

ANNEX : EPEE's Clarification questions of the Revision

on the Fgas Regulation

General questions

1. Several product bans are introduced where all fluorinated greenhouse gases are prohibited, including those that have very low GWP and are not PFAS substances. *What is the justification behind these proposals?*
2. For some exemptions clause a max GWP is set, for some others not. Is this intentional? Does it mean there is no GWP limit for these applications in case of using the exemption clause?

Definitions (Art. 3)

1. **'air-conditioning' means the process of treating air to meet the requirements of a conditioned space by controlling its temperature, humidity, cleanliness, or distribution; 'refrigeration' means the process of maintaining or lowering the temperature of a product, substance, system, or other items;**
In that case, it would mean air conditioning and refrigeration definitions apply to cold stores, dryers, freezers? Air-conditioning must be linked to comfort applications.
2. There is no definition of rated capacity. EPEE is working on some proposals and would like to collaborate with policymakers on these aspects.
3. The legislative text refers to system, equipment and product throughout the document. *Can it be clarified what is meant with each of these terms?*

HFC Phase Down (Art. 17)

1. The F-gas quota is now including previously exempted sectors, such as the metered dose inhalers (MDIs). *What are the quota needs assumed for the different sectors?*
2. How will the additional quota for REPower EU be evaluated? How will the Commission ensure that additional quota is provided in time to avoid market disruptions? Based on what assumptions will it be done?

Annex IV – ban nr. 18 – stationary split air conditioning and heat pump equipment

1. Single split <3kg:
 - a. Does it apply to air-to-air systems or also to air-to-water systems?
 - b. Is this category included in the "Split air-to-air systems" ban for 2029?

2. Following the Better Law-making principle stipulated in the Interinstitutional agreement of 13 April 2016, an additional Impact Assessment is recommended when Parliament or Council make substantial changes to the original Commission proposal.

Following the addition of bans introduced by either Parliament or Council for the following product groups, both differing significantly from the original proposal and assessment done by the Commission:

- F-Gas ban for split systems up to and including 12kW (2035)
- GWP150 for split systems above 12kW (2033)

In line with the better law-making principle, was the impact of these additional bans assessed, and can such assessments be shared?

3. A GWP150 limit is introduced with different dates for split air-to-water and split air-to-air systems. There are however systems on the market that combine an air-to-air HP system with a tank to provide also domestic hot water (see figure) or multi-functional products. It is understood that such a system would fall under the ban for air-to-air HPs, since most of the connections are air-to-air connections (only one connection is used for the water tank).



4. *Can it be confirmed that these kinds of systems are falling in scope of the air-to-air HP scope and thus a GWP150 limit would apply from 2029?*

Annex IV – ban n° 17 on self-contained air conditioning and heat pump equipment

For the following product ban: 'Other self-contained with GWP>150 except to meet safety requirements (in case of safety requirements GWP>750) – by 1 Jan 2030'
Is it a correct understanding that this ban applies to equipment with rated capacity > 50kW?

Annex IV – ban nr. 15 on chillers

EPEE has also some questions related to the chillers category. We would like to collaborate with you on this topic and will come back with some proposals.

Service and maintenance (Art. 13)

1. The Council's press release after the trilogue of 5th of October contains different information than what was proposed in the Spanish presidency steering note. *Can the correct requirements for servicing of existing equipment and the specific application dates be confirmed?*

2. Repair vs/ maintenance definitions

(16) 'repair' means the restoration of damaged or leaking products or equipment that contain fluorinated greenhouse gases or whose functioning relies upon those gases, involving a part containing or designed to contain such gases;

(18) 'maintenance or servicing' means all activities, excluding recovery in accordance with Article 8 and leak checks in accordance with Article 4 and Article 10(1), point (b), of this Regulation, that entails opening the circuits for other subparts containing or designed to contain fluorinated greenhouse gases, supplying the system with fluorinated greenhouse gases, removing one or more pieces of circuit or equipment, reassembling two or more pieces of circuit or equipment, as well as repairing leaks; including adding fluorinated greenhouse gas.

"Restoring" a leaking equipment or installation, means most of the times, charging back the circuit, same as "repairing leaks including adding refrigerant"... The risk with this final addition for the definition (18) is an overlapping between the 'Repair' and the 'Maintenance' definitions.

That is particularly important because, whenever there is a leak, there is the obligation for the Operator to make a verification afterwards, and the repairing is the required intervention for fixing the leak, which is going to be fined if not performed.

This is aligning the definitions with Article 4(4), first subparagraph in the DRAFT AGREEMENT, where it is required that:

4. Where a leakage of fluorinated greenhouse gases listed in Annex I or II is detected, the operators, manufacturers of equipment and installations facilities where fluorinated greenhouse gases are used and the undertakings in possession of the equipment during its transport, or storage, shall ensure that the equipment or facility where fluorinated greenhouse gases are used or installation is repaired without undue delay.

Therefore, Repairing shall be a straightforward definition referring to leakage, whilst Maintenance and servicing is whatever else is done on an equipment/installation with no refrigerant additional charge because of a leak.

Review clause (Art. 35)

How will the impact assessment be done by 2030 to evaluate the implementation of full gas bans upon 2030? Which parameters will be studied, which criteria consider, how will the sectors analysis be done, and how will industry be involved? Öko-Recherche study was assuming some technologies with very little market penetration as if they would be industry standards.

Recovery, Recycling and Reclamation (Art. 8)

Article 8(9): Member States shall promote the recovery, recycling, reclamation, and destruction of fluorinated greenhouse gases listed in Annex I and in Annex II.

How will the Commission evaluate this requirement; against which KPIs and are penalties foreseen in case Member States do not undertake sufficient action?

Extended Producer responsibility – WEEE schemes (Art. 9)

Article 9: additional financing obligation integrated in WEEE schemes

Will this requirement be linked to a reporting obligation of the WEEE schemes regarding the quantities of F-gases collected and sent for recycling, reclamation, or destruction?

Labelling (Art. 12)

No transition period is foreseen to implement the labelling requirements.

What guidance will the Commission provide to ensure that industry will have sufficient time to comply with new requirements especially since the GWP values referenced in the annexes are different than the ones stated in the 2014 Regulation and will require new labels. In the 2014 Regulation, a transition period of 24 months was foreseen.

The labelling article does not cover certain equipment for which new definitions have been set, such as chillers. How will this be addressed?

Export ban (Art. 22)

A Member States can request a derogation for the export ban proposed in Art. 22 in case it can be demonstrated that the export prohibition would impose a disproportionate burden on the exporter, and the export is in line with the national legislation in the country of destination.

How will this derogation process be implemented in practice? Following the publication of the Regulation, at what point will it be possible to request such derogation and how long will it take to receive approval?

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