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**TEXTS ADOPTED**

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**P9\_TA(2023)0092**

**Fluorinated gases regulation**

**Amendments adopted by the European Parliament on 30 March 2023 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))<sup>1</sup>**

**(Ordinary legislative procedure: first reading)**

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<sup>1</sup> The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0048/2023).

## 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<sup>1a</sup> ('European Climate Law'), the 8th Environmental Action Programme, and the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.**

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<sup>1a</sup> **Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 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).**

## Amendment 2

### Proposal for a regulation Recital 3

#### *Text proposed by the Commission*

(3) Regulation (EU) No 517/2014 of the European Parliament and of the Council<sup>26</sup> was adopted to reverse the increase in fluorinated greenhouse gas emissions. As concluded by an evaluation

#### *Amendment*

(3) Regulation (EU) No 517/2014 of the European Parliament and of the Council<sup>26</sup> was adopted to reverse the increase in fluorinated greenhouse gas emissions. As concluded by an evaluation

prepared by the Commission, Regulation (EU) No 517/2014 has led to a year-on-year decrease of fluorinated greenhouse gas emissions. The supply of hydrofluorocarbons ('HFCs') has declined by 37 % in metric tonnes and 47 % in terms of tonnes CO<sub>2</sub> equivalent from 2015 until 2019. There has also been a clear shift to the use of alternatives with lower global warming potential ('GWP') including natural alternatives (for example CO<sub>2</sub>, ammonia, hydrocarbons, water) in many types of equipment that used fluorinated greenhouse gases traditionally.

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<sup>26</sup> Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases (OJ L 150, 20.5.2014, p. 195).

### Amendment 3

#### Proposal for a regulation

##### Recital 4 a (new)

*Text proposed by the Commission*

prepared by the Commission, Regulation (EU) No 517/2014 has led to a year-on-year decrease of fluorinated greenhouse gas emissions. The supply of hydrofluorocarbons ('HFCs') has declined by 37 % in metric tonnes and 47 % in terms of tonnes CO<sub>2</sub> equivalent from 2015 until 2019. There has also been a clear shift to the use of alternatives with lower global warming potential ('GWP') including natural alternatives (for example *air*, CO<sub>2</sub>, ammonia, hydrocarbons, water) in many types of equipment that used fluorinated greenhouse gases traditionally.

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<sup>26</sup> Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases (OJ L 150, 20.5.2014, p. 195).

*Amendment*

***(4a) The RePowerEU Plan envisages an additional 20 million new heat pumps to be installed in the Union by 2026 and nearly 60 million by 2030. The full HFC phase-down by no later than 2050 should be in line with and complimentary to the Union's energy-efficiency ambitions as laid down in, inter alia, the European Green Deal, the Energy Efficiency Directive (2012/27/EU), the Energy Performance of Buildings Directive (Directive 2010/31/EU) and the RePowerEU Plan, including the uptake of low-climate impact waste-heat recovery applications, such as heat pumps, as well as investments in electrification, power grid expansions and the increased use of batteries in the energy and transport sector.***

## Amendment 4

### Proposal for a regulation Recital 6 b (new)

*Text proposed by the Commission*

*Amendment*

***(6b) It is of great importance that the Commission takes the phasing out of HFCs into account in its upcoming legislative proposals, such as in the revision of Regulation (EC) No 1907/2006 on the Registration, Evaluation and Authorisation of Chemicals (the 'REACH Regulation') regarding the phase out of per- and polyfluoroalkyl substances (PFAS).***

## Amendment 5

### Proposal for a regulation Recital 7

*Text proposed by the Commission*

*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 CO<sub>2</sub> 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.

(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 CO<sub>2</sub> 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. ***The Commission should advocate for an update at international level of the GWP values of fluorinated greenhouse gases in line with the Sixth Assessment Report adopted by the IPCC.***

## Amendment 6

### Proposal for a regulation Recital 8

*Text proposed by the Commission*

(8) The intentional release of fluorinated substances, where unlawful, is a serious infringement of this Regulation and should be explicitly prohibited; operators and manufacturers of equipment should be obliged to prevent leakage of such substances to the extent possible, including through leak checking of the most relevant equipment.

*Amendment*

(8) The intentional release of fluorinated substances, where unlawful, is a serious infringement of this Regulation and should be explicitly prohibited; operators and manufacturers of equipment should be obliged to prevent leakage of such substances to the extent possible, including through leak checking of the most relevant equipment ***and progressive installation of leakage detection systems, including on residential heat pumps, that would prevent the release of harmful refrigerants into the atmosphere, helping users to minimise their environmental impact, as well as to increase durability and energy efficiency of the appliances.***

**Amendment 7**

**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 ***in accordance with the Protocol.*** 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 of those by-product emissions in line with the best available techniques.***

**Amendment 8**

**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

(10) To prevent emissions of fluorinated substances, it is necessary to lay down provisions on the recovery of substances from products and equipment and the prevention of leakages of such substances. Foams containing fluorinated greenhouse gases should be treated in accordance with Directive 2012/19/EU of the European Parliament and of the Council.<sup>30</sup> Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings, in order to maximise emissions reductions.

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<sup>30</sup> Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p. 38).

## **Amendment 9**

### **Proposal for a regulation Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

(10) To prevent emissions of fluorinated substances, it is necessary to lay down provisions on the recovery of substances from products and equipment and the prevention of leakages of such substances. Foams containing fluorinated greenhouse gases should be treated in accordance with Directive 2012/19/EU of the European Parliament and of the Council.<sup>30</sup> Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings, in order to maximise emissions reductions.  
***Waste electrical and electronic equipment schemes in Member States need to be considerably improved to better facilitate the recovery, recycling and reclamation of refrigerants, including from residential heat pumps.***

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<sup>30</sup> Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p. 38).

***(10a) Despite the high GWP and increasing use of sulfuranyl fluoride, the emissions of that fluorinated greenhouse gas have not been regulated or monitored and are also not covered by any reporting requirements under the Paris Agreement. From 2025, operators should ensure that, if technically feasible and not disproportionately costly, sulfuranyl fluoride is recovered after fumigation.***

## **Amendment 10**

**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.***

**Amendment 11**

**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 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 substances that are toxic, flammable or highly pressurized, ***Member States should ensure that a high number*** of natural persons who carry out activities involving fluorinated greenhouse gases ***and*** technologies replacing or reducing the use of fluorinated greenhouse gases ***are trained and certified. Trainings should include*** 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.

**Amendment 12**

**Proposal for a regulation**

## **Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) In May 2022, the European Commission presented the RePowerEU Plan, as a response to the hardships and global energy market disruption caused by Russia's invasion of Ukraine, aiming at ending the Union's dependence on Russian fossil fuels and tackling the climate crisis. The Plan includes a target to roll out 10 million hydronic heat pumps by 2027 and to double the rate of heat pump deployment by 2030. While the heat pump industry has started investing in HFC alternatives, it could prove challenging to quickly replace production of HFC-based heat pumps with natural alternatives and deliver to the market the amount of heat pumps targeted by RePowerEU. The Commission should therefore closely monitor market developments and should provide an additional amount of HFC quotas to the heat pump industry, should the HFC quota phase-down set out in Annex VII create disruptions in the Union's heat pump market to an extent which would endanger the attainment of the RePowerEU heat pump deployment targets.***

## **Amendment 13**

**Proposal for a regulation**

**Recital 11 b (new)**

*Text proposed by the Commission*

*Amendment*

***(11b) The shift towards the use of hydrofluorocarbon alternatives will lead to cost savings for undertakings as a result of avoided HFC quota purchase, and will spur green innovation and employment. Member States should however ensure a fair and just transition, leaving no one behind, for the personnel employed by undertakings which do not succeed in the transition to natural***



*alternatives.*

## **Amendment 14**

### **Proposal for a regulation Recital 12**

*Text proposed by the Commission*

(12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution.

*Amendment*

(12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution. ***This Regulation does not require the replacement of switchgears that are already installed in the power grid on the dates indicated in Annex IV. Grid operators should only be required to install new switchgears fulfilling the requirements set out in that Annex when, as from the dates indicated therein, they decide to replace already installed switchgears or to install additional switchgears in the power grid.***

## **Amendment 15**

### **Proposal for a regulation Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) The acceleration in the market of air conditioning and heat pump equipment and the technological turnover in refrigeration reinforce the need for Member States to increase efforts to ensure certification programmes and training are sufficient to meet the Union's climate objectives.***

## **Amendment 16**

### **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 products and equipment for a **limited** period.

*Amendment*

(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, **foams and technical aerosols** 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 period of **of maximum 4 years. That exemption should be able to be renewed if, after assessment of a new substantiated exemption request, the Commission, through the committee procedure, concludes that alternatives are still not available.**

**Amendment 159**

**Proposal for a regulation  
Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**(13a) The ban on the placing on the market of parts of equipment that is banned under this Regulation should not apply to parts required for repairs and servicing of existing equipment that has already been installed in order to ensure that such equipment remains repairable and maintainable for their full lifespan, thereby avoiding the need for the unwarranted replacement of existing energy equipment and infrastructure, which could have a negative effect on decarbonisation efforts. The repair or servicing for which such spare parts are used should not result in an increase in the capacity of the equipment or an increase in the amount of fluorinated**

*gases contained in the equipment or of the fluorinated gases used.*

## **Amendment 17**

### **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.*

## **Amendment 18**

### **Proposal for a regulation Recital 13 c (new)**

*Text proposed by the Commission*

*Amendment*

*(13c) When examining if there are alternatives to the use of specific fluorinated greenhouse gases, the Commission should not only consider if a technical alternative exists, but also consider that alternative as broadly as possible. The Commission should therefore consider, inter alia, if the alternative is economically viable and if the alternative can be widely deployed for practical reasons. In particular, the Commission should take into account the situation of small and medium-sized enterprises (SMEs) when assessing if an alternative can realistically be applied.*

*The Commission should also be able to provide for exceptions applicable to SMEs.*

## **Amendment 19**

### **Proposal for a regulation Recital 13 d (new)**

*Text proposed by the Commission*

*Amendment*

*(13d) The production of metered dose inhalers (MDIs) for the delivery of pharmaceutical ingredients uses a non-negligible proportion of all HFCs consumed in the Union. However, MDIs using lower GWP fluorinated greenhouse gases and natural alternatives are being developed by the industry. This Regulation includes the MDI sector in the HFC quota system, thereby creating an incentive for the industry to pursue its path towards cleaner alternatives. To enable a smooth transition towards clean alternatives, Annex VII and VIII to this Regulation introduce a mechanism of reserved quotas for the MDI sector for the first two quota allocation periods. The MDI sector should be able to receive an amount of quotas corresponding to its entire current consumption during the first allocation period following the entry into force of this Regulation, and an amount of quotas corresponding to 70% of its current consumption during the second allocation period.*

## **Amendment 20**

### **Proposal for a regulation Recital 13 e (new)**

*Text proposed by the Commission*

*Amendment*

*(13e) MDIs are medical products subject to rigorous assessments including clinical studies to ensure patient safety. The Commission, Member States and their*

*competent authorities, and the European Medicines Agency (EMA) should cooperate closely to ensure a smooth approval process of MDIs using low GWP fluorinated gases and alternatives to fluorinated gases, thereby ensuring the transition to clean solutions without affecting the accessibility, availability and affordability of essential medicines.*

## **Amendment 21**

### **Proposal for a regulation Recital 13 f (new)**

*Text proposed by the Commission*

*Amendment*

*(13f) Some cooling equipment used in conjunction with batteries needed for the Union's energy transition could contain fluorinated gases. However, this sector was not analysed in the Impact Assessment accompanying this Regulation. In its report on the implementation of this Regulation, due by 1 January 2027, the Commission should assess the impact of this Regulation on the Union's battery market.*

## **Amendment 22**

### **Proposal for a regulation Recital 13 g (new)**

*Text proposed by the Commission*

*Amendment*

*(13g) In its communication of 14 October 2020 entitled "Chemical Strategy for Sustainability Towards a Toxic-Free Environment", the Commission pointed out that PFAS require special attention, considering the large number of cases of contamination of soil and water - including drinking water - in the Union and globally, the number of people affected with a full spectrum of illnesses and the related societal and economic costs, and it set the objective to phase out*

*PFAS in the Union, unless it is proven essential for society. In order to ensure coherence with Union policy and a high level of protection of health and the environment, and given the availability of non-toxic alternatives, this Regulation should not encourage substitution of HFCs with fluorinated greenhouse gases that are also PFAS, whose production produces PFAS or otherwise decomposes into PFAS. If the prohibitions in Annex IV allow for the placing on the market and export of products and equipment containing PFAS, it is important that Member States work with the industry to direct investments into alternatives. This will also prevent stranded assets, should the revision of the REACH Regulation introduce PFAS bans. Immediately after the adoption of the revised REACH Regulation, the Commission should assess the coherence between this Regulation and that Regulation.*

## Amendment 23

### Proposal for a regulation

#### Recital 15

*Text proposed by the Commission*

(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 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.

*Amendment*

(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 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. ***To prevent refillable containers from not being refilled and being discarded instead, undertakings should be required to produce a declaration of conformity including evidence of the arrangements for the return for the purpose of refilling when placing refillable containers on the***

*market.*

## **Amendment 24**

### **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 or not have the appropriate infrastructure to manage those gases at the end of life, exports to third countries of products and equipment containing those gases could result in the release of those gases in the atmosphere. In the framework of the Union's global efforts to mitigate climate change, the bans on products and equipment laid down in Annex IV should therefore apply to both their placing on the Union's market and their export from the Union to third countries.***

## **Amendment 25**

### **Proposal for a regulation Recital 17**

*Text proposed by the Commission*

*Amendment*

(17) To implement the Protocol, including the gradual reduction of the quantities of HFCs, the Commission should continue to allocate quotas to individual producers and importers for the placing of HFCs on the market, ensuring that the overall quantitative limit permitted under the Protocol is not exceeded. To protect the integrity of the gradual reduction of the quantities of HFCs placed on the market, HFCs contained in equipment should continue to be accounted for under the quota system.

(17) To implement the Protocol, including the gradual reduction of the quantities of HFCs, the Commission should continue to allocate quotas to individual producers and importers for the placing of HFCs on the market, ensuring that the overall quantitative limit permitted under the Protocol is not exceeded. ***The Commission should be able, exceptionally, to authorise an exemption for up to four years on the exclusion of hydrocarbons from the quota system for use in specific applications or specific categories of products or equipment. That exemption should be able to be renewed***

*if, after assessment of a new substantiated exemption request, the Commission, through the committee procedure, concludes that alternatives are still not available.* To protect the integrity of the gradual reduction of the quantities of HFCs placed on the market, HFCs contained in equipment should continue to be accounted for under the quota system.

## Amendment 26

### 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. 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 quota price should increase over time in order to provide a stable revenue stream.*** ***The revenue should be used to cover administrative costs, to support capacity building, implementation and enforcement, as well as to accelerate the deployment of alternatives to fluorinated greenhouse gases.***

## Amendment 27

### Proposal for a regulation

#### Recital 25

*Text proposed by the Commission*

(25) To ensure that reports on substantial quantities of substances are

*Amendment*

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accurate and that the quantities of HFCs contained in pre-charged equipment are accounted for under the Union quota system, third party verification should be required.

accurate and that the quantities of HFCs contained in pre-charged equipment are accounted for under the Union quota system, ***independent*** third party verification should be required.

## Amendment 28

### Proposal for a regulation Recital 28 a (new)

*Text proposed by the Commission*

*Amendment*

***(28a) Custom authorities should monitor if products covered under this Regulation that are declared to be in transit have actually left the customs territory of the Union. For that purpose, custom authorities should keep records about the undertaking making the transit.***

## Amendment 29

### Proposal for a regulation Recital 29

*Text proposed by the Commission*

*Amendment*

(29) Member States should ensure that customs authorities carrying out controls under this Regulation have the appropriate resources and knowledge, for example via training made available to them, and are sufficiently equipped in view of addressing cases of illegal trade of the gases and products and equipment covered by this Regulation. ***Member States should designate those customs offices that meet those conditions and are therefore mandated to carry out customs controls on imports, exports and in cases of transit.***

(29) Member States should ensure that customs authorities carrying out controls under this Regulation have the appropriate resources and knowledge, for example via training made available to them, and are sufficiently equipped in view of addressing cases of illegal trade of the gases and products and equipment covered by this Regulation.

## Amendment 30

### Proposal for a regulation Recital 32

*Text proposed by the Commission*

(32) The import and export of HFCs as well as products and equipment containing HFCs or whose functioning relies upon those gases from and to a State not party to the Protocol should be prohibited as from 2028. The ***parallel prohibition envisaged under the Protocol as from 2033 has thus been advanced***, to ensure that the global HFC reduction measures of the Kigali Amendment provide the envisaged benefit to the climate as soon as possible.

*Amendment*

(32) The import and export of HFCs as well as products and equipment containing HFCs or whose functioning relies upon those gases from and to a State not party to the Protocol should be prohibited as from 2028. The ***Protocol envisages that prohibition from 2033, and the purpose of its earlier application under this Regulation is*** to ensure that the global HFC reduction measures of the Kigali Amendment provide the envisaged benefit to the climate as soon as possible.

### **Amendment 31**

#### **Proposal for a regulation Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

***(34a) Without prejudice to the competences and sovereignty of Member States, penalties should be as coherent as possible. The Commission should therefore map out the differences in penalties between Member States every four years and submit a report to the European Parliament and to the Council.***

### **Amendment 32**

#### **Proposal for a regulation Recital 37**

*Text proposed by the Commission*

*Amendment*

(37) Whistle-blowers can bring new information to the attention of competent authorities which may help the competent authorities detect infringements of this Regulation and enable them to impose penalties. It should be ensured that adequate arrangements are in place to enable whistle-blowers to alert the competent authorities to actual or potential infringements of this Regulation and to protect the whistle-blowers from

(37) Whistle-blowers can bring new information to the attention of competent authorities which may help the competent authorities detect infringements of this Regulation and enable them to impose penalties. It should be ensured that adequate arrangements are in place to enable whistle-blowers to alert the competent authorities to actual or potential infringements of this Regulation and to ***effectively*** protect the whistle-blowers

retaliation. For that purpose, it should be provided in this Regulation that Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>36</sup> is applicable to the reporting of breaches of this Regulation and to the protection of persons reporting such breaches.

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<sup>36</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

from retaliation. For that purpose, it should be provided in this Regulation that Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>36</sup> is applicable to the reporting of breaches of this Regulation and to the protection of persons reporting such breaches.

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<sup>36</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

### **Amendment 33**

#### **Proposal for a regulation Recital 37 a (new)**

*Text proposed by the Commission*

*Amendment*

***(37a) The Commission’s communication of 14 October 2020 on ‘Improving access to justice in environmental matters in the EU and its Member States’ underlined the need to include provisions on access to justice in EU legislative proposals for new or revised EU law concerning environmental matters. This Regulation includes provisions on access to justice to ensure equal conditions for access to justice in the Member States in line with the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the ‘Aarhus Convention’).***

### **Amendment 34**

#### **Proposal for a regulation Recital 39**

*Text proposed by the Commission*

*Amendment*

***(39) In implementing this Regulation,*** the Commission should establish a so-called Consultation Forum to ensure a

***(39) The Commission should establish a so-called Consultation Forum to **facilitate the implementation of this Regulation.*****

balanced participation of Member States' representatives and representatives of *civil society, including* environmental organisations, representatives of manufacturers, operators and certified persons.

*The Consultation Forum should* ensure a balanced participation of Member States' representatives and *of all relevant stakeholders including* representatives of environmental *organisations, patient associations and healthcare professionals'* organisations, representatives of manufacturers, operators and certified persons. *The Consultation Forum should cooperate with the relevant EU Agencies, particularly the EMA.*

## Amendment 35

### Proposal for a regulation

#### Recital 40

*Text proposed by the Commission*

(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards evidence to be provided on the destruction or recovery of trifluoromethane by-production during the manufacturing of other fluorinated substances; requirements for leak checks; the format of the records, their establishment and maintenance; minimum requirements for certification programmes and training attestations; the format of the notification of certification and training programmes; exemptions for products and equipment falling under a placing on the market prohibition; the format of labels; the determination of production rights for producers of HFCs; exemptions from the quota requirement for HFCs for use in specific applications, or specific categories of products or equipment; the determination of reference values for producers and importers for the placing on the market of HFCs; the modalities and detailed arrangements for the payment of the amount due; the detailed arrangements for the declaration of conformity for pre-charged equipment and their verification as well as for the accreditation of verifiers; the smooth

*Amendment*

(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards evidence to be provided on the destruction or recovery of trifluoromethane by-production during the manufacturing of other fluorinated substances; requirements for leak checks; the format of the records, their establishment and maintenance; minimum requirements for certification programmes and training attestations; the format of the notification of certification and training programmes; exemptions for products and equipment falling under a placing on the market prohibition; the format of labels; the determination of production rights for producers of HFCs; ***the determination of details of the declaration of conformity for refillable containers for fluorinated greenhouse gases, including evidence confirming that arrangements are in place for the return of that container for the purpose of refilling;*** exemptions from the quota requirement for HFCs for use in specific applications, or specific categories of products or equipment; the determination of reference values for producers and importers for the placing on the market of

functioning of the registry; the authorisation of trade with entities not covered by the Protocol; the details of the verification of reporting and of the accreditation of verifiers and the format for submitting reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.<sup>37</sup>

HFCs; the modalities and detailed arrangements for the payment of the amount due; the detailed arrangements for the declaration of conformity for pre-charged equipment and their verification as well as for the accreditation of verifiers; the smooth functioning of the registry; the authorisation of trade with entities not covered by the Protocol; the details of the verification of reporting and of the accreditation of verifiers and the format for submitting reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.<sup>37</sup>

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<sup>37</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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<sup>37</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

## Amendment 36

### Proposal for a regulation

#### Recital 41

##### *Text proposed by the Commission*

(41) In order to amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be delegated to the Commission in respect of ***the*** establishment of a list of products and equipment for which the recovery of gases or their destruction is technically and economically feasible and the specification of the technologies to be applied; labelling requirements; the exclusion from quota requirements of HFCs in accordance with decisions of the Parties to the Protocol; ***concerning*** the amounts due for the

##### *Amendment*

(41) In order to amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be delegated to the Commission in respect of establish a list of products and equipment for which the recovery of gases or their destruction is technically and economically feasible and the specification of the technologies to be applied; ***setting out minimum requirements for producer responsibility schemes for the recovery, recycling, reclamation or destruction of certain fluorinated greenhouse gases, including***

allocation of quota and the mechanism to allocate remaining quotas; additional measures for the monitoring of substances and of products and equipment placed under temporary storage and customs procedures; the rules applicable to the release for free circulation of products and equipment imported from and exported to any entity not covered by the Protocol; the update of global warming potentials of listed substances. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making<sup>38</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

***on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness raising;*** labelling requirements; the exclusion from quota requirements of HFCs in accordance with decisions of the Parties to the Protocol; ***excluding from the quota system the placing on the market of hydrofluorocarbons semiconductor materials or vapour deposition chambers within the semiconductor sector, where, in certain cases, there are shortages or disruptions of supply to the Union's market of semiconductor materials or of vapour deposition chambers; increasing, in certain cases, the quotas for placing on the Union market hydrofluorocarbons to be used in heat pumps until the year 2029;*** the amounts due for the allocation of quota and the mechanism to allocate remaining quotas; additional measures for the monitoring of substances and of products and equipment placed under temporary storage and customs procedures; the rules applicable to the release for free circulation of products and equipment imported from and exported to any entity not covered by the Protocol; ***the adoption of a common general framework for the design of centralised electronic systems for the recording of the information collected in accordance with this Regulation;*** and the update of global warming potentials of listed substances ***and to strengthen the prohibitions on the placing on the market of such substances.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, ***in particular consultation with the Consultation Forum as set up according to Article 33 of this Regulation,*** including at expert level and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making<sup>38</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all

documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>38</sup> OJ L 123, 12.5.2016, p. 1.

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<sup>38</sup> OJ L 123, 12.5.2016, p. 1.

## Amendment 37

### Proposal for a regulation Article 2 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 38

### Proposal for a regulation Article 2 – paragraph 2

#### *Text proposed by the Commission*

2. This Regulation also applies to products and equipment, **and parts thereof**, containing fluorinated greenhouse gases or whose functioning relies **upon** those gases.

#### *Amendment*

2. This Regulation also applies to products and equipment, containing fluorinated greenhouse gases or whose functioning relies **partly or entirely on** those gases.

## Amendment 39

### Proposal for a regulation Article 3 – paragraph 1 – point 5

#### *Text proposed by the Commission*

(5) ‘operator‘ means the undertaking exercising actual power over the technical functioning of products and equipment covered by this Regulation or the **owner** where designated by a Member State as being responsible for the operator’s

#### *Amendment*

(5) ‘operator‘ means the undertaking exercising actual power over the technical functioning of products and equipment covered by this Regulation or the **entity** where designated by a Member State as being responsible for the operator’s

obligations in specific cases;

obligations in specific cases;

#### **Amendment 40**

##### **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 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 **utilisation** of products or equipment manufactured for own **utilisation**;

#### **Amendment 41**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 27**

*Text proposed by the Commission*

(27) ‘feedstock’ means any fluorinated greenhouse gas listed in Annexes I and II, that undergoes chemical transformation in a process in which it is entirely converted from its original composition **and emissions are insignificant**;

*Amendment*

(27) ‘feedstock’ means any fluorinated greenhouse gas listed in Annexes I and II, that undergoes chemical transformation in a process in which it is entirely converted from its original composition;

#### **Amendment 42**

##### **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

*Amendment*

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



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.

- (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.

#### **Amendment 43**

##### **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).

#### **Amendment 44**

##### **Proposal for a regulation**

## Article 4 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. Without prejudice to paragraphs (1) to (6), operators shall ensure that sulfuryl fluoride is captured and recovered after fumigation. 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 that facility, and proof of the measures adopted to recover emissions of sulfuryl fluoride. The effectiveness of the system shall be independently scientifically verified.***

***Where recovery is not technically or economically feasible, operators shall use alternative treatment options, unless such alternative treatment options are not available. In such a case, the operator shall draw up documentation providing evidence of the impossibility of the recovery of sulfuryl fluoride and the absence of alternative treatment options.***

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

## Amendment 45

### Proposal for a regulation

#### Article 5 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Operators of equipment that contains 5 tonnes of CO<sub>2</sub> equivalent or more of

***Manufacturers and*** operators of equipment that contains 5 tonnes of CO<sub>2</sub>

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.

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*.

#### **Amendment 46**

##### **Proposal for a regulation**

##### **Article 5 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Hermetically sealed equipment that contains less than 10 tonnes of CO<sub>2</sub> equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.

*Amendment*

Hermetically sealed *residential* equipment that contains less than 10 tonnes of CO<sub>2</sub> equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.

#### **Amendment 47**

##### **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*

#### **Amendment 48**

##### **Proposal for a regulation**

##### **Article 5 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

(e) refrigeration units of refrigerated

*Amendment*

(e) refrigeration units of refrigerated

trucks and trailers;

trucks and trailers, *vans and ships*;

#### Amendment 49

##### 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 of the European Parliament and of the Council\* ;***

***\*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).***

#### Amendment 50

##### Proposal for a regulation

##### Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO<sub>2</sub> equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage.

2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO<sub>2</sub> equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage. ***For the purposes of Article 5(2), point (g), the leakage detection system shall have a higher sensitivity than a pressure- or density-monitoring device.***

#### Amendment 51

##### Proposal for a regulation

##### Article 7 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the quantities of gases added during installation, maintenance or servicing or due to leakage;

*Amendment*

(b) the quantities of gases added during installation, maintenance or servicing or due to leakage, ***including the exact timing of such addition***;

**Amendment 52**

**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;

**Amendment 53**

**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.

**Amendment 54**

**Proposal for a regulation**

**Article 8 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 55**

### **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.

## **Amendment 56**

### **Proposal for a regulation Article 8 – paragraph 9**

*Text proposed by the Commission*

9. Member States shall promote the recovery, recycling, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and Annex II, **Section 1**.

*Amendment*

9. Member States shall promote the recovery, recycling, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and Annex II.

## **Amendment 57**

### **Proposal for a regulation Article 9 – title**

*Text proposed by the Commission*

Producer responsibility schemes

*Amendment*

**Extended** producer responsibility schemes

## Amendment 58

### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

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.***

*Amendment*

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, ***taking into account already applicable producer responsibility schemes.***

## Amendment 59

### Proposal for a regulation Article 9 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***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.***

## Amendment 60

### Proposal for a regulation Article 9 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that producers and importers of the 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:***

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***\*Directive 2008/98/EC of the European  
Parliament and of the Council of 19  
November 2008 on waste and repealing  
certain Directives (OJ L 312, 22.11.2008,  
p. 3).***

#### **Amendment 61**

**Proposal for a regulation  
Article 9 – paragraph 1 b – point a (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 62**

**Proposal for a regulation  
Article 9 – paragraph 1 b – point b (new)**

*Text proposed by the Commission*

*Amendment*

***(b) the costs of recycling units for  
natural persons certified in accordance  
with Article 10 for the purposes of on-site  
recycling.***

#### **Amendment 63**

**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***

#### **Amendment 64**



## Proposal for a regulation

### Article 10 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I and Annex II, **Section 1** and other relevant alternatives to fluorinated greenhouse gases:

## Amendment 65

### Proposal for a regulation

#### Article 10 – paragraph 2

*Text proposed by the Commission*

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 Council<sup>42</sup> are available, pursuant to paragraph 5.

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<sup>42</sup> 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).

## Amendment 66

### Proposal for a regulation

#### Article 10 – paragraph 3 – introductory part

*Amendment*

1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I and Annex II and other relevant alternatives to fluorinated greenhouse gases:

*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, **and other relevant alternatives to fluorinated greenhouse gases**, from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council<sup>42</sup> are available, pursuant to paragraph 5.

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<sup>42</sup> 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).

*Text proposed by the Commission*

3. The certification programmes and training provided for in paragraphs 1 and 2 shall cover the following,

*Amendment*

3. The certification programmes and training provided for in paragraphs 1 and 2 shall cover ***at least*** the following,

**Amendment 67**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

**Amendment 68**

**Proposal for a regulation**

**Article 10 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. The Member States shall establish or adapt certification schemes and training programmes pursuant to paragraphs 1, 2, 3 and 6 within six months from the entry into force of this Regulation, where relevant.***

**Amendment 69**

**Proposal for a regulation**

**Article 10 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

7. Existing ***certificates and*** training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions

7. Existing training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions under which they were originally issued. ***The validity of existing***

under which they were originally issued.

*certificates may be subject to additional requirements to reflect the extension of the certification scheme to other relevant alternatives to fluorinated greenhouse gases.*

## Amendment 70

### 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 fall below a minimum threshold, Member States shall accompany the notification with a plan, compiled in consultation with the relevant stakeholders, including social partners, setting out actions to increase certification and training on the relevant alternatives as from the following calendar year.***

## Amendment 71

### 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 for actions to increase certification and training on relevant alternatives*** 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).

## Amendment 72

### Proposal for a regulation Article 10 – paragraph 10

*Text proposed by the Commission*

10. **Any** undertaking **which assigns** a task referred to in paragraph 1 to another undertaking **shall take reasonable steps to ascertain** that the latter holds the necessary certificates for the required tasks referred to in paragraph 1.

*Amendment*

10. **An** undertaking **may assign** a task referred to in paragraph 1 to another undertaking **only after verification** that the latter holds the necessary certificates for the required tasks referred to in paragraph 1.

## Amendment 160

### Proposal for a regulation Article 11 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***By way of derogation from the first subparagraph, the placing on the market of parts of equipment required for repairs and servicing of existing equipment shall be allowed provided that the repair or servicing does not result in an increase in the capacity of the equipment or an increase in the amount of fluorinated gases contained in the equipment or of the fluorinated gases used.***

## Amendment 74

### 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

*Amendment*

**Six months** 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.

only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.

## **Amendment 75**

### **Proposal for a regulation**

#### **Article 11 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply, or making available to other persons within the Union for payment or free of charge, use or export of non-refillable containers for fluorinated greenhouse gases *listed in Annex I and Annex II, Section 1*, empty or fully or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses.

*Amendment*

3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply, or making available to other persons within the Union for payment or free of charge, use or export of non-refillable containers for fluorinated greenhouse gases, empty or fully or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses.

## **Amendment 76**

### **Proposal for a regulation**

#### **Article 11 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Undertakings which place on the market refillable containers for fluorinated greenhouse gases 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. Those arrangements shall contain binding obligations for the supplier of the containers to the end-user to comply with the arrangements.***

***The undertakings referred to in the first subparagraph 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. Suppliers of the containers to end-users shall keep evidence of the compliance with these arrangements for a period of at least five years after supply to the end-user 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).*

## **Amendment 77**

### **Proposal for a regulation**

#### **Article 11 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally, by means of implementing acts, authorise an exemption for up to four years to allow the placing on the market of products and equipment listed in Annex IV, **including parts thereof**, containing fluorinated greenhouse gases or whose functioning relies upon those gases, where it is demonstrated that:

*Amendment*

***Without prejudice to the derogation for spare parts referred to in subparagraph 1a***, following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally, by means of implementing acts, authorise an exemption for up to four years to allow the placing on the market of products and equipment listed in Annex IV, containing fluorinated greenhouse gases or whose functioning relies upon those gases, where it is demonstrated that:

## **Amendment 78**

### **Proposal for a regulation**

#### **Article 11 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. Undertakings shall only be allowed to place on the market and sell bulk fluorinated greenhouse gases where:***

*(a) the undertakings either hold a certificate or training attestation required under Article 10 or employ persons holding such a certificate or a training attestation, and*

*(b) the undertakings are established in the Union or have mandated an only representative established in the Union who assumes full responsibility of complying with this Regulation.*

*The only representative may be the representative mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council.*

## **Amendment 79**

### **Proposal for a regulation Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 11a*

*Restriction on the export of certain products and equipment containing fluorinated greenhouse gases*

*The export of products and equipment, including parts thereof, listed in Annex IV, with an exemption for military equipment, shall be prohibited from the date specified in that Annex, differentiating, where applicable, according to the type or global warming potential of the gas contained.*

## **Amendment 80**

### **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

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

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

shall include a reference that those products or equipment may only be used for the purpose for which an exemption under that Article was granted.

## **Amendment 81**

### **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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 a 20-year timescale.***

## **Amendment 82**

### **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 as referred to in this paragraph.***

## **Amendment 83**

### **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 of paragraph 3.***



## Amendment 84

### Proposal for a regulation Article 12 – paragraph 10

*Text proposed by the Commission*

**10. Fluorinated greenhouse gases listed in Annexes I and II placed on the market for etching of semiconductor material or cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector shall be labelled with an indication that the contents of the container may only be used for that purpose.**

*Amendment*

**deleted**

## Amendment 85

### Proposal for a regulation Article 12 – paragraph 13 – subparagraph 1

*Text proposed by the Commission*

In case of hydrofluorocarbons, the label referred to in paragraphs 7 to **11** shall include the indication “exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation]”.

*Amendment*

In case of hydrofluorocarbons, the label referred to in paragraphs 7 to **9 and 11** shall include the indication “exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation]”.

## Amendment 86

### Proposal for a regulation Article 12 – paragraph 13 – subparagraph 2

*Text proposed by the Commission*

In the absence of the labelling requirements referred to in the first subparagraph and in paragraphs 7 to 11, the hydrofluorocarbons shall be subject to the quota requirements pursuant to Article 16(1).

*Amendment*

In the absence of the labelling requirements referred to in the first subparagraph and in paragraphs 7 to **9 and 11**, the hydrofluorocarbons shall be subject to the quota requirements pursuant to Article 16(1).

## Amendment 152

**Proposal for a regulation**  
**Article 13 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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**.

*Amendment*

From 1 January 2024, the **following uses shall be prohibited: the servicing or maintenance of air conditioning and heat pump equipment, mobile and stationary refrigeration equipment and chillers by** fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more.

**From 1 January 2030, the following uses shall be prohibited: the servicing or maintenance of stationary refrigeration equipment, with the exclusion of chillers, by fluorinated greenhouse gases listed in Annex I, with a global warming potential of 150 or more.**

**Amendment 88**

**Proposal for a regulation**  
**Article 13 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 89**

**Proposal for a regulation**  
**Article 13 – paragraph 3 – subparagraph 3 – point a**

*Text proposed by the Commission*

(a) reclaimed fluorinated greenhouse gases listed in Annex I with a global warming potential of **2 500** or more used for the maintenance or servicing of existing refrigeration equipment, provided that they

*Amendment*

(a) reclaimed fluorinated greenhouse gases listed in Annex I with a global warming potential of **150** or more used for the maintenance or servicing of existing **stationary** refrigeration equipment, **with**

have been labelled in accordance with Article 12(6);

*the exclusion of chillers*, provided that they have been labelled in accordance with Article 12(6);

## **Amendment 90**

### **Proposal for a regulation**

#### **Article 13 – paragraph 3 – subparagraph 3 – point a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) reclaimed fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more, used for the maintenance or servicing of air conditioning and heat pump equipment, mobile refrigeration and chillers, provided that they have been labelled in accordance with Article 12(6);*

## **Amendment 91**

### **Proposal for a regulation**

#### **Article 13 – paragraph 3 – subparagraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

(b) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of **2 500** or more used for the maintenance or servicing of existing refrigeration equipment provided they have been recovered from such equipment. Such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or the undertaking for which the recovery was carried out as part of maintenance or servicing.

(b) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of **150** or more used for the maintenance or servicing of existing *stationary* refrigeration equipment *with the exclusion of chillers* provided they have been recovered from such equipment. Such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or the undertaking for which the recovery was carried out as part of maintenance or servicing;

## **Amendment 92**

### **Proposal for a regulation**

#### **Article 13 – paragraph 3 – subparagraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of 2 500 or more used for the maintenance or servicing of existing air conditioning and heat pump equipment, mobile refrigeration and chillers, provided they have been recovered from such equipment; such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or by the undertaking for which the recovery was carried out as part of maintenance or servicing.*

## Amendment 156

### Proposal for a regulation Article 13 – paragraph 4

*Text proposed by the Commission*

4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January 2026, **except** when such use is strictly required and no other anaesthetic can be used on medical grounds. **The user** shall **provide** evidence, **upon request**, on the medical justification to the competent authority of the Member State and the Commission.

*Amendment*

4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January 2026 **and shall only be permitted** when such use is strictly required and no other anaesthetic can be used on medical grounds **or when ensured that it is used in combination with a capture system. The healthcare institution** shall **keep** evidence on the medical justification, **and provide it, upon request**, to the competent authority of the Member State and the Commission.

## Amendment 94

### 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 is strictly required for a phytosanitary**

*certificate and no other treatment can be used.*

#### **Amendment 95**

##### **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*

#### **Amendment 96**

##### **Proposal for a regulation**

##### **Article 16 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*The Commission shall continuously monitor the Union’s semiconductor supply market. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 2 of this Article and exclude from the quota system laid down in paragraph 1 of this Article semiconductor materials or vapour deposition chambers within the semiconductor sector, where it identifies that, as a consequence of the inclusion of the semiconductor sector in the hydrofluorocarbon quota system, there are shortages or disruptions of supply to the Union’s market of semiconductor materials or of vapour deposition chambers.*

#### **Amendment 97**

##### **Proposal for a regulation**

##### **Article 16 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally by means of implementing acts, authorise an exemption for up to four years to exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons for use in specific applications, or specific categories of products or equipment, where it is demonstrated in the request that:

*Amendment*

Following a substantiated request by a competent authority of a Member State **or an EU Agency** and taking into account the objectives of this Regulation, the Commission may, exceptionally by means of implementing acts, authorise an exemption for up to four years to exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons for use in specific applications, or specific categories of products or equipment, where it is demonstrated in the request that:

**Amendment 98**

**Proposal for a regulation**

**Article 16 – paragraph 4 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; and

*Amendment*

(a) for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons **or risks to public health**; and

**Amendment 99**

**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 CO<sub>2</sub> 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

*Amendment*

The allocation of quotas is subject to the payment of the amount due which equals to **five** euro for each tonne of CO<sub>2</sub> equivalent of quota to be allocated **in the period 2024-2026 and shall increase every three years thereafter so as to ensure a constant revenue, in light of the quota phase-down set out 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

accordance with the examination procedure referred to in 34(2).

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 100**

### **Proposal for a regulation Article 17 – paragraph 6**

*Text proposed by the Commission*

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 5 as regards the amounts due for the allocation of quota and the mechanism to allocate remaining quotas, where necessary to prevent major disruptions of the market of hydrofluorocarbons, or where the mechanism is not fulfilling its purpose and is having undesirable or unintended effects.

*Amendment*

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 5 as regards the amounts due for the allocation of quota and the mechanism to allocate remaining quotas, where necessary to prevent major disruptions of the market of hydrofluorocarbons, or where the mechanism is not fulfilling its purpose and is having undesirable or unintended effects, ***including on public health and the users of MDIs.***

## **Amendment 101**

### **Proposal for a regulation Article 17 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. By ... [one year following the entry into force of this Regulation] and every year thereafter, the Commission shall assess, in consultation with relevant stakeholders, the impact of the HFC quota phase-down on the Union's heat pump market, and shall submit a report to the European Parliament and the Council.***

***The Commission shall adopt delegated acts in accordance with Article 32 to amend Annex VII and allow a limited amount of additional quotas for placing on the Union market HFCs to be used in***

*heat pumps until the year 2029, where the assessment referred to in the first subparagraph concludes that the HFC quota phase-down set out in Annex VII creates disruptions in the Union's heat pump market to an extent which would endanger the attainment of the RePowerEU heat pump deployment targets.*

*In the report referred to in the first subparagraph the Commission shall provide a justification for its decision to adopt or not to adopt the delegated acts referred to in the second subparagraph.*

*Where the Commission adopts a delegated acts as referred to in the second subparagraph, the additional quotas shall be distributed to producers and importers, following their requests, submitted to the F-gas Portal, accompanied by evidence, in the form of sales contracts, that the quotas are to be used for heat pumps.*

## **Amendment 102**

### **Proposal for a regulation Article 17 – paragraph 7**

*Text proposed by the Commission*

7. The revenue generated from the quota allocation amount shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 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.

*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) 2018/1046. That revenue shall be assigned to the LIFE programme and to Heading 7 of the multiannual financial framework (European Public Administration):

**(a)** 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;

*(b) to cover the costs* for ensuring compliance with the Protocol;

*(c) to support capacity building at national level and Member States' implementation and enforcement of this Regulation, including in relation to the fight against online sales of illegal fluorinated gases and the destruction of seized illegal fluorinated gases; and*

*(d) to accelerate the deployment of alternatives to fluorinated gases, particularly in sectors incurring high mitigation costs, and in the heat pump sector, including increasing production of necessary equipment, facilitating access to finance, reducing prices for consumers, training and certifying natural persons under Article 10 and reskilling gas boiler installers.*

Any revenue remaining after covering these costs shall be entered into the general budget of the Union.

## Amendment 103

### Proposal for a regulation Article 18 – paragraph 1

*Text proposed by the Commission*

1. Quotas shall only be allocated to producers or importers that have an establishment within the Union, or which have mandated 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 to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>43</sup>.

*Amendment*

1. Quotas shall only be allocated to producers or importers that have an establishment within the Union, or which have mandated an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation ***and with the requirements of Title II of Regulation (EC) No 1907/2006 of the European Parliament and of the Council.*** The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the

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<sup>43</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

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<sup>43</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

#### **Amendment 104**

##### **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, **MDIs** 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 105**

##### **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.

## **Amendment 106**

### **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.

## **Amendment 107**

### **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 authorities of Member States and the Commission.

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

## **Amendment 108**

### **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

##### *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,

level of assurance by an independent auditor registered in the F-gas Portal.

at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.

## **Amendment 109**

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

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

## **Amendment 110**

### **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 CO<sub>2</sub> 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 CO<sub>2</sub> equivalent of hydrofluorocarbons, per year, contained in the equipment *or products* referred to in paragraph 1.

## **Amendment 111**

### **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

#### *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 ***in cases of temporary storage and*** for the following activities:

fluorinated greenhouse gases or whose functioning relies upon those gases except for the following activities:

#### Amendment 112

##### 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 ***(d)*** of Article 16(2);

#### Amendment 113

##### 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:***

***(a) regularly updated quota allocation and quota transfers;***

***(b) a list of registered importers and producers;***

***(c) data on imports, including points of entry and type of HFC;***

***(d) temporary storage data;***

***(e) facility-level chemical destruction data.***

#### Amendment 114

##### Proposal for a regulation

##### Article 22 – paragraph 1

*Text proposed by the Commission*

The import and export of fluorinated

*Amendment*

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).

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).

## Amendment 115

### Proposal for a regulation Article 22 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***By way of derogation from the first paragraph of this Article and from Article 20, the Commission shall, by means of implementing acts, establish simplified rules for registration in the F-gas Portal in the case of temporary storage as defined in Article 5(17) of Regulation (EU) No 952/2013. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34.***

## Amendment 116

### Proposal for a regulation Article 23 – paragraph 6

*Text proposed by the Commission*

*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.

6. Importers of fluorinated greenhouse gases 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 117

## Proposal for a regulation

### Article 23 – paragraph 12 – subparagraph 1

#### *Text proposed by the Commission*

Customs authorities shall confiscate or seize non-refillable containers prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) No 952/2013. Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with Article 16 of Regulation (EU) 2019/1020 of the European Parliament and the Council<sup>45</sup>.

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<sup>45</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

## Amendment 118

### 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 119

#### *Amendment*

Customs authorities shall confiscate or seize non-refillable containers prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) No 952/2013 ***and destroy them***. Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with Article 16 of Regulation (EU) 2019/1020 of the European Parliament and the Council<sup>45</sup>.

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<sup>45</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

#### *Amendment*

For other substances and products and equipment covered by this Regulation, ***customs authorities shall seize and confiscate fluorinated greenhouse gases imported or exported in violation of this Regulation and in accordance with the [Environmental Crime Directive 2021/0422(COD)]*** 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.

**Proposal for a regulation**  
**Article 24 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. By 30 June 2025, the Commission shall publish a report evaluating the potential risks of illegal trade and identifying additional measures to reduce those risks linked to movements of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases when 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, including tracing methodologies for gases placed on the market, such as quick response (QR) codes.***

**Amendment 120**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*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 ***hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO<sub>2</sub> 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).

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).

**Amendment 121**

**Proposal for a regulation**  
**Article 26 – paragraph 2**



*Text proposed by the Commission*

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 CO<sub>2</sub> 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.

**Amendment 122**

**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 CO<sub>2</sub> 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 123**

**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 CO<sub>2</sub> equivalent or more of hydrofluorocarbons, or 500 tonnes of CO<sub>2</sub> 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

*Amendment*

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.

*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.

*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.

calendar year.

## **Amendment 124**

### **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 CO<sub>2</sub> 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.

## **Amendment 125**

### **Proposal for a regulation Article 26 – paragraph 7**

*Text proposed by the Commission*

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 CO<sub>2</sub> 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).

*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 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).

## **Amendment 126**

### **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

*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 **1 000 tonnes of CO<sub>2</sub> 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:

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:

#### **Amendment 127**

##### **Proposal for a regulation Article 27 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***By 31 December 2024 the Commission shall adopt a delegated act on a common general framework that Member States shall use to design centralised electronic systems.***

#### **Amendment 128**

##### **Proposal for a regulation Article 29 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The competent authorities of Member States shall carry out checks to establish whether undertakings comply with their obligations under this Regulation.

1. The competent authorities of Member States shall carry out **regular** checks to establish whether undertakings comply with their obligations under this Regulation.

#### **Amendment 129**

##### **Proposal for a regulation Article 29 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Checks referred to in paragraphs 1 and 2, shall include on-site visits of establishments with the appropriate frequency and verification of relevant

Checks referred to in paragraphs 1 and 2, shall include on-site visits of establishments with the appropriate frequency and verification of relevant

documentation and equipment.

documentation and equipment *as well as checks of online platforms selling bulk fluorinated gases or products and equipment that contain such gases.*

### **Amendment 130**

#### **Proposal for a regulation Article 29 – paragraph 5**

*Text proposed by the Commission*

5. At the request of another Member State, a Member State **may** conduct checks on undertakings suspected of being engaged in the illegal movement of the gases and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member State shall be informed about the result of the check.

*Amendment*

5. At the request of another Member State, a Member State **shall** conduct checks on undertakings suspected of being engaged in the illegal movement of the gases and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member State shall be informed about the result of the check.

### **Amendment 131**

#### **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.**

### **Amendment 132**

#### **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

*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* 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.

whose functioning relies on those gases, Member States shall *set out minimum administrative fines of at least four times the market value of the gases or products concerned and equipment concerned and* maximum administrative fines of at least *six* times the market value of the gases or products concerned and equipment concerned. In case of a repeated infringement within a five-year period, the Member States shall *set out minimum administrative fines of at least seven times the value of the gases or products concerned and equipment concerned and* maximum administrative fines of at least *ten* times the value of the gases or products and equipment concerned.

### Amendment 133

#### Proposal for a regulation Article 32 – paragraph 2

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 8(8), Article 12(17), Article 16(3), 17(6), Article 24, Article 25(2) and Article 35 shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation].

*Amendment*

2. The power to adopt delegated acts referred to in Article 8(8), *Article 9(1a)*, Article 12(17), Article 16(3) *first subparagraph*, *Article 16(3), second subparagraph*, 17(6), *Article 17(6a)*, Article 24, Article 25(2) *Article 27, third subparagraph*, Article 35(1), *Article 35(1a) and Article 35(1b)* shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation].

### Amendment 134

#### Proposal for a regulation Article 32 – paragraph 3

*Text proposed by the Commission*

3. The delegation of power referred to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25(2) *and* Article 35 may be revoked at

*Amendment*

3. The delegation of power referred to in Article 8(8), *Article 9(1a)*, Article 12(17), Article 16(3) *first subparagraph*, *Article 16(3) second subparagraph*,

any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Article 17(6), **Article 17(6a)**, Article 24, Article 25(2), **Article 27, third subparagraph**, Article 35(1), **Article 35(1a) and Article 35(1b)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

## **Amendment 135**

### **Proposal for a regulation Article 32 – paragraph 6**

#### *Text proposed by the Commission*

6. A delegated act adopted pursuant to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25(2) **and** Article 35 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

#### *Amendment*

6. A delegated act adopted pursuant to in Article 8(8), **Article 9(1a)**, Article 12(17), Article 16(3), **Article 16(3), second subparagraph**, Article 17(6), **Article 17(6a)**, Article 24, Article 25(2), **Article 27, third subparagraph**, Article 35(1), **Article 35(1a) and Article 35(1b)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

## **Amendment 136**

### **Proposal for a regulation Article 33 – paragraph 1**

#### *Text proposed by the Commission*

The Commission shall establish a

#### *Amendment*

The Commission shall establish a

Consultation Forum for providing advice and expertise in relation to the implementation of this Regulation. The rules of procedure of the Consultation Forum shall be established by the Commission and shall be published.

Consultation Forum for providing advice and expertise in relation to the implementation of this Regulation. The ***Consultation Forum shall have a balanced participation of:***

- (i) Member State representatives;***
- (ii) representatives of all relevant stakeholders, including environmental organisations, patient associations and healthcare professional organisations, representatives of manufacturers and operators.***

***The Consultation Forum shall closely cooperate with the relevant EU Agencies.***  
The rules of procedure of the Consultation Forum shall be established by the Commission and shall be published.

#### **Amendment 137**

##### **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. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend this Regulation, and strengthen the prohibitions on the placing on the market of high GWP fluorinated greenhouse gases in the products or equipment concerned, where it 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.***

#### **Amendment 138**

##### **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 Annex I or II or by introducing fluorinated greenhouse gases in Annex 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 Annex I, II or III, respectively.***

## Amendment 139

### Proposal for a regulation

#### Article 35 – paragraph 1 c (new)

*Text proposed by the Commission*

*Amendment*

***No later than three months following the adoption of the revised REACH Regulation, the Commission shall assess whether this Regulation is coherent with that Regulation. The Commission shall, where appropriate, accompany its assessment with a legislative proposal to amend this Regulation, if it concludes that this Regulation is not coherent with potential new restrictions of the use of PFAS laid down in that Regulation.***

## Amendment 140

### Proposal for a regulation

#### Article 35 – paragraph 2

*Text proposed by the Commission*

*Amendment*

By 1 January **2033**, the Commission shall publish a report on the implementation of this Regulation.

By 1 January **2027**, the Commission shall publish a report on the implementation of this Regulation, ***including in relation to the impact of this Regulation on the health sector, particularly the availability of MDIs for the delivery of pharmaceutical ingredients, as well as on***



*the impact on the market of cooling equipment used in conjunction with batteries.*

## Amendment 141

### Proposal for a regulation Article 35 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*The European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 may, on its own initiative, provide scientific advice and issue reports on the coherence of this Regulation with the objectives of Regulation (EC) No 401/2009 and the Union’s international commitments under the Paris Agreement.*

## Amendment 142

### Proposal for a regulation Annex I – section 3

*Text proposed by the Commission*

<i>Section 3: Other perfluorinated compounds</i>				
	sulphur hexafluoride	SF <sub>6</sub>	25 200	18 300

*Amendment*

<i>Section 3: Other (per)fluorinated compounds and fluorinated ketones</i>				
	sulphur hexafluoride	SF <sub>6</sub>	25 200	18 300
	<i>Heptafluoroisobutyronitrile (2,3,3,3-tetrafluoro-2-(trifluoromethyl)propanenitrile)</i>	<i>Iso-C<sub>3</sub>F<sub>7</sub>CN</i>	<i>2 750</i>	<i>4 580</i>
	<i>1,1,1,3,4,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one</i>	<i>CF<sub>3</sub>C(O)CF(CF<sub>3</sub>)<sub>2</sub></i>	<i>0,29<sup>(1)</sup></i>	<i>(*)</i>

<sup>1</sup> Ren et al. (2019). Atmospheric Fate and Impact of Perfluorinated Butanone and Pentanone. *Environ. Sci. Technol.* 2019, 53, 15, 8862–8871

## Amendment 143

### Proposal for a regulation

**Annex III – section 1 – row 37**

*Text proposed by the Commission*

<b><i>1,1,1,3,4,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one</i></b>	<b><i>CF<sub>3</sub>C(O)CF(CF<sub>3</sub>)<sub>2</sub></i></b>	<b><i>0,29<sup>(1)</sup></i></b>	<b><i>(*)</i></b>
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<sup>1</sup> Ren et al. (2019). Atmospheric Fate and Impact of Perfluorinated Butanone and Pentanone. *Environ. Sci. Technol.* 2019, 53, 15, 8862–8871

*Amendment*

***Deleted***

**Amendment 144**

**Proposal for a regulation**

**Annex III – section 2 – row 4**

*Text proposed by the Commission*

<b><i>Heptafluoroisobutyronitrile (2,3,3,3-tetrafluoro-2-(trifluoromethyl)propanenitrile)</i></b>	<b><i>Iso-C<sub>3</sub>F<sub>7</sub>CN</i></b>	<b><i>2 750</i></b>	<b><i>4 580</i></b>
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*Amendment*

***Deleted***

**Amendments 145, 153cp1, 157cp1, 153cp2, 153cp3 and 153cp4**

**Proposal for a regulation**

**Annex IV – table**

*Text proposed by the Commission*

<b>Products and equipment</b> <b>Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)</b>	<b>Date of prohibition</b>
(1) Non-refillable containers for fluorinated greenhouse gases listed in Annex I, empty, partially or fully filled, 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 equipment	that contain PFCs	4 July 2007
		that contain HFC-23	1 January 2016
		that contain or rely on other fluorinated greenhouse gases listed in Annex I, except when required to meet safety standards	1 January 2024
(4)	Windows for domestic use that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(5)	Other windows that contain fluorinated greenhouse gases listed in Annex I.		4 July 2008
(6)	Footwear that contains fluorinated greenhouse gases listed in Annex I.		4 July 2006
(7)	Tyres that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(8)	One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases listed in Annex I 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) No 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 with GWP of 150 or more.		1 January 2015
(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 <i>other</i> fluorinated greenhouse gases <b>with GWP of 150 or more.</b>	1 January 2024
(12)	Any self-contained refrigeration equipment that contains fluorinated greenhouse gases <b>with GWP of 150 or more.</b>		1 January 2025
(13)	Stationary refrigeration equipment that contains, or whose functioning relies upon, HFCs with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C.		1 January 2020

<p>(14) Stationary refrigeration equipment, that contains, or whose functioning relies upon, <b>with GWP of 2 500 or more</b> except equipment intended for application designed to cool products to temperatures below – 50 °C.</p>	<p>1 January <b>2024</b></p>
<p>(15) Multipack centralized refrigeration systems for commercial use with a rated capacity of 40 kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 150 or more, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1 500 may be used.</p>	<p>1 January 2022</p>
<p>(16) Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more.</p>	<p>1 January 2020</p>
<p>(17) Plug-in room, and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse gases <b>with a GWP of 150 or more.</b></p>	<p>1 January <b>2025</b></p>
<p>(18) Stationary split air-conditioning and split heat pump equipment:</p> <p>(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 <b>listed in Annex I with GWP of 750 or more;</b></p>	<p>1 January <b>2025</b></p>
<p>(b) Split systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases <b>with GWP of 150 or more, except when required to meet safety standards;</b></p> <p>(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.</p>	<p>1 January <b>2027</b></p>

(19) Foams that contain HFCs with GWP of 150 or more, except when required to meet national safety standards.	-Extruded polystyrene (XPS)	1 January 2020
	-Other foams	1 January 2023
(20) Technical aerosols that contain HFCs with GWP of 150 or more, except when required to meet national safety standards or when used for medical applications.		1 January 2018
(21) Personal care products (i.e. mousse, creams, foams) containing fluorinated greenhouse gases.		1 January 2024
(22) Equipment used for cooling the skin that contain, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more except when used for medical applications.		1 January 2024
(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 <b><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></b>	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 <b><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></b>	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	1 January 2028

	whose functioning relies upon <b>with GWP of 10 or more, or with GWP of more than 2000</b> , unless evidence is provided that no suitable alternative is available <b>based on technical grounds; within the lower GWP ranges referred to above;</b>	
(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, <b>with GWP of 10 or more, or with GWP of more than 2000</b> unless evidence is provided that no suitable alternative is available <b>based on technical grounds,</b>	1 January 2031

*Amendment*

<b>Products and equipment</b>		<b>Date of prohibition</b>	
<b>Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)</b>			
(1)	Non-refillable containers for fluorinated greenhouse gases listed in Annex I, empty, partially or fully filled, 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 equipment	that contain PFCs	4 July 2007
		that contain HFC-23	1 January 2016
		that contain or rely on other fluorinated greenhouse gases listed in Annex I, except when required to meet safety standards	1 January 2024
(4)	Windows for domestic use that contain fluorinated greenhouse gases listed in Annex I.	4 July 2007	
(5)	Other windows that contain fluorinated greenhouse gases listed in Annex I.	4 July 2008	

(6)	Footwear that contains fluorinated greenhouse gases listed in Annex I.	4 July 2006	
(7)	Tyres that contain fluorinated greenhouse gases listed in Annex I.	4 July 2007	
(8)	One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases listed in Annex I 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) No 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 with GWP of 150 or more.	1 January 2015	
(10a)	<b><i>Domestic refrigerators and freezers that contain fluorinated greenhouse gases.</i></b>	<b><i>1 January 2025</i></b>	
(11)	<b><i>Stationary</i></b> 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
(12)	Any self-contained <b><i>stationary</i></b> refrigeration equipment that contains fluorinated greenhouse gases.	1 January 2025	
(13)	Stationary refrigeration equipment that contains, or whose functioning relies upon, HFCs with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C.	1 January 2020	
(14)	Stationary refrigeration equipment, that contains, or whose functioning relies upon, <b><i>fluorinated greenhouse gases</i></b> except equipment intended for application designed to cool products to temperatures below – 50 °C.	1 January 2025	
(14a)	<b><i>Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases.</i></b>	<b><i>1 January 2027</i></b>	

(15)	Multipack centralized refrigeration systems for commercial use with a rated capacity of 40 kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 150 or more, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1 500 may be used.	1 January 2022
(15a) <b>Transport refrigeration</b>	<i>in vans and ships that contain, or whose functioning relies upon, fluorinated greenhouse gases.</i>	<b>1 January 2027</b>
	<i>in trucks, trailers and reefer containers that contains, or whose functioning relies upon, fluorinated gases</i>	<b>1 January 2029</b>
(16)	Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more.	1 January 2020
(17)	Plug-in room, <b>monoblock</b> and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse gases.	1 January <b>2026</b>
(18)	Stationary split air-conditioning and split heat pump equipment: (a) Single split systems, <b>including fixed double duct systems</b> , 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 <b>2028</b>



	<p>(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;</p> <p>(c) Split systems of a rated capacity of more than 12 kW <b>and up to 200 kW</b> containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards.</p> <p><b><i>(ca) Split systems of a rated capacity of more than 200 kW containing, or whose functioning relies upon, fluorinated greenhouse gases.</i></b></p>	1 January 2028
<p>(19) Foams that contain HFCs with GWP of 150 or more, except when required to meet national safety standards.</p>	<p>-Extruded polystyrene (XPS)</p>	1 January 2020
	<p>-Other foams</p>	1 January 2023
	<p><b><i>(19a) Foams that contain fluorinated greenhouse gases, except when required to meet national safety standards</i></b></p>	<p><b><i>1 January 2030</i></b></p>
	<p>(20) Technical aerosols that contain HFCs with GWP of 150 or more, except when required to meet national safety standards or when used for medical applications.</p>	1 January 2018
	<p><b><i>(20a) Technical aerosols that contain fluorinated greenhouse gases, except when required to meet national safety standards or when used for medical applications.</i></b></p>	<p><b><i>1 January 2030</i></b></p>
	<p>(22) Personal care products (i.e. mousse, creams, foams) containing fluorinated greenhouse gases.</p>	1 January 2024
	<p>(22) Equipment used for cooling the skin that contain, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more except when used for medical applications.</p>	1 January 2024
<p>(23) Installation and replacement of the following electrical switchgear:</p>	<p>(a) medium voltage switchgear for primary and secondary distribution up to <b>and including</b> 24 kV, with insulating or breaking medium using, or whose functioning relies upon, <b><i>fluorinated greenhouse</i></b> gases;</p>	1 January 2026

	(b) medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to <b>and including</b> 52 kV, with insulating or breaking medium using, or whose functioning relies upon <b>fluorinated greenhouse</b> gases;	1 January 2028
	(c) high voltage switchgear from 52 and up to <b>and including</b> 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon <b>fluorinated greenhouse gases</b> , unless evidence is provided that no suitable alternative is available, <b>in which case gases with GWP of up to 1000 can be used;</b>	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 <b>fluorinated greenhouse</b> gases, unless evidence is provided that no suitable alternative is available, <b>in which case gases with GWP of up to 1000 can be used.</b>	1 January 2031
(23a)	<b>Mobile air conditioning in passenger and cargo ships, buses, trams, and trains that contain, or whose functioning relies upon, fluorinated greenhouse gases.</b>	<b>1 January 2029</b>
(23b)	<b>Mini, displacement and centrifugal chillers that contain, or whose functioning relies upon, fluorinated greenhouse gases.</b>	<b>1 January 2027</b>

## Amendment 146

### 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

*Amendment*

2. The **exception** referred to in point 23(c) and (d) **may be authorised by the competent authority of a Member State**

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.***

***following a substantiated request by an operator. The operator's request shall include documentation providing that following an open call for tender with a deadline for bids after the dates referred to in point 23 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(c) and (d), or, until two years after the dates referred to in point 23(c) and (d), only one bid was placed for such switchgear with insulating or breaking medium not using, or whose functioning does not rely upon fluorinated greenhouse gases. The competent authority shall make the documentation available to the Commission, upon request.***

#### **Amendment 147**

##### **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 2036 ***to 31 December 2049, 15%*** of the annual average of its production in 2011-2013.

#### **Amendment 148**

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

*Text proposed by the Commission*

*Amendment*

***(da) for the period 1 January 2050 and thereafter, 0% of the annual average of its production in 2011-2013.***

#### **Amendment 149**

##### **Proposal for a regulation Annex VI – title**

*Text proposed by the Commission*

Method of calculating the total GWP of a mixture referred to in Article 3(1)

*Amendment*

Method of calculating the total GWP of a mixture referred to in Article 3(2)

**Amendment 150**

**Proposal for a regulation  
Annex VII**

*Text proposed by the Commission*

<b>Years</b>	<b>Maximum Quantity</b> in tonnes CO <sub>2</sub> equivalent
2024 – 2026	41 701 077
2027 – 2029	<b>17 688 360</b>
2030 – 2032	9 132 097
2033 – 2035	8 445 713
2036 – 2038	6 782 265
2039 – 2041	<b>6 136 732</b>
2042 – 2044	<b>5 491 199</b>
2045 – 2047	<b>4 845 666</b>
2048 <i>onwards</i>	<b>4 200 133</b>

*Amendment*

<b>Years</b>	<b>Maximum Quantity</b> in tonnes CO <sub>2</sub> equivalent
2024 – 2026	41 701 077
2027 – 2029	<b>20 888 360</b>
2030 – 2032	9 132 097
2033 – 2035	8 445 713

2036 – 2038	6 782 265
2039 – 2041	<b>4 138 941</b>
2042 – 2044	<b>3 247 259</b>
2045 – 2047	<b>1 623 629</b>
2048 - 2049	<b>811 814</b>
<b>2050 onwards</b>	<b>0</b>

## Amendment 151

### Proposal for a regulation

#### Annex VIII – point 1 – paragraph 2 – indent 2

##### *Text proposed by the Commission*

– in addition, where relevant, a quota corresponding to the reference value referred to in Annex VII, point 4(ii), multiplied by the maximum quantity for the year for which the quota is allocated divided by the maximum quantity for the year 2024.

##### *Amendment*

– in addition, where relevant, a quota corresponding to the reference value referred to in Annex VII, point 4(ii). ***From 2027, such a quota is obtained by multiplying the reference value with a factor of 0,7. From 2030, such a quota corresponds to the reference value*** multiplied by the maximum quantity for the year for which the quota is allocated divided by the maximum quantity for the year 2024.