



2022/0099(COD)

10.10.2022

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and
repealing Regulation (EU) No 517/2014
(COM(2022)0150 – C9-0142/2022 – 2022/0099(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

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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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, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014
(COM(2022)0150 – C9-0142/2022 – 2022/0099(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0150),
 - 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 (C9-0142/2022),
 - 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 15 June 2022¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Industry, Research and Energy,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0000/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 365. 23.9.2022, p. 44.

Amendment 1

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) The European Green Deal launched a new growth strategy for the Union that aims to transform the Union into a fair and prosperous society with a modern, resource-efficient and competitive economy. It reaffirms the Commission's ambition to ***increase its climate targets and*** make Europe the first climate-neutral continent by 2050 and aims to protect the health and well-being of citizens from environment-related risks and impacts. Furthermore, the EU is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.

Amendment

(1) The European Green Deal launched a new growth strategy for the Union that aims to transform the Union into a fair and prosperous society with a modern, resource-efficient and competitive economy. It reaffirms the Commission's ambition to make Europe the first climate-neutral ***and zero-pollution*** continent by 2050 and aims to protect the health and well-being of citizens from environment-related risks and impacts. Furthermore, the EU is committed to ***Regulation (EU) 2021/1119 of the European Parliament and of the Council ('European Climate Law')***^{1a}, ***the 8th Environmental Action Programme, and the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.***

^{1a} ***Regulation (EU) 2021/1119 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).***

Or. en

Amendment 2

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) Due to rising HFC emissions globally, Parties to the 1987 Montreal Protocol on Substances that Deplete the

Amendment

(5) Due to rising HFC emissions globally, Parties to the 1987 Montreal Protocol on Substances that Deplete the

Ozone Layer ('the Protocol') decided in 2016 under the Kigali Amendment²⁹ to implement an HFC phase-down that is to reduce HFC production and consumption by more than 80 % over the next 30 years. This implies that each Party must comply with an HFC consumption and production reduction schedule as well as providing for a licencing system for imports and exports and reporting on HFCs. It is estimated that the Kigali Amendment alone will save up to 0,4°C of additional warming by the end of the century.

²⁹ Council Decision (EU) 2017/1541 of 17 July 2017 on the conclusion, on behalf of the European Union, of the Kigali Amendment to the Montreal Protocol on substances that deplete the ozone layer, (OJ L 236, 14.9.2017, p. 1).

Ozone Layer ('the Protocol') decided in 2016 under the Kigali Amendment²⁹ to implement an HFC phase-down that is to reduce HFC production and consumption by more than 80 % over the next 30 years. This implies that each Party must comply with an HFC consumption and production reduction schedule as well as providing for a licencing system for imports and exports and reporting on HFCs. It is estimated that the Kigali Amendment alone will save up to 0,4°C of additional warming by the end of the century. ***The global phase-out of fluorinated greenhouse gases in split air conditioners alone is estimated to save up to 0,12 °C of additional warming by the end of the century^{29a}.***

²⁹ Council Decision (EU) 2017/1541 of 17 July 2017 on the conclusion, on behalf of the European Union, of the Kigali Amendment to the Montreal Protocol on substances that deplete the ozone layer, (OJ L 236, 14.9.2017, p. 1).

^{29a} ***The key role of propane in a sustainable cooling sector, Pallav Purohit et al., Sustainable Science Earth, Atmospheric, and Planetary Science, July 2022.***

Or. en

Amendment 3

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) To ensure coherence with the reporting requirements under the Protocol, global warming potentials of HFCs should be calculated in terms of the 100-year global warming potential of one kilogram of a gas relative to one kilogram of CO₂ based on the Fourth Assessment Report

Amendment

(7) To ensure coherence with the reporting requirements under the Protocol, global warming potentials of HFCs should be calculated in terms of the 100-year global warming potential of one kilogram of a gas relative to one kilogram of CO₂ based on the Fourth Assessment Report

adopted by the IPCC. For other substances, the most recent IPCC Assessment Report should be used. Where available, the 20-year global warming potential should be provided to better inform about the climate impacts of the substances covered by this Regulation.

adopted by the IPCC. For other substances, the most recent IPCC Assessment Report should be used. Where available, the 20-year global warming potential should be provided to better inform about the climate impacts of the substances covered by this Regulation. ***The Commission should advocate for an update of the GWP values of fluorinated greenhouse gases in line with the Sixth Assessment Report adopted by the IPCC at the international level.***

Or. en

Amendment 4

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Given that the production process for some fluorinated compounds can result in significant emissions of other fluorinated greenhouse gases produced as by-products, such by-product emissions should be destroyed or recovered for subsequent use as a condition for the placing of fluorinated greenhouse gases on the market. Producers and importers should be required to document measures adopted to prevent emissions of trifluoromethane during the production process.

Amendment

(9) Given that the production process for some fluorinated compounds can result in significant emissions of other fluorinated greenhouse gases produced as by-products, such by-product emissions should be destroyed or recovered for subsequent use as a condition for the placing of fluorinated greenhouse gases on the market. Producers and importers should be required to document ***mitigation*** measures adopted to prevent emissions of trifluoromethane during the production process ***and proof of the destruction and recovery in line with the best available techniques.***

Or. en

Amendment 5

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Despite the high GWP and increasing use of sulfuranyl fluoride, the emissions of this fluorinated greenhouse gas have not been regulated or monitored and are also not covered by any reporting requirements under the Paris Agreement. Where alternative treatment methods of wood and wooden products against pest infestation are available, the use of sulfuranyl fluoride should be prohibited by 2030. From 2025, operators should ensure that, if technically feasible and not disproportionately costly, sulfuranyl fluoride is recovered after fumigation.

Or. en

Amendment 6

Proposal for a regulation Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) Member States should ensure that producer responsibility schemes are established for the treatment of end-of-life fluorinated greenhouse gases. The Commission should set out minimum requirements for those producer responsibility schemes, including on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness-raising.

Or. en

Amendment 7

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) To encourage the use of technologies with no impact or lower impact on the climate that may involve the use of substances that are toxic, flammable or highly pressurized, the training of natural persons who carry out activities involving fluorinated greenhouse gases should cover technologies replacing or reducing the use of fluorinated greenhouse gases, including information on energy efficiency aspects and applicable regulations and technical standards. Certification and training programmes established under Regulation (EU) No 517/2014, which may be integrated in national vocational training systems, should be reviewed or adapted enabling technicians to handle alternative technologies safely.

(11) To encourage the use of technologies with no impact or lower impact on the climate that may involve the use *of* substances that are toxic, flammable or highly pressurized, the training of natural persons who carry out activities involving fluorinated greenhouse gases should cover technologies replacing or reducing the use of fluorinated greenhouse gases, including information on energy efficiency aspects and applicable regulations and technical standards. Certification and training programmes established under Regulation (EU) No 517/2014, which may be integrated in national vocational training systems, should be reviewed or adapted enabling technicians to handle alternative technologies safely. ***Member States should ensure that all of the workforce handling fluorinated greenhouse gases and alternative technologies are fully trained.***

Or. en

Amendment 8

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Where suitable alternatives to the use of ***specific*** fluorinated greenhouse gases are available, bans should be introduced on the placing on the market of new equipment for refrigeration, air-conditioning and fire protection that contains fluorinated greenhouse gases or whose functioning relies upon those gases. Where alternatives are not available or cannot be used for technical or safety reasons, or where the use of such alternatives would entail disproportionate costs, it should be possible for the Commission to authorise an exemption to allow the placing on the market of such

Amendment

(13) Where suitable alternatives to the use of fluorinated greenhouse gases are available, bans should be introduced on the placing on the market of new equipment for refrigeration, air-conditioning, ***foams, technical aerosols*** and fire protection that contains fluorinated greenhouse gases or whose functioning relies upon those gases. Where alternatives are not available or cannot be used for technical or safety reasons, or where the use of such alternatives would entail disproportionate costs, it should be possible for the Commission to authorise an exemption to allow the placing on the market of such

products and equipment for a limited period.

products and equipment for a limited period.

Or. en

Amendment 9

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The Commission recognises, in its communication of 14 October 2020, entitled “Chemicals Strategy for Sustainability Towards a Toxic-Free Environment” that per- and polyfluoroalkyl substances (PFAS) require special attention, considering the large number of cases of contamination of soil and water - including drinking water - in the EU and globally, the number of people affected with a full spectrum of illnesses and the related societal and economic costs. In order to ensure coherence with Union policy and a high level of protection of human health and the environment, and given the availability of non-toxic alternatives, the use of fluorinated greenhouse gases that are also PFAS, whose production produces PFAS or otherwise decomposes into PFAS, should not be encouraged by this Regulation.

Or. en

Amendment 10

Proposal for a regulation Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) The Commission should request

the European standardisation organisations to develop and update relevant harmonised standards to ensure the smooth implementation of the restrictions on placing on the market laid down in this Regulation. Member States should ensure that national standards and building codes are updated to reflect the allowable charge limits of flammable refrigerants, including IEC 60335-2-89 and IEC 60335-2-40 and should report on their efforts to that end and any exceptions to their update.

Or. en

Amendment 11

Proposal for a regulation Recital 13 c (new)

Text proposed by the Commission

Amendment

(13c) The Commission should work in close cooperation with the European Medicines Agency to coordinate a smooth approval process in respect of fluorinated substances and alternatives for medical use, so that all environmental and health aspects are taken into account.

Or. en

Amendment 12

Proposal for a regulation Recital 15

Text proposed by the Commission

Amendment

(15) Non-refillable containers *for ozone depleting substances*, should be banned, considering that an amount of refrigerant inevitably remains in these containers when emptied, which is then released into

(15) Non-refillable containers *of fluorinated greenhouse gases*, should be banned, considering that an amount of refrigerant inevitably remains in these containers when emptied, which is then

the atmosphere. In this respect, this Regulation should prohibit their import, placing on the market, subsequent supply or making available on the market, use unless for laboratory and analytical uses, and their export.

released into the atmosphere. In this respect, this Regulation should prohibit their import, placing on the market, subsequent supply or making available on the market, use unless for laboratory and analytical uses, and their export.

Containers of fluorinated gases should bear a label with information on arrangements for their return for refilling.

Or. en

Amendment 13

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) As third countries, particularly developing ones, might not have stringent recovery obligations for fluorinated greenhouse gases nor have the appropriate infrastructure to manage those gases at the end of life, exports of products and equipment containing fluorinated greenhouse gases and of containers of those gases from the Union to third countries could result in the release of those gases into the atmosphere when the products and equipment are discarded. As part of its global efforts to mitigate climate change, the Union should not permit the export of at least the most potent hydrofluorocarbons.

Or. en

Amendment 14

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) Considering the market value of the allocated quota, it is appropriate to claim a price for its allocation. This avoids a further fragmentation of the market to the detriment of those undertakings that are in need of the HFC supply and already dependent on HFC trade in the declining market. It is assumed that undertakings that decide not to claim and pay any quota, for which they would be entitled in the year(s) prior to the calculation of reference values, have decided to leave the market and thus they do not get a new reference value. The revenue should be used to cover administrative costs.

Amendment

(20) Considering the market value of the allocated quota, it is appropriate to claim a price for its allocation. ***That price should increase over time in order to provide a stable revenue stream.*** This avoids a further fragmentation of the market to the detriment of those undertakings that are in need of the HFC supply and already dependent on HFC trade in the declining market. It is assumed that undertakings that decide not to claim and pay any quota, for which they would be entitled in the year(s) prior to the calculation of reference values, have decided to leave the market and thus they do not get a new reference value. The revenue should be used to cover administrative costs ***and allow for additional investments in Member States to stimulate the training and uptake of natural refrigerants and measures to prevent illegal HFC trade.***

Or. en

Amendment 15

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

Amendment

(33) Member States should lay down rules on ***minimum*** penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

Or. en

Amendment 16

Proposal for a regulation

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) In its Communication of 14 October 2020 en titled “Improving access to justice in environmental matters in the EU and its Member States”, the Commission recognised that access to justice in environmental matters is not guaranteed in all Member States and called on the Council and the European Parliament to introduce explicit access to justice provisions in new and revised EU laws concerning environmental matters. This Regulation contains provisions which create equal conditions of access across the Union to national courts for members of the public who find that their public authorities are not in compliance with the obligations arising from it, in line with the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the “Aarhus Convention”).

Or. en

Amendment 17

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and **II**, whether alone or in a mixture.

1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and **III**, whether alone or in a mixture.

Or. en

Justification

Correction of a Commission's editorial mistake.

Amendment 18

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘placing on the market’ means the supplying or making available to another person within the Union, for the first time, for payment or free of charge, the customs release for free circulation in the Union, and the use of substances produced or the use of products or equipment manufactured for own use;

Amendment

(6) ‘placing on the market’ means the supplying or making available, **including via the internet**, to another person within the Union, for the first time, for payment or free of charge, the customs release for free circulation in the Union, and the use of substances produced or the use of products or equipment manufactured for own use;

Or. en

Amendment 19

Proposal for a regulation

Article 4 – paragraph 5 – subparagraph 2

Text proposed by the Commission

For the purpose of providing that evidence, importers and producers shall draw up a declaration of conformity and join supporting documentation on the production facility **and the** mitigation measures adopted to prevent emissions of trifluoromethane. Producers and importers shall keep the declaration of conformity and supporting documentation for a period of at least five years after the placing on the market and make them available, upon request, to national competent authorities and to the Commission.

Amendment

For the purpose of providing that evidence, importers and producers shall draw up a declaration of conformity and join supporting documentation **with:**

- (a) **information** on the production facility;
- (b) **the proof of availability and operation of the best available abatement technology at the production facility;**
- (c) **the proof of** mitigation measures

adopted to prevent emissions of trifluoromethane, ***in line with best available techniques***;

(d) ***the proof of destruction or recovery of any quantity of emitted trifluoromethane, in line with best available techniques and in accordance with the requirements laid down in Article 8(7).***

Producers and importers shall keep the declaration of conformity and supporting documentation for a period of at least five years after the placing on the market and make them available, upon request, to national competent authorities and to the Commission.

Or. en

Justification

Details on the evidence to be provided on the destruction of trifluoromethane should be brought from the relevant Commission Technical Advice document into this Regulation (https://climate.ec.europa.eu/system/files/2016-11/151023_hfc23_byproduction_en.pdf)

Amendment 20

Proposal for a regulation

Article 4 – paragraph 5 – subparagraph 3

Text proposed by the Commission

The Commission ***may***, by means of implementing acts, determine the detailed arrangements relating to the declaration of conformity and supporting documentation referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with Article 34(2).

Amendment

The Commission ***shall***, by means of implementing acts, determine the detailed arrangements relating to ***and the detailed elements of*** the declaration of conformity and supporting documentation referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with Article 34(2).

Or. en

Amendment 21

Proposal for a regulation

Article 4 – paragraph 6 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Operators shall ensure that sulfuryl fluoride is captured and recovered after fumigation, unless the recovery is not technically feasible or entails disproportionate costs.

Operators shall ensure that the recovery is carried out by appropriately qualified natural persons, so that the gases are recycled, reclaimed or destroyed.

For the purpose of providing evidence of destruction, operators shall draw up a declaration of conformity and join supporting documentation with information on the facility, the proof of availability and operation of the best available recovery technology at the facility, and proof of the measures adopted to recover emissions of sulfuryl fluoride.

Where recovery of sulfuryl fluoride is not technically feasible and entails disproportionate costs, the operator shall draw up documentation providing evidence of the impossibility of the recovery of sulfuryl fluoride in that specific case.

The operator shall retain the declaration of conformity and the supporting documentation for five years and shall make them available, on request, to the competent authorities of a Member State and to the Commission.

Or. en

Justification

Sulfuryl fluoride is a high GWP gas, which is intentionally released from the enclosure by natural ventilation or forced ventilation. Where possible, residual sulfuryl fluoride gas should be recaptured from the air stream.

Amendment 22

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Operators of equipment that contains 5 tonnes of CO₂ equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks.

Amendment

Manufacturers and operators of equipment that contains 5 tonnes of CO₂ equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks, ***including during their manufacturing.***

Or. en

Justification

Leaks of f-gases can occur also during the manufacturing of equipment, not only during the use of the equipment. During the manufacturing of electrical switchgears significant leakages occur that should be covered by leakage check requirements.

Amendment 23

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 3 – point c

Text proposed by the Commission

(c) it contains less than 6 kilograms of fluorinated greenhouse gases listed in Annex I.

Amendment

deleted

Or. en

Justification

All emissions should be accounted for. Therefore, no threshold should be set on the amount of f-gases for which leak checks are required. Very high amounts of SF₆ are “stored” in existing equipment, 50% of which falls under the 6-kilogram threshold. Avoiding leaks from this equipment will benefit the environment but also ensure proper functioning and reduce safety risks of equipment failure.

Amendment 24

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

(e) refrigeration units of refrigerated trucks **and** trailers;

Amendment

(e) refrigeration units of refrigerated **vans**, trucks, trailers **and ships**;

Or. en

Justification

Mobile equipment often has high leakage rates due to vibrations during movement; the external preparatory study informing the impact assessment for this proposal found that leakage rates from operation of transport refrigeration are as follows: vans 28%, trucks and trailers 18% and ships 40%.

Amendment 25

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) air-conditioning equipment in metros, trains, ships, planes and in road transport vehicles with the exception of those within the scope of Directive 2006/40/EC;

Or. en

Justification

Mobile equipment often has high leakage rates due to vibrations during movement; the external preparatory study informing the impact assessment for this proposal found that leakage rates from mobile air-conditioning from sectors not covered by the MAC Directive span from 7% for metros and trains to 40% for passenger and cargo ships.

Amendment 26

Proposal for a regulation

Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) whether the **quantities of** gases have been recycled or reclaimed, including the name and address in the Union of the recycling or reclamation facility and, where applicable, the certificate number;

Amendment

(c) whether the **recovered** gases have been recycled or reclaimed, **and in which quantity**, including the name and address in the Union of the recycling or reclamation facility and, where applicable, the certificate number;

Or. en

Amendment 27

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Operators of stationary equipment or of refrigeration units of refrigerated trucks **and** trailers that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so and that those gases are recycled, reclaimed or destroyed.

Amendment

Operators of stationary equipment or of refrigeration units of refrigerated **vans**, trucks, trailers **and ships** that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so and that those gases are recycled, reclaimed or destroyed.

Or. en

Justification

To be seen in conjunction with AM to Article 5 – paragraph 2 – subparagraph 1 – point e

Amendment 28

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) the cooling circuits of refrigeration units of refrigerated trucks **and** trailers;

Amendment

(b) the cooling circuits of refrigeration units of refrigerated **vans**, trucks, trailers

and ships;

Or. en

Justification

To be seen in conjunction with AM to Article 5 – paragraph 2 – subparagraph 1 – point e

Amendment 29

Proposal for a regulation
Article 8 – paragraph 8

Text proposed by the Commission

8. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing a list of products and equipment for which the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, **Section 1**, or destruction of products and equipment containing such gases without prior recovery of these gases shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied.

Amendment

8. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing a list of products and equipment for which the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, or destruction of products and equipment containing such gases without prior recovery of these gases shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied.

Or. en

Justification

Annex II Sections 2 and 3 contain fluorinated greenhouse gases with GWPs ranging from 702 to 13,400. It is incumbent on the EU to promote recovery and destruction of these gases wherever possible.

Amendment 30

Proposal for a regulation
Article 8 – paragraph 9

Text proposed by the Commission

9. Member States shall promote the recovery, recycling, reclamation and

Amendment

9. Member States shall promote the recovery, recycling, reclamation and

destruction of fluorinated greenhouse gases listed in Annex I and Annex II, **Section 1**.

destruction of fluorinated greenhouse gases listed in Annex I and Annex II.

Or. en

Justification

Annex II Sections 2 and 3 contain fluorinated greenhouse gases with GWPs ranging from 702 to 13,400. It is incumbent on the EU to promote recovery and destruction of these gases wherever possible.

Amendment 31

Proposal for a regulation
Article 9 – title

Text proposed by the Commission

Amendment

Producer responsibility schemes

Extended producer responsibility schemes

Or. en

Amendment 32

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

Without prejudice to existing Union legislation, Member States shall **encourage the development of** producer **responsibility** schemes for the recovery of fluorinated greenhouse gases listed in Annexes I and II **and their** recycling, **reclamation or destruction**.

1. Without prejudice to existing Union legislation, Member States shall **require that by 31 December 2027 extended** producer **responsibility** schemes **are established** for the recovery, **recycling, reclamation or destruction of fluorinated greenhouse gases listed in Annexes I and II**.

Or. en

Justification

The EU should set out some minimum requirements for collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness-raising. According to the evaluation report that accompanied the impact assessment for this

proposal, just four Member States confirmed that a producer responsibility scheme was in place and two Member States declared that a scheme was planned. In recent years, however, EPR has become a mainstream EU policy approach, most significantly with the revision of the Waste Framework Directive (WFD).

Amendment 33

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall, by 31 December 2025, adopt delegated acts in accordance with Article 32 to supplement this Regulation by setting out minimum requirements for the producer responsibility schemes referred to in paragraph 1, including on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness raising.

Or. en

Justification

The EU should set out some minimum requirements for collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness-raising. According to the evaluation report that accompanied the impact assessment for this proposal, just four Member States confirmed that a producer responsibility scheme was in place and two Member States declared that a scheme was planned. In recent years, however, EPR has become a mainstream EU policy approach, most significantly with the revision of the Waste Framework Directive (WFD).

Amendment 34

Proposal for a regulation

Article 9 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall ensure that producers and importers of fluorinated greenhouse gases listed in Annexes I and II

cover the costs pursuant to the extended producer responsibility provisions in Directive 2008/98/EC of the European Parliament and of the Council and, insofar as not already included, cover at least the following costs:

(a) the costs of collection, including the provision of accessible collection points, storage and transport;

(b) the costs of recycling units for natural persons certified in accordance with Article 10 for the purposes of onsite recycling.

Or. en

Justification

The EU should set out some minimum requirements for collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness-raising. According to the evaluation report that accompanied the impact assessment for this proposal, just four Member States confirmed that a producer responsibility scheme was in place and two Member States declared that a scheme was planned. In recent years, however, EPR has become a mainstream EU policy approach, most significantly with the revision of the Waste Framework Directive (WFD).

Amendment 35

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

Amendment

*Member States shall inform the
Commission on the actions undertaken.*

deleted

Or. en

Amendment 36

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and Annex II, Section I from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council⁴² are available, pursuant to paragraph 5.

⁴² Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).

2. Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and Annex II, Section I ***and relevant alternatives*** from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council⁴² are available, pursuant to paragraph 5.

⁴² Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).

Or. en

Amendment 37

Proposal for a regulation

Article 10 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) certification for natural refrigerants (their characteristics and benefits compared to the use of fluorinated greenhouse gases, and their safe handling during installation, servicing, maintenance, repair and decommissioning).

Or. en

Justification

It is important to clarify that certification must be available not only for f-gases but also for the use of natural alternatives, which have different characteristics compared to f-gases and must be handled differently.

Amendment 38

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Certificates under the certification programmes referred to in paragraph 1 shall be subject to the condition that the applicant has successfully completed an evaluation process established in accordance with paragraphs 1, 3 and 5.

Amendment

4. Certificates under the certification programmes referred to in paragraph 1 shall be subject to the condition that the applicant has successfully completed an evaluation process established in accordance with paragraphs 1, 3 and 5, ***every five years.***

Or. en

Justification

Considering the fast pace at which technologies evolve, it would be appropriate to set a maximum validity period for certificates of 5 years, after which new certification should be required.

Amendment 39

Proposal for a regulation
Article 10 – paragraph 8 – subparagraph 1

Text proposed by the Commission

By 1 January [OP, please insert the date = one year following the entry into force of this Regulation] Member States shall notify the Commission of certification and training programmes.

Amendment

By 1 January [OP, please insert the date = one year following the entry into force of this Regulation] Member States shall notify the Commission of certification and training programmes ***and the number of certified and trained persons for fluorinated greenhouse gases and the relevant alternatives in each sector. Where certification and training for the relevant alternatives falls below a minimum threshold, for each year below that threshold, Member States shall accompany the notification with a plan setting out actions to increase certification and training on the relevant alternatives as from the following calendar year.***

Or. en

Amendment 40

Proposal for a regulation Article 10 – paragraph 9

Text proposed by the Commission

9. The Commission **may**, by means of implementing acts, determine the format of the notification referred to in paragraph 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Amendment

9. The Commission **shall**, by means of implementing acts, determine **the minimum threshold and** the format of the notification referred to in paragraph 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Or. en

Amendment 41

Proposal for a regulation Article 11 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Two years following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.

Amendment

Following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.

Or. en

Justification

There is no reason why operators should be allowed to sell banned equipment during two years after the entry into force of the ban.

Amendment 42

Proposal for a regulation

Article 11 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Undertakings which place on the market refillable containers for fluorinated greenhouse gases listed in Annexes I and II shall produce a declaration of conformity that includes evidence confirming the arrangements in place for the return of that container for the purpose of refilling.

They shall keep the declaration of conformity for a period of at least five years after the placing on the market of refillable containers and shall make it available, on request, to the competent authorities of Member States and the Commission.

The Commission may, by means of implementing acts, supplement this Regulation by determining the details of the declaration of conformity. Such implementing acts shall be adopted in accordance with Article 34(2).

Or. en

Justification

Needed to prevent that containers are not refilled and are instead discarded, with the residual amount of refrigerants being released into the atmosphere when the containers are emptied.

Amendment 43

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Products or equipment subject to an exemption as referred to in Article 11 (4) shall be labelled accordingly and shall include a reference that those products or equipment may only be used for the

2. Products or equipment subject to an exemption as referred to in Article 11 (4) shall be labelled accordingly, ***mentioning the validity period of the exemption***, and shall include a reference that those

purpose for which an exemption under that Article was granted.

products or equipment may only be used for the purpose for which an exemption under that Article was granted.

Or. en

Justification

exemptions are granted for a 4-year period maximum.

Amendment 44

Proposal for a regulation

Article 12 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

(c) from 1 January 2017, the quantity expressed in weight and in CO₂ equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is designed, and the global warming potential of those gases.

Amendment

(c) from 1 January 2017, the quantity expressed in weight and in CO₂ equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is designed, and the global warming potential of those gases, ***both on a 100- and 20-year timescale.***

Or. en

Justification

Many HFCs have a far greater GWP on the short term than on the long term. Displaying the 20-year GWP on labels next to the 100-year GWP will contribute to increasing awareness about the short term high global warming impact of some gases.

Amendment 45

Proposal for a regulation

Article 12 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Where relevant, retrofitted products or equipment containing fluorinated greenhouse gases shall be relabelled with updated information referred to in this

paragraph.

Or. en

Justification

needed in case the f-gases or their blends change when the equipment is retrofitted.

Amendment 46

Proposal for a regulation

Article 12 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where relevant, refilled containers of fluorinated greenhouse gases shall be relabelled with updated information as referred to in the first subparagraph.

Or. en

Justification

containers may be refilled with different f-gases from before.

Amendment 47

Proposal for a regulation

Article 13 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

From 1 January 2024, the use of fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more, for the servicing or maintenance of refrigeration equipment is prohibited.

From 1 January 2024, the use of fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more, for the servicing or maintenance of refrigeration, ***air conditioning and heat pump*** equipment is prohibited.

Or. en

Amendment 48

Proposal for a regulation

Article 13 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

This paragraph shall not apply to military equipment or equipment intended for applications designed to cool products to temperatures below - 50 °C. ***deleted***

Or. en

Justification

This exemption is not well justified in the impact assessment, and it provides a disincentive for these sectors to use of lower-GWP HFCs and non-fluorinated alternatives.

Amendment 49

Proposal for a regulation

Article 13 – paragraph 3 – subparagraph 3 – introductory part

Text proposed by the Commission

Amendment

The prohibition referred to in the first subparagraph shall not apply to the following categories of fluorinated greenhouse gases until 1 January **2030**:

The prohibition referred to in the first subparagraph shall not apply to the following categories of fluorinated greenhouse gases until 1 January **2027**:

Or. en

Justification

Allowing reclaimed and recycled f-gases to be used for a long period of time perpetuates the demand for these greenhouse gases and hampers the accelerated use natural alternatives.

Amendment 50

Proposal for a regulation

Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. From 1 January 2030, the use of sulfuryl fluoride for post-harvest fumigation and treatment of wood and

wooden products against pest infestation is prohibited, except where such use shall be strictly required for a phytosanitary certificate and no other treatment can be used.

Or. en

Justification

SF2O2 emissions are growing globally and expected to increase significantly in the future. Despite the high GWP and increasing use of this gas, emissions of sulfuranyl fluoride have not been regulated or monitored. There are however scalable alternatives to wood treatment against pest infestation such as irradiation, temperature treatments, debarking, drying with vacuum dryers, hot water steam vacuum process and hydrogen phosphide.

Amendment 51

Proposal for a regulation Chapter IV – title

Text proposed by the Commission

PRODUCTION SCHEDULE **AND**
REDUCTION OF THE QUANTITY OF
HYDROFLUOROCARBONS PLACED
ON THE MARKET

Amendment

PRODUCTION SCHEDULE,
REDUCTION OF THE QUANTITY OF
HYDROFLUOROCARBONS PLACED
ON THE MARKET **AND RESTRICTION
ON EXPORT OF
HYDROFLUOROCARBONS**

Or. en

Amendment 52

Proposal for a regulation Article 16 – paragraph 2 – point d

Text proposed by the Commission

**(d) supplied directly by a producer or
an importer for use in military equipment;**

Amendment

deleted

Or. en

Justification

This exemption is not an enumerated exemption under the Montreal Protocol, it is not well justified in the impact assessment, and it discourages the development of natural alternatives.

Amendment 53

Proposal for a regulation

Article 16 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) supplied directly by a producer or an importer to an undertaking using it for the etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector.

deleted

Or. en

Justification

This exemption is not an enumerated exemption under the Montreal Protocol, it is not well justified in the impact assessment, and it discourages the development of natural alternatives.

Amendment 54

Proposal for a regulation

Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Restriction on the export of certain hydrofluorocarbons and of products and equipment containing those hydrofluorocarbons

The export of fluorinated greenhouse gases listed in Annex I, Section 1, with a GWP of 2 500 or more, and of products and equipment containing those gases, shall be prohibited.

Or. en

Justification

The EU as a global leader in climate change mitigation should not allow the export at least of the most climate harmful f-gases to third countries, also considering that such countries may not have the same stringent containment standards and infrastructure as the EU has.

Amendment 55

Proposal for a regulation

Article 17 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The allocation of quotas is subject to the payment of the amount ***due which equals to three euro for each tonne of CO₂ equivalent of quota to be allocated.*** Importers and producers shall be notified via the F-gas Portal of the total amount due for its calculated maximum quota allocation for the following calendar year and of the deadline for completing the payment. The Commission may, by means of implementing acts, determine the modalities and the detailed arrangements for the payment of the amount due. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).

Amendment

The allocation of quotas is subject to the payment of the amount ***specified in Annex VII.*** Importers and producers shall be notified via the F-gas Portal of the total amount due for its calculated maximum quota allocation for the following calendar year and of the deadline for completing the payment. The Commission may, by means of implementing acts, determine the modalities and the detailed arrangements for the payment of the amount due. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).

Or. en

Justification

the rapporteur suggests to have a step-wise increase of the quota price, guaranteeing stable revenues that can be used for the administration of the Regulation, better enforcement, and support to the roll-out of alternative technologies.

Amendment 56

Proposal for a regulation

Article 17 – paragraph 7

Text proposed by the Commission

7. The revenue generated from the

Amendment

7. The revenue generated from the

quota allocation amount shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) No 2018/1046. That revenue shall be assigned to the LIFE programme and to Heading 7 of the multiannual financial framework (European Public Administration), to cover the costs of external staff working on the management of the quota allocation, IT services, and licensing systems for the purpose of implementation of this Regulation **and for ensuring** compliance with the Protocol. Any revenue remaining after covering these costs shall be entered into the general budget of the Union.

quota allocation amount shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) No 2018/1046. That revenue shall be assigned to the LIFE programme and to Heading 7 of the multiannual financial framework (European Public Administration), to cover the costs of external staff working on the management of the quota allocation, IT services, and licensing systems for the purpose of implementation of this Regulation, **to support Member States' enforcement of this Regulation, including that related to sale via the internet and the seizure and destruction of illegal fluorinated greenhouse gases, to support the roll-out of alternatives to fluorinated greenhouse gas, particularly in the sectors incurring high mitigation costs, to enhance the related professional skills, and to ensure** compliance with the Protocol. Any revenue remaining after covering these costs shall be entered into the general budget of the Union.

Or. en

Amendment 57

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. Refrigeration, air conditioning **and** heat pump equipment charged with hydrofluorocarbons shall not be placed on the market unless hydrofluorocarbons charged into the equipment are accounted for within the quota system referred to in this Chapter.

Amendment

1. Refrigeration, air conditioning, heat pump equipment **and metered dose inhalers** charged with hydrofluorocarbons shall not be placed on the market unless hydrofluorocarbons charged into the equipment **or product** are accounted for within the quota system referred to in this Chapter.

Or. en

Amendment 58

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 1

Text proposed by the Commission

When placing pre-charged equipment as referred to in paragraph 1 on the market, manufacturers and importers of equipment shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect.

Amendment

When placing pre-charged equipment ***or products*** as referred to in paragraph 1 on the market, manufacturers and importers of equipment ***or products*** shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect.

Or. en

Amendment 59

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission

By drawing up the declaration of conformity, manufacturers and importers of equipment shall assume responsibility for compliance with this paragraph and paragraph 1.

Amendment

By drawing up the declaration of conformity, manufacturers and importers of equipment ***or products*** shall assume responsibility for compliance with this paragraph and paragraph 1.

Or. en

Amendment 60

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Manufacturers and importers of equipment shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment and shall make it available, on request, to the competent

Amendment

Manufacturers and importers of equipment ***or products*** shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment ***or products*** and shall make it available, on

authorities of Member States and the Commission.

request, to the competent authorities of Member States and the Commission.

Or. en

Amendment 61

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where hydrofluorocarbons contained in the equipment referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment, importers of that equipment shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.

Amendment

Where hydrofluorocarbons contained in the equipment **or products** referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment, importers of that equipment **or products** shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.

Or. en

Amendment 62

Proposal for a regulation

Article 19 – paragraph 5

Text proposed by the Commission

5. Importers of equipment referred to in paragraph 1, which has no establishment in the Union, shall mandate an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation. The only representative may be the same as the one mandated pursuant

Amendment

5. Importers of equipment **or products** referred to in paragraph 1, which has no establishment in the Union, shall mandate an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation. The only representative may be the same as the one

to Article 8 of Regulation (EC) No 1907/2006.

mandated pursuant to Article 8 of Regulation (EC) No 1907/2006.

Or. en

Amendment 63

Proposal for a regulation Article 19 – paragraph 6

Text proposed by the Commission

6. This Article shall not apply to undertakings that placed on the market less than 100 tonnes of CO₂ equivalent of hydrofluorocarbons, per year, contained in the equipment referred to in paragraph 1.

Amendment

6. This Article shall not apply to undertakings that placed on the market less than 100 tonnes of CO₂ equivalent of hydrofluorocarbons, per year, contained in the equipment **or products** referred to in paragraph 1.

Or. en

Amendment 64

Proposal for a regulation Article 20 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Undertakings shall have a valid registration in the F-gas Portal prior to the import or export of fluorinated greenhouse gases and products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases except **in cases of temporary storage and** for the following activities:

Amendment

Undertakings shall have a valid registration in the F-gas Portal prior to the import or export of fluorinated greenhouse gases and products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases except for the following activities:

Or. en

Justification

it is better to require registration of equipment and products even if they are for temporary storage, so that if eventually they aren't and are placed on the market, they can be traced back. Moreover, temporary storage is not exempt from the licencing requirements under the Montreal Protocol.

Amendment 65

Proposal for a regulation

Article 20 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

(c) supplying, or receiving hydrofluorocarbons for the purposes listed in points (a) to **(e)** of Article 16(2);

Amendment

(c) supplying, or receiving hydrofluorocarbons for the purposes listed in points (a) to **(c)** of Article 16(2);

Or. en

Justification

There are a number of exemptions under the licensing system, including HFCs for: feedstock applications; export out of the Union; military and specified semiconductor industry uses; destruction; and HFCs in temporary storage. As currently envisaged, the licensing requirements do not fulfil the requirements of the Montreal Protocol, which requires each Party to establish and implement a system for licensing the import and export of new, used, recycled and reclaimed “controlled substances” in Annex F of the Protocol. All HFCs in Annex F (which mirror the HFCs listed in Section I of Annex I of the EU F-Gas Regulation) are controlled substances, whether or not their production, placing on the market or use is exempt from the phase-down (e.g., for feedstock, military use etc.), and therefore should be covered by the licensing system.

Amendment 66

Proposal for a regulation

Article 20 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The Commission and competent authorities of the Member States shall ensure ***the confidentiality of the*** data included in the F-gas Portal.

Amendment

The Commission and competent authorities of the Member States shall ensure ***that the following*** data included in the F-gas Portal ***is publicly available:***

- (i) regularly updated quota allocation;***
- (ii) information on undertakings receiving a quota transfer and the amount received;***
- (iii) a list of registered suppliers;***

- (iv) *detailed trade data on each import, including point of entry and type of HFC;*
- (v) *transshipment data;*
- (vi) *domestic HFC production data including production for feedstock and facilities that produce HFC-23; and*
- (vii) *facility-level chemical destruction data.*

Or. en

Justification

The lack of transparency in the EU F-Gas Regulation makes it hard for civil society, the broader enforcement community and other market players to scrutinise compliance. The EU F-Gas Regulation should have a more transparent approach to data sharing.

Amendment 67

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

The import and export of fluorinated greenhouse gases and products and equipment containing those gases or whose functioning relies upon those gases ***except in cases of temporary storage***, is subject to the presentation of a valid licence to customs authorities pursuant to Article 20(4).

Amendment

The import and export of fluorinated greenhouse gases and products and equipment containing those gases or whose functioning relies upon those gases is subject to the presentation of a valid licence to customs authorities pursuant to Article 20(4).

Or. en

Amendment 68

Proposal for a regulation Article 23 – paragraph 5

Text proposed by the Commission

5. ***Where relevant***, customs authorities shall communicate information

Amendment

5. Customs authorities shall communicate information regarding the

regarding the customs clearance of goods to the F-gas Portal via the European Union Single Window Environment for Customs.

customs clearance of goods to the F-gas Portal via the European Union Single Window Environment for Customs.

Or. en

Amendment 69

Proposal for a regulation Article 23 – paragraph 6

Text proposed by the Commission

6. Importers of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, in refillable containers shall make available to customs authorities, at the time the customs declaration related to the release for free circulation is submitted, a declaration of conformity including evidence confirming the arrangements in place for the return of the container for the purpose of refilling.

Amendment

6. Importers of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, in refillable containers shall make available to customs authorities, at the time the customs declaration related to the release for free circulation is submitted, a declaration of conformity including evidence confirming the arrangements in place for the return of the container for the purpose of refilling, ***as referred to in Article 11(3a).***

Or. en

Amendment 70

Proposal for a regulation Article 23 – paragraph 12 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Customs and other enforcement authorities shall destroy confiscated materials.

Or. en

Justification

Customs authorities should be required to confiscate or seize any illegal shipment, discouraging illegal HFC traders from any economic benefit of their activities, and then destroy the confiscated material.

Amendment 71

Proposal for a regulation

Article 23 – paragraph 12 – subparagraph 2

Text proposed by the Commission

For other substances and products and equipment covered by this Regulation, alternative measures may be taken to prevent unlawful import, further supply, or export, in particular in cases of hydrofluorocarbons placed on the market in bulk or charged in products and equipment in violation of the quota and authorisation requirements set out in this Regulation.

Amendment

For other substances and products and equipment covered by this Regulation, ***if seizure and confiscation of illegal shipments is not an option***, alternative measures may be taken to prevent unlawful import, further supply, or export, in particular in cases of hydrofluorocarbons placed on the market in bulk or charged in products and equipment in violation of the quota and authorisation requirements set out in this Regulation.

Or. en

Amendment 72

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing additional measures to those set out in this Regulation for the monitoring of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases placed under temporary storage, or a customs procedure including customs warehousing or free zone procedure or in transit through the customs territory of the Union, on the basis of an evaluation of the potential risks of illegal trade linked to such movements, including tracing methodologies for gases placed on the market, taking into account the

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing additional measures to those set out in this Regulation for the monitoring of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases placed under temporary storage, or a customs procedure including customs warehousing or free zone procedure or in transit through the customs territory of the Union, on the basis of an evaluation of the potential risks of illegal trade linked to such movements, including tracing methodologies for gases placed on the market, taking into account the

environmental benefits and socio-economic impacts of such measures.

environmental benefits and socio-economic impacts of such measures. ***Such measures may include a QR-code based system to track and trace fluorinated greenhouse gases and products and equipment containing those gases.***

Or. en

Amendment 73

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer, importer and exporter that produced, imported or exported ***hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other*** fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. This paragraph shall also apply to all undertakings receiving quotas pursuant to Article 21(1).

Amendment

By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer, importer and exporter that produced, imported or exported fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. This paragraph shall also apply to all undertakings receiving quotas pursuant to Article 21(1).

Or. en

Justification

the removal of minimum quantity prevents importation of small consignments for illegal trade to avoid fulfilling the reporting obligation and conforms to the Montreal Protocol.

Amendment 74

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that destroyed **hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other** fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

2. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that destroyed fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Or. en

Justification

All undertakings destroying fluorinated greenhouse gases should be subject to reporting to promote compliance.

Amendment 75

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

3. By 31 March [[OP: Please insert the year of application of this Regulation], each undertaking that used **1 000 tonnes of CO₂ equivalent or more of** fluorinated greenhouse gases listed in Annex I as feedstock during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment

3. By 31 March [[OP: Please insert the year of application of this Regulation], each undertaking that used fluorinated greenhouse gases listed in Annex I as feedstock during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Or. en

Justification

This threshold should be eliminated to conform to the Montreal Protocol and prevent loopholes for illegal traders.

Amendment 76

Proposal for a regulation

Article 26 – paragraph 4

Text proposed by the Commission

4. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that placed **100 tonnes of CO₂ equivalent or more of hydrofluorocarbons, or 500 tonnes of CO₂ equivalent or more of other** fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment

4. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that placed fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Or. en

Amendment 77

Proposal for a regulation Article 26 – paragraph 6

Text proposed by the Commission

6. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that reclaimed **quantities exceeding 1 metric tonne or 100 tonnes of CO₂ equivalent of** fluorinated greenhouse gases shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment

6. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that reclaimed fluorinated greenhouse gases shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Or. en

Amendment 78

Proposal for a regulation Article 26 – paragraph 7

Text proposed by the Commission

Amendment

7. By 30 April [OP: Please insert the year of application of this Regulation], each importer of equipment that placed on the market pre-charged equipment as referred to in Article 19 containing **at least 1 000 tonnes of CO₂ equivalent** hydrofluorocarbons, and where those hydrofluorocarbons have not been placed on the market prior to the charging of the equipment, shall submit to the Commission a verification report issued pursuant to Article 19(3).

7. By 30 April [OP: Please insert the year of application of this Regulation], each importer of equipment that placed on the market pre-charged equipment as referred to in Article 19 containing hydrofluorocarbons, and where those hydrofluorocarbons have not been placed on the market prior to the charging of the equipment, shall submit to the Commission a verification report issued pursuant to Article 19(3).

Or. en

Amendment 79

Proposal for a regulation

Article 26 – paragraph 8 – subparagraph 1 – introductory part

Text proposed by the Commission

By 30 April [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking which under paragraph 1 reports on the placing on the market of **of 1 000 tonnes of CO₂ equivalent or more** of hydrofluorocarbons during the preceding calendar year shall, in addition, ensure that the veracity of its report is confirmed, at a reasonable level of assurance, by an independent auditor. The auditor shall be registered in the F-gas Portal and shall be either:

Amendment

By 30 April [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking which under paragraph 1 reports on the placing on the market of hydrofluorocarbons during the preceding calendar year shall, in addition, ensure that the veracity of its report is confirmed, at a reasonable level of assurance, by an independent auditor. The auditor shall be registered in the F-gas Portal and shall be either:

Or. en

Amendment 80

Proposal for a regulation

Article 29 – paragraph 4

Text proposed by the Commission

4. The competent authorities shall

Amendment

4. The competent authorities shall

keep records of the checks indicating in particular their nature and results, as well as on the measures taken in case of non-compliance. Records of all checks shall be kept for at least five years.

keep records of the checks indicating in particular their nature and results, as well as on the measures taken in case of non-compliance. Records of all checks shall be kept for at least five years. ***The competent authorities shall also collect the checked trade records and keep the information for at least five years.***

Or. en

Amendment 81

Proposal for a regulation

Article 29 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States shall provide an annual summary of the data collected from the logbooks to the Commission by 1 April of each year. The Commission shall publish an annual summary and assessment of the data received from Member States.

Or. en

Amendment 82

Proposal for a regulation

Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

Access to justice

Member States shall ensure that, in accordance with their national law, members of the public concerned who meet the conditions set out in paragraph 2, including natural or legal persons or their associations, organisations or groups, have access to a review procedure

before a court of law, or another independent and impartial body established by law, to challenge the substantive or procedural legality of decisions, acts and omissions that fail to comply with the legal obligations provided for in this Regulation.

For the purposes of this paragraph, an act or omission that fails to comply with legal obligations provided for in this Regulation includes an act or omission with respect to a measure adopted for the purposes of implementing those obligations, where that measure fails to make a sufficient contribution to such implementation.

2. Members of the public concerned shall be deemed to meet the conditions referred to in paragraph 1 where:

- (a) they have sufficient interest; or*
- (b) they maintain impairment of a right, where administrative procedural law of a Member State requires that as a precondition.*

What constitutes a sufficient interest shall be determined by Member States consistently with the objective of giving the members of the public concerned wide access to justice and in conformity with the Aarhus Convention. To that end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed to have sufficient interest for the purposes of this paragraph 3.

3. Paragraphs 1 and 2 shall not exclude the possibility of being able to have recourse to a preliminary review procedure before an administrative authority and shall not affect the requirement to exhaust administrative review procedures prior to having recourse to judicial review procedures, where such a requirement exists under national law. Any such procedure shall be fair, equitable, timely and not

prohibitively expensive.

4. *Member States shall ensure that practical information is made easily available to the public on access to administrative and judicial review procedures.*

Or. en

Amendment 83

Proposal for a regulation

Article 31 – paragraph 5 – subparagraph 1

Text proposed by the Commission

In cases of unlawful production, import, export, placing on the market, or use of fluorinated greenhouse gases or of products and equipment containing those gases or whose functioning relies on those gases, Member States shall envisage **maximum** administrative fines of at least five times the market value of the concerned gases or products and equipment concerned. In case of a repeated infringement within a five-year period, the Member States shall envisage **maximum** administrative fines of at least eight times the value of the gases or products and equipment concerned.

Amendment

In cases of unlawful production, import, export, placing on the market, or use of fluorinated greenhouse gases or of products and equipment containing those gases or whose functioning relies on those gases, Member States shall envisage **minimum** administrative fines of at least five times the market value of the concerned gases or products and equipment concerned. In case of a repeated infringement within a five-year period, the Member States shall envisage **minimum** administrative fines of at least eight times the value of the gases or products and equipment concerned.

Or. en

Justification

Penalties vary from one Member State to the other and in some cases may not be proportionate to the economic gains of illegal activities. It would therefore be more effective to set minimum penalties for non-compliance.

Amendment 84

Proposal for a regulation

Article 35 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall continuously monitor technological and market developments in relation to the use of fluorinated greenhouse gases and their natural alternatives in the Union.

Where the Commission finds evidence of the emergence or acceleration of the use of low GWP fluorinated greenhouse gases or of natural alternatives in products and equipment placed on the Union market, it shall, where appropriate, propose to amend this Regulation by strengthening the prohibitions on the placing on the market of high GWP fluorinated greenhouse gases in the products or equipment concerned.

Or. en

Justification

As technologies evolve very fast, it is important to make sure that the Commission proposes a revision of this Regulation as soon as low GWP options appear, so that this Regulation can mitigate more emissions and provide a greater contribution to the achievement of the EU climate neutrality target and the Paris Agreement goal.

Amendment 85

Proposal for a regulation

Article 35 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annexes I, II and III by moving fluorinated greenhouse gases from Annex III to Annexes I or II or by introducing fluorinated greenhouse gases in Annexes I or II, where it has evidence of the placing on the market of fluorinated greenhouse gases listed in Annex III or of fluorinated greenhouse gases not listed in Annexes I, II or III to

this Regulation.

Or. en

Justification

Fluorinated gases listed in Annex III are not commercialised; they are only used research and development. If they start being commercialised, then the Commission should have the power to move them to Annexes I and II so that their emissions are properly controlled and mitigated. Should new gases, not listed in any Annex, appear on the market, the Commission should have the power to add them to Annexes I or II, again with the purpose to properly contain and mitigate their emissions. This empowerment is aligned with the empowerment provided in the ODS Regulation.

Amendment 86

Proposal for a regulation

Annex IV – table – point 10 a (new)

Text proposed by the Commission

Amendment

(10a)	<i>Domestic refrigerators and freezers that contain fluorinated greenhouse gases</i>	<i>1 January 2025</i>
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Or. en

Justification

Stationary refrigeration no longer requires the use of fluorinated greenhouse gases, as there is an abundance of natural refrigerant alternatives available. (See Oeko-Institut et al (2022))

Amendment 87

Proposal for a regulation

Annex IV – table – point 11

Text proposed by the Commission

(11)	Refrigerators and freezers for commercial use	-that contain HFCs with GWP of 2 500 or more.	1 January 2020
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(self-contained equipment)	-that contain HFCs with GWP of 150 or more.	1 January 2022
	-that contain <i>other</i> fluorinated greenhouse gases <i>with GWP of 150 or more.</i>	1 January 2024

Amendment

(11) Refrigerators and freezers for commercial use (self-contained equipment)	-that contain HFCs with GWP of 2 500 or more.	1 January 2020
	-that contain HFCs with GWP of 150 or more.	1 January 2022
	-that contain fluorinated greenhouse gases.	1 January 2024

Or. en

Justification

Stationary refrigeration no longer requires the use of fluorinated greenhouse gases, as there is an abundance of natural refrigerant alternatives available. (See Oeko-Institut et al (2022))

Amendment 88

Proposal for a regulation
Annex IV – table – point 12

Text proposed by the Commission

(12)	Any self-contained refrigeration equipment that contains fluorinated greenhouse gases <i>with GWP of 150 or more.</i>	1 January 2025
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Amendment

(12)	Any self-contained refrigeration equipment that contains fluorinated greenhouse gases.	1 January 2025
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Or. en

Justification

Stationary refrigeration no longer requires the use of fluorinated greenhouse gases, as there is an abundance of natural refrigerant alternatives available. (See Oeko-Institut et al (2022))

Amendment 89

Proposal for a regulation
Annex IV – table – point 14

Text proposed by the Commission

(14)	Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C.	1 January 2024
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Amendment

(14)	Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases.	1 January 2024
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Or. en

Justification

Stationary refrigeration no longer requires the use of fluorinated greenhouse gases, as there is an abundance of natural refrigerant alternatives available. (See Oeko-Institut et al (2022))

Amendment 90

Proposal for a regulation
Annex IV – table – point 17

Text proposed by the Commission

(17)	Plug-in room and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse gases with GWP of 150 or more.	1 January 2025
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Amendment

(17)	Plug-in room and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse.	1 January 2025
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Or. en

Justification

Many producers of plug in room air conditioners and heat pumps have already moved to the safe and efficient use of propane in the EU market, as there are dozens of models available on

the European market and plans from some large manufacturers to scale up production.

Amendment 91

Proposal for a regulation Annex IV – table – point 18

Text proposed by the Commission

(18)	Stationary split air-conditioning and split heat pump equipment :	
	(a) Single split systems containing less than 3 kg of fluorinated greenhouse gases listed in Annex I, that contain, or whose functioning relies upon, fluorinated greenhouse gases <i>listed in Annex I with GWP of 750 or more;</i>	1 January 2025
	(b) Split systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases <i>with GWP of 150 or more</i> , except when required to meet safety standards;	1 January 2027
	(c) Split systems of a rated capacity of more than 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards.	

Amendment

(18)	Stationary split air-conditioning and split heat pump equipment :	
	(a) Single split systems containing less than 3 kg of fluorinated greenhouse gases listed in Annex I, that contain, or whose functioning relies upon, fluorinated greenhouse gases;	1 January 2025
	(b) Split systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases, except when required to meet safety standards;	1 January 2027
	(c) Split systems of a rated capacity of more than 12 <i>and up to 200 kW</i> containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards.	
	<i>(ca) Split systems of a rated capacity of more than 200 kW containing, or whose functioning relies upon, fluorinated greenhouse gases.</i>	

Or. en

Justification

Given the recent adoption of standard IEC-60335-2-40, the proposed ban in split systems up to 12 kw can be met with propane. In specific cases where this is not possible, the safety exeption allows for some flexibility. In split systems above 200 kw, ammonia and CO2 are

available alternatives.

Amendment 92

Proposal for a regulation

Annex IV – table – point 19 a (new)

Text proposed by the Commission

Amendment

<i>(19a) Foams that contain fluorinated greenhouse gases, except when required to meet national safety standards</i>	<i>1 January 2025</i>
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Or. en

Justification

Foams have a product lifetime of 50 years and the recovery of F-gases within is expensive. Alternatives relying on H2O and CO2 are already available for XPS and PU Spray foams

Amendment 93

Proposal for a regulation

Annex IV – table – point 20 a (new)

Text proposed by the Commission

Amendment

<i>(20a) Technical aerosols that contain fluorinated greenhouse gases.</i>	<i>1 January 2030</i>
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Or. en

Justification

Technical aerosols can convert to alternatives to fluorinated greenhouse gases, according to the 2012 preparatory study.

Amendment 94

Proposal for a regulation

Annex IV – table – point 23

Text proposed by the Commission

(23) Installation and replacement of the following electrical switchgear:	(a)	medium voltage switchgear for primary and secondary distribution up to 24 kV, with insulating or breaking medium using, or whose functioning relies upon, gases <i>with GWP of 10 or more, or with GWP of 2000 or more, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above;</i>	1 January 2026
	(b)	medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to 52 kV, with insulating or breaking medium using, or whose functioning relies upon gases <i>with GWP of 10 or more, or with GWP of more than 2000, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above;</i>	1 January 2030
	(c)	high voltage switchgear from 52 and up to 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon gases <i>with GWP of 10 or more, or with GWP of more than 2000, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above;</i>	1 January 2028
	(d)	high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon gases <i>with GWP of 10 or more, or with GWP of more than 2000 unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above.</i>	1 January 2031

Amendment

(23) Installation and replacement of the following electrical	(a)	medium voltage switchgear for primary and secondary distribution up to <i>and including</i> 24 kV, with insulating or breaking medium using,	1 January 2025
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	or whose functioning relies upon, <i>fluorinated greenhouse</i> gases;	
	(b) medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to <i>and including</i> 52 kV, with insulating or breaking medium using, or whose functioning relies upon <i>fluorinated greenhouse</i> gases	1 January 2026
	(c) high voltage switchgear from 52 and up to <i>and including</i> 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon <i>fluorinated greenhouse</i> gases	1 January 2027
	(d) high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon <i>fluorinated greenhouse</i> gases unless no suitable alternative is available based on technical grounds.	1 January 2028

Or. en

Amendment 95

Proposal for a regulation

Annex IV – table – point 23 a (new)

Text proposed by the Commission

Amendment

<i>(23a) Transport refrigeration in vans, trucks and trailers, ships and reefer containers that contain, or whose functioning relies upon, fluorinated greenhouse gases.</i>	<i>1 January 2027</i>
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Or. en

Justification

Transport refrigeration units have high leakage rates and poor end of life refrigerant recovery making this an important subsector for urgent action to address fluorinated gas emissions. Alternatives exist already on the market but uptake has been slow. An Annex IV prohibition is appropriate to motivate the market to shift.

Amendment 96

Proposal for a regulation
Annex IV – table – point 23 b (new)

Text proposed by the Commission

Amendment

(23b) Mobile air conditioning in passenger and cargo ships, buses, trams, metros and trains that contains, or whose functioning relies upon, fluorinated greenhouse gases.	1 January 2027
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Or. en

Justification

In this subsector, natural alternatives are available to transition away from HFCs and HFOs, the latter are increasingly used. Leakage rates are typically high, making it an important sector to take action.

Amendment 97

Proposal for a regulation
Annex IV – table – point 23 c (new)

Text proposed by the Commission

Amendment

(23c) Mini chillers that contain, or whose functioning relies upon, fluorinated greenhouse gases.	1 January 2027
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Or. en

Justification

Mini-chillers require very little refrigerant charge and can rely on propane. A clear market signal is necessary to avoid large scale use of mid-GWP HFCs, HFOs and HFC blends. (See Oeko-Institut et al (2022)).

Amendment 98

Proposal for a regulation
Annex IV – table – point 23 d (new)

Text proposed by the Commission

Amendment

(23d) Displacement and centrifugal chillers that contain, or whose functioning relies upon, fluorinated greenhouse gases.	1 January 2027
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Or. en

Justification

Displacement and centrifugal chillers currently have multiple natural refrigerant alternatives. The use of F-gases in these sectors unnecessarily consumes HFC quotas and contributes to illegal HFC trade. (See Oeko-Insitut et al (2022)).

Amendment 99

**Proposal for a regulation
Annex IV – point 2**

Text proposed by the Commission

2. ***The evidence*** referred to in point 23, shall include documentation ***establishing*** that following an open call for tender no suitable alternative on technical grounds, given the demonstrated specificities of the application, ***was*** available that could meet the conditions set out in point 23. The ***documentation shall be kept by the operator for at least five years and shall be made available to the competent authority of the Member State and to the Commission, upon request.***

Amendment

2. ***The exemption*** referred to in point 23 ***may be authorised by the competent authority of a Member State following a substantiated request by an operator. The operator's request*** shall include documentation ***proving*** that following an open call for tender no suitable alternative on technical grounds, given the demonstrated specificities of the application, ***are*** available that could meet the conditions set out in point 23. The competent authority ***shall make the documentation available*** to the Commission, upon request.

Or. en

Amendment 100

**Proposal for a regulation
Annex V – paragraph 1 – point a**

Text proposed by the Commission

Amendment

(a) for the period 1 January 2024 to 31 December **2028**, **60** % of the annual average of its production in 2011-2013;

(a) for the period 1 January 2024 to 31 December **2026**, **23,2** % of the annual average of its production in 2011-2013;

Or. en

Justification

The Commission goes against the logic of the Montreal Protocol by not aligning production and consumption. The practical implication is that while the EU is phasing out its HFC consumption, it will be producing surplus HFCs for export to the global market. Aligning the two schedules ensures consistency and secures the additional climate benefit from early action in the EU.

Amendment 101

Proposal for a regulation
Annex V – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) from the period 1 January **2029** to 31 December **2033**, **30**% of the annual average of its production in 2011-2013;

(b) from the period 1 January **2027** to 31 December **2029**, **9** % of the annual average of its production in 2011-2013;

Or. en

Amendment 102

Proposal for a regulation
Annex V – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) for the period 1 January **2034** to 31 December **2035**, **20**% of the annual average of its production in 2011-2013;

(c) for the period 1 January **2030** to 31 December **2032**, **3, 9** % of the annual average of its production in 2011-2013;

Or. en

Amendment 103

Proposal for a regulation
Annex V – paragraph 1 – point d

Text proposed by the Commission

(d) for the period 1 January **2036 and thereafter, 15%** % of the annual average of its production in 2011-2013.

Amendment

(d) for the period 1 January **2033 to 31 December 2035, 3, 3 %** of the annual average of its production in 2011-2013;

Or. en

Amendment 104

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

Text proposed by the Commission

Amendment

(da) for the period 1 January 2036 to 31 December 2038, 3, 1 % of the annual average of its production in 2011-2013;

Or. en

Amendment 105

Proposal for a regulation
Annex V – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) for the period 1 January 2039 to 31 December 2041, 2, 8 % of the annual average of its production in 2011-2013;

Or. en

Amendment 106

Proposal for a regulation
Annex V – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(dc) for the period 1 January 2042 to 31 December 2044, 2, 6 % of the annual average of its production in 2011-2013;

Or. en

Amendment 107

Proposal for a regulation

Annex V – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

(dd) for the period 1 January 2045 to 31 December 2047, 2, 3 % of the annual average of its production in 2011-2013;

Or. en

Amendment 108

Proposal for a regulation

Annex V – paragraph 1 – point d e (new)

Text proposed by the Commission

Amendment

(de) for the period 1 January 2048 to 31 December 2049, 2 % of the annual average of its production in 2011-2013; and

Or. en

Amendment 109

Proposal for a regulation

Annex V – paragraph 1 – point d f (new)

Text proposed by the Commission

Amendment

(df) for the period 1 January 2050 and

thereafter, 0 % of the annual average of its production in 2011-2013.

Or. en

Amendment 110

Proposal for a regulation Annex VI – paragraph 4 a (new)

Text proposed by the Commission

Amendment

The GWP of mixtures is evaluated at the composition within specified tolerances that lead to the highest GWP.

Or. en

Justification

The composition of the mixtures is allowed to range within the tolerance listed in standard ISO 817. The tolerance ranges from 0.1% up to 2%, across the different mixtures and components. When the tolerance of a high GWP substance is high in a mixture the influence on the final GWP can be large. Therefore the GWP must be assessed across all possible compositions in the specified tolerance range and the highest possible GWP value should be used.

Amendment 111

Proposal for a regulation Annex VII – title

Text proposed by the Commission

Amendment

**MAXIMUM QUANTITIES *AND*
CALCULATION OF REFERENCE
VALUES AND QUOTAS FOR PLACING
HYDROFLUOROCARBONS ON THE
MARKET REFERRED TO IN ARTICLE
17**

**MAXIMUM QUANTITIES,
CALCULATION OF REFERENCE
VALUES AND QUOTAS FOR PLACING
HYDROFLUOROCARBONS ON THE
MARKET, *AND QUOTA*
PRICES REFERRED TO IN ARTICLE
17**

Or. en

Amendment 112

Proposal for a regulation
Annex VII – table

Text proposed by the Commission

Years	Maximum Quantity in tonnes CO₂ equivalent
2024 – 2026	<i>41 701 077</i>
2027 – 2029	<i>17 688 360</i>
2030 – 2032	<i>9 132 097</i>
2033 – 2035	<i>8 445 713</i>
2036 – 2038	<i>6 782 265</i>
2039 – 2041	<i>6 136 732</i>
2042 – 2044	<i>5 491 199</i>
2045 – 2047	<i>4 845 666</i>
2048 - <i>onwards</i>	<i>4 200 133</i>

Amendment

Years	Maximum Quantity in tonnes CO₂ equivalent

2024 – 2026	41 039 167
2027 – 2029	15 963 275
2030 – 2032	6 916 849
2033 – 2035	5 794 785
2036 – 2038	5 467 823
2039 – 2041	5 006 355
2042 – 2044	4 544 888
2045 – 2047	4 083 420
2048 - 2049	3 621 953
2049 - onwards	0

Or. en

Justification

According to the Commission Impact Assessment option 3, these steps are feasible with techniques currently available

Amendment 113

Proposal for a regulation
Annex VII

Text proposed by the Commission

Years	Maximum Quantity in tonnes CO2 equivalent
2024 – 2026	41 701 077
2027 – 2029	17 688 360
2030 – 2032	9 132 097
2033 – 2035	8 445 713
2036 – 2038	6 782 265
2039 – 2041	6 136 732
2042 – 2044	5 491 199
2045 – 2047	4 845 666
2048 - onwards	4 200 133

Amendment

Years	Maximum Quantity in tonnes CO2 equivalent	<i>Price of quotas for each tonne of CO2 equivalent (EUR)</i>
2024 – 2026	41 701 077	<i>10</i>

2027 – 2029	17 688 360	23, 57
2030 – 2032	9 132 097	45,66
2033 – 2035	8 445 713	49, 37
2036 – 2038	6 782 265	61, 48
2039 – 2041	6 136 732	67, 95
2042 – 2044	5 491 199	75, 94
2045 – 2047	4 845 666	86, 05
2048 - onwards	4 200 133	99, 28

Or. en

Justification

The price of quotas is increasing in line with the decrease of quotas available in order to create a stable revenue stream.

EXPLANATORY STATEMENT

Fluorinated gases are powerful greenhouse gases, with a global warming effect up to 25 000 times greater than CO₂, accounting for roughly 2,5% of the Union's GHG emissions. Thanks to the F-gas legislation, emissions of these gases have been falling since 2015. Europe's efforts to reduce these gases sparked international action under the Montreal Protocol, with the adoption of the Kigali Amendment, which it is estimated will prevent up to 0,4°C of additional warming by the end of the century. Several industries have transitioned rapidly, moving to low Global Warming Potential (GWP) or natural alternatives.

In order to comply with the international Kigali Amendment and to take action under the European Climate law, in April 2022, the European Commission published a revised proposal. The Commission, among other things, wants to tackle illegal trade by strengthening trade provisions, increases the climate ambition by accelerating the Hydrofluorocarbon (HFC) phase-down and provides investment certainty for several sectors by proposing placing on the market prohibitions.

In its Impact Assessment, the Commission argues that high ambition in the F-gas regulation will increase EU GDP and employment while, at the same time, not significantly affecting consumer prices. European manufacturers' export opportunities will be enhanced, as the Kigali Amendment will lead to worldwide demand for climate-friendly technologies. Moreover, an ambitious revision will put these sectors on track for climate neutrality. The rapporteur therefore recognises the Commission's proposal as a good basis for future discussions, but also highlights several aspects, which can be further improved.

With this report, the rapporteur wants to address the following challenges:

- **Accelerate the transition to climate neutrality:** while the accelerated HFC consumption phase-down proposed by the Commission would align the regulation with the Kigali Amendment, the proposal does not phase-out HFCs by 2050 and is therefore not aligned with the European goal of climate neutrality. While we are experiencing accelerating climate change, it is clear that we are only at the beginning of fully addressing this challenge. The sectors covered by this regulation have proven to be innovative and can benefit from swift climate action. Europe should therefore lead by example and phase-out both HFC production and consumption by 2050. Moreover, the rapporteur proposes to accelerate the HFC consumption phase-down in line with what is currently technologically feasible.
- **Limit the risk of a lock-in to intermediate solutions and provide certainty for consumers and investors:** the prohibitions in Annex IV have shown to be the most effective measure in the F-gas regulation, providing clear market signals and investment certainty for SMEs, while limiting demand for black market HFCs. The rapporteur therefore adds prohibitions for sectors for which, according to various studies, including the preparatory study for this proposal, it is technologically and economically feasible to move to F-gas free solutions. Other prohibitions are strengthened to overcome the growing risk of locking-in to intermediate solutions, which are in many cases per- and polyfluoroalkyl substances (PFAS). In order not to repeat mistakes from the past, the rapporteur proposes to move several (sub)sectors, such as refrigeration, air conditioning,

heat pumps and switchgear, to F-gas free alternatives. The rapporteur is aware of the concerns of several stakeholders regarding these prohibitions. Nevertheless, environmental and health concerns, the ongoing adaptation of safety standards, technological developments, the availability of quota, increased training availability, increased funding from quota sale revenues, and the existing safeguards in the regulation, makes these prohibitions both effective and feasible.

- **Take international responsibility by stopping the export of pollution:** the Commission proposal outlines differentiated schedules for HFC production and consumption, resulting in an export surplus, which can be used to produce HFCs for the global market. Moreover, the export of high GWP gases in used equipment is a growing issue for developing countries who do not have the means to control, recycle or destroy these gases. In the view of the Rapporteur, Europe should use its common market to produce sustainable solutions for the rest of the world, not undermine climate ambitions in other countries with the export of polluting products and substances. Not only should the production and consumption phase-down be aligned, the rapporteur also proposes to stop the export of HFCs with a GWP higher than 2500.
- **Prevent illegal trade:** the Commission proposal already strengthens the regulation significantly. The rapporteur however, wants to take further action on illegal trade by proposing minimum penalties for non-compliance, eliminating out exemptions and thresholds for reporting, and increasing investments in customs and monitoring.
- **Take action on high GWP gases:** gases, such as trifluoromethane by-product, methyl bromide and sulphur hexafluoride, are not all included in the HFC phase down, but have a high GWP value. The rapporteur therefore deems it necessary to take additional action through the capture, reuse or replacement of these gases.
- **Accelerate training and deployment:** the implementation of this regulation is dependent on skilled technicians who are able to handle new substances; this will require additional training. Strengthening the training and certification requirements for natural refrigerants and increasing the quota allocation fee - thereby generating extra funding, which should partly be invested in training - should accelerate the deployment of new appliances. Governments should be actively addressing this challenge.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

Entity and/or person
Bu 3M
AmCham
Astrazeneca
Baxter
Bosch Thermotechnology
Bundesland Hessen
Chiesi
Commission DG CLIMA
Daikin Chemicals
Daikin Europe
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
Douglas Products
Eaton
Environmental Investigation Agency (EIA)
EPEE
Eurelectric
European Chemical Industry Council (CEFIC/EFCTC)
European Economic and Social Committee
European Environmental Bureau (EEB)
European Heating Industry (EHI)
European Heatpump Association (EPHA)
General Electric
Hitachi Energy
Midea
Mitsubishi Electric
Nuventura
Schneider Electric
Shecco/ATMOsphere
Siemens AG
Siemens Energy
Stiebel-Eltron
Transport en Logistiek Nederland
Viessmann