

Climate change: fluorinated greenhouse gases, hydrofluorocarbons HFCs, perfluorocarbons PFCs, sulphur hexafluoride

2003/0189A(COD) - 17/05/2006 - Final act

PURPOSE: the control and use of fluorinated greenhouse gases in the EU.

LEGISLATIVE ACT: Regulation 842/2006/EC of the European Parliament and of the Council on certain fluorinated greenhouse gases.

CONTENT: the Council adopted a Regulation on fluorinated greenhouse gases following an agreement reached with the European Parliament in the conciliation committee. The Regulation was adopted alongside a Directive on emissions from air-conditioning systems in motor vehicles, amending Directive 70/156/EEC. The legal acts form part of a comprehensive package aimed at implementing the European Climate Change Programme, which was established in June 2000. It has also been introduced as part of the Sixth Community Environment Action Programme, which recognises that the Community is committed to achieving an 8% reduction in emission of greenhouse gases between 2008 and 2012 compared to 1990 levels.

Most fluorinated greenhouse gases identified by this Regulation have a high global warming potential. The objective, therefore, of this Regulation (complemented by the Directive on air conditioning systems in motor vehicles) is to create provisions which prevent and minimise emissions from fluorinated greenhouse gases (FFGs) covered by the Kyoto Protocol. In presenting harmonised provisions the EU is also helping to prevent distortions of competition within the internal market.

The Regulation, as redrafted in conciliation, addresses the containment, use, recovery and destruction of the FFGs listed in Annex A to the Kyoto Protocol (and adopted in Annex I and Annex II of this Regulation). Provisions include the principle of “Containment”, whereby operators of FFGs must prevent any leakages and the principle of “Recovery”, whereby operators are responsible for the proper recovery, by certified personnel, of FFGs. Certain fluorinated gases listed in Annex II will be banned from use within the EU, with effect, as from 4 July 2006.

The Regulation also provides rules on:

- the labelling and disposal of products and equipment containing these gases;
- the reporting of information on these gases
- the control of uses of sulphur hexafluoride;
- the placing on the market of products and equipment containing FFGs; and
- the training and certification of personnel and companies involved in activities relating to FFGs.

Review procedures are also foreseen, which request the Commission to prepare a report on the application of this Regulation by 31 December 2007. By 31 December 2008 the Commission must decide whether it will prepare additional legislation in order to extend the provisions of this Regulation to air conditioning systems as a whole and not just those fitted in motor vehicles. By 4 July 2004, the Commission must prepare a report based on the application of the Regulation.

Member States will be allowed to promote market products and equipment which use alternatives to FFGs of a high global warming potential. In addition, Member States may maintain or introduce more stringent

protective measures than those listed in this Regulation and they will be responsible for establishing a system of penalties applicable to infringements of the Regulation.

ENTRY INTO FORCE: It will apply with effect from 4 July 2007, with the exception of provisions concerning the placing of FFGs, listed in Annex II, which will take effect as from 4 July 2006.