

# KEYS TO AN F-GAS REGULATION FOR CLIMATE-NEUTRAL POWER GRIDS

## – RECOMMENDATIONS FOR TRILOGUE NEGOTIATIONS –

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The power industry fully embraces the EU's climate and energy policy objectives. We contribute towards these objectives by **accelerating the energy transition for a power system based on renewable energy sources**. We are likewise strive to transitioning to a **sustainable management and operation of our assets**. In this vein, we strongly support the European Commission's aim to phase out SF<sub>6</sub>-based technologies after a transition period for the different voltage levels. **Already today, we are committed to using up to 100 percent F-gas-free applications when available.**

Electrical switchgear installations are core components of the electrical grid and as such indispensable for a 24/7 secure electricity transmission and distribution. **Given the progressing energy transition, the need for switchgear grows rapidly.** Unless there is a sufficient supply of products that meet the new requirements, **it is important to be allowed to install available switchgear and to operate it over its whole technical lifespan.** Otherwise, the urgently needed grid expansion will be thwarted and the energy transition jeopardised. Therefore, it is important that the new F-gas Regulation provides **adequate provisions for the transition period.**

This applies especially to the timing definition of the phase-out dates for F-Gases in electrical switchgear. Already in the current market situation, the planning, approval, and construction processes of the electrical installations take long time because of longsome delivery dates of all components, lengthy permitting procedures, and shortage of skilled workforce. **The change from “placing on the market” (POM), as envisaged in the Commission's proposal and Parliament's Report, to “putting into operation” (Art. 13(5)) in the Council's General Approach would be critical, as it would significantly shorten the transitional period until the ban date and even endanger projects which have already been started.** To avoid risks and achieve planning security and legal certainty particularly for the transition period of the upcoming years, it is important to link the ban dates in the F-gas Regulation to the POM rather than the putting into operation of the switchgear.

The amendments of the co-legislators, which make the use of SF<sub>6</sub> gas in spare parts of existing plants possible, are a welcome development. **It must be ensured that spare parts can be used without restriction throughout the entire life span.**

Furthermore, **transition phases must ensure the market can provide sufficient assets with alternative technologies within reasonable delivery times and sufficient maturity.** In case the market cannot provide for the switchgear needed (especially in the first years after a ban of SF<sub>6</sub>), important infrastructure projects required for the energy transition could be delayed. In case of non-availability of SF<sub>6</sub>-free solutions or monopoly positions by one supplier for one technology, the Regulation must provide for legally certain and technically sound exemptions.

When adequately designed, we believe that the revised EU **F-Gas Regulation can accelerate the innovation and roll-out of F-gas-free applications while also ensuring planning certainty** for network operators and utilities. **To do so, we encourage you to take the following recommendations into account.**

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| <br>50hertz<br>  Elia Group            | <br>amprion<br>connects | <br>APC<br>Austrian Power Grid AG | <br>bdew<br>Energie. Wasser. Leben. | <br>elia<br>  Elia Group | <br>EnBW                                          | <br>e-on                                                 | <br>Netze BW             | <br>oesterreichs<br>energie. |
| 50Hertz Transmission GmbH                                                                                                | Amprion GmbH                                                                                               | Austrian Power Grid AG                                                                                               | Bundesverband der Energie- und Wasserwirtschaft e.V.                                                                   | Elia Transmission Belgium                                                                                     | EnBW Energie Baden-Württemberg AG                                                                                                      | E.ON                                                                                                                                          | Netze BW GmbH                                                                                                 | Österreichs E-Wirtschaft                                                                                          |
| <br>RNG Rheinische<br>NETZGesellschaft | <br>SWM                 | <br>TenneT                        | <br>TRANSNET BW                     | <br>VATTENFALL           | <br>VKU<br>VERBAND KOMMUNALER<br>UNTERNEHMEN e.V. | <br>VKÖ<br>Verband kommunaler Unternehmen<br>Österreichs | <br>WIENER<br>STADTWERKE |                                                                                                                   |
| Rheinische NETZGesellschaft mbH (RNG)                                                                                    | Stadtwerke München GmbH                                                                                    | TenneT                                                                                                               | Transnet BW GmbH                                                                                                       | Vattenfall                                                                                                    | Verband kommunaler Unternehmen e.V.                                                                                                    | Verband kommunaler Unternehmen Österreichs                                                                                                    | Wiener Stadtwerke GmbH                                                                                        |                                                                                                                   |

| EC proposal                                                                                                                                                                                                                                    | Parliament's Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council's General Approach                                                                                                                                                                                                                     | Compromise proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Justification                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>Recitals</b>                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                   |
| (12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution. | (12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution. <i><b>This Regulation does not require the replacement of switchgears that are already installed in the power grid on the dates indicated in Annex IV. Grid operators should only be required to install new switchgears fulfilling the requirements set out in that Annex when, as from the dates indicated therein, they decide to replace already installed switchgears or to install additional switchgears in the power grid.</b></i> [AM 14] | (12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution. | (12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution.<br><i><b>This Regulation does not require the replacement of switchgears that are already installed in the power grid on the dates indicated in Annex IV. Grid operators should only be required to install new switchgears fulfilling the requirements set out in that Annex when, as from the dates indicated therein, they decide to replace already installed switchgears or to install additional switchgears in the power grid.</b></i> | → <b>SUPPORT FOR PARLIAMENT'S AM 14</b><br><b>Justification:</b> While European legislation cannot apply retroactively, we support the Parliament's clarification that the Regulation does not aim to withdraw existing equipment from circulation.                                                                                                                               |
|                                                                                                                                                                                                                                                | <i><b>(13a) The ban on the placing on the market of parts of equipment that is banned under this Regulation should not apply to parts required for repairs and servicing of existing equipment that has already been installed in order to ensure that such equipment remains repairable and maintainable for their full lifespan, thereby avoiding the need for the unwarranted replacement of existing energy equipment and infrastructure, which could have a negative effect</b></i>                                                                                                                                                                                                          |                                                                                                                                                                                                                                                | <i><b>(13a) The ban on the placing on the market of parts of equipment that is banned under this Regulation should not apply to parts required for repairs and servicing of existing equipment that has already been installed in order to ensure that such equipment remains repairable and maintainable for their full lifespan, thereby avoiding the need for the unwarranted replacement of existing energy equipment and infrastructure, which could have a negative effect</b></i>                                                                                                                                                                                                     | → <b>SUPPORT FOR PARLIAMENT'S AM 159</b><br><b>Justification:</b> Any premature replacement of plants before the technical end of their life span is likely to lead to a delay or postponement of infrastructure projects that are crucial for the energy transition. It is therefore essential that spare parts can be used without restriction throughout the entire life span. |

| EC proposal | Parliament's Report                                                                                                                                                                                                                                                                      | Council's General Approach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compromise proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Justification                                                                                                                                                                                                                                                                                                                                                                                                               |
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|             | <i>on decarbonisation efforts. The repair or servicing for which such spare parts are used should not result in an increase in the capacity of the equipment or an increase in the amount of fluorinated gases contained in the equipment or of the fluorinated gases used.</i> [AM 159] |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <i>on decarbonisation efforts. The repair or servicing for which such spare parts are used should not result in an increase in the capacity of the equipment or an increase in the amount of fluorinated gases contained in the equipment or of the fluorinated gases used.</i> [AM 159]                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                             |
|             |                                                                                                                                                                                                                                                                                          | (13a) Where technically suitable alternatives are available and in consistency with the EU competition policies, bans should be introduced on the <b>putting into operation</b> of new electrical switchgear with relevant fluorinated greenhouse gases. Where the extension of existing electrical equipment is necessary, one or more additional cells with fluorinated greenhouses gases with the same GWP as the existing cells, may be added if a technology using fluorinated greenhouses gases with a lower GWP would entail the replacement of the entire electrical equipment. | (13a) Where technically suitable alternatives are available and in consistency with the EU competition policies, bans should be introduced on the <b>placing on the market putting into operation</b> of new electrical switchgear with relevant fluorinated greenhouse gases. Where the extension of existing electrical equipment is necessary, one or more additional cells with fluorinated greenhouses gases with the same GWP as the existing cells, may be added if a technology using fluorinated greenhouses gases with a lower GWP would entail the replacement of the entire electrical equipment. | → <b>SUPPORT THE COUNCIL PROPOSAL</b> WITH A CORRESPONDING ADJUSTMENT OF 'PUTTING INTO OPERATION' TO 'PLACING ON THE MARKET'<br><br><b>Justification:</b> To avoid risks and achieve planning security and legal certainty particularly for the transition period of the upcoming years, it is important to link the ban dates in the F-gas Regulation to the POM rather than the putting into operation of the switchgear. |
|             |                                                                                                                                                                                                                                                                                          | (13b) In order to limit the necessity for the production of virgin SF <sub>6</sub> , the capacity of reclamation for SF <sub>6</sub> from existing equipment should be increased. Without endangering the safe functioning of the electrical grids and power plants, the use of virgin SF <sub>6</sub> in                                                                                                                                                                                                                                                                               | (13b) In order to limit the necessity for the production of virgin SF <sub>6</sub> , the capacity of reclamation for SF <sub>6</sub> from existing equipment should be increased. Without endangering the safe functioning of the electrical grids and power plants, the use of virgin SF <sub>6</sub> in                                                                                                                                                                                                                                                                                                     | → <b>SUPPORT FOR COUNCIL PROPOSAL</b><br><b>Justification:</b> Already today we use all options to use reclaimed and recycled SF <sub>6</sub> wherever possible. Therefore, we support this proposal of the Council.                                                                                                                                                                                                        |

| EC proposal                                                                                                                                                                                                                                                                                                        | Parliament's Report                                                                                                                                                                                                                                                                                                                                               | Council's General Approach                                                                                                                                                                                                                                                                                                                                                                       | Compromise proposal                                                                                                                                                                                                                                                                                                                                                                              | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                   | electrical switchgear should be avoided, where it is technically feasible and when reclaimed or recycled SF <sub>6</sub> is available.                                                                                                                                                                                                                                                           | electrical switchgear should be avoided, where it is technically feasible and when reclaimed or recycled SF <sub>6</sub> is available.                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Article 2</b>                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2. This Regulation also applies to products and equipment, and parts thereof, containing fluorinated greenhouse gases or whose functioning relies upon those gases.                                                                                                                                                | 2. This Regulation also applies to products and equipment, <del>and parts thereof</del> , containing fluorinated greenhouse gases or whose functioning relies <b>partly or entirely on</b> those gases. [AM 38]                                                                                                                                                   | 2. This Regulation also applies to products and equipment, <del>and parts thereof</del> , containing fluorinated greenhouse gases or whose functioning relies upon those gases.                                                                                                                                                                                                                  | 2. This Regulation also applies to products and equipment, <del>and parts thereof</del> , containing fluorinated greenhouse gases or whose functioning relies upon those gases.                                                                                                                                                                                                                  | <p>→ <b>SUPPORT FOR COUNCIL AMENDMENT AND PARTLY PARLIAMENT AM 38</b></p> <p><b>Justification:</b> We strongly support the <b>exclusion of spare parts from the scope of the ban</b>. Spare parts are essential to the safety of our installations which need to be maintained and repaired without delays to guarantee the security of electricity supply. Banning spare parts would be equivalent to imposing a <b>massive premature replacement of all SF<sub>6</sub> electrical equipment</b> much earlier than the natural end of its lifecycle. A ban on spare parts would openly contradict the EU circular economy principle and its objectives of durability and reparability of products, causing unnecessary waste and costs.</p> |
| <b>Article 3</b>                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (6) 'placing on the market' means the supplying or making available to another person within the Union, for the first time, for payment or free of charge, the customs release for free circulation in the Union, and the use of substances produced or the use of products or equipment manufactured for own use; | (6) 'placing on the market' means the supplying or making available to another person within the Union, for the first time, for payment or free of charge, the customs release for free circulation in the Union, and the use of substances produced or the <b>use utilisation</b> of products or equipment manufactured for own <b>use utilisation</b> ; [AM 40] | (6) 'placing on the market' means <b>the customs release for free circulation in the Union or</b> the supplying or making available to another person within the Union, for the first time, for payment or free of charge, <del>the customs release for free circulation in the Union, and or</del> the use of substances produced or the use of products or equipment manufactured for own use; | (6) 'placing on the market' means <b>the customs release for free circulation in the Union or</b> the supplying or making available to another person within the Union, for the first time, for payment or free of charge, <del>the customs release for free circulation in the Union, and or</del> the use of substances produced or the use of products or equipment manufactured for own use; | <p>→ <b>SUPPORT FOR COUNCIL PROPOSAL</b></p> <p><b>Justification:</b> The Commission and the European Parliament use cumulative definitions that do not allow for an appropriate differentiation of products covered (e.g., assets, devices, and substances). We therefore support the Council proposal, as it reflects the scope of the Regulation more appropriately, ensures a more precise definition, and thus reduces legal uncertainties for the subsequent application of the Regulation.</p>                                                                                                                                                                                                                                        |

| EC proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            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| <b>Article 5</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       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| <b>Leak checks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Leak checks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Leak checks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       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| <p>1. Operators of equipment that contains 5 tonnes of CO<sub>2</sub> equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks.</p> <p>Hermetically sealed equipment that contains less than 10 tonnes of CO<sub>2</sub> equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.</p> <p>Electrical switchgear shall not be checked for leaks provided it complies with one of the following conditions:</p> <p>(a) it has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer and is labelled accordingly;</p> | <p>1. <del>Manufacturers and operators</del> Operators of equipment that contains 5 tonnes of CO<sub>2</sub> equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks, <b>including during their manufacturing.</b> [AM 45]</p> <p>Hermetically sealed <b>residential</b> equipment that contains less than 10 tonnes of CO<sub>2</sub> equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure. [AM 46]</p> <p>Electrical switchgear shall not be checked for leaks provided it complies with one of the following conditions:</p> <p>(a) it has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer</p> | <p>1. Operators of equipment that contains 5 tonnes of CO<sub>2</sub> equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks.</p> <p>Hermetically sealed equipment that contains less than 10 tonnes of CO<sub>2</sub> equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.</p> <p>Electrical switchgear shall not be checked for leaks provided it complies with one of the following conditions:</p> <p>(a) it has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer and is labelled accordingly;</p> | <p>1. Operators of equipment that contains 5 tonnes of CO<sub>2</sub> equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks.</p> <p>Hermetically sealed equipment that contains less than 10 tonnes of CO<sub>2</sub> equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.</p> <p>Electrical switchgear shall not be checked for leaks provided it complies with one of the following conditions:</p> <p>(a) it has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer and is labelled accordingly;</p> | <p>➔ <b>OPPOSE TO DELETE 1C) AND THUS SUPPORT FOR EC'S LEGISLATIVE PROPOSAL AND COUNCIL</b></p> <p><b>Justification:</b> Imposing <b>leak check of small (&lt; 6kg F-gas) electrical switchgear and circuit breakers</b> will require dismantling and testing millions of pieces of critical electrical infrastructure. This will render much of Europe's connected MV electricity generation and distribution equipment idle and will very likely cause F-gas leakage when dismantling the equipment for check and due to the associated logistics (shipments to test labs).</p> <p>The <b>exemption from periodic leakage control for equipment equipped with leakage detection devices</b> (pressure gauges or densistats) should be clearly maintained. These devices do not all have an automatic alert system but allow remote access to information, which makes on-site leakage checks unnecessary.</p> <p>Indeed, most electrical installations over the EU territory are equipped with a pressure or density monitoring device that are in conformity with Art. 6(2)'s requirements. Leaks for this type of equipment are currently well detected with the existing monitoring practices. Any new features regarding the leakage measuring devices should only apply for new equipment.</p> |



| EC proposal                                                                                                                                                                                                                                                                                                                                                                         | Parliament's Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council's General Approach                                                                                                                                                                                                                                                                                                                                                          | Compromise proposal                                                                                                                                                                                                                                                                                                                                                                 | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| (b) it is equipped with a pressure or density monitoring device;<br>(c) it contains less than 6 kilograms of fluorinated greenhouse gases listed in Annex I.                                                                                                                                                                                                                        | manufacturer and is labelled accordingly;<br>(b) it is equipped with a pressure or density monitoring device;<br><del>(c) it contains less than 6 kilograms of fluorinated greenhouse gases listed in Annex I.</del> [AM 47]                                                                                                                                                                                                                                                                                                                                            | (b) it is equipped with a pressure or density monitoring device <b>with an automatic alert system</b> ;<br>(c) it contains less than 6 kilograms of fluorinated greenhouse gases listed in Annex I.                                                                                                                                                                                 | (b) it is equipped with a pressure or density monitoring device;<br>(c) it contains less than 6 kilograms of fluorinated greenhouse gases listed in Annex I.                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Article 6</b>                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Leakage detection system</b>                                                                                                                                                                                                                                                                                                                                                     | <b>Leakage detection system</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Leakage detection system</b>                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO <sub>2</sub> equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage. | 2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO <sub>2</sub> equivalent or more and installed from <del>1 January 2017</del> , shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage. <b>For the purposes of Article 5(2), point (g), the leakage detection system shall have a higher sensitivity than a pressure- or density-monitoring device.</b> [AM 50] | 2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO <sub>2</sub> equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage. | 2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO <sub>2</sub> equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage. | ➔ <b>SUPPORT FOR EC AND COUNCIL PROPOSAL</b><br><br><b>Justification:</b> Adequate SF <sub>6</sub> density is essential for the reliable operation of high-voltage devices, as leakages may cause malfunctioning of the device and its rupture. For this reason, operators monitor the content either through pressure or density gauges. Any further controls or monitoring requirements are not useful, as there are currently no devices that could detect this type of minor SF <sub>6</sub> leakage.<br>The <b>retroactive application from 1 January 2017</b> is particularly critical, as this has not been adjusted accordingly. The new provision was inserted by the ENVI without considering the systematics of the old provision from 2014, which at that time referred to retrofits in the future (2017). Should the EP proposal prevail, this should be considered and corrected accordingly. |
| <b>Article 11</b>                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Restrictions on placing on the market and sale</b>                                                                                                                                                                                                                                                                                                                               | <b>Restrictions on placing on the market and sale</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Restrictions on placing on the market and sale</b>                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1. The placing on the market of products and equipment, including parts thereof, listed in Annex IV, with an exemption for military                                                                                                                                                                                                                                                 | 1. The placing on the market of products and equipment, including parts thereof, listed in Annex IV, with an exemption for military                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1. The placing on the market of products and equipment, including parts thereof, listed in Annex IV, with an exemption for military                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                     | ➔ <b>REJECT PARLIAMENT'S PROPOSAL, FAVOUR COUNCIL PROPOSAL IN ART. 13(6) INSTEAD</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| EC proposal                                                                                                                                                                                                                                                                                                                                                                                                                                            | Parliament's Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council's General Approach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Compromise proposal | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p>equipment, shall be prohibited from the date specified in that Annex, differentiating, where applicable, according to the type or global warming potential of the gas contained.</p> <p>Products and equipment unlawfully placed on the market after the date referred to in the first subparagraph, shall not be subsequently used or supplied, or made available to other persons within the Union for payment or free of charge or exported.</p> | <p>equipment, shall be prohibited from the date specified in that Annex, differentiating, where applicable, according to the type or global warming potential of the gas contained.</p> <p><i><b>By way of derogation from the first subparagraph, the placing on the market of parts of equipment required for repairs and servicing of existing equipment shall be allowed provided that the repair or servicing does not result in an increase in the capacity of the equipment or an increase in the amount of fluorinated gases contained in the equipment or of the fluorinated gases used.</b></i> [AM 160]</p> <p>Products and equipment unlawfully placed on the market after the date referred to in the first subparagraph, shall not be subsequently used or supplied, or made available to other persons within the Union for payment or free of charge or exported.</p> | <p>equipment, shall be prohibited from the date specified in that Annex, differentiating, where applicable, according to the type or global warming potential of the gas contained. <b>The placing on the market of parts of products and equipment required for repair and servicing of existing equipment listed in Annex IV is allowed provided that the repair or servicing does not result in an increase of the capacity of the product or equipment, an increase of the amount of fluorinated greenhouse gas contained in the product or equipment, and there is no change of the type of fluorinated greenhouse gas used that leads to an increase of the global warming potential of the fluorinated greenhouse gas used.</b></p> <p>Products and equipment unlawfully placed on the market after the date referred to in the first subparagraph, shall not be subsequently used or supplied, or made available to other persons within the Union for payment or free of charge or exported. <b>Re-export of such products and equipment is allowed in such cases when the non-compliance with the rules set out in this Regulation has been established prior to the release of goods for the purpose of import, in accordance</b></p> |                     | <p><b>Justification:</b> In principle, we support the exemption proposed by the co-legislators for SF<sub>6</sub> spare parts intended for repairs, maintenance, and servicing of existing installations.</p> <p>However, to avoid unnecessary waste and costs due to premature replacement of already installed equipment, it is crucial to provide the same exemption in case of expansion of existing GIS (according to Art. 13(6) of the Council's General Approach or the proposed amendment of Parliament's report), which is necessary to cope with increasing electricity flows.</p> |

| EC proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Parliament's Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council's General Approach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Compromise proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>Such products and equipment may only be stored or transported for subsequent disposal and for the recovery of the gas prior to the disposal pursuant to Article 8.</p> <p>Two years following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.</p> | <p>Such products and equipment may only be stored or transported for subsequent disposal and for the recovery of the gas prior to the disposal pursuant to Article 8.</p> <p><del>Two years</del> <b>Six months</b> following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date. [AM 74]</p> | <p><b>with the measures referred to in Article 23(12).</b></p> <p>Such products and equipment may only be stored or transported for subsequent disposal and for the recovery of the gas prior to the disposal pursuant to Article 8 <b>or for their reexport.</b></p> <p>Two years following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>4. Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally, by means of implementing acts, authorise an exemption for up to four years to allow the placing on the market of products and equipment listed in Annex IV, including parts thereof, containing fluorinated greenhouse gases or whose functioning relies upon those gases, where it is demonstrated that:</p>                                                                                                      | <p>4. <b>Without prejudice to the derogation for spare parts referred to in subparagraph 1a,</b> <del>Following</del> a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally, by means of implementing acts, authorise an exemption for up to four years to allow the placing on the market of products and equipment listed in Annex IV, <del>including parts thereof</del>, containing fluorinated greenhouse gases or whose functioning relies upon those</p>                                                                | <p>4. Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally, by means of implementing acts, authorise an exemption for up to four years to allow the placing on the market of products and equipment listed in Annex IV, <b>or, in derogation to Article 13(5), putting into operation new or expanded electrical switchgear</b>, including parts thereof, containing fluorinated greenhouse gases or whose functioning relies upon</p>                                                                                                                                     | <p>4. Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally, by means of implementing acts, authorise an exemption for up to four years to allow the placing on the market of products and equipment listed in Annex IV, <b>or, in derogation to Article 13(5), placing on the market of putting into operation new or expanded electrical switchgear, including parts thereof</b>, containing fluorinated greenhouse gases or whose functioning relies upon</p> | <p>➔ <b>SUPPORT FOR THE PROPOSED EXTENSION OF ART. 13(5) IN THE COUNCIL AMENDMENT, AS WELL AS DELETION PROPOSED BY THE EP.</b></p> <p><b>Justification:</b> A possible derogation of up to four years in case alternative solutions are not available or technically not feasible or would cause unreasonable costs should also apply to electrical switchgear, like any other applications, if they are no longer covered by Annex IV as foreseen in the Council's General Approach. In addition, the wording should also be adapted to "placing on the market" to not shorten the transitional period and spare parts should be of the scope of the ban as set by the EP in its amendment and should not require any exemption under article 11(4).</p> |



| EC proposal                                                                                                                                                                                                                                                                                                                                                                                                                          | Parliament's Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council's General Approach                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Compromise proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p>a) for a specific product or a piece of equipment, or for a specific category of products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; or</p> <p>b) the use of technically feasible and safe alternatives would entail disproportionate costs.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).</p> | <p>gases, where it is demonstrated that:</p> <p>a) for a specific product or a piece of equipment, or for a specific category of products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; or</p> <p>b) the use of technically feasible and safe alternatives would entail disproportionate costs. [AM 77]</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).</p> | <p>those gases, where it is demonstrated that:</p> <p>a) for a specific product or a piece of equipment, or for a specific category of products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; or</p> <p>b) the use of technically feasible and safe alternatives would entail disproportionate costs.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).</p>         | <p>those gases, where it is demonstrated that:</p> <p>a) for a specific product or a piece of equipment, or for a specific category of products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; or</p> <p>b) the use of technically feasible and safe alternatives would entail disproportionate costs <b>or unreasonable delivery times.</b></p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).</p> | <p>Moreover, especially with limited competition in the market though, taking into account the expected delivery times of alternative solutions becomes a necessary point of attention.</p>                                                                                                                                                                                                                                                                  |
| <b>Annex IV No. 23, Pt. 2 – Article 13</b>                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Annex IV</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Annex IV</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Art. 13</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Art. 13</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>[Art. 13] 3a. From 1 January 2035, the use of fluorinated greenhouse gases listed in Annex I, Section 3 for the servicing or maintenance of electrical switchgear equipment shall be prohibited unless it is reclaimed or recycled, except if it is proved that reclaimed or recycled fluorinated greenhouse gases listed in Annex I, Section 3:</p> <p>(i) cannot be used on the basis of technical grounds; or</p> <p>(ii) are not available in case of an emergency repair situation.</p> | <p>[Art. 13] 3a. From 1 January 2035, the use of fluorinated greenhouse gases listed in Annex I, Section 3 for the servicing, or maintenance of electrical switchgear equipment shall be prohibited unless it is reclaimed or recycled, except if it is proved that reclaimed or recycled fluorinated greenhouse gases listed in Annex I, Section 3:</p> <p>(i) cannot be used on the basis of technical grounds; or</p> <p>(ii) are not available in case of an emergency repair situation.</p>                              | <p>→ <b>SUPPORT FOR COUNCIL PROPOSAL</b></p> <p><b>Justification:</b> Already today we use all options to use reclaimed and recycled SF6 wherever possible. The Regulation should however leave operators the possibility of using virgin SF6 in certain limited cases (e.g. based on technical grounds) and to allow time for stocks of recycled SF6 to build up and for storage channels to be organized. Therefore, we support this Council proposal.</p> |

| EC proposal                                                                           |                | Parliament's Report                                                                   |                | Council's General Approach                                                                                                                                                                                               | Compromise proposal                                                                                                                                                                                                      | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                                                       |                |                                                                                       |                | In such a cases, the user shall provide evidence, upon request, on the justification for use to the competent authority of the Member State and the Commission.<br>This paragraph shall not apply to military equipment. | In such a cases, the user shall provide evidence, upon request, on the justification for use to the competent authority of the Member State and the Commission.<br>This paragraph shall not apply to military equipment. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| [Annex IV] (23) Installation and replacement of the following electrical switchgear:  |                | [Annex IV] (23) Installation and replacement of the following electrical switchgear:  |                | [Art. 13] 5. <b>Putting into operation</b> of the following new or <b>expanded</b> electrical switchgear with fluorinated greenhouse gases is prohibited as follows:                                                     | [Art. 13] 5. <del>Putting into operation</del> <b>Placing on the market</b> of the following new <del>or expanded</del> electrical switchgear with fluorinated greenhouse gases is prohibited as follows:                | <p>→ SUPPORT FOR THE COUNCIL AMENDMENT, BUT OPPOSING "PUTTING INTO OPERATION" WORDING, AS WELL AS INSTALLATION AND REPLACEMENT WORDING OF EC AND PARLIAMENT</p> <p><b>Justification:</b> Realising electrical assets and equipment is a process that takes several months and more (beginning from project approval to tender and installation process), and is prone to delays by nature (i.e. permitting, shipping or delivery issues, pandemic etc.). The suggested wording of "putting into operation" would practically reduce the phase-out dates for the electrical equipment listed hereunder by a few years. Furthermore, it would lead to stranded assets, if an asset had been delivered, but had not been put into operation before that date.</p> <p>We recommend therefore the use of the wording "placing on the market" as referred to for all other sectors, which allows legal certainty for both system operators and suppliers.</p> <p>Extensions and replacements of existing installations may sometimes not be technically feasible through alternative technologies.</p> <p>→ SUPPORT FOR THE COUNCIL AMENDMENT</p> |
| a) medium voltage switchgear for primary and secondary distribution up to 24 kV, with | 1 January 2026 | a) medium voltage switchgear for primary and secondary distribution up to 24 kV, with | 1 January 2026 | (a) as of 1 January 2026 medium voltage switchgear for primary and secondary distribution up to 24 kV, with                                                                                                              |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| EC proposal                                                                                                                                                                                                                                                                                                                                                         |                      | Parliament's Report                                                                                                                                                                                                                                                                                                                                                         |                              | Council's General Approach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Compromise proposal | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| to 24 kV, with insulating or breaking medium using, or whose functioning relies upon, gases with GWP of 10 or more, or with GWP of 2000 or more, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above;                                                                    |                      | to <b>and including</b> 24 kV, with insulating or breaking medium using, or whose functioning relies upon, <b>fluorinated greenhouse</b> gases with <del>GWP of 10 or more, or with GWP of 2000 or more, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above;</del>              |                              | insulating or breaking medium with GWP of 10 or more;<br><br><b>(b) as of 1 January 2030 medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to 52 kV, with insulating or breaking medium with GWP of 10 or more;</b><br><br><b>(c) as of 1 January 2028 high voltage switchgear from 52 and up to 145 kV and up to 50 kA short circuit current with insulating or breaking medium with GWP of 10 or more;</b><br><b>(d) as of 1 January 2032 high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium with GWP of 10 or more.</b> |                     | <p><b>Justification:</b> The Parliament's proposal for a total ban on F-gases is technically not feasible at the high voltage level as it does not allow the use of SF6 even for niche products for which manufacturers do not offer alternatives (20% of equipment in some Member States). This will lead to a delay in the energy transition, as projects will come to a practical standstill.</p> <p>Given the uncertain development time of this technology by manufacturers, we urge the co-legislators to safeguard the operation of grid operators and thus the achievement of the clean energy transition by providing clear and explicit exemptions in case alternatives to F-gas solutions with a GWP&lt;10 are not mature or feasible for technical reasons by the dates specified in the regulation, in case of a manufacturer monopoly (i. e. i.e. absence of at least two "independent suppliers", not "bidders"), unreasonable costs and delivery times or other technical concerns regarding the security and stability of the network.</p> <p>The Parliament's proposal regarding the GWP limit is particularly critical for a speedy grid expansion as it does not allow the use of SF6 even for niche products for which manufacturers do not offer alternatives (20% of equipment in some Member States). Exemptions should also be possible in principle for alternatives with a GWP&gt;2000, so that the energy transition will not be delayed if projects come to a de facto standstill.</p> |
| b) medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to 52 kV, with insulating or breaking medium using, or whose functioning relies upon gases with GWP of 10 or more, or with GWP of more than 2000, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower | 1<br>January<br>2030 | b) medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to <b>and including</b> 52 kV, with insulating or breaking medium using, or whose functioning relies upon <b>fluorinated greenhouse</b> gases with <del>GWP of 10 or more, or with GWP of more than 2000, unless evidence is provided that no suitable alternative is</del> | 1<br>January<br>2030<br>2028 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| EC proposal                                                                                                                                                                                                                                                                                                                                                                       |                      | Parliament's Report                                                                                                                                                                                                                                                                                                                                                                                                                              |                      | Council's General Approach | Compromise proposal | Justification |
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| GWP ranges referred to above;                                                                                                                                                                                                                                                                                                                                                     |                      | available based on technical grounds within the lower GWP ranges referred to above;                                                                                                                                                                                                                                                                                                                                                              |                      |                            |                     |               |
| c) high voltage switchgear from 52 and up to 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon gases with GWP of 10 or more, or with GWP of more than 2000, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above; | 1<br>January<br>2028 | c) high voltage switchgear from 52 and up to <b>and including</b> 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon <b>fluorinated greenhouse gases</b> , unless evidence is provided that no suitable alternative is available, <b>in which case gases with GWP of up to 1000 can be used</b> ; based on technical grounds within the lower GWP ranges referred to above; | 1<br>January<br>2028 |                            |                     |               |
|                                                                                                                                                                                                                                                                                                                                                                                   |                      | d) high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium using, or                                                                                                                                                                                                                                                                                                             | 1<br>January<br>2031 |                            |                     |               |

| EC proposal                                                                                                                                                                                                                                                                                                                                                                    |                | Parliament's Report                                                                                                                                                                                                                                                                       |  | Council's General Approach                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compromise proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| d) high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon gases with GWP of 10 or more, or with GWP of more than 2000 unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above. | 1 January 2031 | whose functioning relies upon <del>fluorinated greenhouse</del> gases, unless evidence is provided that no suitable alternative is available, <del>in which case gases with GWP of up to 1000 can be used</del> based on technical grounds within the lower GWP ranges referred to above. |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                |                |                                                                                                                                                                                                                                                                                           |  | [Art. 13] 5a. By derogation to paragraph 5, switchgear with insulating or breaking medium with GWP lower than 2000 are allowed if, following an open call for tender, given the needs and the specificities of the equipment required for the specific use concerned:<br>(i) <del>during the two years after the respective dates under paragraph 5, points (a) to (d),</del> only one or no bidder submitted a tender for switchgear with insulating or breaking medium with a GWP of less than 10; or | [Art. 13] 5a. By derogation to paragraph 5, switchgear with insulating or breaking medium with GWP lower than 2000 are allowed if, following an open call for tender, given the needs and the specificities of the equipment required for the specific use concerned:<br>(i) <del>during the two years after the respective dates under paragraph 5, points (a) to (d),</del> only one or no independent supplier bidder submitted a tender for switchgear with insulating | → PARTLY SUPPORT FOR THE COUNCIL AMENDMENT WITH DUE AMENDMENTS<br><br><b>Justification:</b> We welcome the exemptions proposed by the co-legislators, but the risks arising from a potential monopoly in the manufacturer's market are not yet sufficiently addressed.<br><br>Availability by at least two suppliers (without time limits) who offer two distinct suitable solutions is paramount to guarantee a minimum level of competition on the market, sustainable prices, and security of supply for all network operators. The reference to "at least two bidders" is not enough to guarantee diversity of suppliers and efficiency of the supply chain. After the new prohibitions, it is crucial to grant |

| EC proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Parliament's Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council's General Approach                                                                                                                                                                                                                                                                                                                                                            | Compromise proposal                                                                                                                                                                                                                                                                                                                                                                                               | Justification                                                                                                                                                               |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (ii) after the two-year period mentioned under (i) above, no bidder submitted a tender for switchgear with insulating or breaking medium with a GWP of less than 10.                                                                                                                                                                                                                  | or breaking medium with a GWP of less than 10; or<br><del>(ii) after the two-year period mentioned under (i) above, no bidder submitted a tender for switchgear with insulating or breaking medium with a GWP of less than 10.</del>                                                                                                                                                                              | enough time for a competitive market to develop again.                                                                                                                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | [Art. 13] 5b. By derogation to paragraph 5aa, switchgear with insulating or breaking medium with a GWP of 2000 or more is allowed if, following an open call for tender, given the needs and the specificities of the equipment required for the specific use concerned, no bidder submitted a tender for switchgear with insulating or breaking medium with a GWP of less than 2000. | [Art. 13] 5b. By derogation to paragraph 5aa, switchgear with insulating or breaking medium with a GWP of 2000 or more is allowed if, following an open call for tender, given the needs and the specificities of the equipment required for the specific use concerned, no <b>independent supplier bidder</b> submitted a tender for switchgear with insulating or breaking medium with a GWP of less than 2000. |                                                                                                                                                                             |
| [Annex IV] 2. The evidence referred to in point 23, shall include documentation establishing that following an open call for tender no suitable alternative on technical grounds, given the demonstrated specificities of the application, was available that could meet the conditions set out in point 23. The documentation shall be kept by the operator for at least five years and shall be made available to the competent authority of the Member State and to the Commission, upon request. | [Annex IV] 2. The <b>exception</b> referred to in point 23 <del>(c) and (d)</del> <b>may be authorised by the competent authority of a Member State following a substantiated request by an operator. The operator's request shall include documentation providing</b> that following an open call for tender <b>with a deadline for bids after the dates referred to in point 23</b> no suitable alternative on technical grounds, given the demonstrated specificities of the application, <b>are</b> available that could meet the conditions set out in point 23 <del>(c) and (d)</del> , <b>or, until</b> | [Art. 13] 5c. The documentation establishing the evidence for the derogations listed in paragraphs 5aa and 5ab shall be kept by the operator for at least five years after the respective dates specified under paragraph 5 and shall be made available to the competent authority of the Member State and to the Commission, upon request.                                           | [Art. 13] 5c. The documentation establishing the evidence for the derogations listed in paragraphs 5aa and 5ab shall be kept by the operator for at least five years after the respective dates specified under paragraph 5 and shall be made available to the competent authority of the Member State and to the Commission, upon request.                                                                       | → <b>SUPPORT FOR THE COUNCIL PROPOSAL</b><br><b>Justification:</b> We support the structured and clearly defined process for evidence and tracking proposed by the Council. |



| EC proposal | Parliament's Report                                                                                                                                                                                                                                                                                                                                                | Council's General Approach                                                                                                                                                                                                                                                                                                              | Compromise proposal                                                                                                                                                                                                                                                                                                                        | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|             | <p><i>two years after the dates referred to in point 23(c) and (d), only one bid was placed for such switchgear with insulating or breaking medium not using, or whose functioning does not rely upon fluorinated greenhouse gases.</i> The competent authority <b>shall make the documentation available</b> to the Commission, upon request.</p> <p>[AM 146]</p> |                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|             |                                                                                                                                                                                                                                                                                                                                                                    | <p>[Art. 13] The placing on the market of parts of equipment required for repair, expansion and servicing of existing electrical switchgear is allowed provided there is no change of the type of fluorinated greenhouse gas used that leads to an increase of the global warming potential of the fluorinated greenhouse gas used.</p> | <p>[Art. 13] 6. The placing on the market of parts of equipment required for repair, expansion and servicing of existing electrical switchgear is allowed provided there is no change of the type of fluorinated greenhouse gas used that leads to an increase of the global warming potential of the fluorinated greenhouse gas used.</p> | <p>➔ <b>SUPPORT FOR THE COUNCIL AMENDMENT</b></p> <p><b>Justification:</b> We highly appreciate the Council's proposal to grant access to spare parts for the repair and extension of existing electrical switchgear. The ban on placing products and equipment containing SF6 on the market should not prevent the possibility of bringing existing equipment to the end of its natural life, thus avoiding unnecessary waste. Grid operators must be able to provide service and maintenance to ensure the stability and security of grid operations. Furthermore, necessary planned or unplanned network reinforcements may lead to extensions of plants, which in turn require a corresponding increase in the amount of gas used. This is due to the fact that a plant cannot be operated with different technical solutions.</p> <p>This provision helps to avoid delays in grid expansion projects and additional administrative burdens and aligns the exemptions for the electrical sector with all other applications referred to in Article 11(1).</p> |

| EC proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Parliament's Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council's General Approach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Compromise proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>Article 35</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Review</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Review</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Review</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annexes I, II III and VI as regards the global warming potential of the listed gases, where it is necessary in the light of new Assessment Reports adopted by the Intergovernmental Panel on Climate Change or new reports of the Scientific Assessment Panel (SAP) of the Montreal Protocol.</p> <p>By 1 January 2033, the Commission shall publish a report on the implementation of this Regulation.</p> | <p>The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annexes I, II III and VI as regards the global warming potential of the listed gases, where it is necessary in the light of new Assessment Reports adopted by the Intergovernmental Panel on Climate Change or new reports of the Scientific Assessment Panel (SAP) of the Montreal Protocol.</p> <p><b>1a. The Commission shall continuously monitor technological and market developments in relation to the use of fluorinated greenhouse gases and their natural alternatives in the Union. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend this Regulation, and strengthen the prohibitions on the placing on the market of high GWP fluorinated greenhouse gases in the products or equipment concerned, where it finds evidence of the emergence or acceleration of the use of low GWP fluorinated greenhouse gases or of natural alternatives in products and equipment placed on the Union market. [AM 137]</b></p> | <p>The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annexes I, II III and VI as regards the global warming potential of the listed gases, where it is necessary in the light of new Assessment Reports adopted by the Intergovernmental Panel on Climate Change or new reports of the Scientific Assessment Panel (SAP) of the Montreal Protocol.</p> <p>By 1 January 2033<sup>0</sup> the Commission shall publish a report on the implementation of this Regulation, <b>including an evaluation of the risk of excessive reduction of competition in the market due to the bans and related exceptions in Article 13(5) and of the provisions of Article 13(5) relating to high voltage switchgear of more than 145 kV or more than 50 kA short circuit current. If appropriate, the report shall be accompanied by a corresponding legislative proposal.</b></p> | <p>The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annexes I, II III and VI as regards the global warming potential of the listed gases, where it is necessary in the light of new Assessment Reports adopted by the Intergovernmental Panel on Climate Change or new reports of the Scientific Assessment Panel (SAP) of the Montreal Protocol.</p> <p><b>No later than three months following the adoption of the revised REACH Regulation, the Commission shall assess whether this Regulation is coherent with that Regulation. The Commission shall, where appropriate, accompany its assessment with a legislative proposal to amend this Regulation, if it concludes that this Regulation is not coherent with potential new restrictions of the use of PFAS laid down in that Regulation.</b></p> <p>By 1 January 2033<sup>0</sup> the Commission shall publish a report on the implementation of this Regulation, <b>including an evaluation of the risk of excessive reduction of competition in the market due to the bans</b></p> | <p>→ <b>SUPPORT FOR THE COUNCIL AMENDMENT AND PARLIAMENT'S AM 139</b></p> <p><b>Justification:</b> We welcome the Council's proposal that the European Commission carry out an assessment by January 2030, by which time the Commission should already be able to assess the state of development of SF6-free alternative solutions and the initial impact of the provisions on market competitiveness. In addition, we support the Parliament's AM to review the Regulation after the adoption of new restrictions on the use of PFAS to ensure that the EU requirements are coherent.</p> |

| EC proposal | Parliament's Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council's General Approach | Compromise proposal                                                                                                                                                                                                                                                              | Justification |
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|             | <p><i>1b. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annexes I, II and III by moving fluorinated greenhouse gases from Annex III to Annex I or II or by introducing fluorinated greenhouse gases in Annex I or II, where it has evidence of the placing on the market of fluorinated greenhouse gases listed in Annex III or of fluorinated greenhouse gases not listed in Annex I, II or III, respectively. [AM 138]</i></p> <p><i>1c. No later than three months following the adoption of the revised REACH Regulation, the Commission shall assess whether this Regulation is coherent with that Regulation. The Commission shall, where appropriate, accompany its assessment with a legislative proposal to amend this Regulation, if it concludes that this Regulation is not coherent with potential new restrictions of the use of PFAS laid down in that Regulation. [AM 139]</i></p> <p>By 1 January 2033, the Commission shall publish a report on the implementation of this Regulation.</p> |                            | <p>and related exceptions in Article 13(5) and of the provisions of Article 13(5) relating to high voltage switchgear of more than 145 kV or more than 50 kA short circuit current. If appropriate, the report shall be accompanied by a corresponding legislative proposal.</p> |               |