant having **successfully** completed **an evaluation process** established in accordance with paragraphs 1 and 2.

4. Member States shall establish certification programmes for undertakings carrying out the activities mentioned in paragraph 1, points (a) to **(da)**, for other

parties.

5. The certificates provided for in paragraphs 1 and 3 shall be **valid for a maximum of 5 years**. Member States **may** prolong the validity of the certificates provided for in paragraph 1 when the person concerned is undergoing a compulsory periodic training every five years to update the knowledge on the subjects referred to in paragraph 2.

6. Member States shall notify the Commission of their **training and certification programmes** by 1 January 2015. They shall recognise certificates issued in another Member State. They shall not restrict the freedom to provide services or the freedom of establishment because a certificate was issued in another Member State.

Amendment 56

Proposal for a regulation Article 9

Text proposed by the Commission

Article 9

Restrictions on the placing on the market

1. The placing on the market of specific products and equipment listed in Annex III shall be prohibited from the date specified in that Annex, where applicable differentiating according to the type or *global warming potential* of the fluorinated

parties.

5. The **new** certificates provided for in paragraphs 1 and 3 shall be **issued on the condition that the holder provides proof of having updated relevant knowledge and skills at intervals no longer than 5 years**. Member States **shall** prolong the validity of the certificates provided for in paragraph 1 when the person concerned is undergoing compulsory periodic training every five years to update the knowledge on the subjects referred to in paragraph 2.

Existing certificates, issued in accordance with Regulation (EU) No 842/2006, shall remain valid, on condition that, by 1 January 2020, all persons holding such certificates shall have undertaken an evaluation process in relation to technologies referred to point (e) of paragraph 2.

6. Member States shall notify the Commission of their certification programmes by 1 January 2015. They shall recognise certificates issued in another Member State. They shall not restrict the freedom to provide services or the freedom of establishment because a certificate was issued in another Member State.

Amendment

Article 9

Restrictions on the placing on the market

1. The placing on the market **and export** of specific products and equipment listed in Annex III shall be prohibited from the date specified in that Annex, where applicable differentiating according to the type or *GWP* of the fluorinated greenhouse gas

greenhouse gas contained.

For the calculation of the *global warming potential* of mixtures of fluorinated greenhouse gases contained in those products and that equipment the method laid down in Annex IV shall be applied.

contained.

For the calculation of the *GWP* of mixtures of fluorinated greenhouse gases contained in those products and that equipment the method laid down in Annex IV shall be applied.

If stationary air-conditioning equipment contains recycled fluorinated greenhouse gases recovered from equipment of the same type, the date of the placing on the market prohibition shall be deferred by one year.

By 1 January 2018, the Commission shall assess whether effective, reliable alternatives exist which make the replacement of SF6 possible, at a reasonable cost, in new medium-voltage secondary switchgear. Based on the result of that assessment, the Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list set out in Annex III to include medium-voltage secondary switchgear that contain fluorinated greenhouse gases.

By 1 January 2018 the Commission shall assess whether effective, reliable alternatives exist which make the replacement of fluorinated greenhouse gases possible, at a reasonable cost, in fire protection systems. Based on the result of that assessment the Commission may adopt derogation to the prohibition on fire protection systems that contain fluorinated greenhouse gases pursuant to paragraph 3.

2. The prohibition set out in paragraph 1 shall not apply to equipment for which it has been established in ecodesign requirements adopted under Directive 2009/125/EC that due to higher energy efficiency during its operation its lifecycle CO₂ emissions would be lower than that from equivalent equipment which meets relevant ecodesign requirements and does

not contain hydrofluorocarbons.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list set out in Annex III *to include other products and equipment that contain fluorinated greenhouse gases with a global warming potential of 150 or more, or that rely on them to work, if it has been established that alternatives to the use of fluorinated greenhouse gases or to the use of specific types of fluorinated greenhouse gases are available, and their use would result in lower overall greenhouse gas emissions* and to exclude, *where appropriate for a specified period of time*, certain categories of products or equipment for which alternative substances which fall below the specified *global warming potential* limit are not available for technical, economic or safety reasons.

3. The Commission shall be empowered to adopt delegated acts, *following a substantiated request by a competent authority of a Member State and* in accordance with Article 20 amending the list set out in Annex III *to authorise a time-limited exemption* to exclude certain categories of products or equipment for which alternative substances which fall below the specified *GWP* limit are not available *or cannot be used* for technical, economic or safety reasons, *or due to energy efficiency during its operation if life-cycle greenhouse gas emissions, including feedstock and by-product emissions, are lower than that from equivalent equipment in line with ecodesign principles, taking due account of the strategic nature of certain activities and the specificities of local climate.*

Amendment 57

Proposal for a regulation

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For the purposes of carrying out the activities referred to in Article 8(1)(a) to (d), fluorinated greenhouse gases shall only be sold to, and purchased by, undertakings and persons that hold relevant certificates in accordance with Article 8.

Amendment 58

Proposal for a regulation

Article 9 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Each Member State shall publish and

notify to the Commission, by [1 January 2016], a report on codes, standards or legislation applied at the local, regional or national level that restrict the introduction of replacement technologies using flammable refrigerants, including hydrocarbons, in refrigeration and air-conditioning products and equipment and foams. The report shall propose actions to address such restrictions to allow the entry into force of the market prohibitions listed in Annex III or, where appropriate, detail areas of application where discrete exceptions may be needed for legitimate safety reasons.

The Commission shall publish a synthesis report by [1 January 2017] and make it available to the public, in electronic form, with a view to its active and systematic dissemination in accordance with Regulation (EC) No 1367/2006.

Amendment 59

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Fluorinated greenhouse gases intended for use as a raw material in a chemical process, for destruction, export or repackaging shall be subject to compulsory labelling.

Amendment 60

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) foam polyol premixes and solvents.

Amendment 61

Proposal for a regulation

Article 10 – paragraph 2 – point c

Text proposed by the Commission

(c) As of 1 January 2017, the quantity of greenhouse gases contained in the product or equipment, expressed in weight **and** in CO₂ equivalent.

Amendment

(c) As of 1 January 2017, the quantity of greenhouse gases contained in the product or equipment, expressed in weight in CO₂ equivalent **and in terms of GWP**.

Amendment 62

Proposal for a regulation

Article 10 – paragraph 5

Text proposed by the Commission

5. The information referred to in paragraphs 2 and 3 shall be included in instruction manuals for such products and equipment. In the case of products and equipment that contain fluorinated greenhouse gases with a *global warming potential* of 150 or more **this information shall also be included in descriptions used for advertising**.

Amendment

5. The information referred to in paragraphs 2 and 3 shall be included in instruction manuals for such products and equipment. In the case of products and equipment that contain fluorinated greenhouse gases with a *GWP* of 150 or more.

Amendment 63

Proposal for a regulation

Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Containers for fluorinated greenhouse gases with a GWP of 2500 or more used for servicing or maintenance of refrigeration equipment pursuant to the third subparagraph of Article 11(3) shall be labelled with an indication as to whether the substance has been recycled or reclaimed, as well as with the name and address of the undertaking that carried out the recycling or reclamation.

Amendment 64

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. The use of fluorinated greenhouse gases, or of mixtures that contain fluorinated greenhouse gases, with a *global warming potential* of 2500 or more, to service or maintain refrigeration equipment with a charge size equivalent to **5 tonnes** of CO₂ or more, shall be prohibited from **1 January 2020**.

For the purpose of this provision, the *global warming potential* of mixtures that

Amendment

3. The use of fluorinated greenhouse gases, or of mixtures that contain fluorinated greenhouse gases, with a *GWP* of 2500 or more, to service or maintain refrigeration equipment with a charge size equivalent to **50 tonnes** of CO₂ or more, shall be prohibited from **1 January 2017**. ***That prohibition shall not apply to equipment intended for applications designed to cool products to temperatures below -50°C or equipment converted to use fluorinated greenhouse gases with a GWP above 2500 to meet commitments under the Ozone Depleting Substances Regulation (Regulation (EC) No 1005/2009).***

The prohibition referred to in the first subparagraph shall not apply to reclaimed fluorinated greenhouse gases with a GWP of 2500 or more used for the maintenance or servicing of existing refrigeration equipment before 1 January 2022, provided that they have been labelled in accordance with Article 10(5).

Until 1 January 2022 this provision shall not apply to recycled fluorinated greenhouse gases with a GWP of 2500 or more used for the maintenance or servicing of existing refrigeration equipment provided they have been recovered from such equipment. Such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or by the undertaking for which the recovery was carried out as part of maintenance or servicing.

For the purpose of this provision, the *GWP* of mixtures that contain fluorinated

contain fluorinated greenhouse gases shall be calculated pursuant to Annex IV.

greenhouse gases shall be calculated pursuant to Annex IV.

Amendment 65

Proposal for a regulation Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall be empowered to adopt delegated acts, following a request by a competent authority of a Member State and in accordance with Article 20 to authorise a time-limited derogation to allow the use of fluorinated greenhouse gases above the specified GWP for certain categories of equipment where alternative substances which fall below the specified GWP limit are not available or cannot be used for technical, economic or safety reasons, taking due account of the strategic nature of certain activities and the specificities of local climate.

Amendment 66

Proposal for a regulation Article 13

Text proposed by the Commission

Amendment

Article 13

Article 13

Reduction of the placing on the market of *hydrofluorocarbons*

Reduction of the placing on the market of *HFCs*

1. The Commission shall ensure that the quantity of *hydrofluorocarbons* that producers and importers are entitled to place on the market in the Union each year does not exceed the maximum quantity for the year in question calculated in accordance with Annex V. Each producer

1. The Commission shall ensure, ***taking into account that alternatives, which are reliable, technically and economically viable and designed to operate in the different climatic conditions of the Member States, are available***, that the quantity of *HFCs* that producers and

and importer shall ensure that the quantity of *hydrofluorocarbons* calculated in accordance with Annex V that it places on the market does not exceed the quota allocated to it pursuant to Article 14(5) or transferred to it pursuant to Article 16.

2. This Article shall not apply to *hydrofluorocarbons* imported into the Union to be destroyed.

It shall **not** apply to producers or importers of ***less than 1 000 tonnes of CO₂ equivalent of hydrofluorocarbons per year.***

3. This Article and Articles 14, 16, 17 and 22 shall also apply to *hydrofluorocarbons* contained in polyol blends.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 20

(a) amending the maximum quantities set out in Annex V in the light of developments of the market in *hydrofluorocarbons* **and** related emissions; and

(b) exempting the placing on the market for specific uses from the quota requirement laid down in paragraph 1 where the use of *hydrofluorocarbons* is necessary for health or safety reasons and a sufficient supply would otherwise not be ensured.

importers are entitled to place on the market in the Union each year does not exceed the maximum quantity for the year in question calculated in accordance with Annex V. Each producer and importer shall ensure that the quantity of *HFCs* calculated in accordance with Annex V that it places on the market does not exceed the quota allocated to it pursuant to Article 14(5) or transferred to it pursuant to Article 16.

2. This Article shall not apply to *HFCs* imported into the Union to be destroyed.

It shall apply to **all** producers or importers of *HFCs*, ***with the exception of non-commercial research purposes.***

3. This Article and Articles 14, 16, 17 and 22 shall also apply to *HFCs* contained in polyol blends.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 20

(a) amending the maximum quantities set out in Annex V in the light of developments of the market in *HFCs*, related emissions ***and the availability of feasible, reliable, technically and economically viable alternatives on the market;*** and

(b) exempting the placing on the market for specific uses from the quota requirement laid down in paragraph 1, ***in particular for medical applications*** where the use of *HFCs* is necessary for health or safety reasons and a sufficient supply would otherwise not be ensured.

Amendment 67

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Article 14

Allocation of quotas for placing
hydrofluorocarbons on the market

1. By 31 October 2014 the Commission shall determine, by means of implementing decisions, for each producer or importer having reported data under Article 6 of Regulation (EC) No 842/2006 a reference value based on the annual average of the quantities of hydrofluorocarbons the producer or importer reported ***to have produced or imported*** from ***2008 to 2011***. For the purposes of determining the reference value, no account shall be taken of quantities reported in excess of the quota. The reference values shall be calculated in accordance with Annex V to this Regulation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.

Amendment

Article 14

Allocation of quotas for placing *HFCs* on the market

1. By 31 October 2014 the Commission shall determine, by means of implementing decisions, for each producer or importer having reported data under Article 6 of Regulation (EC) No 842/2006 a reference value based on the annual average of the quantities of *HFCs* the producer or importer reported ***placing on the market*** from ***2009 to 2012***. For the purposes of determining the reference value, no account shall be taken of quantities reported in excess of the quota. The reference values shall be calculated in accordance with Annex V to this Regulation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.

Amendment 68

Proposal for a regulation Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Allocation Fee

1. Each producer and importer shall transmit, prior to accessing their allocated quota or portion thereof, an allocation fee of [*] per tonne of CO₂ equivalent of HFCs for the quantities of HFCs to be

placed on the market during the upcoming year.

2. Producers and importers electing to access their allocated quotas, or portion thereof, shall submit a declaration addressed to the Commission, specifying the quantity of HFCs that will be accessed during the upcoming year.

3. The revenues collected shall be used to support the implementation of this Regulation and to address regional divergences especially targeted in countries with high temperatures, in relation to the extent of use of fluorinated greenhouse gases per capita, the cost of replacement technologies due to climatic conditions, creation of incentives for the proper recovery of fluorinated greenhouse gases and market surveillance to counter illegal trade. After the deduction of administrative costs, those revenues shall be used for one or more of the following purposes:

a) additional financing of at least 60% of the revenues to finance projects on end of life treatment, training, market-surveillance or facilitation of the uptake of alternative technologies in particular under high ambient temperatures;

(b) facilitation and implementation of an international agreement on HFCs;

4. The Commission shall report on the use of revenues on [1 January 2017]. The synthesis report shall be made available to the public, in electronic form, with a view to its active and systematic dissemination in accordance with Regulation (EC) N° 1367/2006.

5. The Commission shall be empowered to adopt delegated acts to determine the amount of the fee, and to specify the detailed arrangements for collection and distribution of revenues referred to in

paragraph 3.

6. The Commission shall, by means of implementing acts, determine the format of the notification referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.

**** indicative amount of up to €10, to be determined pursuant to paragraph 5 based on the Commission impact assessment.***

Amendment 69

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

In the electronic registry shall be registered on request

Amendment

The following shall be registered in the electronic registry:

Amendment 70

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

1. By 31 March 2014 and every year after that, each producer, importer and exporter that produced, imported or exported more than ***one metric tonne or 1 000*** tonnes of CO₂ equivalent of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year shall report to the Commission the data specified in Annex VII on each of those substances for that calendar year.

Amendment

1. By 31 March 2014 and every year after that, each producer, importer and exporter that produced, imported or exported more than ***10*** tonnes of CO₂ equivalent of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year shall report to the Commission the data specified in Annex VII on each of those substances for that calendar year.

Amendment 71

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. By 31 March 2014 and every year after that, each undertaking that destroyed more than one metric tonne or **1 000** tonnes of CO₂ equivalent of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year shall report to the Commission the data specified in Annex VII on each of those substances for that calendar year.

Amendment

2. By 31 March 2014 and every year after that, each undertaking that destroyed more than one metric tonne or **500** tonnes of CO₂ equivalent of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year shall report to the Commission the data specified in Annex VII on each of those substances for that calendar year.

Amendment 72

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

Article 18

Collection of emissions data

1. Member States shall collect data on emissions of fluorinated greenhouse gases. For that purpose they shall establish ***one of the following systems, as appropriate:***

(a) a system whereby a database is kept at national level for the collection of the data recorded in accordance with Article 5(1);

(b) a system whereby surveys on emissions from a representative sample of operators covered by the provisions of Article 5(1) are carried out, and results are extrapolated from those surveys.

Amendment

Article 18

Collection of emissions data

1. Member States shall collect data on emissions of fluorinated greenhouse gases. For that purpose they shall establish a system whereby a database is kept at national level for the collection of the data recorded in accordance with Article 5(1).

Amendment 73

Proposal for a regulation Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The European Environment Agency shall collect data based on a common methodology in order to measure the amount of fluorinated green house gases in the atmosphere and shall make it available to the public.

HFCs

Amendment 74

Proposal for a regulation Article 19 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

No later than 31 December **2024**, it shall publish a comprehensive report on the effects of this Regulation, including a forecast of the continued demand for hydrofluorocarbons **after 2030**.

No later than 31 December **2022**, it shall publish a comprehensive report on the effects of this Regulation, including:

(a) a forecast of the expected demand for **HFCs in 2024, 2027, 2030 and after 2030**.

Amendment 75

Proposal for a regulation Article 19 – paragraph 3 – subparagraph 3 – point b (new)

Text proposed by the Commission

Amendment

(b) an assessment of the potential phase-out of HFCs by 2030 or soon thereafter, including the derogations and other measures needed to support such a proposal;

Amendment 76

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 3 – point c (new)

Text proposed by the Commission

Amendment

(c) an overview of European and international standards, national safety legislation and building codes in Member States impeding the transition to flammable refrigerants, such as hydrocarbons;

Amendment 77

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 3 – point d (new)

Text proposed by the Commission

Amendment

(d) a review of the availability of technically feasible and cost-effective alternatives to products and equipment containing fluorinated greenhouse gases for products and equipment not listed in Annex III, taking into account energy-efficiency;

Amendment 78

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

No later than 31 December 2020, it shall publish a report assessing the administrative and economic cost of this Regulation to businesses, including proposals on how to reduce those costs:

Amendment 79

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(5), 14(6), 17(5), 18(3) and 19(1) and (2) shall be conferred on the Commission for **an indeterminate** period of **time** from [dd/mm/yyyy] [insert date of entry into force of this regulation].

Amendment

2. The power to adopt delegated acts referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(4), 14(6), 17(5), 18(3) and 19(1) and (2) shall be conferred on the Commission for **a** period of **five years** from [dd/mm/yyyy] [insert date of entry into force of this regulation]. **The Commission shall draw up a report concerning the delegation of powers no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of identical duration unless the European Parliament or Council opposes such an extension not later than 3 months before the end of each period.**

Justification

Delegated acts are referred to in paragraph 4 of Article 13, not paragraph 5. The delegation of powers should ideally apply for only limited periods and a report should be made available on the arrangements concerned.

Amendment 80

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

3. The power to adopt delegated acts referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(5), 14(6), 17(5), 18(3) and 19(1) and (2) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to

Amendment

3. The delegation of power referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(4) and (14), Article 6, Articles 17(5), 18(3) and 19(1) and (2) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put

the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.

an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Justification

Delegated acts are referred to in paragraph 4 of Article 13, not paragraph 5.

Amendment 81

Proposal for a regulation Article 20 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(5), 14(6), 17(5), 18(3) and 19(1) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(4), 14(6), 17(5), 18(3) and 19(1) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Justification

Delegated acts are referred to in paragraph 4 of Article 13, not paragraph 5.

Amendment 82

Proposal for a regulation Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Consultation Forum

In implementing this Regulation, the Commission shall ensure a balanced participation of Member States' representatives, and representatives of civil society, including environmental organisations, of manufacturers, operators and certified persons. Those parties shall meet in a consultation forum. The Commission shall consult the forum on a regular basis, and shall make available to this forum relevant information on the implementation of this Regulation, in particular regarding applications by Member State's competent authorities in relation to any time-limited exemptions under Article 9 and Article 11, and before adoption of any implementing or delegated acts. The rules of procedure of the Forum shall be established by the Commission.

Amendment 83

Proposal for a regulation Article 23 – paragraph 2

Text proposed by the Commission

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.

Amendment

References to the repealed Regulation **842/2006** shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.

Justification

An amendment to retain the existing implementing Commission Regulations relating to training and certification unless and until repealed at a later date by the Commission.

Amendment 84

Proposal for a regulation

Annex III

Text proposed by the Commission

Placing on the market prohibitions referred to in Article 9(1)		Date of prohibition
Products and equipment		
Where relevant, the global warming potential (GWP) of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex IV, as provided for in Article 9(1) subparagraph 2.		
1. Non-refillable containers for fluorinated greenhouse gases used to service, maintain or fill refrigeration, air-conditioning or heat-pump equipment, fire protection systems or switchgear, or for use as solvents		4 July 2007
2. Non-confined direct evaporation systems that contain HFCs and PFCs as refrigerants		4 July 2007
3. Fire protection systems and fire extinguishers	that contain PFCs	4 July 2007
	<i>that contain HFC-23</i>	<i>1 January 2015</i>
4. Windows for domestic use that contain fluorinated greenhouse gases		4 July 2007
5. Other windows that contain fluorinated greenhouse gases		4 July 2008
6. Footwear that contains fluorinated greenhouse gases		4 July 2006
7. Tyres that contain fluorinated greenhouse gases		4 July 2007
8. One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases with GWP of 150 or more		4 July 2008
9. Aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes, as listed in point 40 of Annex XVII to Regulation (EC) N ^o 1907/2006, and signal horns that contain HFCs with GWP of 150 or more		4 July 2009
10. Domestic refrigerators and freezers that contain HFCs <i>containing HFCs with GWP of 150 or more</i>		1 January 2015

11. Refrigerators and freezers for the storage, display or distribution of products in retail and food service ("commercial use") - hermetically sealed systems	that contain HFCs with GWP of 2500 or more	1 January 2017
	that contain HFCs with GWP of 150 or more	1 January 2020
12. Movable room air-conditioning appliances (hermetically sealed equipment which is movable between rooms by the end user) that contain HFCs with GWP of 150 or more		1 January 2020

Amendment

Placing on the market prohibitions referred to in Article 9(1)		
Products and equipment		Date of prohibition
Where relevant, the global warming potential (GWP) of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex IV, as provided for in the second subparagraph of Article 9(1).		
1. Non-refillable containers for fluorinated greenhouse gases used to service, maintain or fill refrigeration, air-conditioning or heat-pump equipment, fire protection systems or switchgear, or for use as solvents		4 July 2007
2. Non-confined direct evaporation systems that contain HFCs and PFCs as refrigerants		4 July 2007
3. Fire protection systems and fire extinguishers	that contain PFCs	4 July 2007
	that contain fluorinated greenhouse gases except for applications listed in Annex VI of Regulation (EC) No 1005/2009 as critical uses of halons	1 January 2020
4. Windows for domestic use that contain fluorinated greenhouse gases		4 July 2007
5. Other windows that contain fluorinated greenhouse gases		4 July 2008

6. Footwear that contains fluorinated greenhouse gases		4 July 2006
7. Tyres that contain fluorinated greenhouse gases		4 July 2007
8. One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases with GWP of 150 or more		4 July 2008
9. Aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes, as listed in point 40 of Annex XVII to Regulation (EC) N ^o 1907/2006, and signal horns that contain HFCs with GWP of 150 or more		4 July 2009
9a. Technical non-medical aerosols that contain fluorinated greenhouse gases		1 January 2018
10. Domestic refrigerators and freezers that contain HFCs		1 January 2015
10a. Stationary refrigeration equipment that contains fluorinated greenhouse gases with GWP of 2500 or more, except equipment intended for use at operating temperatures of below -50°C		1 January 2016
10b. Stationary refrigeration equipment that contains fluorinated greenhouse gases, except equipment intended for use at operating temperatures of below -50°C		1 January 2020
10c. Mobile refrigeration equipment that contain fluorinated greenhouse gases		1 January 2025
11. Refrigerators and freezers for the storage, display or distribution of products in retail and food service ("commercial use") - hermetically sealed systems	that contain HFCs with GWP of 2150 or more	1 January 2015
	that contain HFCs	1 January 2018
12. Movable room air-conditioning appliances (hermetically sealed equipment which is movable between rooms by the end user) that contain HFCs		1 January 2020
12a. Stationary air-conditioning equipment that contain fluorinated greenhouse gases		1 January 2020
12b. Air-conditioning equipment in cargo ships that contain fluorinated greenhouse gases		1 January 2020

12c. Foams containing fluorinated greenhouse gases	Extruded polystyrene foams	1 January 2016
	Other foams (including polyurethane, polyisocyanurate and phenolic)	1 January 2020
12d. Solvents that contain fluorinated greenhouse gases except for precision cleaning of electrical and other components in aerospace and aeronautics applications and in the manufacture of semiconductors		1 January 2020

Amendment 85

Proposal for a regulation Annex V

Text proposed by the Commission

ANNEX V

Calculation of the maximum quantity, reference values and quotas for placing hydrofluorocarbons on the market

The maximum quantity referred to in Article 13(1) shall be calculated by applying the following percentages to the annual average of the total quantity *produced and imported into* the Union during the period from **2008** to **2011**:

Years	
2015	100 %
2016–17	93 %
2018–20	63 %
2021–23	45 %
2024–26	31 %

2027–29	24%
2030	21%

Amendment

ANNEX V

Calculation of the maximum quantity, reference values and quotas for placing *HFCs* on the market

The maximum quantity referred to in Article 13(1) shall be calculated by applying the following percentages to the annual average of the total quantity *placed on the market in* the Union during the period from **2009** to **2012**:

Years	
2015	100%
2016–17	90%
2018–20	63%
2021–23	45%
2024–26	31%
2027–29	24%
2030	16%

Amendment 86

**Proposal for a regulation
Annex VII – point 1 – point a**

Text proposed by the Commission

a) the total **production** of each substance in the Union, identifying the main categories of application in which the substance is used;

Amendment

a) the total **quantity** of each substance **it has produced** in the Union, identifying the main categories of application in which the substance is used;

Justification

Amendment tabled in the interests of clarity.

Amendment 87

Proposal for a regulation Annex VII – point 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) By-product emissions of fluorinated greenhouse gases listed in Annexes I and II and other fluorinated compounds produced during the manufacturing process, including during the manufacturing process of feedstocks and process agents.

EXPLANATORY STATEMENT

BACKGROUND

The Montreal Protocol, considered the most successful international environmental agreement, has achieved global phase-outs and phase-downs of most ozone-depleting substances, including chlorofluorocarbons (CFCs) and hydrofluorochlorocarbons (HCFCs). Hydrofluorocarbons (HFCs) have recently begun to act as substitutes for CFCs and HCFCs, but they are climatically very active. In addition, other fluorinated greenhouse gases (F-gases), including perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆), have global warming potentials (GWPs) up to 23,000 times more potent than carbon dioxide and can remain in the atmosphere for thousands of years. Action is needed.

The European Union (EU) has called for an 80-95% reduction of greenhouse gas (GHG) emissions by 2050 compared to levels in 1990. According to the European Commission's *Low Carbon Economy Roadmap*, in order to reach this target, 72-73% reductions in non-CO₂ emissions (this includes fluorinated greenhouse gases) are needed by 2030. But while all other greenhouse gases have been reduced, F-gas emissions in the EU have risen by 60% since 1990. HFC-based products and equipment can have long lifetimes of up to 50 years. Additional legislation is therefore needed now to prevent emissions from increasing for several decades to come.

Fortunately, sustainable alternatives—those proven to be safe, cost-effective, energy efficient—are already on the market today and in use. These sustainable alternatives can replace almost all new HFC-based equipment now and in the near future. Phasing-out the use of HFCs will enhance sustainable growth, spur innovation and reward European companies that have invested in green technologies. The Danish experience serves as a prime example. There, F-gas prohibitions were advanced a decade ago, spurring investment and innovation and benefiting many small- and medium-sized enterprises, which now have matured and continue to extend their reach outside of Denmark. Through ambitious global leadership, Europe can maintain its competitiveness in the field of innovative refrigeration, cooling and heating technology in line with environmentally stewardship.

RAPPORTEUR'S PROPOSAL

The Rapporteur supports many elements in the Commission proposal. Quantitative limits on the amount of HFCs that can be placed on the market (the “phase-down”) is a step in the right direction, as are the bans in hermetically sealed and pre-charged equipment needed to support it. Training and certification for sustainable alternatives is important. The ban on servicing and maintaining *existing* refrigeration equipment with very climate potent HFCs and blends will reduce emissions and produce energy savings. In addition, the Rapporteur supports banning the use of HFCs in certain equipment like domestic refrigerators and freezers for

which less harmful alternatives are available on the market today. Overall, however, the proposal could do more to support the sustainable alternatives and the smaller European companies producing them. The Rapporteur therefore finds that the Commission proposal can be improved in several ways, as discussed below.

Placing on the Market (POM) Prohibitions and Use Bans

There are already sustainable alternatives for equipment containing HFCs available in Europe today. The Rapporteur thinks that placing on the market (POM) prohibitions are appropriate when these sustainable alternatives can meet the demand for new equipment in a certain subsector. POM prohibitions also help prevent the use of HFCs in sectors where natural refrigerants are available, thereby ensuring the cost-effectiveness of the phase-down and preserving limited HFC quotas for sectors that actually need them. Further, POM prohibitions and use bans provide the clear market signals requested by smaller European companies producing sustainable alternatives and ensure a transparent, stable and predictable investment climate.

The Rapporteur therefore introduces POM prohibitions and use bans when penetration rates of sustainable alternatives can achieve 100% market penetration¹ or close thereto, in particular:

- **Foams**: POM prohibition in 2015. Foams can have long lifetimes of up to 50 years. Furthermore, it is expensive to recover blowing gases from foam products. A lack of public intervention today would hence result in higher emissions in the coming decades. Sustainable alternatives are cost-effective and achieve significant HFC emission reductions (~3.9 Mt/CO₂-equivalent/year in 2030).
- **Technical Aerosols**: POM prohibition in 2020. Sustainable alternatives are cost-effective and achieve significant HFC emission reductions (~3.6 Mt/CO₂-equivalent/year in 2030).
- **Refrigeration**: POM prohibition in 2020 on stationary refrigeration. This sector currently comprises the highest share of HFC emissions. Sustainable alternatives are cost-effective and achieve significant HFC emissions reductions (~15.3 Mt/CO₂-equivalent/year in 2030) – figures that do not include the significant reductions in GHG emissions from energy savings. POM prohibition in 2025 on mobile refrigeration except fishing vessels. Sustainable alternatives are cost-effective and achieve emission reductions (~0.7 Mt/CO₂-equivalent/year in 2030).
- **Air-Conditioning**: POM prohibition in 2020 for stationary air conditioning and cargo ships. This sector has a high share of HFC emissions and is the fastest growing source of emissions. Sustainable alternatives are cost-effective and achieve significant HFC

¹ The penetration rate is defined as the maximum market potential of abatement options to replace new products or equipment relying upon HFCs in a particular sector. A penetration rate of 100% in 2015 means that 100% of the new HFC units installed in 2015 could be replaced by units of alternative technologies.

emissions reductions (~29 Mt/CO₂-equivalent/year in 2030). POM prohibition in centrifugal chillers in 2027. Sustainable alternatives are cost-effective and will achieve emission reductions (~9 kt/CO₂-equivalent/year in 2030).

The Rapporteur furthermore introduces a ban in 2020 for the use of SF₆ as an insulator and switching medium in medium voltage switchgear. SF₆ is a greenhouse gas with a warming potential up to 22,800 times more potent carbon dioxide (CO₂) and an atmospheric lifetime of over 3,000 years. Competitive SF₆-free alternatives are available on the market already now and therefore any SF₆ emission should be considered as simply irresponsible.

Phase-Down

The European Parliament resolution of 14 September 2011 on a comprehensive approach to non-CO₂ climate-relevant anthropogenic emissions urged “*a rapid phase-down of the production and consumption of HFCs*” within the European Union. This will not only promote the uptake of alternatives in advance of the POM prohibitions and use bans, but will encourage tighter systems and reward reclamation and recycling.

The Rapporteur therefore introduces measures designed to eliminate HFC over-allocation and ensure a technically feasible and cost-effective phase-down schedule, in particular:

- Tightened Phase-Down Schedule. The current phase-down schedule needs to be tightened to ensure the technically feasible and cost-effective transition to sustainable alternatives. The Commission has tabled the proposal for the phase-down schedule without taking into account the service ban in Article 11. The service ban will lead to significant lower HFC demand and therefore the phase-down steps, notably before 2018 and after 2023, should be more ambitious.
- Allocation Fee. An allocation fee to use the HFC quotas is introduced at a cost of 30€/ton CO₂-eq, which was the expected CO₂-price average during the third ETS phase at the time of adoption of the ETS Directive. This will secure a revenue stream to compensate for regional differences in costs due to climate conditions.
- Corrected Baseline. The baseline for the phase-down schedule as proposed by the Commission takes the annual average of the quantity produced and imported into the EU during the 2008-2011 period. Since the data for the year 2012 will be available soon, using the latest data to calculate the baseline should be used, i.e. taking the average during the 2009-2012 period.

Ban on By-Product Emissions

The Commission proposal could unintentionally increase global emissions of F-gases and further complicate climate progress at the international level unless by-product emissions are

meaningfully addressed. The reason is that the HFC production often occurs in third countries with no restrictions on by-products emissions (like HFC-23 emissions) or binding obligations to reduce GHG emissions. The Rapporteur therefore introduces a prohibition on placing on the market any F-gas listed in Annexes I and II unless by-product emissions produced during the manufacturing process are destroyed. Given the vertical integration and limited number of producers in this sector, enforcement should not be a concern.

Containment and Recovery

Clear obligations on containment and recovery are needed to overcome historically low compliance rates and cost-ineffectiveness.

The Rapporteur therefore introduces amendments to limit leakage and promote recovery, in particular:

- Service Ban. The proposal to ban the servicing and maintenance of existing refrigeration equipment with high-GWP HFCs should be improved. Recent activities and experiences with retrofilling in European supermarkets show that significant and cost-effective HFC reductions can be achieved through this measure, and as early as 2015. An earlier service ban therefore provides huge environmental and cost benefits. Excluding from the service ban around 80% of the systems in the small commercial sector by increasing the threshold from 5 to 40 tonnes of CO₂ equivalent would reduce the environmental benefits by only 8% or less. Refrigeration equipment operating at temperatures below -50°C is also excluded. For these sectors, the use of recovered high-GWP HFCs will still be allowed to promote recycling.
- Recovery Schemes. In order to ensure recovery and promote producer responsibility, recovery schemes should be set up in all Member States to ensure the recycling, reclamation or destruction of F-gases.
- Minimum Precautionary Measures. Operators should be required to take minimum precautionary measures to prevent leakage before it occurs, based on best industry practices and experiences in Member States.
- Maximum Leakage Rates. Maximum leakage rates should be established for each type of equipment to improve compliance and enforcement, based on best industry practices, experiences in Member States and international and European standards.
- Extended Scope. Extending containment obligations to all mobile equipment is cost-effective and achieves significant emission reductions (~2.4 Mt/CO₂-equivalent/year).

31.5.2013

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on fluorinated greenhouse gases

(COM(2012)0643 – C7-0370/2012 – 2012/0305(COD))

Rapporteur: Gilles Pargneaux

SHORT JUSTIFICATION

1. Introduction

The Commission proposal concerning fluorinated greenhouse gases aims to replace Regulation (EC) No 842/2006 with a view to reducing greenhouse gas emissions by 80-95 % on 1990 levels by 2050 and thus slowing the rate of climate change. Curbing climate change is one of the objectives set by the European Parliament and the European Council in the light of the international agreements in Copenhagen and Cancún.

In addition to the containment and end-of-life treatment measures for fluorinated gases and the bans on the sale of certain products and equipment laid down in the former regulation, this new regulation proposes a quota system to phase out fluorinated greenhouse gases with a high global warming potential (GWP) and provides for additional bans on the sale of equipment containing fluorinated greenhouse gases.

2. The ‘transport’ dimension of the proposal

The Commission proposal broadens the scope of the previous regulation by extending the measures relating to containment, specifically those on emission prevention, leak checks, leakage detection systems, record-keeping, and the measures relating to the pre-charging of equipment in refrigerated trucks and trailers.

The proposal also provides for a reduction in the sale of gases HFC-134, HFC-125 and HFC 143a, which are used widely in the transport sector as refrigerants, either in their pure form or in mixtures (such as R-404A), and for a ban on the use of these substances for servicing or maintenance purposes.

3. Observations from the rapporteur

In its resolution of 14 September 2011, the European Parliament called on the Commission to draw up proposals to achieve, among other things, a swift reduction in the production and consumption of hydrofluorocarbons (HFCs) in various products and applications.

The rapporteur takes the view that the Commission proposal meets this objective. However, he also considers that its scope could be broadened, provided that efforts are made to ensure that the regulation is feasible to implement.

By providing for leak checks only on trucks of more than 3.5 tonnes and refrigerated trailers, the proposal covers only limited types of transport. The rapporteur takes the view that it is inadvisable to exclude trucks of less than 3.5 tonnes, vans and refrigerated containers from the scope of the regulation given the number of such vehicles and containers in use in the Union. The limited scope of the proposal could also have a discriminatory effect within the sector.

The rapporteur also considers that the rail and maritime transport sectors should play a part in reducing fluorinated greenhouse gases. However, the maritime transport sector should be covered by specific legislation, as proposed by the Commission, given its special characteristics, particularly its cross-border nature.

As regards air-conditioning systems in vehicles of more than 3.5 tonnes, the rapporteur laments the absence of a report on the review of Directive 2006/40/EC relating to emissions from air-conditioning systems in motor vehicles (MAC), which was due to be published in July 2011, and calls on the Commission to consider amending the directive to cover vehicles with a mass of more than 3.5 tonnes.

Although the scope of the regulation should be broadened with regard to leak checks, the rapporteur considers that it would be unwise to restrict the use of fluorinated greenhouse gases for servicing or maintenance purposes from 2020. The restrictions would impose an excessive financial burden on the companies forced to replace or adapt their equipment before the end of its working life without any guarantee of significant environmental gain. Some of the other measures proposed are out of step with the transport sector, such as the provisions relating to pre-charging and record-keeping.

In 2012 the transport sector drew attention to problems with the supply of certain alternative gases, which was slowing down the implementation of the MAC Directive. Mixtures containing fluorinated gases, which have a lower GWP and which were seen as a short or medium-term solution, are currently being developed. The rapporteur therefore calls for a more flexible timetable for the first years of implementation and calls for an assessment of the regulation at the end of that period in order to adapt the timetable if necessary.

Lastly, attention should also be paid to the safety and energy performance of the alternative gases. Some of the alternatives are flammable and could pose additional risks in the event of a road accident. Their energy performance should be at least equal to that of the gases used currently so as to prevent an increase in vehicles' CO₂ emissions.

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) A Commission report on the application, effects and adequacy of Regulation (EC) No 842/2006 concluded that the current *containment measures*, if fully applied, have the potential to *reduce* emissions of fluorinated greenhouse gases. Those measures should, therefore, be maintained and clarified on the basis of the experience gained in implementing them. Certain measures should also be extended to other appliances in which substantial quantities of fluorinated greenhouse gases are used, such as refrigerated trucks and trailers. The obligation to establish and maintain records of equipment that contains such gases should also cover electrical switchgear.

Amendment

(3) A Commission report on the application, effects and adequacy of Regulation (EC) No 842/2006 concluded that the current *provisions of the Regulation*, if fully applied, *combined with Directive 2006/40/EC relating to emissions from air-conditioning systems in motor vehicles (the ‘MAC Directive’)*¹, have the potential to *stabilise EU-27 emissions of fluorinated greenhouse gases at their current levels by 2050*. Those measures should, therefore, be maintained and clarified on the basis of the experience gained in implementing them. *However, new, cost-effective measures should be taken in order to secure an 80-95 % reduction in emissions by 2050. As regards containment and recovery, one measure proposed with a view to further reducing greenhouse gas emissions was the extension of the scope of the Regulation to cover the refrigeration systems of road vehicles, such as trucks and trailers.*

¹*OJ L 161, 14.6.2006, p.12*

Justification

The purpose of this amendment is to spell out the conclusions of the report on the application

of Regulation (EC) No 842/2006.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The Commission's report also concluded that more can be done to reduce emissions of fluorinated greenhouse gases in the Union, in particular by avoiding the use of those gases where there are safe and energy efficient alternative technologies with no impact or a lower impact on the climate. A decrease of up to two thirds of the 2010 emissions by 2030 ***is cost-effective because proved and tested alternatives are available in many sectors.***

Amendment

(4) The Commission's report also concluded that more can be done to reduce emissions of fluorinated greenhouse gases in the Union, in particular by avoiding the use of those gases where there are safe and energy efficient alternative technologies with no impact or a lower impact on the climate. ***Given that proved and tested alternatives are available in many sectors, a decrease of up to two thirds of the 2010 emissions can be achieved readily and at reasonable cost by 2030.***

Justification

Amendment tabled in the interests of clarity.

Amendment 3

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Comprehensive data acquisition is necessary in order to monitor progress towards achieving the objectives relating to the reduction of fluorinated greenhouse gases. The obligation to establish and maintain records of equipment that contains such gases should, therefore, also apply to electrical switchgear and other equipment covered by this Regulation.

Justification

It is more appropriate to cover the need for record keeping in a specific recital.

Amendment 4

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Given that there are suitable alternatives, the current ban on using sulphur hexafluoride in magnesium die-casting and the recycling of magnesium die-casting alloys should be extended to facilities that use less than 850 kg per year. Similarly, with an appropriate transitional period, the use of refrigerants with **very high** global warming potential ("GWP") to service or maintain refrigeration equipment with a large size equivalent of **5** tonnes of CO₂ or more should be banned.

Amendment

(7) Given that there are suitable alternatives, the current ban on using sulphur hexafluoride in magnesium die-casting and the recycling of magnesium die-casting alloys should be extended to facilities that use less than 850 kg per year. Similarly, with an appropriate transitional period, the use of refrigerants with global warming potential ("GWP") **of more than 2500** to service or maintain refrigeration equipment **designed for an operating temperature of -50°C or above and** with a large size equivalent of **50** tonnes of CO₂ or more should be banned. **The ban shall not apply until 1 January 2030 to recovered, reclaimed or recycled fluorinated greenhouse gases with a GWP of 2500 or more used for the maintenance or servicing of existing refrigeration equipment provided they have been recovered from such equipment.**

Amendment 5

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) The Commission should continuously monitor the effects of reducing the placing on the market of hydrofluorocarbons, including the effect of reduction on the

Amendment

(18) The Commission should continuously monitor the effects of reducing the placing on the market of hydrofluorocarbons, including the effect of reduction on the

supply for appliances where the use of hydrofluorocarbons would result in lower life-cycle emissions than if an alternative technology was used. The monitoring should also ensure the early detection of health or safety concerns, due to negative impacts on the availability of medicinal products. A comprehensive review should be carried out **before 2030** in time to adapt the provisions of this Regulation in the light of its implementation and of new developments and to adopt, if appropriate, further reduction measures.

supply for appliances where the use of hydrofluorocarbons would result in lower life-cycle emissions than if an alternative technology was used. The monitoring should also ensure the early detection of health or safety concerns, due to negative impacts on the availability of medicinal products. A comprehensive review should be carried out **after the first five years of implementation** in time to adapt the provisions of this Regulation in the light of its implementation and of new developments and to adopt, if appropriate, further reduction measures. **Thereafter, reviews will be carried out every five years.**

Justification

A comprehensive review should be conducted every five years in order to ensure that the regulation is being implemented as effectively as possible and that any appropriate changes are made.

Amendment 6

Proposal for a regulation Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1 a

Scope

1. This Regulation shall apply to the use of fluorinated greenhouse gases in the EU, with the exception of the cases specified in paragraph 2.

2. This Regulation shall not apply to the use of fluorinated greenhouse gases for healthcare purposes, electric power generation, transmission and distribution, airspace applications and the production of industrial gases.

Amendment 7

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘fluorinated greenhouse gases’ means the hydrofluorocarbons (‘HFCs’), perfluorocarbons (‘PFCs’), sulphur hexafluoride (‘SF₆’) and other greenhouse gases that contain fluorine, as listed in Annex I, ***whether alone or in a mixture***;

Amendment

(1) ‘fluorinated greenhouse gases’ means the hydrofluorocarbons (‘HFCs’), perfluorocarbons (‘PFCs’), sulphur hexafluoride (‘SF₆’) and other greenhouse gases that contain fluorine, as listed in Annex I, ***or mixtures containing any of these substances***;

Amendment 8

Proposal for a regulation

Article 1 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1 a) ‘hydrofluorocarbons’ (HFCs) means substances listed in section 1 of Annex I, or mixtures containing any of these substances;

Amendment 9

Proposal for a regulation

Article 1 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1 b) ‘perfluorocarbons (PFCs)’ means substances listed in section 2 of Annex I, or mixtures containing any of these substances;

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point 1 c (new)

Text proposed by the Commission

Amendment

(1 c) 'sulphur hexafluoride (SF6)' means this substance, listed in section 3 of Annex I, or mixtures containing any of this substance;

Amendment 11

Proposal for a regulation

Article 1 - point 4

Text proposed by the Commission

Amendment

(4) 'operator' means the natural or legal person ***possessing*** the equipment and systems covered by this Regulation ***and exercising actual power over the technical functioning of them;***

(4) 'operator' means the natural or legal person ***exercising actual power over the technical functioning of*** the equipment and systems covered by this Regulation;

Justification

The fact that there are two conditions in the original definition would undermine legal certainty when it comes to implementing the regulation in the transport sector.

Amendment 12

Proposal for a regulation

Article 2 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Where a leakage of those gases is detected, the operators shall ensure that the equipment is repaired without undue delay.

Where a leakage of those gases is detected, the operators shall ensure that the equipment is repaired without undue delay ***and before any further use of the equipment.***

Justification

It should be made clear that, in the event of a gas leakage, the equipment must be repaired

before being put to further use.

Amendment 13

Proposal for a regulation

Article 2 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

d) delivering or receiving fluorinated greenhouse gases for the tasks listed in points (a), (b) and (c).

Amendment

d) delivering or receiving fluorinated greenhouse gases for the tasks listed in points (a), (b) and (c). ***This does not include delivering or receiving sealed drums.***

Justification

When sealed drums are delivered and received, there is no direct contact with F-gases, meaning that those activities do not need to be certified.

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

6. Operators of equipment that contains fluorinated greenhouse gases with a global warming potential equivalent to 5 tonnes of CO₂ not contained in foams shall ensure that the equipment is checked for leakage. However, equipment with hermetically sealed systems which are labelled as such, containing fluorinated greenhouse gases with a global warming potential equivalent to less than 10 tonnes CO₂, shall not be subject to leak checks under this Article.

Amendment

(Does not affect English version.)

Amendment 15

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

7. The checks pursuant to paragraph 1 shall be carried out with the following frequency:

(Does not affect English version.)

Amendment 16

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

8. Where in respect of fire protection systems as referred to in paragraph 1(d) there is an existing inspection regime in place that meets ISO 14520 or EN 15004 standards, and the fire protection system is inspected as often as required in accordance with paragraph 2, those inspections shall be considered to fulfil the obligations of paragraph 1.

(Does not affect English version.)

Amendment 17

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

9. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 specifying requirements for the leakage checks to be carried out in accordance with paragraph 1 of this Article for each type of equipment referred to in that paragraph, identifying those parts of the equipment most likely to leak, and amending the list of equipment in paragraph 1 of this Article to include other types of equipment in the light of market

(Does not affect English version.)

trends and technological progress.

Amendment 18

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This paragraph shall apply to operators of electrical switchgear that contains SF6 and of the equipment referred to in Article 3(2).

Amendment

This paragraph shall apply to operators of electrical switchgear that contains SF6 and of the equipment referred to in Article 3(2)**(b) and (c)**.

Justification

The administrative burden linked to record keeping cannot be justified in the case of annual checks. It would be more appropriate to introduce a system whereby the persons carrying out the leak checks keep the records.

Amendment 19

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) The persons carrying out the leak checks of the equipment covered in Article 3(2)(a) shall on each occasion draw up a check report containing the following information:

(a) the type of equipment checked, its charge size, the type of greenhouse gas charged and the date of its entry into service;

(b) the type of check carried out on the equipment and the date it was performed;

(c) any damage noted;

(d) the amount of fluorinated greenhouse gases added and the type of gas used;

(e) the quantity of fluorinated greenhouse gases recovered;

(f) whether the equipment has been decommissioned;

(g) the name of the operator and, in the case of the equipment referred to Article 3(1)(e), the vehicle or container identification number.

The persons carrying out the leak checks shall keep a record containing the information listed in paragraph 1 and shall provide the operator with a copy of the check report.

The operators of equipment containing the greenhouse gases referred to in Article 3(2)(a) shall keep all check reports throughout the life of the equipment.

Justification

An effective reporting system should be adopted for the annual checks. The system would be more effective if the persons carrying out the checks also keep the records.

Amendment 20

Proposal for a regulation

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

ca) persons who charge with hydrofluorocarbons the equipment listed in Article 12(1);

Amendment 21

Proposal for a regulation

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The prohibition set out in paragraph 1 shall not apply to the following sectors of use:

- applications in the healthcare sector

- (including in particular medical and pharmaceutical applications);*
- aerospace applications (including in particular fire suppression systems and fire extinguishers in airplanes);*
- electric power generation, transmission and distribution applications;*
- cryogenic applications;*
- production of industrial gases.*

Amendment 22

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list set out in Annex III to ***include other products and equipment that contain fluorinated greenhouse gases with a global warming potential of 150 or more, or that rely on them to work, if it has been established that alternatives to the use of fluorinated greenhouse gases or to the use of specific types of fluorinated greenhouse gases are available, and their use would result in lower overall greenhouse gas emissions*** and to exclude, where appropriate for a specified period of time, certain categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are not available for technical, economic or safety reasons.

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list set out in Annex III to exclude, where appropriate for a specified period of time, certain categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are ***temporarily*** not available for technical, economic or safety reasons.

Justification

Annex III has a direct impact on the scope of the Regulation. For this reason, further items should only be added to it based on co-decision procedure, enabling the European Parliament to fully assume its legislative responsibility. Exclusions of certain items from Annex III should only be temporary, based on reasons of economic, technical and safety

related nature.

Amendment 23

Proposal for a regulation Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Commission shall, before adopting a delegated act under the preceding paragraph to exclude certain categories of equipment, provide access to information and opportunities for public participation in accordance with Articles 6 and 9 of Regulation (EC) No 1367/2006 respectively.

Justification

The Commission should be required to provide access to information and opportunity for public participation in accordance with EU law prior to adopting an exemption.

Amendment 24

Proposal for a regulation Article 9 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. By 31 March 2016, Member states shall publish a report on standards and national legislation and building codes restricting the use of flammable refrigerants, in particular in refrigeration and air-conditioning products and equipment. The report shall review the restrictions in light of technological developments since their adoption and best industry practices on the safe handling of flammable refrigerants, identifying actions to update them, where appropriate, and outline those applications where restrictions must be

maintained for objective safety reasons.

By 31 March 2017, the commission shall publish a synthesis report on the restrictions identified in Member States and actions to be taken to address them, and shall include a review of restrictions embedded in European and international standards and additional actions to bring those in line with technological developments and best industry practices on the safe handling of flammable refrigerants

Justification

Restricting standards, national legislation and building codes, is often the reason slowing down the diffusion and market share of low-GWP technologies in some Member States. Safety legislation should be reviewed and updated in line with the technological developments and best industry practices.

Amendment 25

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Fluorinated gases intended for use as a raw material in a chemical process, for destruction, export or repackaging shall be subject to compulsory labelling.

Amendment 26

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2 – point g a (new)

Text proposed by the Commission

Amendment

ga) foam polyol premixes and solvents.

Amendment 27

Proposal for a regulation

Article 11 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. The use of fluorinated greenhouse gases, or of mixtures that contain fluorinated greenhouse gases, with a global warming potential of 2500 or more, to service or maintain refrigeration equipment with a charge size equivalent to 5 tonnes of CO₂ or more, shall be prohibited from 1 January 2020.

Amendment

3. The use of fluorinated greenhouse gases, or of mixtures that contain fluorinated greenhouse gases, with a global warming potential of 2500 or more, to service or maintain refrigeration equipment ***designed for an operating temperature of -50°C or above and*** with a charge size equivalent to 50 tonnes of CO₂ or more, shall be prohibited from 1 January 2020.

Until 1 January 2030 this provision shall not apply to recovered or reclaimed fluorinated greenhouse gases with a global warming potential of 2500 or more used for the maintenance or servicing of existing refrigeration equipment, provided they have been recovered from such equipment. Such recovered or reclaimed gases should be properly labelled in accordance with Article 10(5).

Until 1 January 2030 this provision shall not apply to recycled fluorinated greenhouse gases with a global potential of 2500 or more used for the maintenance and servicing of existing refrigeration equipment provided they have been recovered from such equipment. Such recycled gases may only be used by the undertaking which carries out their recovery as part of maintenance and servicing or the undertaking for which the recovery was carried out as part of maintenance and servicing.

Justification

The ban on servicing or maintaining equipment with a charge size equivalent to 5 tonnes could impose an excessive financial burden on the transport sector, particularly small and medium-sized enterprises, which would be required, depending on the alternative gas they use, to replace or adapt their existing equipment. Energy performance could also be affected by the change of refrigerant gas. The figure has been changed to 50 tonnes for consistency

with the categories defined in Article 3(2).

Amendment 28

Proposal for a regulation

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The prohibition set out in paragraph 1 shall not apply to the following sectors of use:

- applications in the healthcare sector (including in particular medical and pharmaceutical applications);**
- aerospace applications (including in particular fire suppression systems and fire extinguishers in airplanes);**
- electric power generation, transmission and distribution applications;**
- cryogenic applications;**
- production of industrial gases.**

Amendment 29

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

From [dd/mm/yyyy] [insert date **3 years** after entry into force of this regulation], **refrigeration, air-conditioning and heat pump equipment** shall not be charged with hydrofluorocarbons **before it is placed on the market or before it is made available to the end-user for its first installation.**

To avoid distortion of competition on the EU market, from [dd/mm/yy] [insert date 1 year after entry into force of this regulation], products and equipment placed on the Union market shall not be charged with hydrofluorocarbons unless the hydrofluorocarbons were placed on the Union market before [dd/mm/yy] [insert starting date of quota system] or are accounted for within the hydrofluorocarbons quota referred to in Article 14.

Justification

Refrigerant quantities contained in imported equipment need to be considered without creating unnecessary administrative burden to ensure the same treatment for EU and non EU equipment manufacturers. Manufacturers of products/equipment will have to prove that they only use HFCs which are covered by the EU quota (or which were already put on the EU market before the quota started) by a declaration of conformity. They will have to keep the necessary documents available for inspection (e.g. the “invoices” from the HFC gas supplier). The details need to be settled by an implementing act.

Amendment 30

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The equipment shall be charged where it is intended to be used, by persons certified in accordance with Article 8.

Amendment

With the exception of the equipment referred to in Article 3(1)(e), the equipment shall be charged where it is intended to be used, by persons certified in accordance with Article 8.

Justification

The provisions of the article as proposed by the Commission are not relevant to refrigerated vehicles and containers.

Amendment 31

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) The equipment referred to in Article 3(1)(e) shall be charged by persons certified in accordance with Article 8 in the Member State where the vehicle is registered and made available to the operator.

Justification

It is important to take account of the specific nature of pre-charging in the transport sector.

Amendment 32

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission shall ensure that the quantity of hydrofluorocarbons that producers and importers are entitled to place on the market in the Union each year does not exceed the maximum quantity for the year in question calculated in accordance with Annex V. Each producer and importer shall ensure that the quantity of hydrofluorocarbons calculated in accordance with Annex V that it places on the market does not exceed the quota allocated to it pursuant to Article 14(5) or transferred to it pursuant to Article 16.

Amendment

1. The Commission shall ensure that ***where safe and technologically- and economically-viable alternatives are available on the market***, the quantity of hydrofluorocarbons that producers and importers are entitled to place on the market in the Union each year does not exceed the maximum quantity for the year in question calculated in accordance with Annex V. Each producer and importer shall ensure that the quantity of hydrofluorocarbons calculated in accordance with Annex V that it places on the market does not exceed the quota allocated to it pursuant to Article 14(5) or transferred to it pursuant to Article 16.

Justification

Prior to any amending of the maximum quantities of fluorinated gases that can be placed on the market, the Commission should ensure that technologically-feasible, safe and economically-viable alternatives exist on that market.

Amendment 33

Proposal for a regulation Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

This Article shall not apply to hydrofluorocarbons imported into the Union ***to be destroyed***.

Amendment

This Article shall not apply to ***the following***:

- (a) hydrofluorocarbons imported into the Union for destruction;***
- (b) hydrofluorocarbons supplied for direct export outside the Union;***
- (c) hydrofluorocarbons supplied for use in***

feedstock applications;

(d) hydrofluorocarbons supplied for repackaging and subsequent export outside the Union;

(e) hydrofluorocarbons produced or imported into the Union for use in medical applications.

Justification

A clear exemption for medical applications ensures availability for this critical use. The use of HFCs imported for destruction should not count and HFCs in feedstock applications has the same effect as destruction as the substance is converted into other substances. HFCs supplied for subsequent export are never placed on the market in the EU and should therefore not be counted.

Amendment 34

Proposal for a regulation

Article 13 – paragraph 4 – point a

Text proposed by the Commission

(a) amending the maximum quantities set out in Annex V in the light of developments of the market in hydrofluorocarbons and related emissions; and

Amendment

(a) amending ***downward*** the maximum quantities set out in Annex V in the light of developments of the market in hydrofluorocarbons and related emissions, ***as soon as a safe and technologically -and economically- viable alternative becomes available on the market;*** and

Amendment 35

Proposal for a regulation

Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Commission shall, before adopting a delegated act under the above paragraph, provide access to information and opportunities for public participation in accordance with Articles 6 and 9 of

**Regulation (EC) No 1367/2006,
respectively.**

Justification

Given the urgency of the climate situation, maximum quantities should only be amended downward to further accelerate the transition to alternatives. Before any decision is made on amending the quantities or granting an exemption, the commission should be required to provide access to information and opportunities for public participation in accordance with EU obligations.

Amendment 36

**Proposal for a regulation
Article 13 – paragraph 4 b (new)**

Text proposed by the Commission

Amendment

***4 b. By 31 December 2014 the
Commission shall publish a review about
safe, technically and economically
feasible alternatives on the market to
replace existing hydrofluorocarbons.***

Justification

Before determining the quantities of hydrofluorocarbons available as from 2015 Commission should assess the availability of safe, technically and economically feasible alternatives in order to guarantee the continuity of operation of systems currently in use.

Amendment 37

**Proposal for a regulation
Article 14 – paragraph 6 a (new)**

Text proposed by the Commission

Amendment

***6 a. This Article shall not apply to
hydrofluorocarbons placed on the EU
market for the following sectors of use:
- applications in the healthcare sector
(including in particular medical and
pharmaceutical applications);***

- *aerospace applications (including in particular fire suppression systems and fire extinguishers in airplanes);*
- *electric power generation, transmission and distribution applications;*
- *cryogenic applications;*
- *production of industrial gases.*

Amendment 38

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2

Text proposed by the Commission

No later than **31 December 2020**, the Commission shall publish a report on the availability of hydrofluorocarbons on the Union market, *in particular for medical applications*.

Amendment

No later than *six years after the entry into force of this Regulation*, the Commission shall publish a report *on its implementation and* on the availability of hydrofluorocarbons on the Union market *for the various sectors concerned. The report shall cover the first five years of implementation and shall include a calculation of the quantity of hydrofluorocarbons as provided for in Annex V for the 2021-2030 period.*

Justification

A comprehensive review should be conducted every five years in order to ensure that the regulation is being implemented as effectively as possible and that any appropriate changes are made.

Amendment 39

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 3

Text proposed by the Commission

No later than **31 December 2024**, it shall publish a comprehensive report on the effects of this Regulation, including a forecast of the continued demand for hydrofluorocarbons after 2030.

Amendment

No later than **31 December 2022**, it shall publish a comprehensive report on the effects of this Regulation, including a forecast of the continued demand for hydrofluorocarbons *in 2024, 2027, 2030*

and after 2030.

Amendment 40

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(5), 14(6), 17(5), 18(3) and 19(1) and (2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [dd/mm/yyyy] [*insert date of entry into force of this regulation*].

Amendment

2. The power to adopt delegated acts referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(4), 14(6), 17(5), 18(3) and 19(1) and (2) shall be conferred on the Commission for ***a*** period of ***five years*** from [dd/mm/yyyy] [*insert date of entry into force of this regulation*]. ***The Commission shall draw up a report concerning the delegation of powers no later than nine months before the end of the five-year period. The delegation of powers shall be tacitly extended for further five-year periods, unless the European Parliament or the Council objects to such an extension no later than three months before the end of each period.***

Justification

Delegated acts are referred to in paragraph 4 of Article 13, not paragraph 5. The delegation of powers should ideally apply for only limited periods and a report should be made available on the arrangements concerned.

Amendment 41

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

3. The power to adopt delegated acts referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(5), 14(6), 17(5), 18(3) and 19(1) and (2) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in

Amendment

3. The power to adopt delegated acts referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(4), 14(6), 17(5), 18(3) and 19(1) and (2) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in

that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.

that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Justification

Delegated acts are referred to in paragraph 4 of Article 13, not paragraph 5.

Amendment 42

Proposal for a regulation Article 20 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(5), 14(6), 17(5), 18(3) and 19(1) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(4), 14(6), 17(5), 18(3) and 19(1) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Justification

Delegated acts are referred to in paragraph 4 of Article 13, not paragraph 5.

Amendment 43

Proposal for a regulation Annex III – table - row 10

Text proposed by the Commission

10. Domestic refrigerators and freezers that contain HFCs containing HFCs with GWP of 150

1 January
2015

or more

Amendment

10. Domestic refrigerators and freezers that contain HFCs containing HFCs with GWP of 150 or more

1 January
2017

Amendment 44

Proposal for a regulation

Annex V

Text proposed by the Commission

2015	100 %
2016-17	93 %
2018-20	63 %
2021-23	45 %
2024-26	31 %
2027-29	24 %
2030	21 %

Amendment

2015	100 %
2016-17	90 %
2018-20	68 %
2021-23	50 %
2024-26	31 %
2027-29	27 %
2030	21 %

Amendment 45

Proposal for a regulation

Annex VII – paragraph 1 – point a

Text proposed by the Commission

(a) the total **production** of each substance in the Union, identifying the main categories of application in which the substance is used;

Amendment

(a) the total **quantity** of each substance **it has produced** in the Union, identifying the main categories of application in which the substance is used;

Justification

Amendment tabled in the interests of clarity.

Amendment 46

Proposal for a regulation Annex VIII – row 9

Text proposed by the Commission

Article 3, paragraph 4

Article 3, paragraph 4

Amendment

Article 3, paragraph 4

Article 4, paragraph 2

Justification

Amendment tabled in order to correct a factual error.

Amendment 47

Proposal for a regulation Annex VIII – row 10

Text proposed by the Commission

Article 3, paragraph 5

Article 3, paragraph 5

Amendment

Article 3, paragraph 5

Article 3, paragraph 3

Justification

Amendment tabled in order to correct a factual error.

Amendment 48

Proposal for a regulation Annex VIII – row 12

Text proposed by the Commission

Article 3, paragraph 7

Article 3, paragraph 6

Amendment

Article 3, paragraph 7

Article 3, paragraph 4

Amendment

Article 4, paragraph 3

Article 7, paragraph 4

Justification

Amendment tabled in order to correct a factual error.

Amendment 52

**Proposal for a regulation
Annex VIII – row 16**

Text proposed by the Commission

Article 4, paragraph 4

Article 6, paragraph 5

Amendment

Article 4, paragraph 4

Article 7, paragraph 3

Justification

Amendment tabled in order to correct a factual error.

PROCEDURE

Title	Fluorinated greenhouse gases
References	COM(2012)0643 – C7-0370/2012 – 2012/0305(COD)
Committee responsible Date announced in plenary	ENVI 19.11.2012
Opinion by Date announced in plenary	TRAN 13.12.2012
Rapporteur Date appointed	Gilles Pargneaux 13.12.2012
Discussed in committee	22.4.2013
Date adopted	30.5.2013
Result of final vote	+: 29 -: 12 0: 1
Members present for the final vote	Magdi Cristiano Allam, Inés Ayala Sender, Georges Bach, Erik Bánki, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Eva Lichtenberger, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, Dominique Riquet, Petri Sarvamaa, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Silvia-Adriana Țicău, Giommara Uggias, Peter van Dalen, Patricia van der Kammen, Dominique Vlasto, Artur Zasada, Roberts Zīle
Substitute(s) present for the final vote	Phil Bennion, Spyros Danellis, Isabelle Durant, Gilles Pargneaux, Sabine Wils, Janusz Władysław Zemke
Substitute(s) under Rule 187(2) present for the final vote	Josef Weidenholzer

PROCEDURE

Title	Fluorinated greenhouse gases		
References	COM(2012)0643 – C7-0370/2012 – 2012/0305(COD)		
Date submitted to Parliament	7.11.2012		
Committee responsible Date announced in plenary	ENVI 19.11.2012		
Committee(s) asked for opinion(s) Date announced in plenary	ITRE 19.11.2012	IMCO 19.11.2012	TRAN 13.12.2012
Not delivering opinions Date of decision	ITRE 28.11.2012	IMCO 18.12.2012	
Rapporteur(s) Date appointed	Bas Eickhout 20.12.2012		
Discussed in committee	21.3.2013	25.4.2013	
Date adopted	19.6.2013		
Result of final vote	+: -: 0:	48 19 0	
Members present for the final vote	Martina Anderson, Elena Oana Antonescu, Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Sandrine Bélier, Sergio Berlato, Lajos Bokros, Franco Bonanini, Milan Cabrnock, Martin Callanan, Nessa Childers, Yves Cochet, Tadeusz Cymański, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Jill Evans, Karl-Heinz Florenz, Elisabetta Gardini, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Romana Jordan, Karin Kadenbach, Christa Kläß, Eija-Riitta Korhola, Holger Kraemer, Jo Leinen, Corinne Lepage, Peter Liese, Kartika Tamara Liotard, Zofija Mazej Kukovič, Linda McAvan, Miroslav Ouzký, Vladko Todorov Panayotov, Gilles Pargneaux, Andrés Perelló Rodríguez, Mario Pirillo, Pavel Poc, Frédérique Ries, Oreste Rossi, Dagmar Roth-Behrendt, Kārlis Šadurskis, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Theodoros Skylakakis, Bogusław Sonik, Claudiu Ciprian Tănăsescu, Salvatore Tatarella, Thomas Ulmer, Glenis Willmott, Sabine Wils, Marina Yannakoudakis		
Substitute(s) present for the final vote	Erik Bánki, Judith A. Merkies, Miroslav Mikolášik, Christel Schaldemose, Marita Ulvskog, Kathleen Van Brempt, Andrea Zannoni		
Substitute(s) under Rule 187(2) present for the final vote	Bill Newton Dunn, Konrad Szymański, Sampo Terho		
Date tabled	27.6.2013		