

Fluorinated gases regulation

2022/0099(COD) - 16/01/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 457 votes to 92, with 32 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Prevention of emissions

The intentional release of fluorinated greenhouse gases into the atmosphere should be **prohibited where the release is not technically necessary for the intended use**. If an intentional release is technically necessary for the intended use, operators of equipment that contains fluorinated greenhouse gases or of facilities where fluorinated greenhouse gases are used should take all measures that are technically and economically feasible to prevent, to the extent possible, their release into the atmosphere, including by recapturing the gases emitted.

Where the equipment is subject to leak checks and a leak in the equipment has been repaired, the operators of the equipment shall ensure that the equipment is checked by a natural person who is certified at the earliest after an operating time of 24 hours has elapsed but not later than one month after the repair to verify that the repair has been effective.

Leak checks

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

Hermetically sealed equipment should not be checked for leaks provided that it is labelled as hermetically sealed equipment and that it complies with certain conditions.

Where hermetically sealed equipment is installed in residential buildings, it should not be checked for leaks where that equipment contains less than 3 kilograms of fluorinated greenhouse gases provided that it is labelled as hermetically sealed.

Recovery and destruction

Operators of equipment that contain fluorinated greenhouse gases, not contained in foams, should ensure that those substances are **recovered** and, after the decommissioning of the equipment, they are **recycled, reclaimed or destroyed**.

The obligation should apply to operators of any of the following stationary and mobile equipment:

- the cooling circuits of refrigeration, air-conditioning equipment and heat pumps;
- equipment that contains fluorinated greenhouse gas-based solvents;

- fire protection equipment;
- electrical switchgear;
- the cooling circuits of: (i) refrigeration units of refrigerated trucks and refrigerated trailers; (ii) refrigeration units of refrigerated light-duty vehicles and intermodal containers, including reefers, and train wagons; (iii) air-conditioning equipment and heat pumps in heavy duty vehicles, vans, non-road mobile machinery used in agriculture, mining and construction operations, trains, metros, trams and aircraft.

For the recovery of fluorinated greenhouse gases from air-conditioning equipment in motor vehicles which fall within the scope of Directive 2006/40/EC, only natural persons holding at least a training attestation in accordance with Article 10(1), second subparagraph of this Regulation, shall be considered to be appropriately qualified.

Extended producer responsibility

The amended text sets out a mandatory extended producer responsibility (EPR) scheme from 1 January 2028 for F-gases in products and equipment which fall under the categories of **electrical and electronic equipment** subject to Directive 2012/19/EU (on waste electrical and electronic equipment).

Certification and training

Member States should adopt appropriate measures to meet the need for qualified personnel so that a large number of natural persons carrying out operations involving fluorinated greenhouse gases and technologies to replace and limit the use of these gases are trained and certified. In this respect, the Regulation lays down rules on certification and training measures.

The **certification programmes and training** on practical skills and theoretical knowledge should cover, inter alia, the safe handling of equipment containing flammable or toxic gases or operating under high-pressure or involving other relevant risks and the measures for improving or maintaining the energy efficiency of equipment during installation, or maintenance or servicing. Member States should ensure that certified natural persons are required to participate in refreshment training courses or complete an evaluation process at least every 7 years.

Declaration of conformity

Undertakings which place on the market refillable containers for fluorinated greenhouse gases should produce a declaration of conformity that includes **evidence** confirming that there are binding arrangements in place for the return of those containers for the purpose of refilling, in particular identifying the relevant actors, their obligatory commitments and the relevant logistical arrangements. Those arrangements should be made binding on the distributors of the refillable containers for fluorinated greenhouse gases to the end-user.

Prohibitions on marketing

The amended text introduced:

- a full ban on **small (<12kW) monobloc heat pumps and air conditioning** that contain F-gases with a global warming potential (GWP) of at least 150 starting in 2027, and a complete phase-out in 2032;

- a full ban starting in 2035 of **split air conditioning and heat pumps** containing F-gases, with earlier deadlines for certain types of split systems with higher global warming potential. Exemptions are provided for in cases where this equipment is needed to meet safety requirements;
- a new full ban on **medium voltage switchgears** relying on F-gases, with a gradual phase-out by 2030, and a ban on high voltage switchgears by 2032;
- a ban on some **equipment needed to repair and service existing equipment**. From 2025, servicing equipment for refrigeration equipment that uses F-gases with high global warming potential will be banned unless the gases are reclaimed or recycled, in which case they benefit from a derogation until 2030.

Penalties

Member States should lay down the rules on **effective, proportionate and dissuasive** penalties applicable to infringements. The penalties should include at least fines, confiscation of products, temporary exclusion of products from public procurement and temporary trade bans.

In the case 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 upon those gases, the maximum amount of the administrative financial penalty should be at least **five times** the market value of the gases or products and equipment concerned. Where such infringements are repeated within a five-year period, the maximum amount of the administrative financial penalty should be at least **eight times** the market value of the gases or products and equipment concerned.

Review

By 1 January 2030, the Commission should publish a report on the effects of this Regulation. Before 1 January **2040**, the Commission should review the needs for hydrofluorocarbons in the sectors where they are still used, in particular, taking into account technological developments, the availability of alternatives to hydrofluorocarbons for the relevant applications and the Union's climate targets.