Fluorinated gases regulation

2022/0099(COD) - 30/03/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 426 votes to 109, with 52 abstentions, **amendments** to 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.

The matter was referred to the committee responsible for interinstitutional negotiations.

Contributing to the EU's climate neutrality objective

Members want to see a greater phase-out of hydrofluorocarbons (HFCs) in the EU market **from 2039**, with a complete phase-out of HFC production and consumption by 2050 (Annex VII).

Alternative solutions

To accelerate innovation in, and the development of, more climate-friendly solutions and to provide certainty for consumers and investors, Members wish to **strengthen new requirements** proposed by the Commission that prohibit the placing on the single market of products containing F-gases (Annex IV). The text adds prohibitions on the use of F-gases for sectors where it is technologically and economically feasible to switch to alternatives that do not use F-gases, such as refrigeration, air conditioning, heat pumps and electrical switchgear.

According to Members, the shift towards the use of hydrofluorocarbon alternatives should lead to cost savings for undertakings as a result of avoided HFC quota purchase and should 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.

When examining if there are alternatives to the use of specific fluorinated greenhouse gases, 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.

Extended producer responsibility schemes

Member States should require that, by 31 December 2027 at the latest, extended producer responsibility schemes are established for the recovery, recycling, reclamation or destruction of the fluorinated greenhouse gases listed in Annexes I and II, taking into account already applicable producer responsibility schemes.

The Commission should, by 31 December 2025, adopt delegated acts 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.

Certification and training

Certification programmes and training by Member States should cover aspects such as the **certification of 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.

No later than one year after the entry into force of the Regulation, Member States should notify the Commission of the certification and training programmes and the number of persons certified and trained for F-Gases and relevant alternatives in each sector.

Prohibited uses

Members propose that the following uses should be prohibited:

- **from 1 January 2024**: 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 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.

These measures should 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.

Heat pumps

Members recalled that the RePowerEU 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.

F-gas portal

The Commission and competent authorities of the Member States should 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.

Prevention of illegal trade

Members want illegal trade in fluorinated gases to be better monitored, by allowing customs authorities to **seize and confiscate fluorinated gases** imported or exported in violation of the rules, in line with the forthcoming directive on environmental crime. By 30 June 2025, the Commission should publish a report assessing the potential risks of illegal trade.

Review

Lastly, Members stated that the Commission should continuously monitor technological and market developments in relation to the use of fluorinated greenhouse gases and their natural alternatives in the Union.

By 1 January 2027, the Commission should 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 metered dose inhalers for the delivery of pharmaceutical ingredients, as well as on the impact on the market of cooling equipment used in conjunction with batteries.