Ozone depleting substances

2022/0100(COD) - 07/03/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Jessica POLFJÄRD (EPP, SE) on the proposal for a regulation of the European Parliament and of the Council on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter

Members clarify that this Regulation lays down rules on the production, import, export, placing on the market, storage and further supply as well as use, recovery, recycling, reclamation and destruction of ozone depleting substances, on the reporting of information related to those substances and on the import, export, placing on the market, further supply and utilisation of products and equipment containing ozone depleting substances or whose functioning relies upon on those substances.

It should also apply to products and equipment, and parts thereof, containing ozone depleting substances or whose functioning relies partly or entirely on those substances.

Feedstock

The report includes additions and clarifications on feedstocks. It suggested that:

- the Commission should by 12 months after the date of entry into force of this Regulation, adopt delegated acts to supplement this Regulation by establishing a list of ozone depleting substances listed in Annex I for which the use as feedstock is permitted, the respective feedstock uses

for each of those substances, and their emission level;

- by 1 January 2025 and every 2.5 years thereafter, the Commission should assess the current and future availability of alternatives to ozone depleting substances listed in Annex I for which the use as feedstock is permitted within the Union, taking into account scientific recommendations, the impacts in terms of ozone-depleting potential and the availability of more precise data on the greenhouse gas emissions from feedstock, technological developments resulting in the availability of technically feasible alternatives, and the energy use,

efficiency, economic feasibility and cost of those alternatives;

- containers containing ozone depleting substances intended for such uses should be **labelled** with a clear indication that the substance may only be used for the applicable purpose.

Declaration of conformity

Members also stated that undertakings which place on the market refillable containers for ozone depleting substances should 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 should contain binding obligations for compliance by the supplier of those containers to end-users.

Release of ozone depleting substances and leakage checks

The report stressed that undertakings operating refrigeration, air conditioning or heat pump equipment, or fire protection systems, including their circuits, which contain ozone depleting substances should ensure that the stationary equipment or systems with a fluid charge of:

(a) 3 kg or more of ozone depleting substances are checked for leakage at least once every 12 months; this should not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6 kg of controlled substances;

(b) 30 kg or more of ozone depleting substances are checked for leakage at least once every 6 months;

(c) 300 kg or more of ozone depleting substances are checked for leakage at least once every 3 months; and any detected leakage is repaired as soon as possible and in any event within 14 days; the equipment or system should be checked for leakage within 1 month after a leak has been repaired to ensure that the repair has been effective.

Penalties

In cases of unlawful production, import, export, placing on the market, or use of ozone depleting substances listed in Annex I or of products and equipment containing those substances or whose functioning relies upon those substances, Member States should envisage set out minimum administrative fines of at least four times the market value of the ozone depleting substances or products and equipment concerned and maximum administrative fines of at least **six times** the market value of the concerned substances or products and equipment concerned.

Review

By 1 January 2030, the Commission should present a report to the European Parliament and to the Council on the implementation and effectiveness of this Regulation. The Commission should assess in particular the availability of alternatives to ozone depleting substances for which a derogation is granted under the Regulation. The Commission should also assess the impact of this Regulation on the fight against the illegal trade of ozone depleting substances.