

Fluorinated gases regulation

2022/0099(COD) - 20/02/2024 - Final act

PURPOSE: to review the current fluorinated greenhouse gas (F-gas) Regulation with a view to further cutting emissions of these potent greenhouse gases.

LEGISLATIVE ACT: Regulation (EU) 2024/573 of the European Parliament and of the Council on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014.

CONTENT: this Regulation:

- lays down rules on containment, use, recovery, recycling, reclamation and destruction of fluorinated greenhouse gases and on related ancillary measures, such as certification and training, which includes the safe handling of fluorinated greenhouse gases and of alternative substances that are not fluorinated;
- imposes conditions on the production, import, export, placing on the market, subsequent supply and use of fluorinated greenhouse gases, and of specific products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases;
- imposes conditions on specific uses of fluorinated greenhouse gases;
- establishes quantitative limits for the placing on the market of hydrofluorocarbons;
- establishes rules on reporting.

Prevention of emissions

The **intentional release of fluorinated greenhouse gases into the atmosphere** will be prohibited where the release is not technically necessary for the intended use. Operators of equipment that contains fluorinated greenhouse gases or of facilities where fluorinated greenhouse gases are used will 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.

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**.

Production and consumption of HFCs

Under the new rules, the consumption of hydrofluorocarbons (HFCs) will be completely phased out by 2050.

In addition, for each producer, hydrofluorocarbon production rights, expressed in tonnes of CO₂ equivalent, will be calculated as follows: for the period from 1 January 2025 to 31 December 2028, **60%** of its average annual production over the period 2011-2013; for the period from 1 January 2029 to 31 December 2033, **30%**; for the period from 1 January 2034 to 31 December 2035, **20%**; for the period from 1 January 2036 onwards, **15%**.

Both production and consumption will be phased down on the basis of a tight schedule with a degressive quota allocation

Ban on placing on the market

Where **suitable alternatives** to the use of certain fluorinated greenhouse gases are available, the placing on the market of new refrigeration, air-conditioning and fire-fighting equipment containing or whose functioning relies on fluorinated greenhouse gases, and of technical foams and aerosols containing fluorinated greenhouse gases, will be **prohibited**.

The Regulation sets specific dates for the complete phase-out of the use of F-gases in **air conditioning, heat pumps and switchgears**:

- **2032** for small monoblock heat pumps and air conditioning (<12kW)
- **2035** for split air conditioning and heat pumps, with earlier deadlines for certain types of split systems with higher global warming potential
- **2030** for medium-voltage switchgears (up to and including 52 kV) relying on F-gases
- **2032** for high-voltage switchgears (>52kV)

The Regulation also introduces a ban on certain **equipment needed for the repair and service of 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. A similar ban is introduced for 2026 on servicing equipment for air-conditioning and heat pump equipment, with an exemption for regenerated or recycled gases until 2032.

Extended producer responsibility

The Regulation provides for 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).

Penalties

Member States will lay down the rules on **effective, proportionate and dissuasive penalties** applicable to infringements. The penalties will 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 will 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 will be at least **eight times** the market value of the gases or products and equipment concerned.

Review

The impacts and effects of the Regulation, including an assessment of the availability of cost-effective, technically feasible and sufficiently available alternatives to fluorinated gases, will be reviewed by the Commission no later than 1 January 2030.

By 2040, the Commission will review the needs for hydrofluorocarbons in the sectors where they are still used and the phase-out of HFC quota set out in Annex VII for the year 2050, in particular, taking into account technological developments, the availability of alternatives to hydrofluorocarbons for the relevant applications and the Union's climate targets.

ENTRY INTO FORCE: 11.3.2024.