## Basic information

| | |
|---|---|
| **2022/0099(COD)**<br><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Regulation | Procedure completed |
| Fluorinated gases regulation<br><br>Repealing Regulation 2014/517 2012/0305(COD)<br>Amending Directive 2019/1937 2018/0106(COD)<br><br>**Subject**<br><br>3.70.03 Climate policy, climate change, ozone layer<br>3.70.18 International and regional environment protection measures and agreements<br>3.70.20 Sustainable development<br><br>**Legislative priorities**<br><br>Joint Declaration 2022<br>Joint Declaration 2023-24 | |

## Key players

European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| ENVI Environment, Public Health and Food Safety | EICKHOUT Bas (Greens /EFA) | 27/06/2022 |
| | Shadow rapporteur<br><br>KYMPOUROPOULOS Stelios (EPP)<br><br>SIDL Günther (S&D)<br><br>KNOTEK Ondřej (Renew)<br><br>VONDRA Alexandr (ECR)<br><br>LANCINI Danilo Oscar (ID)<br><br>VILLUMSEN Nikolaj (The Left) | |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| BUDG Budgets | The committee decided not to give an opinion. | |
| ECON Economic and Monetary Affairs | The committee decided not to give an opinion. | |
| ITRE Industry, Research and Energy | SKYTTEDAL Sara (EPP) | 20/04/2022 |

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|---|---|---|---|
| | TRAN Transport and Tourism | The committee decided not to give an opinion. | |
| | JURI Legal Affairs | The committee decided not to give an opinion. | |
| | LIBE Civil Liberties, Justice and Home Affairs | The committee decided not to give an opinion. | |

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| Council of the European Union | |
| European Commission | |

| Commission DG | Commissioner |
|---|---|
| Climate Action | TIMMERMANS Frans |

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| European Economic and Social Committee |
| European Committee of the Regions |

**Key events**

| Date | Event | Reference | Summary |
|---|---|---|---|
| 05/04/2022 | Legislative proposal published | COM(2022)0150 | Summary |
| 05/05/2022 | Committee referral announced in Parliament, 1st reading | | |
| 01/03/2023 | Vote in committee, 1st reading | | |
| 07/03/2023 | Committee report tabled for plenary, 1st reading | A9-0048/2023 | Summary |
| 29/03/2023 | Debate in Parliament | | |
| 30/03/2023 | Decision by Parliament, 1st reading | T9-0092/2023 | Summary |
| 30/03/2023 | Results of vote in Parliament | | |
| 30/03/2023 | Matter referred back to the committee responsible for interinstitutional negotiations | | |
| 24/10/2023 | Approval in committee of the text agreed at 1st reading interinstitutional negotiations | PE754.894<br>GEDA/A/(2023)006079 | |
| 15/01/2024 | Debate in Parliament | | |
| 16/01/2024 | Decision by Parliament, 1st reading | T9-0002/2024 | Summary |
| 16/01/2024 | Results of vote in Parliament | | |
| 29/01/2024 | Act adopted by Council after Parliament's 1st reading | | |
| 07/02/2024 | Final act signed | | |
| 20/02/2024 | Final act published in Official Journal | | |

| Technical information | |
|---|---|
| **Procedure reference** | 2022/0099(COD) |
| **Procedure type** | COD - Ordinary legislative procedure (ex-codecision procedure) |
| **Procedure subtype** | Legislation |
| **Legislative instrument** | Regulation |
| **Amendments and repeals** | Repealing Regulation 2014/517 2012/0305(COD)<br>Amending Directive 2019/1937 2018/0106(COD) |
| **Legal basis** | Treaty on the Functioning of the European Union TFEU 192-p1 |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Mandatory consultation of other institutions** | European Economic and Social Committee<br>European Committee of the Regions |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | ENVI/9/08801 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE737.211 | 10/10/2022 | |
| Amendments tabled in committee | | PE738.639 | 22/11/2022 | |
| Amendments tabled in committee | | PE738.640 | 22/11/2022 | |
| Amendments tabled in committee | | PE738.641 | 24/11/2022 | |
| Committee opinion | ITRE | PE737.218 | 01/02/2023 | |
| Committee report tabled for plenary, 1st reading/single reading | | A9-0048/2023 | 07/03/2023 | Summary |
| Text adopted by Parliament, partial vote at 1st reading /single reading | | T9-0092/2023 | 30/03/2023 | Summary |
| Text agreed during interinstitutional negotiations | | PE754.894 | 18/10/2023 | |
| Text adopted by Parliament, 1st reading/single reading | | T9-0002/2024 | 16/01/2024 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Coreper letter confirming interinstitutional agreement | GEDA/A/(2023)006079 | 18/10/2023 | |
| Draft final act | 00060/2023/LEX | 07/02/2024 | |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(2022)0150 | 05/04/2022 | Summary |

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|---|---|---|---|
| Document attached to the procedure | SEC(2022)0156 | 06/04/2022 | |
| Document attached to the procedure | SWD(2022)0095 | 06/04/2022 | |
| Document attached to the procedure | SWD(2022)0096 | 06/04/2022 | |
| Document attached to the procedure | SWD(2022)0097 | 06/04/2022 | |
| Commission response to text adopted in plenary | SP(2024)81 | 15/04/2024 | |

**National parliaments**

| Document type | Parliament /Chamber | Reference | Date | Summary |
|---|---|---|---|---|
| Contribution | RO_SENATE | COM(2022)0150 | 11/07/2022 | |
| Contribution | CZ_SENATE | COM(2022)0150 | 13/07/2022 | |
| Reasoned opinion | BG_PARLIAMENT | PE734.414 | 25/07/2022 | |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| EESC | Economic and Social Committee: opinion, report | CES1946/2022 | 15/06/2022 | |

**Additional information**

| Source | Document | Date |
|---|---|---|
| EP Research Service | Briefing | 30/09/2022 |
| European Commission | EUR-Lex | |

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

**Transparency**

| Name | Role | Committee | Date | Interest representatives |
|---|---|---|---|---|
| EICKHOUT Bas | Rapporteur | ENVI | 29/08/2023 | Switching Gears for Net Zero |
| EICKHOUT Bas | Rapporteur | ENVI | 29/08/2023 | EEB<br>ECOS |
| SIDL Günther | Shadow rapporteur | ENVI | 29/03/2023 | Wärmepumpe Austria |
| TOIA Patrizia | Shadow rapporteur | ITRE | 22/03/2023 | Daikin Chemical Europe GmbH |
| EICKHOUT Bas | Rapporteur | ENVI | 21/03/2023 | ATMOsphere<br>Obrist |

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|---|---|---|---|---|
| SIDL Günther | Shadow rapporteur | ENVI | 21/03/2023 | Wärmepumpe Austria und Ochsner Wärmepumpe Austria |
| TOIA Patrizia | Shadow rapporteur for opinion | ITRE | 17/03/2023 | ANIMA CONFINDUSTRIA MECCANICA VARIA |
| WIESNER Emma | Shadow rapporteur | ENVI | 07/03/2023 | Hitachi Energy |
| SIDL Günther | Shadow rapporteur | ENVI | 08/02/2023 | Honeywell Europe NV |
| SIDL Günther | Shadow rapporteur | ENVI | 07/02/2023 | Siemens Energy AG |
| SIDL Günther | Shadow rapporteur | ENVI | 03/02/2023 | Flint Europe |
| LANCINI Danilo Oscar | Shadow rapporteur | ENVI | 02/02/2023 | The Chemours Company |
| SIDL Günther | Shadow rapporteur | ENVI | 01/02/2023 | ÖBB-Holding AG |
| SIDL Günther | Shadow rapporteur | ENVI | 27/01/2023 | EIA - Environmental Investigation Agency |
| SIDL Günther | Shadow rapporteur | ENVI | 13/01/2023 | ESIA - European Semiconductor Industry Association |
| EICKHOUT Bas | Rapporteur | ENVI | 09/01/2023 | EPEE |
| EICKHOUT Bas | Rapporteur | ENVI | 08/12/2022 | EHPA |
| EICKHOUT Bas | Rapporteur | ENVI | 06/12/2022 | Danfoss A/S |
| VILLUMSEN Nikolaj | Shadow rapporteur | ENVI | 30/11/2022 | Siemens AG |
| EICKHOUT Bas | Rapporteur | ENVI | 09/11/2022 | GIZ |
| EICKHOUT Bas | Rapporteur | ENVI | 08/11/2022 | PANASONIC EUROPE BV |
| LANCINI Danilo Oscar | Shadow rapporteur | ENVI | 28/10/2022 | Assocold |
| EICKHOUT Bas | Rapporteur | ENVI | 27/10/2022 | DAIKIN Europe NV |
| EICKHOUT Bas | Rapporteur | ENVI | 26/10/2022 | European Network of Transmission System Operators of Electricity |
| EICKHOUT Bas | Rapporteur | ENVI | 24/10/2022 | Siemens Energy AG |
| EICKHOUT Bas | Rapporteur | ENVI | 13/10/2022 | KNVvK |
| EICKHOUT Bas | Rapporteur | ENVI | 03/10/2022 | Chiesa |
| EICKHOUT Bas | Rapporteur | ENVI | 29/09/2022 | Transport en Logistiek Nederland |
| EICKHOUT Bas | Rapporteur | ENVI | 28/09/2022 | European Partnership for Energy and the Environment |
| EICKHOUT Bas | Rapporteur | ENVI | 28/09/2022 | CEFIC |
| EICKHOUT Bas | Rapporteur | ENVI | 28/09/2022 | Douglas Products Packaging Company LLC |
| EICKHOUT Bas | Rapporteur | ENVI | 27/09/2022 | Clean Cooling Coalition<br>Shecco |
| EICKHOUT Bas | Rapporteur | ENVI | 21/09/2022 | Bosch Thermotechnology |
| EICKHOUT Bas | Rapporteur | ENVI | 20/09/2022 | Hitachi Energy |
| EICKHOUT Bas | Rapporteur | ENVI | 20/09/2022 | Environmental Investegation Agency |
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|---|---|---|---|---|
| EICKHOUT Bas | Rapporteur | ENVI | 19/09/2022 | AmCham |
| KYMPOUROPOULOS Stelios | Shadow rapporteur | ENVI | 16/09/2022 | Chiesi Hellas A.E.B.E |
| EICKHOUT Bas | Rapporteur | ENVI | 15/09/2022 | Eurelectric |
| PAULUS Jutta | Shadow rapporteur | ENVI | 14/09/2022 | European Heat Pump Association<br>AstraZeneca<br>EEB<br>ehi<br>EIA<br>GE Europe |
| EICKHOUT Bas | Rapporteur | ENVI | 08/09/2022 | Bundesland Hessen |
| KYMPOUROPOULOS Stelios | Shadow rapporteur | ENVI | 07/09/2022 | UK Mission to Brussels Climate, environment, Energy and Transports teams |
| KYMPOUROPOULOS Stelios | Shadow rapporteur | ENVI | 07/09/2022 | Environmental Investigation Agency |
| PAULUS Jutta | Shadow rapporteur | ENVI | 06/09/2022 | Chiesi Farmaceutici SpA<br>Siemens Energy AG<br>Baxter<br>Nuventura<br>Shecco |
| KYMPOUROPOULOS Stelios | Shadow rapporteur | ENVI | 05/09/2022 | Eurelectric aisbl |
| KYMPOUROPOULOS Stelios | Shadow rapporteur | ENVI | 05/09/2022 | Clean Cooling Coalition |
| WIESNER Emma | Shadow rapporteur for opinion | ITRE | 02/09/2022 | Teknikföretagen |
| EICKHOUT Bas | Rapporteur | ENVI | 01/09/2022 | Environmental Investegation Agency |
| EICKHOUT Bas | Rapporteur | ENVI | 30/08/2022 | 3M |
| KYMPOUROPOULOS Stelios | Shadow rapporteur | ENVI | 19/07/2022 | DAIKIN Europe NV<br>Daikin Chemical Europe GmbH |
| EICKHOUT Bas | Rapporteur | ENVI | 13/07/2022 | Viessmann Climate Solutions SE |
| EICKHOUT Bas | Rapporteur | ENVI | 13/07/2022 | European Heat Pump Association |
| KYMPOUROPOULOS Stelios | Shadow rapporteur | ENVI | 13/07/2022 | The Chemours Company |
| KYMPOUROPOULOS Stelios | Shadow rapporteur | ENVI | 12/07/2022 | AstraZeneca PLC |
| KYMPOUROPOULOS Stelios | Shadow rapporteur | ENVI | 06/07/2022 | American Chamber of Commerce to the European Union |
| SKYTTEDAL Sara | Rapporteur | ITRE | 28/06/2022 | European Heat Pump Association |
| SKYTTEDAL Sara | Rapporteur | ITRE | 28/06/2022 | 3M |
| EICKHOUT Bas | Rapporteur | ENVI | 16/06/2022 | Schneider Electric |
| VONDRA Alexandr | Shadow rapporteur | ENVI | 26/05/2022 | DAIKIN Europe NV |
| VILLUMSEN Nikolaj | Shadow rapporteur | ENVI | 23/05/2022 | European Environmental Bureau |
| EICKHOUT Bas | Rapporteur | ENVI | 04/05/2022 | Eaton Corporation |

### Other Members

| Transparency | | |
|---|---|---|
| **Name** | **Date** | **Interest representatives** |
| LIESE Peter | 10/01/2024 | Zentralverband des Deutschen Handwerks e.V. |
| MITUȚA Alin | 22/03/2023 | Siemens Energy AG |
| LUENA César | 21/03/2023 | Hitachi Energy |
| HOJSÍK Martin | 17/03/2023 | Slovenský zväz pre chladenie, klimatizáciu a tepelné čerpadlá |
| POSPÍŠIL Jiří | 15/03/2023 | Asociace pro využití tepelných čerpadel |
| KONEČNÁ Kateřina | 15/03/2023 | DAIKIN Europe NV |
| KELLEHER Billy | 02/03/2023 | DAIKIN Europe NV |
| LUENA César | 14/02/2023 | Daikin Chemical Europe GmbH |
| LUENA César | 08/02/2023 | Honeywell Europe NV |
| SCHNEIDER Christine | 25/01/2023 | Siemens Energy AG |
| SCHNEIDER Christine | 18/01/2023 | Daikin Chemical Europe GmbH |
| DE LANGE Esther | 10/11/2022 | Eaton Corporation |
| ECKE Matthias | 09/11/2022 | Viessmann Climate Solutions SE |
| FRANSSEN Cindy | 27/10/2022 | DAIKIN Europe NV |
| CERDAS Sara | 30/09/2022 | Baxter Healthcare SA |
| CARVALHO Maria da Graça | 18/03/2022 | Eaton Corporation |
| TORVALDS Nils | 03/02/2022 | Eaton Corporation |

| Final act | |
|---|---|
| Regulation 2024/0573<br>OJ L 000 20.02.2024, p. 0000 | Summary |
| Corrigendum to final act 32024R0573R(05)<br>OJ OJ L 24.03.2025 | |

# 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.

# Fluorinated gases regulation

2022/0099(COD) - 05/04/2022 - Legislative proposal

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

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: fluorinated greenhouse gases are human-made chemicals that are very strong greenhouse gases (GHG), often several thousand times stronger than carbon dioxide (CO2). Together with CO2, methane and nitrous oxide, they belong to the group of GHG emissions covered by the Paris Agreement.

Regulation (EU) No 517/2014 of the European Parliament and of the Council was adopted to reverse the increase in fluorinated greenhouse gas emissions. The Regulation has resulted in an annual decrease in F-gas emissions from 2015. The supply of hydrofluorocarbons (HFCs) has decreased by 37% in metric tonnes and 47% in tonnes of CO2 equivalent between 2015 and 2019.

The adoption of this Regulation has led to a year-on-year decrease of fluorinated greenhouse gas emissions.

Moreover, since the adoption of the Regulation a number of important developments (notably the European Green Deal, and a changed international policy environment with the Paris Agreement and the Kigali Amendment to the 1987 Montreal Protocol) have changed the relevant policy framework, implying that **the EU F-gas Regulation is not fully fit-for-purpose**, in terms of both exploiting the unused potential for achieving additional emission reductions and ensuring future compliance with the Montreal Protocol on ozone depleting substances.

Therefore, a **revision of the current F-gas Regulation** is needed in order to further reduce emissions of these potent greenhouse gases.

According to the Commission, the revised Regulation will save the equivalent of 40 million tonnes of carbon dioxide (CO2) emissions by 2030, over and above the reduction expected under the current legislation, reaching total additional savings equivalent to **310 million tonnes of CO2 by 2050**.

The proposed Regulation (as well as the current F-gas Regulation) has many similarities with the proposed Regulation on substances that deplete the ozone layer (the ODS Regulation), which is being revised in parallel. These two Regulations must jointly ensure that the Union complies with its obligations relating to hydrofluorocarbons and ozone depleting substances under the Montreal Protocol.

PURPOSE: overall, the proposed Regulation aims to **prevent F-gas emissions**, thereby contributing to EU climate objectives and ensure compliance regarding obligations related to hydrofluorocarbons (HFCs) under the Montreal Protocol on substances that deplete the ozone layer.

Its specific objectives seek to:

- achieve additional F-gas emission reductions to contribute more to reaching the at least minus **55% target by 2030** and carbon neutrality by 2050;

- **fully align** EU rules on F-gases with the Montreal Protocol to prevent non-compliance;

- facilitate enhanced implementation and enforcement, the functioning of the quota system and promote training on F-gas alternatives;

- improve **monitoring** and reporting to fill existing gaps and improve process and data quality for compliance;

- improve clarity and internal coherence to support better implementation and understanding of the rules.

The proposal:

- includes rules on **containment** (prevention of emissions, leakage checks, leakage detection system and rules on recovery). Recovery obligations of fluorinated greenhouse gases is extended to also cover foams in sandwich panels and laminated boards when removed from buildings;

- establishes **training and certification** obligations that also include tasks in relation to equipment that contain gases used as substitutes to fluorinated greenhouse gases (alternative gases) to promote their safe use and handling;

- includes **restrictions and prohibitions** on the placing on the market of F-gases and the concerned products and equipment. It clarifies that products and equipment placed unlawfully on the market cannot be used or further supplied. For products and equipment lawfully placed on the market, their further supply as of two years following the prohibition deadline is allowed only if evidence is provided of their (initial) lawful placing on the market. Non-refillable containers shall be prohibited from entering the customs territory and further used or supplied;

- includes **labelling requirements** for the placing on the market of F-gases in containers and in certain equipment;

- establishes a **reduction schedule** for the placing on the market of HFCs by establishing individual quantitative limits (quotas) for producers and importers;

- envisages the operation of the **F-gas Portal** for the implementation of the quota allocation system, licensing and reporting obligations and its inter-connection with the EU Single Window for Customs. Registered importers and producers have access to their individual quota allocations, penalties, quantities placed on the market as reported, as well as transfers and authorisations to use quota recorded by these undertakings;

- imposes as a condition to trade, a **valid license** to be presented to customs authorities in cases of import and export;

- clarifies the role of customs authorities and market surveillance authorities in enforcing the controls on trade envisaged therein. Non-refillable containers should be confiscated or seized or taken out of the market. Re-export of unlawful gases or products covered under the Regulation should be prohibited. Only designated or approved places and customs offices should be allowed to handle cases of imports and exports of F-gases;

- imposes a ban on the trade of HFCs with non-Parties to the Protocol, in line with the obligations set out in the Protocol as from 2028;

- establishes **reporting obligations** in particular for producers, importers of gases in bulk as well as charged in products and equipment, exporters, feedstock users, destruction and reclamation facilities and undertakings that received hydrofluorocarbons that fall under the exemptions from the quota rules. The reporting is done electronically via the **F-gas Portal**;

- establishes that the level and type of administrative penalties for infringements of the Regulation must be effective, dissuasive and proportionate and should also take into account relevant criteria (such as the nature and gravity of the infringement). In particular, it proposes an administrative fine to be imposed in cases of illegal production, use or trade of gases and of the products and equipment covered under this Regulation.

# 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.

# 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.

# Fluorinated gases regulation

2022/0099(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 Bas EICKHOUT (Greens/EFA, NL) 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 committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

*Alternative solutions*

The report stressed that the shift towards the use of hydrofluorocarbon (HFC) alternatives will lead to cost savings for undertakings as a result of avoided HFC quota purchase and will spur green innovation and employment. Member States should however ensure a fair and just transition.

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.

*Control of use*

According to the report, from 1 January 2024, the following uses should be prohibited:

(a) 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;

(b) the servicing or maintenance of air conditioning and heat pump equipment, mobile refrigeration equipment and chillers by fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more.

This measure 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.

With a view to achieving a zero HFCs target by 2050 (Annex VII), Members introduced a steeper trajectory from 2039 onwards to phase down hydrofluorocarbons (HFCs) placed on the EU market.

*Obligation to carry out checks*

The report suggested that competent authorities of Member States should carry out checks to establish whether undertakings comply with their obligations under this Regulation. These checks should include on-site visits of establishments with the appropriate frequency and verification of relevant documentation and equipment as well as checks of online platforms selling bulk fluorinated gases or products and equipment that contain such gases.

*Preventing illegal trade*

Members wish to take further action on illegal trade by proposing minimum penalties for non-compliance, eliminating out exemptions and thresholds for reporting, and increasing investments in customs and monitoring.

*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.