Basic information

2022/0100(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Ozone depleting substances Repealing Regulation 2009/1005 2008/0165(COD) **Subject** 3.70.03 Climate policy, climate change, ozone layer **Legislative priorities** Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	POLFJÄRD Jessica (EPP)	24/06/2022
	Shadow rapporteur PLUMB Rovana (S&D) KNOTEK Ondřej (Renew) HOLMGREN Pär (Greens/EFA) ZALEWSKA Anna (ECR) HAZEKAMP Anja (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Climate Action	TIMMERMANS Frans

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
05/04/2022	Legislative proposal published	COM(2022)0151	Summary
02/05/2022	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	A9-0050/2023	Summary
29/03/2023	Debate in Parliament		
30/03/2023	Decision by Parliament, 1st reading	T9-0093/2023	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	PE754.933 GEDA/A/(2023)006132	
15/01/2024	Debate in Parliament		
16/01/2024	Decision by Parliament, 1st reading	T9-0001/2024	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	2022/0100(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation 2009/1005 2008/0165(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 European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/9/08798

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE737.214	06/10/2022	
Amendments tabled in committee		PE738.632	16/11/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0050/2023	07/03/2023	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T9-0093/2023	30/03/2023	Summary
Text agreed during interinstitutional negotiations		PE754.933	25/10/2023	
Text adopted by Parliament, 1st reading/single reading		T9-0001/2024	16/01/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2023)006132	18/10/2023	
Draft final act	00061/2023/LEX	07/02/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2022)0151	05/04/2022	Summary
Document attached to the procedure	SEC(2022)0157	06/04/2022	
Document attached to the procedure	SWD(2022)0098	06/04/2022	
Document attached to the procedure	SWD(2022)0099	06/04/2022	
Document attached to the procedure	SWD(2022)0100	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)0151	07/07/2022	
Contribution	CZ_SENATE	COM(2022)0151	13/07/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1947/2022	15/06/2022	

Additional information		
Source	**Document**	**Date**
European Parliament	Briefing	12/12/2023
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**
HOLMGREN Pär	Shadow rapporteur	ENVI	25/01/2023	Environmental Investigation Agency
HOLMGREN Pär	Shadow rapporteur	ENVI	07/11/2022	Environmental Investigation Agency
POLFJÄRD Jessica	Rapporteur	ENVI	29/09/2022	Cefic (European Chemical Industry Council)
HOLMGREN Pär	Shadow rapporteur	ENVI	01/06/2022	Environmental Investigation Agency

Final act	
Regulation 2024/0590 OJ L 000 20.02.2024, p. 0000	Summary

Ozone depleting substances

2022/0100(COD) - 30/03/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 553 votes to 10, with 20 abstentions, amendments to the proposal for a regulation of the European Parliament and of the Council on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009.

The matter was referred back to the committee responsible for inter-institutional negotiations.

New initiatives needed

Members recalled that according to the European Environment Agency, the 2021 ozone hole was one of the largest and deepest in recent years and was larger than the average over the last five and ten years. The recovery of the ozone layer is predicted to remain very precarious and will not be restored to its pre-1980 concentration until the middle of the 21st century.

To avoid the risk of further delays in the recovery of the ozone layer, it is necessary to ensure that existing obligations are fully implemented and that more action is taken.

Exemptions from bans

By way of derogation, the ozone-depleting substances listed in Annex I may be produced, placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge only where they are permitted to be **used as feedstock**.

Members suggested the following:

- the Commission should by 12 months after the date of entry into force of this Regulation, adopt delegated acts in accordance with Article 29 to supplement this Regulation by establishing a list of ozone depleting substances listed in Annex I for which the use as feedstock is permitted, the respective feedstock uses for each of those substances, and their emission level;

- by 1 January 2025 and every 2.5 years thereafter, the Commission should assess the **current and future availability of alternatives** to ozone depleting substances listed in Annex I for which the use as feedstock is permitted within the Union, taking into account scientific recommendations, the impacts in terms of ozone-depleting potential and the availability of more precise data on the greenhouse gas emissions from feedstock, technological developments resulting in the availability of technically feasible alternatives, and the energy use, efficiency, economic feasibility and cost of those alternatives;

- ozone depleting substances that are produced, placed on the market, and subsequently supplied or made available, whether in return for payment or free of charge, to another person within the Union for use as feedstock, **may only be used for that purpose**. Containers containing ozone depleting substances intended for such uses should be labelled with a clear indication that the substance may only be used for the applicable purpose.

Declaration of conformity

Members also stated that undertakings which place on the market refillable containers for ozone depleting substances should produce a declaration of conformity that includes evidence confirming the arrangements in place for the return of that container for the purpose of refilling. Those arrangements should contain binding obligations for compliance by the supplier of those containers to end-users.

The undertakings should keep the declaration of conformity for a period of at least 5 years after the placing on the market of refillable containers and shall make it available, on request, to the competent authorities of the Member States.

Labels on containers

Members believe that labels on containers of ozone-depleting substances should mention the warming potential of these substances. Where available, that information should include the **global warming potential expressed both on a 100-year and 20-year timescale**, to increase awareness about the short-term high global warming potential of some ozone depleting substances.

Release of ozone depleting substances and leakage checks

The amended text stipulated that undertakings operating refrigeration, air conditioning or heat pump equipment, or fire protection systems, including their circuits, which contain ozone depleting substances should ensure that the stationary equipment or systems with a fluid charge of:

(a) **3 kg or more** of ozone depleting substances are checked for leakage at least once every 12 months; this should not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6 kg of controlled substances;

(b) **30 kg or more** of ozone depleting substances are checked for leakage at least once every 6 months;

(c) **300 kg or more** of ozone depleting substances are checked for leakage at least once every 3 months; and any detected leakage is repaired as soon as possible and in any event within 14 days; the equipment or system should be checked for leakage within 1 month after a leak has been repaired to ensure that the repair has been effective.

Penalties

In cases of unlawful production, import, export, placing on the market, or use of ozone depleting substances listed in Annex I or of products and equipment containing those substances or whose functioning relies upon those substances, Member States should envisage set out **minimum administrative fines** of at least four times the market value of the ozone depleting substances or products and equipment concerned and maximum administrative fines of at least six times the market value of the concerned substances or products and equipment concerned.

Members also consider it necessary to ensure that adequate arrangements are in place to enable whistle-blowers to alert the competent authorities to actual or potential infringements of this Regulation and to protect whistle-blowers from retaliation.

Fair transition

The text stressed that the shift towards the use of alternatives to ozone depleting substances will 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 such alternatives.

Review

By 1 January 2030, the Commission should present a report to the European Parliament and to the Council on the implementation and effectiveness of this Regulation. The Commission should assess in particular the availability of alternatives to ozone depleting substances for which a derogation is granted under the Regulation. The Commission should also assess the impact of this Regulation on the fight against the illegal trade of ozone depleting substances.

The European Scientific Advisory Board on Climate Change established under Regulation (EC) No 401/2009 may, on its own initiative, provide scientific advice and issue reports regarding this Regulation.

Ozone depleting substances

2022/0100(COD) - 05/04/2022 - Legislative proposal

PURPOSE: to introduce new measures on substances that deplete the ozone layer to achieve a higher level of additional emission reductions and to align them with the European Green Deal.

PROPOSED ACT: Regulation of the European Parliament.

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: due to global action taken against ozone depletion through the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer in 1987 (the Protocol), the ozone hole is on the way to recovery, provided that compliance with existing measures is ensured and any new challenges are swiftly addressed. Most ozone depleting substances have high global warming potential and are contributory factors towards increasing the temperature of the planet.

Regulation (EC) No 1005/2009 on substances that deplete the ozone layer (ODS Regulation) is the main instrument targeting ozone-depleting substances in the EU. While the ODS Regulation is still considered generally fit for purpose, it has been suggested that it could be better aligned with the European Green Deal and its design could be slightly improved.

A significant focus of the proposal is on increasing efficiency of the existing measures, rather than creating new ones. Therefore, by introducing new measures targeting products in which ODS were legally used in the past, the EU wants to **prevent the equivalent of 180 million tonnes of CO2 and 32 000 tonnes of ozone depleting potential (ODP) emissions by 2050**.

This proposed Regulation has many similarities with the proposed Regulation on fluorinated greenhouse gas 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: the draft Regulation proposed by the Commission lays down rules on the production, import, export, placing on the market, further supply as well as use, recovery, recycling, reclamation and destruction of ozone depleting substances, on the reporting of information related to those substances and on the import, export, placing on the market, further supply and use of products and equipment containing ozone depleting substances or whose functioning relies upon on those substances.

It should apply to the ozone depleting substances listed in Annexes I and II and their isomers, whether alone or in a mixture and to products and equipment, and parts thereof, containing ozone depleting substances or whose functioning relies upon those substances.

More specifically, the proposal:

- **maintains the current control system** envisaged under the ODS Regulation, namely the general prohibitions on production, use and trade of ODS and products and equipment using ODS, and the applicable exemptions on a few uses where alternatives are not yet available (feedstock, process agents, essential analytical and laboratory uses);

- ensures the **necessary alignments with more recent EU legislation**, in particular Regulation (EU) No 517/2014 on fluorinated greenhouse gases. To ensure consistency with this Regulation, importers and producers must provide eviden**ce of destruction or recovery for subsequent use of trifluoromethane** produced as a by-product in the production of ODS. The proposal also clarifies that, in general, the entry in the territory of non-refillable containers is prohibited, thus under any customs procedures;

- **modernises the licensing system** set out in the ODS Regulation to take into account its interconnection with the European Single Window Environment for Customs, which will allow for automatic customs controls per shipment. In this setup, importers and exporters of ozone depleting substances and products using such substances will only need to apply for **'traders' licenses**, instead of per shipment licenses, since the European Single Window Environment for Customs, enables real-time checks on each shipment automatically. Industry and authorities would benefit from **cost savings** due to a modernised licensing system and the end of obsolete quota and registration requirements;

- clarifies the **role of customs authorities** and, where relevant, of market surveillance authorities, in implementing the prohibitions and restrictions set out in the proposed Regulation and strengthens their powers to **prevent illegal trade of ODS**;

- **requires the recovery or destruction of ODS contained in certain types of foams used as isolation materials in building, from construction and demolition.** The **destruction of halons is prohibited** under the proposal to ensure that, where possible, it is recovered and re-used thereby preventing the need for future production of halon for critical uses. The leakage obligations set out the ODS Regulation have been simplified taking into account the prohibition to use ODS to refill products and equipment except for the use of halons in fire protection systems for critical uses;

- **improves enforcement and monitoring**: measures would be introduced to tackle illegal activities, similar to those proposed in the F-gases Regulation. The scope of reporting would be extended to a wider range of substances and activities to better understand residual ODS trade, emissions and future risks;

- 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).

Ozone depleting substances

2022/0100(COD) - 20/02/2024 - Final act

PURPOSE: to remedy the depletion of the ozone layer, thereby contributing to the recovery of stratospheric ozone, limiting global warming and ensuring compliance with the Montreal Protocol on Substances that Deplete the Ozone Layer.

LEGISLATIVE ACT: Regulation (EU) 2024/590 of the European Parliament and of the Council on substances that deplete the ozone layer, and repealing Regulation (EC) No 1005/2009.

CONTENT: the Regulation lays down rules on the **production, import, export, placing on the market, storage and subsequent supply** of ozone-depleting substances, as well as on their use, recovery, recycling, reclamation and destruction, and on the reporting of information related to those substances and on the import, export, placing on the market, subsequent supply and use of products and equipment containing ozone-depleting substances or whose functioning relies upon those substances.

Prohibitions related to ozone-depleting substances (ODS)

Under the Regulation, ODS are banned in almost all cases, with strictly limited derogations only. The text provides for a derogation for the use of ODS as feedstock for the production of other substances. The Commission will be responsible for regularly updating a list of ODS whose use as feedstock is banned on the basis of technical assessments carried out under the Montreal Protocol.

Where no technical assessments of available alternatives to existing feedstock uses and of emission levels of existing feedstock uses carried out under the Protocol are available that provide a sufficient basis for taking a decision whether to prohibit a feedstock use, the Commission will, **by 31 December 2027, make its own assessment** on the basis of scientific recommendations on the existing feedstock uses.

Manufacturing agents

The Regulation authorises, under **strict conditions**, the use of ODS as processing agents, in laboratories and for fire protection in special applications such as military equipment and aircraft.

Undertakings that produce or place on the market ODS that are intended to be used as synthesis intermediates or processing agents, or that are intended to be destroyed or regenerated, will be required to **keep records** containing information about each ODS. Undertakings will keep records for at least five years after production, placing on the market, supply or receipt.

Release of ozone-depleting substances and leak checks

The intentional release of ozone-depleting substances into the atmosphere, including when contained in products and equipment, will be **prohibited** where the release is not technically necessary for the intended uses permitted under this Regulation. Undertakings will take all necessary precautions to **prevent and minimise any unintentional release of ozone-depleting substances** during production, including where a release is inadvertently produced in the course of the production of other chemicals, equipment manufacturing process, use, storage and transfer from one container or system to another or transport.

Operators of refrigeration and air conditioning equipment or heat pumps, or fire protection systems, including their circuits, which contain ozone-depleting substances must ensure that such fixed equipment or systems are checked for leakage every 12 months, 6 months or 3 months as appropriate.

Recovery and destruction of used ozone-depleting substances

Ozone-depleting substances which are contained in refrigeration and air-conditioning equipment and heat pumps, equipment containing solvents or fire protection systems and fire extinguishers will, during the maintenance or servicing of equipment or before the dismantling or disposal of equipment, be recovered for destruction, recycling or reclamation, unless such recovery is regulated under other Union legal acts.

From 1 January 2025, building owners and contractors will ensure that, during renovation, refurbishing or demolition activities implying the **removal of foam panels** that contain foams with ozone-depleting substances listed in Annex I, emissions are avoided to the extent possible by handling the foams or the substances contained therein in a way that ensures the destruction of those substances. In the case of recovery of those substances, the recovery will be carried out only by appropriately qualified natural persons.

Where removal of the foams is not technically feasible, the building owner or contractor will draw up documentation providing evidence on the infeasibility of the removal in the specific case. Such documentation will be kept for 5 years and should be made available, upon request, to the competent authority of the Member State concerned or to the Commission.

Halons contained in fire protection systems and fire extinguishers will, during the maintenance or servicing of equipment or before the dismantling or disposal of equipment, be recovered for recycling or reclamation. The destruction of halons will be prohibited unless there is documented evidence that the purity of the recovered or recycled substance does not technically allow its reclamation and subsequent re-use.

Containers for ODSs

The Regulation stated that the import, placing on the market, any subsequent supply or making available to another person within the Union for payment or free of charge, use or export of **non-refillable containers** for ozone-depleting substances, empty, or fully or partially filled, will be prohibited, except for essential laboratory and analytical uses. Such containers may only be stored or transported for subsequent disposal.

To ensure that **refillable containers** for ozone-depleting substances are refilled and not discarded, undertakings will be required to produce a **declaration of conformity** that includes evidence of the arrangements for the return of refillable containers for the purpose of refilling, when placing them on the market.

Penalties

The penalties will be **effective, proportionate and dissuasive**, and will be determined while having due regard to the human population or the environment affected by the infringement. They will include administrative financial penalties; confiscation or seizure, or withdrawal or removal from the

market, or taking possession by the competent authorities of Member States of illegally obtained goods; temporary prohibition from using, producing, importing, exporting or placing on the market the ozone- depleting substances or products and equipment containing ozone-depleting substances.

The maximum amount of the administrative financial penalty will be at least **five times** the market value of the ozone-depleting substances or products and equipment concerned. It will be at least **eight times** the market value of the ozone-depleting substances or products and equipment concerned.

Review

By 1 January 2030, the Commission will publish a report on the effects of this Regulation. The report will include an assessment of the availability of alternatives to ozone-depleting substances for certain regulated uses.

ENTRY INTO FORCE: 11.3.2024

Ozone depleting substances

2022/0100(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 Jessica POLFJÄRD (EPP, SE) on the proposal for a regulation of the European Parliament and of the Council on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009.

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:

Subject matter

Members clarify that this Regulation lays down rules on the production, import, export, placing on the market, storage and further supply as well as use, recovery, recycling, reclamation and destruction of ozone depleting substances, on the reporting of information related to those substances and on the import, export, placing on the market, further supply and utilisation of products and equipment containing ozone depleting substances or whose functioning relies upon on those substances.

It should also apply to products and equipment, and parts thereof, containing ozone depleting substances or whose functioning relies partly or entirely on those substances.

Feedstock

The report includes additions and clarifications on feedstocks. It suggested that:

- the Commission should by 12 months after the date of entry into force of this Regulation, adopt delegated acts to supplement this Regulation by establishing a list of ozone depleting substances listed in Annex I for which the use as feedstock is permitted, the respective feedstock uses

for each of those substances, and their emission level;

- by 1 January 2025 and every 2.5 years thereafter, the Commission should assess the current and future availability of alternatives to ozone depleting substances listed in Annex I for which the use as feedstock is permitted within the Union, taking into account scientific recommendations, the impacts in terms of ozone-depleting potential and the availability of more precise data on the greenhouse gas emissions from feedstock, technological developments resulting in the availability of technically feasible alternatives, and the energy use,

efficiency, economic feasibility and cost of those alternatives;

- containers containing ozone depleting substances intended for such uses should be **labelled** with a clear indication that the substance may only be used for the applicable purpose.

Declaration of conformity

Members also stated that undertakings which place on the market refillable containers for ozone depleting substances should produce a declaration of conformity that includes evidence confirming the arrangements in place for the return of that container for the purpose of refilling. Those arrangements should contain binding obligations for compliance by the supplier of those containers to end-users.

Release of ozone depleting substances and leakage checks

The report stressed that undertakings operating refrigeration, air conditioning or heat pump equipment, or fire protection systems, including their circuits, which contain ozone depleting substances should ensure that the stationary equipment or systems with a fluid charge of:

(a) 3 kg or more of ozone depleting substances are checked for leakage at least once every 12 months; this should not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6 kg of controlled substances;

(b) 30 kg or more of ozone depleting substances are checked for leakage at least once every 6 months;

(c) 300 kg or more of ozone depleting substances are checked for leakage at least once every 3 months; and any detected leakage is repaired as soon as possible and in any event within 14 days; the equipment or system should be checked for leakage within 1 month after a leak has been repaired to ensure that the repair has been effective.

Penalties

In cases of unlawful production, import, export, placing on the market, or use of ozone depleting substances listed in Annex I or of products and equipment containing those substances or whose functioning relies upon those substances, Member States should envisage set out minimum administrative fines of at least four times the market value of the ozone depleting substances or products and equipment concerned and maximum administrative fines of at least **six times** the market value of the concerned substances or products and equipment concerned.

Review

By 1 January 2030, the Commission should present a report to the European Parliament and to the Council on the implementation and effectiveness of this Regulation. The Commission should assess in particular the availability of alternatives to ozone depleting substances for which a derogation is granted under the Regulation. The Commission should also assess the impact of this Regulation on the fight against the illegal trade of ozone depleting substances.

Ozone depleting substances

2022/0100(COD) - 16/01/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 538 votes to 8, with 13 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009.

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

Subject matter

The proposed regulation lays down rules on the production, import, export, placing on the market, storage and subsequent supply of ozone-depleting substances, as well as on their use, recovery, recycling, reclamation and destruction, and on the reporting of information related to those substances and on the import, export, placing on the market, subsequent supply and use of products and equipment containing ozone-depleting substances or whose functioning relies upon those substances.

Exemptions to ozone depleted substance prohibitions

The ozone depleted substances are prohibited in almost all cases, with only strictly limited exemptions. By way of derogation, ozone-depleting substances listed in Annex I may be produced, placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge in order to be used as **feedstock**.

The Commission should be tasked with regularly **updating a list ozone-depleting substances** the use of which as feedstock is banned. An assessment of the availability of alternatives for feedstock is to be primarily done at international level, under the Montreal Protocol.

Where no technical assessments of available alternatives to existing feedstock uses and of emission levels of existing feedstock uses carried out under the Protocol are available that provide a sufficient basis for taking a decision whether to prohibit a feedstock use, the Commission should, by 31 December 2027, make its **own assessment**.

The text should also allow, under strict conditions, ozone-depleting substances used as process agents, in laboratories and for fire protection in special applications such as military equipment and airplanes.

The regulation extends the requirement to recover ozone-depleting substances for **destruction, recycling or reclamation**. The requirement should cover refrigeration, air conditioning and heat pump equipment, equipment containing solvents, fire protection systems and fire extinguishers and other equipment if technically and economically feasible.

Declaration of conformity

The amended text stipulated that undertakings which place on the market refillable containers for ozone-depleting substances 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 ozone-depleting substances to the end-user.

The undertakings should keep the declaration of conformity for a period of **at least 5 years** from the placing on the market of the refillable containers for ozone-depleting substances and should make that declaration available, upon request, to the competent authority of the Member State concerned or to the Commission.

Undertakings that produce, including as by-production or side-production, place on the market, supply to another person in the Union or receive from another person in the Union ozone-depleting substances intended for use as feedstock, as process agents or intended to be destroyed or reclaimed, as well as undertakings that destroy or reclaim those substances or use those substances as feedstock or as process agents, should keep **records** containing information for each ozone-depleting substance.

The undertakings should keep the records for at least 5 years after production, placing on the market, supply or receipt.

Recovery and destruction of used ozone-depleting substances

From 1 January 2025, building owners and contractors shall ensure that, during renovation, refurbishing or demolition activities implying the removal of **foam panels** that contain foams with ozone-depleting substances, emissions are avoided to the extent possible by handling the foams or the substances contained therein in a way that ensures the destruction of those substances. In the case of recovery of those substances, the recovery should be carried out only by appropriately qualified natural persons.

Release of ozone-depleting substances and leak checks

The amended text stipulates that operators of refrigeration and air conditioning equipment or heat pumps, or fire protection systems, including their circuits, which contain ozone-depleting substances listed in Annex I should ensure that stationary equipment or systems with a fluid charge of:

- **3 kg or more but less than 30 kg of ozone-depleting substances** are checked for leaks at least once every 12 months, with the exception of equipment with hermetically sealed systems which are labelled as such and contain less than 6 kg of ozone-depleting substances listed in Annex I;

- **30 kg or more but less than 300 kg of ozone-depleting substances** are checked for leaks at least once every 6 months;

- **300 kg or more of ozone-depleting substances** are checked for leaks at least once every 3 months.

Penalties

Before 1 January 2026, Member States should notify the Commission of those rules and of those measures and should notify it, without delay, of any subsequent amendment affecting them. The penalties should be **effective, proportionate and dissuasive**, and should be determined while having due regard to the human population or the environment affected by the infringement.

The penalties should include: (i) administrative financial penalties; (ii) confiscation or seizure, or withdrawal or removal from the market, or taking possession by the competent authorities of Member States of illegally obtained goods; (iii) temporary prohibition from using, producing, importing, exporting or placing on the market the ozone- depleting substances or products and equipment containing ozone-depleting substances or whose functioning relies upon them, **in the event of a serious infringement or of repeated infringements**.

The maximum amount of the administrative financial penalty should be at least **five times** the market value of the ozone-depleting substances 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 ozone-depleting substances or products and equipment concerned.

Review

By 1 January 2030, the Commission should publish a report on the effects of this Regulation. The report should include an assessment of the availability of alternatives to ozone-depleting substances for uses regulated.