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Committee on the Environment, Public Health and Food Safety

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COMPROMISE AND CONSOLIDATED AMENDMENTS 1 - 7

Draft report

Bas Eickhout

(PE508.030v01-00, PE508.081v01-00, PE508.082v01-00)

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

Proposal for a regulation

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

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Compromise Amendment 1 (COMP 1)
Placing on the market prohibitions and derogation procedure

Bas Eickhout on behalf of the Greens/EFA Group

Erik Bánki on behalf of the EPP Group

Jo Leinen on behalf of the S&D Group

Theodoros Skylakakis on behalf of the ALDE Group

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Sabine Wils on behalf of the GUE/NGL Group

Compromise amendment replacing Amendments: 2-3, 7, 22, 23, 26, 29, 39-50, 56, 68-76, 83-85, 203-213, 215, 219, 225, 303, 304, 320-384, TRAN6, TRAN21-23, TRAN38, TRAN43

Proposal for a regulation

Annex III

Text proposed by the Commission

Placing on the market prohibitions referred to in Article 9(1)		Date of prohibition
Products and equipment		
Where relevant, the global warming potential (GWP) of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex IV, as provided for in Article 9(1) subparagraph 2.		
1. Non-refillable containers for fluorinated greenhouse gases used to service, maintain or fill refrigeration, air-conditioning or heat-pump equipment, fire protection systems or switchgear, or for use as solvents		4 July 2007
2. Non-confined direct evaporation systems that contain HFCs and PFCs as refrigerants		4 July 2007
3. Fire protection systems and fire extinguishers	that contain PFCs	4 July 2007
	<i>that contain HFC-23</i>	<i>1 January 2015</i>
4. Windows for domestic use that contain fluorinated greenhouse gases		4 July 2007
5. Other windows that contain fluorinated greenhouse gases		4 July 2008
6. Footwear that contains fluorinated greenhouse gases		4 July 2006

7. Tyres that contain fluorinated greenhouse gases		4 July 2007
8. One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases with GWP of 150 or more		4 July 2008
9. Aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes, as listed in point 40 of Annex XVII to Regulation (EC) N ^o 1907/2006, and signal horns that contain HFCs with GWP of 150 or more		4 July 2009
10. Domestic refrigerators and freezers that contain HFCs <i>containing HFCs with GWP of 150 or more</i>		1 January 2015
11. Refrigerators and freezers for the storage, display or distribution of products in retail and food service ("commercial use") - hermetically sealed systems	that contain HFCs with GWP of 2500 or more	1 January 2017
	that contain HFCs <i>with GWP of 150 or more</i>	1 January 2020
12. Movable room air-conditioning appliances (hermetically sealed equipment which is movable between rooms by the end user) that contain HFCs <i>with GWP of 150 or more</i>		1 January 2020

Amendment

Placing on the market prohibitions referred to in Article 9(1)		
Products and equipment		Date of prohibition
Where relevant, the global warming potential (GWP) of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex IV, as provided for in Article 9(1) subparagraph 2.		
1. Non-refillable containers for fluorinated greenhouse gases used to service, maintain or fill refrigeration, air-conditioning or heat-pump equipment, fire protection systems or switchgear, or for use as solvents		4 July 2007
2. Non-confined direct evaporation systems that contain HFCs and PFCs as refrigerants		4 July 2007
3. Fire protection systems and fire extinguishers	that contain PFCs	4 July 2007

	<i>that contain fluorinated greenhouse gases except for applications listed in Annex VI of Regulation (EC) No 1005/2009 as critical uses of halons</i>	1 January 2020
4. Windows for domestic use that contain fluorinated greenhouse gases		4 July 2007
5. Other windows that contain fluorinated greenhouse gases		4 July 2008
6. Footwear that contains fluorinated greenhouse gases		4 July 2006
7. Tyres that contain fluorinated greenhouse gases		4 July 2007
8. One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases with GWP of 150 or more		4 July 2008
9. Aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes, as listed in point 40 of Annex XVII to Regulation (EC) N° 1907/2006, and signal horns that contain HFCs with GWP of 150 or more		4 July 2009
9a. Technical non-medical aerosols that contain fluorinated greenhouse gases		1 January 2018
10. Domestic refrigerators and freezers that contain HFCs		1 January 2015
10a. Stationary refrigeration equipment that contains fluorinated greenhouse gases with GWP of 2500 or more, except equipment intended for use at operating temperatures of below -50°C		1 January 2016
10b. Stationary refrigeration equipment that contain fluorinated greenhouse gases, except equipment intended for use at operating temperatures of below -50°C		1 January 2020
10c. Mobile refrigeration equipment that contain fluorinated greenhouse gases		1 January 2025
11. Refrigerators and freezers for the storage, display or	that contain HFCs with GWP of 2150 or more	1 January 2015

distribution of products in retail and food service ("commercial use") - hermetically sealed systems	that contain HFCs	1 January 2018
12. Movable room air-conditioning appliances (hermetically sealed equipment which is movable between rooms by the end user) that contain HFCs		1 January 2020
12a. Stationary air-conditioning equipment that contain fluorinated greenhouse gases		1 January 2020
12b. Air-conditioning equipment in cargo ships that contain fluorinated greenhouse gases		1 January 2020
12c. Foams containing fluorinated greenhouse gases	Extruded polystyrene foams	1 January 2016
	Other foams (including polyurethane, polyisocyanurate and phenolic)	1 January 2020
12d. Solvents that contain fluorinated greenhouse gases except for precision cleaning of electrical and other components in aerospace and aeronautics applications and in the manufacture of semiconductors		1 January 2020

Or. en

Proposal for a regulation

Article 9

Text proposed by the Commission

Article 9

Restrictions on the placing on the market

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

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

Amendment

Article 9

Restrictions on the placing on the market

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

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

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

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

By 1 January 2018 the Commission shall determine whether an effective, reliable alternative exists which will enable fluorinated gases to be replaced, at a reasonable cost, in fire protection systems. Based on the result of the assessment the Commission may adopt derogation to the prohibition on fire protection systems that contain fluorinated gases pursuant to paragraph 3.

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

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list set out in Annex III *to include other products and equipment that contain fluorinated greenhouse gases with a global warming potential of 150 or more, or that rely on*

3. The Commission shall be empowered to adopt delegated acts, *following a substantiated request by a competent authority of a Member State and* in accordance with Article 20 amending the list set out in Annex III *to authorise a time-limited exemption* to exclude certain

them to work, if it has been established that alternatives to the use of fluorinated greenhouse gases or to the use of specific types of fluorinated greenhouse gases are available, and their use would result in lower overall greenhouse gas emissions and to exclude, where appropriate for a specified period of time, certain categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are not available for technical, economic or safety reasons.

categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are not available or cannot be used for technical, economic or safety reasons, or due to energy efficiency during its operation if life-cycle greenhouse gas emissions, including feedstock and by-product emissions, are lower than that from equivalent equipment in line with ecodesign principles, taking due account of the strategic nature of certain activities and the specificities of local climate.

Proposal for a regulation
Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Consultation Forum

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

Proposal for a regulation
Article 1 – paragraph 1 – point 16 a (new)

Text proposed by the Commission

Amendment

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

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

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

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

Proposal for a regulation
Recital 9

Text proposed by the Commission

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

Proposal for a regulation
Recital 20

Text proposed by the Commission

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

Amendment

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

Amendment

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

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

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

Compromise Amendment 2 (COMP 2) Service ban

Bas Eickhout on behalf of the Greens/EFA Group

Erik Bánki on behalf of the EPP Group

Jo Leinen on behalf of the S&D Group

Theodoros Skylakakis on behalf of the ALDE Group

Martin Callanan on behalf of the ECR Group

Sabine Wils on behalf of the GUE/NGL Group

Compromise amendment replacing Amendments: 25, 27, 28, 67, 226-249, TRAN4, TRAN27-28

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Until 1 January 2022, this provision shall not apply to reclaimed fluorinated greenhouse gases with a global warming potential of 2500 or more used for the maintenance or servicing of existing refrigeration equipment, provided that they have been labelled in accordance with Article 10(5).

Until 1 January 2022 this provision shall not apply to recycled fluorinated greenhouse gases with a global warming potential of 2500 or more used for the maintenance or servicing of existing refrigeration equipment provided they have been recovered from such

For the purpose of this provision, the global warming potential of mixtures that contain fluorinated greenhouse gases shall be calculated pursuant to Annex IV.

equipment. Such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or the undertaking for which the recovery was carried out as part of maintenance or servicing.

For the purpose of this provision, the global warming potential of mixtures that contain fluorinated greenhouse gases shall be calculated pursuant to Annex IV.

Or. en

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

Text proposed by the Commission

Amendment

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

Proposal for a regulation
Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Containers for fluorinated greenhouse gases with a GWP of 2500 or more used for servicing or maintenance of refrigeration equipment pursuant to the third subparagraph of Article 11(3) shall be labelled with an indication as to whether the substance has been recycled

or reclaimed, as well as the name and address of the undertaking that carried out the recycling or reclamation.

Proposal for a regulation

Recital 7

Text proposed by the Commission

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

Amendment

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

Consolidated Amendment 3 (CONS 3) Allocation fee

Bas Eickhout on behalf of the Greens/EFA Group

Erik Bánki on behalf of the EPP Group

Jo Leinen on behalf of the S&D Group

Theodoros Skylakakis on behalf of the ALDE Group

Sabine Wils on behalf of the GUE/NGL Group

Consolidated amendment replacing Amendments: 5, 32-33, 80, 276, 280, 282

Proposal for a regulation

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Allocation Fee

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

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

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

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

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

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

5. The Commission shall be empowered to adopt delegated acts to determine the amount of the fee, and to specify the modalities for collection and distribution of revenues referred to in paragraph 3 and shall, by means of implementing acts, determine the format of the notification referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.

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

Or. en

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) To implement the gradual reduction of the placing on the market of hydrofluorocarbons, the Commission should allocate quotas to individual producers and importers for placing them on the market in order that the overall quantitative limit for placing

Amendment

(12) To implement the gradual reduction of the placing on the market of hydrofluorocarbons, the Commission should allocate quotas to individual producers and importers for placing them on the market in order that the overall quantitative limit for placing

hydrofluorocarbons on the market in the Union is not exceeded.

hydrofluorocarbons on the market in the Union is not exceeded. ***The use of quotas should be subject to a fee which should be collected by the Commission and redistributed to address regional differences in implementing the Regulation within the Union.***

Compromise Amendment 4 (COMP 4) Phase-down

Bas Eickhout on behalf of the Greens/EFA Group

Erik Bánki on behalf of the EPP Group

Jo Leinen on behalf of the S&D Group

Theodoros Skylakakis on behalf of the ALDE Group

Martin Callanan on behalf of the ECR Group

Sabine Wils on behalf of the GUE/NGL Group

Consolidated amendment replacing Amendments: 30-31, 51-55, 63, 79-80, 82, 263-275, 277-279, 281, 283, 289, 312, 385-412, TRAN2, TRAN32-37, TRAN44

Proposal for a regulation

Article 13

Text proposed by the Commission

Article 13

Reduction of the placing on the market of hydrofluorocarbons

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

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

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

3. This Article and Articles 14, 16, 17 and 22 shall also apply to hydrofluorocarbons

Amendment

Article 13

Reduction of the placing on the market of hydrofluorocarbons

1. The Commission shall ensure, **taking into account that alternatives which are reliable and technically and economically viable and are designed to operate in the different climate conditions of the Member States are available**, that the quantity of hydrofluorocarbons that producers and importers are entitled to place on the market in the Union each year does not exceed the maximum quantity for the year in question calculated in accordance with Annex V. Each producer and importer shall ensure that the quantity of hydrofluorocarbons calculated in accordance with Annex V that it places on the market does not exceed the quota allocated to it pursuant to Article 14(5) or transferred to it pursuant to Article 16.

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

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

3. This Article and Articles 14, 16, 17 and 22 shall also apply to hydrofluorocarbons

contained in polyol blends.

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

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

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

contained in polyol blends.

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

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

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

Or. en

Proposal for a regulation **Article 14 – paragraph 1**

Text proposed by the Commission

Article 14

Allocation of quotas for placing hydrofluorocarbons on the market

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

Amendment

Article 14

Allocation of quotas for placing hydrofluorocarbons on the market

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

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

2. Producers and importers that have not reported production or imports under Article 6 of Regulation (EC) No 842/2006 for the reference period referred to in paragraph 1 may declare their intention to produce or import hydrofluorocarbons in the following year.

The declaration shall be addressed to the Commission, specifying the types of hydrofluorocarbons and the quantities that are expected to be placed on the market.

The Commission shall issue a notice of the time limit for submitting those declarations. Before submitting a declaration pursuant to paragraphs 2 and 3, undertakings shall register in the registry provided for in Article 15.

3. By 31 October 2017 and every three years after that, the Commission shall recalculate the reference values for the producers and importers referred to in paragraphs 1 and 2 on the basis of the annual average of the quantities of hydrofluorocarbons produced or imported after 1 January 2015 as reported under Article 17. It shall determine those reference values by means of implementing acts.

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

4. Producers and importers for which reference values have been determined may declare additional anticipated quantities following the procedure set out in paragraph 2.

5. The Commission shall allocate quotas for placing hydrofluorocarbons on the market for each producer and importer for each year beginning with the year 2015 applying the allocation mechanism laid

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

2. Producers and importers that have not reported production or imports under Article 6 of Regulation (EC) No 842/2006 for the reference period referred to in paragraph 1 may declare their intention to produce or import hydrofluorocarbons in the following year.

The declaration shall be addressed to the Commission, specifying the types of hydrofluorocarbons and the quantities that are expected to be placed on the market.

The Commission shall issue a notice of the time limit for submitting those declarations. Before submitting a declaration pursuant to paragraphs 2 and 3, undertakings shall register in the registry provided for in Article 15.

3. By 31 October 2017 and every three years after that, the Commission shall recalculate the reference values for the producers and importers referred to in paragraphs 1 and 2 on the basis of the annual average of the quantities of hydrofluorocarbons produced or imported after 1 January 2015 as reported under Article 17. It shall determine those reference values by means of implementing acts.

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

4. Producers and importers for which reference values have been determined may declare additional anticipated quantities following the procedure set out in paragraph 2.

5. The Commission shall allocate quotas for placing hydrofluorocarbons on the market for each producer and importer for each year beginning with the year 2015 applying the allocation mechanism laid

down in Annex VI.

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the mechanism to recalculate the reference values pursuant to paragraph 3 and amending or supplementing the mechanism for allocating quotas set out in Annex VI.

down in Annex VI.

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the mechanism to recalculate the reference values pursuant to paragraph 3 and amending or supplementing the mechanism for allocating quotas set out in Annex VI.

Proposal for a regulation Annex V

Text proposed by the Commission

ANNEX V

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

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

Years	
2015	100 %
2016–17	93 %
2018–20	63 %
2021–23	45 %
2024–26	31 %
2027–29	24 %

2030	21%
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Amendment

ANNEX V

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

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

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

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The quota allocation to individual companies should be based on the

Amendment

(13) The quota allocation to individual companies should be based on the

quantities of hydrofluorocarbons they have produced or imported during the reference period from **2008** to **2011**. However, in order not to exclude small operators, five per cent of the overall quantitative limit should be reserved for importers and producers who have not imported or produced more than 1 tonne of fluorinated greenhouse gases in the reference period.

quantities of hydrofluorocarbons they have produced or imported during the reference period from **2009** to **2012**. However, in order not to exclude small operators, five per cent of the overall quantitative limit should be reserved for importers and producers who have not imported or produced more than 1 tonne of fluorinated greenhouse gases in the reference period.

Proposal for a regulation

Recital 4

Text proposed by the Commission

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

Amendment

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

Compromise Amendment 5 (COMP 5) Training and certification

Bas Eickhout on behalf of the Greens/EFA Group

Erik Bánki on behalf of the EPP Group

Jo Leinen on behalf of the S&D Group

Theodoros Skylakakis on behalf of the ALDE Group

Martin Callanan on behalf of the ECR Group

Sabine Wils on behalf of the GUE/NGL Group

Consolidated amendment replacing Amendments: 166-202, 317, TRAN20

Proposal for a regulation

Article 8

Text proposed by the Commission

Amendment

Article 8

Article 8

Training and certification

Training and certification

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

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

(a) persons who install, service, maintain, repair or decommission **of** the equipment listed in the third subparagraph of Article 3(1);

(a) persons who install, service, maintain, repair or decommission the equipment listed in the third subparagraph of Article 3(1) **including when such equipment contains alternatives to fluorinated greenhouse gases**;

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

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

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

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

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

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

(da) persons who carry out the tasks referred to in points (a), (b) and (c) on equipments that uses refrigerants alternative to fluorinated green house gases;

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

- (a) applicable regulations and technical standards;
- (b) emission prevention;
- (c) recovery of fluorinated greenhouse gases;
- (d) safe handling of equipment of the type and size covered by the certificate;
- (e) technologies to replace or to reduce the use of fluorinated greenhouse gases and their safe handling.

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

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

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

(db) persons who install, service, maintain, repair or decommission mobile air conditioning equipment.

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

- (a) applicable regulations and technical standards;
- (b) emission prevention;
- (c) recovery of fluorinated greenhouse gases;
- (d) safe handling of equipment of the type and size covered by the certificate;
- (e) technologies to replace or to reduce the use of fluorinated greenhouse gases and their safe handling.

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

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

5. The **new** certificates provided for in paragraphs 1 and 3 shall be **issued under the condition that the holder provides proof of having updated relevant knowledge and skills in intervals no longer than 5 years**. Member States **shall** prolong the validity of the certificates provided for in paragraph 1 when the person concerned is undergoing compulsory periodic training every five years to update the knowledge on the subjects referred to in paragraph 2. **Existing certificates, issued in accordance with Regulation EU 842/2006, shall remain valid, on condition that, by 1 January 2020, all persons holding them shall have undertaken an evaluation**

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

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 specifying minimum requirements for the training and certification provided for in paragraph 1 and specifying conditions for the mutual recognition of certificates.

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

process in relation to technologies referred to paragraph 2, point (e).

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

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 specifying minimum requirements for the training and certification provided for in paragraph 1 and specifying conditions for the mutual recognition of certificates.

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

Or. en

Compromise Amendment 6 (COMP 6) Record keeping and reporting

Bas Eickhout on behalf of the Greens/EFA Group

Erik Bánki on behalf of the EPP Group

Jo Leinen on behalf of the S&D Group

Theodoros Skylakakis on behalf of the ALDE Group

Martin Callanan on behalf of the ECR Group

Sabine Wils on behalf of the GUE/NGL Group

Consolidated amendment replacing Amendments: 13-17, 37, 149-160, 296-302, 305, TRAN18-19

Proposal for a regulation

Article 5

Text proposed by the Commission

Amendment

Article 5

Article 5

Record keeping

Record keeping

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

- (a) the quantity and type of fluorinated greenhouse gases installed;
- (b) the quantities of fluorinated greenhouse gases added and the reasons for adding them;
- (c) the quantity of fluorinated greenhouse gases recovered;
- (d) observed leakage rates;
- (e) an identification of the undertaking and the person who installed, serviced, maintained and, where applicable, repaired or decommissioned the equipment;
- (f) the dates and results of the checks carried out under Article 3(1) and (3);

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

- (a) the quantity and type of fluorinated greenhouse gases installed;
- (b) the quantities of fluorinated greenhouse gases added and the reasons for adding them ***indicating whether the substance had been recycled or reclaimed, as well as the name and address of the undertaking having carried out the recycling or reclamation;***
- (c) the quantity of fluorinated greenhouse gases recovered;
- (d) observed leakage rates;
- (e) an identification of the undertaking and the person who installed, serviced, maintained and, where applicable, repaired or decommissioned the equipment;
- (f) the dates and results of the checks carried out under Article 3(1) and (3);

(g) if the equipment was decommissioned, the measures taken to recover and dispose of the fluorinated greenhouse gases.

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

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

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

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

3. The Commission ***may*** determine the format of the records referred to in paragraph 1 and specify how they should be established and maintained in an implementing act. ***That implementing act shall be*** adopted in accordance with the examination procedure referred to in Article 21.

(g) if the equipment was decommissioned, the measures taken to recover and dispose of the fluorinated greenhouse gases.

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

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

3. The Commission ***shall*** determine the format of the records referred to in paragraph 1 and specify how they should be established and maintained in an ***electronic database through*** an implementing act adopted in accordance with the examination procedure referred to in Article 21. ***The format and specifications shall be adopted by [1 January 2015.]***

¹ OJ L 41, 14.2.2003, p. 26

Proposal for a regulation
Article 18

Text proposed by the Commission

Article 18

Collection of emissions data

1. Member States shall collect data on emissions of fluorinated greenhouse gases.

For that purpose they shall establish ***one of the following systems, as appropriate:***

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

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

2. The data collected in accordance with paragraph 1 shall be made available to the Commission on request. The Commission may disseminate those data to the other Member States.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 establishing requirements for the data collection systems referred to in the second subparagraph of paragraph 1 of this Article and laying down whether, for specific sectors, a system shall be established in accordance with point (a) or point (b) of the second subparagraph of paragraph 1 of this Article.

Amendment

Article 18

Collection of emissions data

1. Member States shall collect data on emissions of fluorinated greenhouse gases.

For that purpose they shall establish a system whereby a database is kept at national level for the collection of the data recorded in accordance with Article 5(1).

2. The data collected in accordance with paragraph 1 shall be made available to the Commission on request. The Commission may disseminate those data to the other Member States.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 establishing requirements for the data collection systems referred to in the second subparagraph of paragraph 1 of this Article and laying down whether, for specific sectors, a system shall be established in accordance with point (a) or point (b) of the second subparagraph of paragraph 1 of this Article.

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

public.

Or. en

Consolidated Amendment 7 (CONS 7) Pre-charging of equipment

Bas Eickhout on behalf of the Greens/EFA Group

Erik Bánki on behalf of the EPP Group

Jo Leinen on behalf of the S&D Group

Theodoros Skylakakis on behalf of the ALDE Group

Sabine Wils on behalf of the GUE/NGL Group

Consolidated amendment replacing Amendments: 95-97, 250-262, 286-290, TRAN29-31

Proposal for a regulation

Article 12

Text proposed by the Commission

Amendment

Article 12

Article 12

Pre-charging of equipment

Pre-charging of equipment

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

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

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

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

2. Paragraph 1 shall not apply to hermetically sealed equipment or to equipment that contains a quantity of hydrofluorocarbons corresponding to less than 2 % of the equipment's foreseen maximum capacity.

2. Paragraph 1 shall not apply to hermetically sealed equipment or to equipment that contains a quantity of hydrofluorocarbons corresponding to less than 2 % of the equipment's foreseen maximum capacity.

Or. en