

20 April 2023

EPEE Amendment proposals compared to the European Parliament Position and to the Swedish and EC proposals - EU F-Gas Regulation

The European Commission's F-Gas Regulation Revision proposal was published on 5 April 2022. European Parliament EE, representing the Refrigeration, Air Conditioning and Heat Pump (RACHP) Industry in Europe, has already actively commented on this proposal and presented [feedback](#) to the European Commission.

The European Parliament voted its Position on 30 March 2023 and [amended the initial](#) proposed text, especially regarding annex IV on product bans and annex VII on the Phase Down.

The Swedish Presidency get mandate for starting the interinstitutional negotiations during the COREPER I meeting on 5 April 2023. The adopted Council's proposal is available [here](#).

Against that background, on European Parliament, with 11 other industry associations representing the whole value chain of the RACHP Industry in Europe, made a number of concrete amendment proposals to the proposed F-Gas Regulation Revision text. The amendments on the product bans result from an industry alignment in order to speak with one voice for the Industry.

This document is a four-column comparison document which aims to show to the EPEE members, for their internal use, the [main differences between the different positions of the European institutions and the Industry with a section with comments](#)

In the section III of this document, the initial text of the European Commission's proposal is put in black as reference; the changes made by the Council are written in **orange** and the ones from the European Parliament are made in **green**.

I. Priority	5
a) HFC Phase Down (Annex VII)	5
b) RACHP-related product bans (Annex IV)	6
II. Articles of the Regulation	19
a) Subject-matter (Article 1)	19
b) Scope (Article 2)	20
c) Definitions (Article 3)	21
d) Prevention of emissions (Article 4)	28
e) Leak checks (article 5)	35
f) Leakage detection systems (article 6)	41
g) Record keeping (article 7)	44
h) Recovery and destruction (article 8)	50
i) Producer responsibility schemes (article 9)	58
j) Certification and training (article 10)	60
k) Restrictions on placing on the market and sale (article 11)	68
l) Restriction on the export of certain products and equipment containing fluorinated greenhouse gases (article 11a)	76
m) Labelling and product and equipment information (article 12)	77
n) Control of use (article 13)	85
o) Production of hydrofluorocarbons (article 14)	92
p) Transfer and authorisation of production rights for industrial rationalisation (article 15)	95
q) Reduction of the quantity of hydrofluorocarbons (article 16)	97
r) Determination of reference values and allocation of quotas for placing hydrofluorocarbons on the market (article 17)	101
s) Conditions for registration and receiving quota allocations (article 18)	110

t) Pre-charging of equipment with hydrofluorocarbons (article 19)	112
THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	
u) The F-gas portal (article 20)	116
v) Transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment (Article 21)	121
w) Imports and exports (Article 22)	123
x) Controls of Trade (Article 23)	125
y) Measures to monitor illegal trade (Article 24)	134
z) Trade with states or regional economic integration organisations and territories not covered by the Protocol (Article 25)	137
aa) Reporting by undertakings (Article 26)	140
bb) Collection of emissions data (Article 27)	146
cc) Cooperation and exchange of information (Article 28)	147
dd) Obligation to carry out checks (Article 29)	150
ee) Reporting of breaches and protection of reporting persons (Article 30)	154
ff) Penalties (Article 31)	155
gg) Exercise of the delegation (Article 32)	160
hh) Consultation Forum (Article 33)	163
ii) Committee procedure (Article 34)	164
jj) Review (Article 35)	165
kk) Repeal (Article 36)	168
ll) Amendment to Directive (EU) No 2019/1937 (Article 37)	169
mm) Entry into force and application (Article 38)	170
III. Other Annexes	172
a) ANNEX I – Fluorinated greenhouse gases referred to in Article 2(1) ¹ – hydrofluorocarbons, perfluorocarbons and other perfluorinated compounds	172

b) ANNEX II : Other fluorinated greenhouse substances referred to in Article 2(1)(⁶) – unsaturated hydro(chloro)fluorocarbons, fluorinated substances used as inhalation anaesthetics and other fluorinated substances	175
c) ANNEX III Ffluorinated greenhouse gases referred to in Article 2(1) ¹¹ – fluorinated ethers, ketones and alcohols and other fluorinated compounds	177
d) ANNEX V – Production rights for placing hydrofluorocarbons on the market.....	180
e) ANNEX VI : Method of calculating the total GWP of a mixture referred to in Article 3(42)	181
f) ANNEX VIII Allocation mechanism referred to in Article 17.....	183
g) ANNEX IX DATA TO BE REPORTED PURSUANT TO ARTICLE 26	184
h) ANNEX X Correlation Table.....	187

b) RACHP-related product bans (Annex IV)

Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)				
Commission proposal	European Council Position	European Parliament position	Comments	EPEE proposal
(11) Refrigerators and freezers for commercial use (self-contained equipment) - that contain HFCs with GWP of 2 500 or more. 1 January 2020 - that contain HFCs with GWP of 150 or more. 1 January 2022 - that contain other fluorinated greenhouse gases with GWP of 150 or more. 1 January 2024	(11) Refrigerators and freezers for commercial use (self-contained equipment) (a) that contain HFCs with GWP of 2 500 or more. 1 January 2020 (b) that contain HFCs with GWP of 150 or more. 1 January 2022 (c) that contain other fluorinated greenhouse gases with GWP of 150 or more. 1 January 2024	(11) Stationary Refrigerators and freezers for commercial use (self-contained equipment) - that contain HFCs with GWP of 2 500 or more. 1 January 2020 - that contain HFCs with GWP of 150 or more. 1 January 2022 - that contain other fluorinated greenhouse gases with ~~GWP of 150 or more.~~ 1 January 2024		(11) Stationary Refrigerators and freezers for commercial use ~~(self-contained equipment)~~ (hermetically sealed equipment) - that contain HFCs with GWP of 2 500 or more - 2020 - that contain HFCs with GWP of 150 or more - 2022 - that contain other fluorinated greenhouse gases with GWP of 150 or more (self-contained equipment) - 2025

Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)				
Commission proposal	European Council Position	European Parliament position	Comments	EPEE and industry alliance proposal
(12) Any self-contained refrigeration equipment that contains fluorinated greenhouse gases with GWP of 150 or more. Date of prohibition: 1 January 2025	(12) Any stationary self-contained refrigeration equipment that contains fluorinated greenhouse gases with GWP of 150 or more, except when required to meet safety requirements. Date of prohibition: 1 January 2025	(12) Any self-contained stationary refrigeration equipment that contains fluorinated greenhouse gases ~~with GWP of 150 or more.~~ Date of prohibition: 1 January 2025		(12) (a) self-contained equipment for stationary refrigeration with a rated capacity up to 6 kW that contains fluorinated greenhouse gases with GWP of 150 or more. Date of prohibition: 1 January 2025 (b) Other self-contained equipment for stationary refrigeration except process chillers that contains fluorinated greenhouse gases with GWP of 150 or more. Date of prohibition: 1 January 2028

Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)			
Commission proposal	European Council Position	European Parliament Position	EPEE and industry alliance proposal
(13) Stationary refrigeration equipment that contains, or whose functioning relies upon, HFCs with GWP of 2 500 or more except for equipment intended for application designed to cool products to temperatures below – 50 °C. Date of prohibition: 1 January 2020 (14) Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 2 500 or more except for equipment intended for application designed to cool products to temperatures below – 50 °C. Date of prohibition: 1 January 2024	(13) Stationary refrigeration equipment that contains, or whose functioning relies upon, except equipment intended for applications designed to cool products to temperatures below – 50 °C (a) HFCs with GWP of 2 500 or more. Date of prohibition: 1 January 2020 [previous EC ban 13] (b) other fluorinated greenhouse gases with GWP of 2 500 or more. Date of prohibition: 1 January 2024	(13) Stationary refrigeration equipment that contains, or whose functioning relies upon, HFCs with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C. Date of prohibition: 1 January 2020 (14) Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 2 500 or more, except when required to meet safety requirements. Date of prohibition: 1 January 2025 2024	(14) Stationary refrigeration equipment other than equipment covered in provisions 12 and 15 and except process chillers, that contains, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more, except when required to meet safety requirements. Date of prohibition: 1 January 2024 2028

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND	HEAT-PUMP INDUSTRY IN EUROPE (14a) (new) Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases. Date of prohibition: 1 January 2027		
--	--	--	--

Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)

<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament Position</i>	<i>Comments</i>	<i>EPEE and industry alliance proposal</i>
(15) Multipack centralised refrigeration systems for commercial use with a rated capacity of 40kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I, with GWP of 150 or more, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1500 may be used Date of prohibition: 1 January 2022	(15) Multipack centralised refrigeration systems for commercial use with a rated capacity of 40kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I, with GWP of 150 or more, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1500 may be used Date of prohibition: 1 January 2022	(15) Multipack centralised refrigeration systems for commercial use with a rated capacity of 40kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I, with GWP of 150 or more, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1500 may be used Date of prohibition: 1 January 2022	(15)(b) Multipack centralised refrigeration systems for commercial use with a rated capacity of 40 kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases, with GWP of 150 or more, except process chillers, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1500 may be used. Date of prohibition: 1 January ~~2022~~ 2025 (15)(c) Multipack centralised refrigeration systems that contain or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more except process chillers. Date of prohibition: 1 January 2028	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		(15a) (new) Refrigeration - in vans and ships that contain, or whose functioning relies upon, fluorinated greenhouse gases. Date of prohibition: 1 January 2027 - in trucks, trailers and reefer containers that contains, or whose functioning relies upon, fluorinated gases Date of prohibition: 1 January 2029		
---	--	---	--	--

Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)

<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament Position</i>	<i>Comments</i>	<i>EPEE and industry alliance proposal</i>
(16) Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more. Date of prohibition: 1 January 2020	(16) Self-contained room air-conditioning and heat pumps (a) Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more. [Previous EC ban 16] Date of prohibition: 1 January 2020	(16) Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more. Date of prohibition: 1 January 2020		

(17) Plug-in room and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse gases with GWP of 150 or more. Date of prohibition: 1 January 2025	(b) Plug-in room and other self-contained air-conditioning and heat pumps (including all heat pumps in monobloc construction) with a maximum rated capacity of 50 kW that contain fluorinated greenhouse gases with GWP of 150 or more except when required to meet safety requirements. When safety requirements would not allow using fluorinated greenhouse gases with GWP of 150 or less, the GWP limit is 750. Date of prohibition: 1 January 2025	(17) Plug-in room, monoblock and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse gases with a GWP of 150 or more. Date of prohibition: 1 January 2025	(17) Stationary self-contained air conditioning and heat pump equipment: (a) Plug in self-contained air conditioning & heat pump equipment moveable between rooms by the end user that contain fluorinated greenhouse gases with GWP of 150 or more-; Date of prohibition: 1 January 2025
(c) Other self-contained air-conditioning and heat pumps that contain fluorinated greenhouse gases with GWP of 150 or more except when required to meet safety requirements. When safety requirements would not allow using fluorinated greenhouse gases with GWP of 150 or less, the GWP limit is 750. Date of prohibition: 1 January 2030		(b) Stationary self-contained hydronic air conditioning and stationary self-contained hydronic heat pump equipment designed for outdoor installations below or equal to 12 kW* that contain fluorinated greenhouse gases with GWP of 150 or more except when needed to meet safety requirements; Date of prohibition: 1 January 2029 * <i>rated capacity as defined in the relevant ecodesign regulations</i>	(c) Other stationary self-contained air conditioning and heat pump equipment that contain fluorinated greenhouse gases with GWP of 750 or more, except when needed to meet safety requirements. Date of prohibition: 1 January 2030

Amendments to Annex IV – Placing on the market prohibitions referred to in Article 11(1)				
Commission proposal	European Council Position	European Parliament Position	Comments	EPEE and industry alliance proposal
(18) Stationary split air-conditioning and split heat pump equipment: (a) Single split systems containing less than 3 kg of fluorinated greenhouse gases listed in Annex I, that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 750 or more; Date of prohibition: 1 January 2025 (b) Split systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more, except when required to meet safety standards; Date of prohibition: 1 January 2027	(18) Stationary split air-conditioning and split heat pumps ~~equipment~~ (a) Single split systems containing less than 3 kg of fluorinated greenhouse gases listed in Annex I, that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 750 or more; Date of prohibition: 1 January 2025 (b) Split air-to-air systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 150 or more, except when required to meet safety requirements standards ; Date of prohibition: 1 January 2027-2029	(18) Stationary split air-conditioning and split heat pump equipment: (a) Single split systems including fixed double duct systems containing less than 3 kg of fluorinated greenhouse gases listed in Annex I, that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 750 or more ; Date of prohibition: 1 January 2028-2025 (b) Split systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more, except when required to meet safety standards ; Date of prohibition: 1 January 2028-2027	 	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE				* rated capacity as defined in the relevant ecodesign regulations
(c) Split systems of a rated capacity of more than 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards. Date of prohibition: 1 January 2027	(ba) Split air-to-water systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 150 or more, except when required to meet safety requirements; Date of prohibition: 1 January 2027	(c) Split systems of a rated capacity of more than 12 kW and up to 200 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards. Date of prohibition: 1 January 2028	(c) Split systems of a rated capacity of more than 12 kW and up to 200 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards. Date of prohibition: 1 January 2027	
(c) Split systems of a rated capacity of more than 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards. Date of prohibition: 1 January 2027	(d) Split systems of a rated capacity of more than 12 kW containing, or whose functioning relies upon,	(ca) Split systems of a rated capacity of more than 200 kW containing, or whose functioning	(c) Other stationary split systems of a rated capacity of more than 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when needed to meet safety standards requirements. Date of prohibition: 1 January 2027	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT PUMP INDUSTRY IN EUROPE	fluorinated gases listed in Annex I with GWP of 150 or more, except when required to meet safety requirements. Date of prohibition: 1 January 2033	relies upon, fluorinated greenhouse gases. Date of prohibition: 1 January 2028	
---	---	---	--

Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)

<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament position</i>	<i>Comments</i>	<i>EPEE and industry alliance proposal</i>
		(23a) Mobile air conditioning in passenger and cargo ships, buses, trams, and trains that contain, or whose functioning relies upon, fluorinated greenhouse gases. Date of prohibition: 1 January 2029		

Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)

<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament position</i>	<i>Comments</i>	<i>EPEE and industry alliance proposal</i>
		(23b) Mini, displacement and centrifugal chillers that contain, or whose functioning relies upon, fluorinated greenhouse gases. Date of prohibition: 1 January 2027		

II. Articles of the Regulation

a) Subject-matter (Article 1)

Amendments to Article 1 – Subject matter			
Commission proposal	European Council Position	European Parliament position	Comments
This Regulation: (a) lays down rules on containment, use, recovery and destruction of fluorinated greenhouse gases and on related ancillary measures, and facilitates the safe use of alternative substances;	This Regulation: (a) lays down rules on containment, use, recovery and destruction of fluorinated greenhouse gases, ~~and~~ on related ancillary measures, and ~~facilitates~~ on the safe and efficient use of alternative substances, and on training and certification for tasks involving natural refrigerants;	[No change]	
(b) imposes conditions on the import, export, placing on the market, further supply and use of fluorinated greenhouse gases and specific products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases;	(b) imposes conditions on the production, import, export, placing on the market, further supply and use of fluorinated greenhouse gases and specific products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases;	[No change]	

b) Scope (Article 2)

Amendments to Article 2 - Scope			
Commission proposal	European Council Position	European Parliament position	Comments
1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and II, whether alone or in a mixture.	1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and III, either as substances or as mixtures containing such substances whether alone or in a mixture.	1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and ~~II~~ III, whether alone or in a mixture.	
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, ~~and parts thereof,~~ containing fluorinated greenhouse gases or whose functioning relies upon those gases.	2. This Regulation also applies to products and equipment, ~~and parts thereof,~~ containing fluorinated greenhouse gases or whose functioning relies partly or entirely on ~~upon~~ those gases.	

c) Definitions (Article 3)

Amendments to Article 3 - Definitions		
Commission proposal	European Council Position	European Parliament Position
(5) 'operator' means the undertaking exercising actual power over the technical functioning of products and equipment covered by this Regulation or the owner where designated by a Member State as being responsible for the operator's obligations in specific cases;	(5) 'operator' means the undertaking exercising actual power over the technical functioning of products, and equipment or facilities installations covered by this Regulation or the owner where designated by a Member State as being responsible for the operator's obligations in specific cases;	(5) 'operator' means the undertaking exercising actual power over the technical functioning of products and equipment covered by this Regulation or the ~~owner~~ entity where designated by a Member State as being responsible for the operator's obligations in specific cases;
(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 customs release for free circulation in the Union or 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 or~~ 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 ~~use~~ utilisation of products or equipment manufactured for own ~~use~~ utilisation ;
(9) 'hermetically sealed equipment' means equipment in which all fluorinated greenhouse gas containing	(9) 'hermetically sealed equipment' means equipment in which all fluorinated greenhouse gas containing parts are made tight during its	

parts are made tight during its manufacturing process at the premises of the manufacturer by welding, brazing or a similar permanent connection, which may include capped valves or capped service ports that allow proper repair or disposal;	manufacturing process at the premises of the manufacturer by welding, brazing or a similar permanent connection, which may include capped valves or capped service ports that allow proper repair or disposal, and the joints in the sealed system 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;		
(10) 'container' means a product which is designed primarily for transporting or storing fluorinated greenhouse gases;	(10) 'container' means a ~~product receptacle~~ which is designed primarily for transporting or storing fluorinated greenhouse gases;		
(13) 'reclamation' means the reprocessing of a recovered fluorinated greenhouse gas in order to match the equivalent performance of a virgin substance, taking into account its intended use;	(13) 'reclamation' means the reprocessing of a recovered fluorinated greenhouse gas to the equivalent performance of a virgin substance, taking into account its intended use, in authorized reclamation facilities that have the appropriate equipment and procedures in place that enable the reclamation of such gases and can assess and attest to the level of the required quality; in order to match the equivalent performance of a virgin substance, taking into account its intended use;		

(15) 'decommissioning' means the removal from operation or usage of a product or equipment, containing fluorinated greenhouse gases, including the final shut-down of an installation;	(15) 'decommissioning' means the permanent removal from operation or usage of a product or equipment, containing fluorinated greenhouse gases, including the final shut-down of a facility installation;	
	(17) 'installation' means the process of joining two or more pieces of equipment or circuits containing designed to contain fluorinated greenhouse gases, with a view to assembling a system in the location where it will be operated, that entails joining together gas carrying conductors of a system to complete a circuit irrespective of the need to charge the system after assembly;	
(18) 'maintenance or servicing' means all activities, excluding recovery in accordance with Article 8 and leak checks in accordance with Article 4 and Article 10(1), point (b), of this Regulation, that entails opening the circuits containing or designed to contain fluorinated greenhouse gases, supplying the system with fluorinated greenhouse gases, removing one or more pieces of circuit or equipment,	(18) 'maintenance or servicing' means all activities, excluding recovery in accordance with Article 8 and leak checks in accordance with Article 4 and Article 10(1), point (b), of this Regulation, that entails opening the circuits or other subparts containing or designed to contain fluorinated greenhouse gases, supplying the system with fluorinated greenhouse gases, removing one or more pieces of circuit or equipment, reassembling two or more pieces of circuit or equipment, as well as repairing leaks	

reassembling two or more pieces of circuit or equipment, as well as repairing leaks;	and adding fluorinated greenhouse gas to keep the normal working pressure of the equipment;		
(19) ‘virgin substances’ means substance which have not previously been used;	(19) ‘virgin substances’ means a substance which have not previously been used;		
	(23a) [New] ‘refrigerated light-duty vehicle’ means a motor vehicle with a mass of 3,5 tonnes or less that is designed and constructed primarily to carry goods and that is equipped with a refrigeration unit;		
(24) ‘refrigerated trailer’ means a vehicle that is designed and constructed to be towed by a truck or a tractor, primarily to carry goods and that is equipped with a refrigeration unit;	(24) ‘refrigerated trailer’ means a vehicle that is designed and constructed to be towed by road vehicle truck or a tractor, primarily to carry goods and that is equipped with a refrigerationunit;		

(27) 'feedstock' means any fluorinated greenhouse gas listed in Annexes I and II, that undergoes chemical transformation in a process in which it is entirely converted from its original composition and emissions are insignificant;	THE MOISTURE OF THE REFRIGERANT, AIR-CONDITIONING AND HEAT-PUMP	(27) 'feedstock' means any fluorinated greenhouse gas listed in Annexes I and II, that undergoes chemical transformation in a process in which it is entirely converted from its original composition and ~~emissions are insignificant;~~	
	(35) 'use' means, in relation to fluorinated greenhouse gases, their utilisation of ~~fluorinated greenhouse gases~~ in the production, maintenance or servicing, including refilling, of products and equipment, or in other activities and processes referred to in this Regulation;		
	(37) 'self-contained' means complete factory-made system in a suitable frame or encasing that is fabricated and transported complete or in two or more sections and in which no gas-containing parts are connected on site, but which may contain isolation valves;		
	(38) 'split system' means a system consisting of a number of refrigerant piped units that form a separate but interconnected unit, requiring the installation and connection of		

THE VOICE OF THE REFRIGERATION	refrigerant circuit components at the point of use;	INDUSTRY IN EUROPE	
	(39) 'air-conditioning' means the process of treating air to meet the requirements of a conditioned space by controlling its temperature, humidity, cleanliness or distribution;		It means an air purifier is an air conditioner as it is the case for Heat pumps and refrigeration equipment. Use the proposed definition from Asercom: refrigeration is everything except AC or heating. AC & HP to make reference to comfort applications.
	(40) 'heat pump' means an equipment capable of using ambient heat and/or waste heat from air, water or ground sources to provide heat or cooling and is based on the interconnection of one or more components forming a closed cooling circuit in which a refrigerant circulates to extract and release heat;		AC & HP to make reference to comfort applications.
	(41) 'safety requirements' means requirements on the safety of using fluorinated greenhouse gases and natural refrigerants or products and equipment containing or relying on them, prohibiting the use of a certain fluorinated greenhouse gas, natural refrigerants, product or equipment at a specific place of intended utilisation due to site and application		

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	specificities that are either: (i) set out in Union or national law; or (ii) set out in a non-legally binding act, in case (a) they are considered legally binding by applicable law, or (b) a risk assessment proves that a safe use cannot be ensured under the intended conditions and at the location of intended utilisation.		
	(42) ‘refrigeration’ means the process of maintaining or lowering the temperature of a product, substance, system or other items below ambient temperature;		
	(43) ‘foam panel’ means a structure made of layers containing a foam and a rigid material, such wood or metal, bound to one or both sides;		
	(44) ‘laminated board’ means a foam board that is covered by a thin skin layer of a non- rigid material, such as plastic.		

d) Prevention of emissions (Article 4)

Amendments to Article 4 - Prevention of emissions		
Commission proposal	European Council Position	European Parliament position
1. The intentional release into the atmosphere of fluorinated greenhouse gases listed in Annexes I and II shall be prohibited where the release is not technically necessary for the intended use.	1. The intentional release into the atmosphere of fluorinated greenhouse gases ~~listed in Annexes I, and II~~ shall be prohibited where the release is not technically necessary for the intended use. Where the release is technically necessary in accordance with the first subparagraph, operators of equipment that contains fluorinated greenhouse gases or facilities where fluorinated greenhouse gases are used shall take all measures that are technically and economically feasible to prevent, to the extent possible, their release into the atmosphere, including by recapturing the gases emitted.	[No change]
2. Operators and manufacturers of equipment and installations that contain fluorinated greenhouse gases listed in Annexes I or II, as well as undertakings in possession of such equipment during its transport or storage, shall take all necessary precautions to prevent the	2. Operators and manufacturers of equipment ~~and installations~~ that contains fluorinated greenhouse gases or facilities where fluorinated greenhouse gases are used ~~listed in Annexes I or II~~, as well as undertakings in possession of such equipment during its transport or	[No change]

unintentional release of any such gases. They shall take all measures that are technically and economically feasible to minimise leakage of the gases.	storage, shall take all necessary precautions to prevent the unintentional release of any such gases. They shall take all measures that are technically and economically feasible to minimise leakage of the gases.	INDUSTRY IN EUROPE
3. During the production, storage, transport, and transfer from one container or system to another or to an equipment or installation, of fluorinated greenhouse gases listed in Annexes I and II, the undertaking shall take all necessary precautions to limit release of fluorinated greenhouse gases listed in Annexes I and II to the greatest extent possible. This paragraph also applies where fluorinated greenhouse gases listed in Annexes I and II are produced as by-products.	3. During the production, storage, transport, and transfer from one container or system to another or to an equipment or installation, a facility, of fluorinated greenhouse gases listed in Annexes I and II, the undertaking shall take all necessary precautions to limit release of fluorinated greenhouse gases listed in Annexes I and II to the greatest extent possible. This paragraph also applies where fluorinated greenhouse gases listed in Annexes I and II are produced as by-products.	[No change]
4. Where a leakage of fluorinated greenhouse gases listed in Annex I or II is detected, the operators, manufacturers of equipment and installations and the undertakings in possession of the equipment during its transport, or storage, shall ensure that the equipment or installation is repaired without undue delay.	4. Where a leakage of fluorinated greenhouse gases listed in Annex I or II is detected, the operators, manufacturers of equipment and facilities where fluorinated greenhouse gases are used in installations and the undertakings in possession of the equipment during its transport, or storage, shall ensure that the equipment or installation or facility where fluorinated	[No change]

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEATING PUMP INDUSTRY IN EUROPE Where the equipment is subject to leak checks under Article 5(1), and a leak in the equipment has been repaired, the operators shall ensure that the equipment is checked by a natural person certified in accordance with Article 10 within one month after the repair to verify that the repair has been effective.	greenhouse gases are used is repaired without undue delay. Where the equipment is subject to leak checks under Article 5(1), and a leak in the equipment has been repaired, the operators shall ensure that the equipment is checked by a natural person certified in accordance with Article 10 at the earliest after an operating time of 24 hours but not later than within one month after the repair to verify that the repair has been effective. For mobile equipment listed in Article 5(2a) points (a) to (c), leakage check may be carried out directly after a repair.	
5. Without prejudice to Article 11(1), first subparagraph, the placing on the market of fluorinated greenhouse gases shall be prohibited, unless producers or importers provide evidence to the competent authority at the time of such placing, that any trifluoromethane, produced as a by-product during the manufacturing process, including during the manufacturing of feedstock for their production, has been destroyed or recovered for subsequent use, using best available techniques.	[No change]	5. Without prejudice to Article 11(1), first subparagraph, the placing on the market of fluorinated greenhouse gases shall be prohibited, unless producers or importers provide evidence to the competent authority at the time of such placing, that any trifluoromethane, produced as a by-product during the manufacturing process, including during the manufacturing of feedstock for their production, has been destroyed or recovered for subsequent use, using best available techniques.

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	For the purpose of providing that evidence, importers and producers shall draw up a declaration of conformity and join supporting documentation on the production facility and the mitigation measures adopted to prevent emissions of trifluoromethane. Producers and importers shall keep the declaration of conformity and supporting documentation for a period of at least five years after the placing on the market and make them available, upon request, to national competent authorities and to the Commission. For the purpose of providing that evidence, importers and producers shall draw up a declaration of conformity and join supporting documentation with: (a) information on the production facility; (b) the proof of availability and operation of the best available technology at the production facility; (c) ~~and the~~ the proof of mitigation measures adopted to prevent emissions of trifluoromethane, in line with best available techniques; (d) the proof of destruction or recovery of any quantity of emitted trifluoromethane, in line with best available techniques and in accordance with the requirements laid down in Article 8(7). Producers and importers shall keep the declaration of conformity and supporting documentation for a period of at least five years after the
--	---

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE The Commission may, by means of implementing acts, determine the detailed arrangements relating to the declaration of conformity and supporting documentation referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with Article 34(2).	placing on the market and make them available, upon request, to national competent authorities and to the Commission. The Commission ~~may~~ shall, by means of implementing acts, determine the detailed arrangements relating to and the detailed elements of the declaration of conformity and supporting documentation referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with Article 34(2).	
6. Natural persons carrying out the tasks referred to in Article 10(1), points (a) to (c), shall be certified in accordance with Article 10 and shall take precautionary measures to prevent leakage of fluorinated greenhouse gases listed in Annexes I and II. Undertakings carrying out the installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (f), shall be certified in accordance with Article 10 and shall take precautionary measures to prevent leakage of fluorinated	6. Natural persons carrying out the tasks referred to in Article 10(1), points (a) to (c), shall be certified in accordance with Article 10 and shall take precautionary measures to prevent leakage of fluorinated greenhouse gases listed in Annexes I, ~~and~~ Annex II and in Annex III when used in electrical switchgear. Undertakings carrying out the installation, ~~maintenance~~ maintenance or servicing, ~~maintenance~~, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (e f) and Article 5(2a), points (a) and (b), shall be certified in accordance with	[No change]

greenhouse gases listed in Annexes I and II. Article 10 and shall take precautionary measures to prevent leakage of fluorinated greenhouse gases listed in Annexes I and Annex II, Section 1. Natural persons carrying out the maintenance or servicing and repair of air- conditioning equipment with fluorinated greenhouse gases in motor vehicles falling within the scope of Directive 2006/40/EC and mobile equipment listed in Article 5(2a), point (c) shall hold at least a training attestation in accordance with Article 10(2).	6a. Without prejudice to paragraphs to (6), operators shall ensure that sulfuryl fluoride is captured and recovered after fumigation. Operators shall ensure that the recovery is carried out by appropriately qualified natural persons, so that the gases are recycled, reclaimed or destroyed. For the purpose of providing evidence of destruction, operators shall draw up a declaration of conformity and join supporting documentation with information on the facility, the proof of availability and operation of the
--	---

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		best available recovery technology at that facility, and proof of the measures adopted to recover emissions of sulfuryl fluoride. The effectiveness of the system shall be independently scientifically verified. Where recovery is not technically or economically feasible, operators shall use alternative treatment options, unless such alternative treatment options are not available. In such a case, the operator shall draw up documentation providing evidence of the impossibility of the recovery of sulfuryl fluoride and the absence of alternative treatment options. The operator shall retain the declaration of conformity and the documentation for five years and shall make them available, on request, to the competent authorities of a Member State and to the Commission.
--	--	--

e) Leak checks (article 5)

Amendments to Article 5 – Leak checks		
Commission proposal	European Council Position	European Parliament position
1. Operators of equipment that contains 5 tonnes of CO ₂ 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.	1. Operators of equipment that contains 5 tonnes of CO ₂ 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 1, not contained in foams, shall ensure that the equipment is checked for leaks.	1. Manufacturers and operators of equipment that contains 5 tonnes of CO ₂ 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, including during their manufacturing.
Hermetically sealed equipment that contains less than 10 tonnes of CO ₂ 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	Hermetically sealed equipment that contains less than 10 tonnes of CO ₂ equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I 1, 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~~	Hermetically sealed residential equipment that contains less than 10 tonnes of CO ₂ 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

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.	quarter of the maximum allowable pressure. [...]	quarter of the maximum allowable pressure.
2. Paragraph 1 applies to operators of the following equipment that contains fluorinated greenhouse gases listed in Annex I or in Annex II, Section I: (a)stationary refrigeration equipment; (b)stationary air-conditioning equipment; (c)stationary heat pumps; (d)stationary fire protection equipment; (e)refrigeration units of refrigerated trucks and trailers; (f)organic Rankine cycles. (g)electrical switchgear.	2. Paragraph 1 applies to operators of the following stationary equipment that contains fluorinated greenhouse gases listed in Annex I or in Annex II, Section I1: (a) ~~stationary~~ refrigeration equipment; (b) ~~stationary~~ air-conditioning equipment; (c) ~~stationary~~ heat pumps; (d) ~~stationary~~ fire protection equipment; (e) ~~refrigeration units of refrigerated trucks and trailers~~ ; (e f) organic Rankine cycles. (f g) electrical switchgear.	2. Paragraph 1 applies to operators of the following equipment that contains fluorinated greenhouse gases listed in Annex I or in Annex II, Section I: (a)stationary refrigeration equipment; (b)stationary air-conditioning equipment; (c)stationary heat pumps; (d)stationary fire protection equipment; (e)refrigeration units of refrigerated trucks and trailers, vans and ships ; (ea) air-conditioning equipment in metros, trains, ships, planes and in road transport vehicles with the exception of those within the scope of Directive 2006/40/EC of the European Parliament and of the Council* ; *Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12). (f)organic Rankine cycles. (g)electrical switchgear.
As regards the equipment referred to in the first subparagraph, points (a) to (f), the checks shall be carried out by natural persons certified in accordance with the rules provided for in Article 10.	2a. Paragraph 1 applies to operators of the following mobile equipment that contains fluorinated greenhouse gases listed in Annex I or in Annex II, Section 1: (a) refrigeration units of refrigerated trucks and trailers; (b) refrigeration units of refrigerated light-duty vehicles, vans, intermodal containers including reefers and train wagons; (c) air-conditioning equipment and heat pumps in trucks, vans, busses, non road mobile machinery used in agriculture, farming, mining and construction operations, tractors, trains, metros, trams and aircraft. As regards the equipment referred to in the first subparagraph 2, points (a) to (e) f) and paragraph 2a, points (a) and (b), the checks shall be carried out by natural persons certified in accordance with the rules provided for in Article 10.

the rules provided for in Article 10.	As regards the mobile equipment referred to in the first subparagraph, point (c), the checks shall be carried out by natural persons holding at least a training attestation in accordance with the rules provided for in Article 10(2). 2b. Paragraphs 1, 3 and 4 shall not apply to operators of mobile equipment under points (b) and (c) of paragraph 2a until [OP, please insert the date = three years following the entry into force of this Regulation].	
3. The leak checks referred to in paragraph 1 shall be carried out with the following frequency: (a) for equipment that contains less than 50 tonnes of CO₂ equivalent of fluorinated greenhouse gases listed in Annex I or less than 10 kilograms of fluorinated greenhouse gases listed in Annex II, Section I: at least every 12 months; or where a leakage detection system is installed, at least every 24 months;	3. The leak checks referred to in paragraph 1 shall be carried out with the following frequency: (a) for equipment that contains less than 50 tonnes of CO₂ equivalent of fluorinated greenhouse gases listed in Annex I or less than 10 kilograms of fluorinated greenhouse gases listed in Annex II, Section I1: at least every 12 months; or where a leakage detection system is installed, at least every 24 months;	[No change]

installed, at least every 24 months; (b) for equipment that contains 50 tonnes of CO2 equivalent or more, but less than 500 tonnes of CO2 equivalent of fluorinated greenhouse gases listed in Annex I or ~~between~~ 10 kilograms or more, but less than 100 kilograms of fluorinated greenhouse gases listed in Annex II, Section I1: at least every six months or, where a leakage detection system is installed, at least every 12 months; (c) for equipment that contains 500 tonnes of CO2 equivalent or more of fluorinated greenhouse gases listed in Annex I or ~~more than~~ 100 kilograms or more of fluorinated greenhouse gases listed in Annex II, Section I1: at least every three months or, where a leakage detection system is installed, at least every six months.	ION, AIR-CONDITIONING AND HEAT-PUMP (b) for equipment that contains 50 tonnes of CO2 equivalent or more, but less than 500 tonnes of CO2 equivalent of fluorinated greenhouse gases listed in Annex I or ~~between~~ 10 kilograms or more, but less than 100 kilograms of fluorinated greenhouse gases listed in Annex II, Section I1: at least every six months or, where a leakage detection system is installed, at least every 12 months; (c) for equipment that contains 500 tonnes of CO2 equivalent or more of fluorinated greenhouse gases listed in Annex I or ~~more than~~ 100 kilograms or more of fluorinated greenhouse gases listed in Annex II, Section I1: at least every three months or, where a leakage detection system is installed, at least every six months.	INDUSTRY IN EUROPE	
	4a. The obligations set out in paragraph 1 for mobile air-		

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEATING PUMPS	conditioning equipment or heat pumps, as referred to in paragraph 2a point (c), shall be considered to be fulfilled provided the mobile air-conditioning equipment or the heat pumps are subject to a regular inspection regime that includes leak checks.	INDUSTRY IN EUROPE	
--	--	--------------------	--

f) Leakage detection systems (article 6)

Amendments to Article 6 – Leakage detection systems			
Commission proposal	European Council Position	European Parliament position	Comments
1. Operators of the equipment listed in Article 5(2), points (a) to (d), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO ₂ equivalent or more, shall ensure that the equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage.	1. Operators of the equipment listed in Article 5(2), points (a) to (d), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO ₂ equivalent or more or 100 kilograms or more of gases listed in Annex II, Section 1 , shall ensure that the equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage.	[No change]	
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 ₂ 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 (fe) and (gf), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO ₂ 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 ₂ 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. For the purposes of Article 5(2), point (g), the leakage detection system shall have a higher sensitivity than a	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		pressure- or density-monitoring device.
3. Operators of the equipment listed in Article 5(2), points (a) to (d) and (f), that is subject to paragraphs 1 or 2 shall ensure that leakage detection systems are checked at least once every twelve months to ensure their proper functioning.	3. Operators of the equipment listed in Article 5(2), points (a) to ~~(de)~~ and ~~(ff)~~, that is subject to paragraphs 1 or 2 shall ensure that leakage detection systems are checked at least once every twelve months to ensure their proper functioning.	[No change]
4. Operators of the equipment listed in Article 5(2), point (gf), that are subject to paragraph 2 shall ensure that leakage detection systems are checked at least once every six years to ensure their proper functioning.	4. Operators of the equipment listed in Article 5(2), point ~~(gf)~~, that are subject to paragraph 2 shall ensure that leakage detection systems are checked at least once every six years to ensure their proper functioning.	[No change]
	5. Operators of the mobile refrigeration equipment or mobile air-conditioning equipment and heat pumps listed in Article 5(2a) containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO2 equivalent or more and installed from [OP, please insert the date = three years following the entry into force of this Regulation], shall ensure that the equipment is provided with a leakage detection system which alerts the operator or the service personnel of any leakage, as far as the system is housed or operated in a machinery room. The leakage detection systems shall be	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		
---	--	--

checked as regularly as the installed equipment.

g) Record keeping (article 7)

Amendments to Article 7 – Record keeping			
Commission proposal	European Council Position	European Parliament position	Comments
1. Operators of equipment which is required to be checked for leaks pursuant to Article 5(1), shall establish and maintain records for each piece of such equipment specifying the following information: (a) the quantity and type of gases installed; (b) the quantities of gases added during installation, maintenance or servicing or due to leakage; (c) whether the quantities of gases have been recycled or reclaimed, including the name and address in the Union of the recycling or reclamation facility and, where applicable, the certificate number;	1. Operators of equipment which is required to be checked for leaks pursuant to Article 5(1), shall establish and maintain records for each piece of such equipment specifying the following information: (a) the quantity and type of gases installed, indicating separately, if applicable, quantity added during installation; (b) the quantities of gases added during ~~installation~~, maintenance or servicing or due to leakage; (c) whether the quantities of gases have been recycled or reclaimed, including the name and address in the Union of the recycling or reclamation facility and, where applicable, the certificate number;	[No change] [...] (b) the quantities of gases added during ~~installation~~, maintenance or servicing or due to leakage, including the exact timing of such addition; (c) whether ~~the quantities recovered~~ gases have been recycled or reclaimed, and in which quantity, including the name and address in the Union of the recycling or reclamation	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE (d) the quantity of gases recovered; (e) the identity of the undertaking which installed, serviced, maintained and where applicable repaired or decommissioned the equipment, including, where applicable, the number of its certificate; (f) the dates and results of the checks carried out under Article 5(1), (2) and (3), as well as the dates and results of any leak repairs; (g) if the equipment was decommissioned, the measures taken to recover and dispose of the gases. 2. Unless the records referred to in paragraph 1 are stored in a database set up by the competent authorities of the Member States the following rules apply:	(d) the quantity of gases recovered; (e) the identity of the person the undertaking which installed, serviced, maintained and where applicable repaired or decommissioned the equipment, including, where applicable, the number of its certificate, and, in case a legal person is responsible for carrying out these operations, both its identifying details and those of the natural person performing the operations; (f) the dates and results of the checks carried out under Article 5(1), (2) and (3), as well as the dates and results of any leak repairs; (g) if the equipment was decommissioned, the measures taken to recover and dispose of the gases. [No change]	facility and, where applicable, the certificate number; [No change] [...]
		[No change]

THE VOICE OF THE REFRIGERATION AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE			
(a) the operators referred to in paragraph 1 shall keep the records referred to in that paragraph for at least five years; (b) undertakings carrying out the activities referred to in paragraph 1, point (e), for operators shall keep copies of the records referred to in paragraph 1 for at least five years. The records referred to in paragraph 1 shall be made available, on request, to the competent authority of the Member State concerned and to the Commission. 3. For the purpose of Article 11(5), undertakings supplying fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, shall establish records of relevant information on the purchasers of these fluorinated greenhouse gases including the following details: (a) the numbers of certificates of the purchasers; (b) the respective quantities of those gases purchased.	[No change]	[No change]	

The undertakings supplying those gases shall maintain those records for at least five years. The undertakings supplying these gases shall make such records available, on request, to the competent authority of the Member State concerned and to the Commission.	REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		
	3a. For the purpose of Article 11(6) the undertakings which sell non-hermetically sealed equipment charged with fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1 shall keep records of equipment sold and of the certified undertakings that will carry out the installation. The record shall be retained by the undertaking selling the equipment referred to in Article 11(6) for a period of at least five years and shall be made available, on request, to the competent authorities of Member States.		
	3b. Undertakings that produce, including as by-product, place on the market, supply or receive substances listed in Annex I, Section 1, intended for exempted uses referred to in Art. 16(2), shall keep records containing at least		

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	the following information, as applicable: (a) name of the substance or mixture; (b) quantity produced, imported, exported, reclaimed or destroyed during the given calendar year; (c) quantity supplied and received during the given calendar year, per individual supplier or receiver; (d) names and contact details of the suppliers or receivers; (e) quantity used (specifying the actual use) during the given calendar year; (f) quantity stored on 1 January and 31 December of the given calendar year. The undertakings shall keep these records for at least 5 years after production, placing on the market, supply or receipt and shall make them available to the Commission or competent authorities of the Member States upon request. The Commission and the competent authorities of the Member States concerned shall ensure	
--	--	--

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	confidentiality of information contained in the records.	
4. The Commission may, by means of an implementing act, determine the format of the records referred to in paragraphs 1 and 3 and specify how they should be established and maintained. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 34(2).	4. The Commission may, by means of an implementing act, determine the format of the records referred to in paragraphs 1, and 3, 3a and 3b and specify how they should be established and maintained. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 34(2).	[No change]

h) Recovery and destruction (article 8)

Amendments to Article 8 – Recovery and destruction		
Commission proposal	European Council Position	European Parliament position
1. Operators of stationary equipment or of refrigeration units of refrigerated trucks and trailers that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so and that those gases are recycled, reclaimed or destroyed. This obligation applies to operators of any of the following equipment: (a) the cooling circuits of stationary refrigeration, stationary air-conditioning and stationary heat pump equipment; (b) the cooling circuits of refrigeration units of refrigerated trucks and trailers;	1. Operators of ~~stationary equipment or of refrigeration units of refrigerated trucks and trailers that contain fluorinated greenhouse gases listed in Annex I, and Annex II, Section 1,~~ not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so ~~and~~ that those gases are recycled, reclaimed or destroyed. This obligation applies to operators of any of the following stationary equipment: (a) the cooling circuits of ~~stationary~~ refrigeration, ~~stationary~~ air-conditioning equipment and ~~stationary~~ heat pumps equipment; (b) ~~the cooling circuits of refrigeration units of refrigerated trucks and trailers;~~	1. Operators of stationary equipment or of refrigeration units of refrigerated vans, trucks, and trailers and ships that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so and that those gases are recycled, reclaimed or destroyed. This obligation applies to operators of any of the following equipment: (a) the cooling circuits of stationary refrigeration, stationary air-conditioning and stationary heat pump equipment; (b) the cooling circuits of refrigeration units of refrigerated trucks and trailers and ships;

(c)stationary equipment that contains fluorinated greenhouse gas-based solvents; (d)stationary fire protection equipment; (e)stationary electrical switchgear.	(eb) stationary equipment that contains fluorinated greenhouse gas-based solvents; (ec) stationary fire protection equipment; (ed) stationary electrical switchgear. This obligation also applies to operators of any of the following mobile equipment: (a) the cooling circuits of refrigeration units of refrigerated trucks and trailers; (b) the cooling circuits of refrigeration units of refrigerated light-duty vehicles,vans, intermodal containers including reefers and train wagons; (c) the cooling circuits of air-conditioning and heat pumps in trucks, vans, busses,non road mobile machinery used in agriculture, farming, mining and construction operations, trains, metros, trams and aircraft. For the recovery of fluorinated greenhouse gases from air-conditioning equipment in motor vehicles falling within the scope of	(c)stationary equipment that contains fluorinated greenhouse gas-based solvents; (d) stationary fire protection equipment; (e)stationary electrical switchgear.	
---	--	--	--

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEATING INDUSTRIES IN EUROPE	Directive 2006/40/EC and mobile equipment listed in Article 8(1), third subparagraph, point (b) and (c), only natural persons holding at least a training attestation in accordance with Article 10(2) shall be considered appropriately qualified.		
	1a. The obligation under paragraph 1 shall not apply to operators of the mobile equipment under Article 8(1), third subparagraph, points (b) and (c) until [OP, please insert the date = three years following the entry into force of this Regulation].		
2. Any recovered fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, shall not be used for filling or refilling equipment unless the gas has been recycled or reclaimed.	2. Any recovered fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, shall not be used for filling or refilling equipment unless the gas has been recycled or reclaimed or when the fluorinated greenhouse gases are recovered during the repair of the equipment.	[No change]	
4. As from 1 January 2024, building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of metal-faced panels that contain foams with fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, the	4. As from 1 January 2024, building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of ~~metal-faced foam~~ panels that contain foams with fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, the	[No change]	

emissions are avoided to the extent possible by recovery for reuse or destruction of the foams and the gases contained therein. The recovery shall be carried out by appropriately qualified natural persons.	emissions are avoided to the extent possible by handling recovery of the foams or the gases contained therein in a way that ensures for their reuse or destruction of the gases contained therein. The recovery of the gases contained in the foams shall be carried out by appropriately qualified natural persons.		
5. As from 1 January 2024, building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of foams in laminated boards installed in cavities or built-up structures that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, the emissions are avoided to the extent possible by recovery for reuse or destruction of the foams and the gases contained therein. The recovery shall be carried out by appropriately qualified natural persons.	5. As from 1 January 2024, building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of foams in laminated boards installed in cavities or built-up structures that contain fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, the emissions are avoided to the extent possible by handling recovery of the foams in the boards or the gases contained therein in a way that ensures their destruction of the gases contained therein. The recovery of the gases contained in the foams shall be carried out by appropriately qualified natural persons. ~~for reuse or destruction of the foams and the gases contained therein.~~ The recovery shall be	[No change]	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		Where recovery of the foams referred to in the first subparagraph is not technically feasible, the building owner or contractor shall draw up documentation providing evidence for the infeasibility of the recovery in the specific case. Such documentation shall be retained for five years and shall be made available, on request, to the competent authorities of a Member State and to the Commission.
carried out by appropriately qualified natural persons. [...][No change]	[No change]	6. Operators of products and equipment not listed in paragraphs 1, 46 and 57 that contain fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, shall arrange for the recovery of the gases, unless it can be established that it is not technically feasible or entails disproportionate costs. The operators shall ensure that the recovery is carried out by appropriately qualified natural persons, so that the gases are recycled, reclaimed or destroyed or shall arrange for their destruction without prior recovery.

The recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, from air-conditioning equipment in road vehicles outside the scope of Directive 2006/40/EC of the European Parliament and of the Council 41 shall be carried out by appropriately qualified natural persons. For the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC only natural persons holding at least a training attestation in accordance with Article 10(2) shall be considered appropriately qualified.	The recovery of fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, from air-conditioning equipment in road vehicles outside the scope of Directive 2006/40/EC of the European Parliament and of the Council²⁰ shall be carried out by ~~appropriately qualified natural persons holding a training attestation in accordance with Article 10(1).~~ For the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC only natural persons holding at least a training attestation in accordance with Article 10(2) shall be considered appropriately qualified.	[No change]	
7. Fluorinated greenhouse gases listed in Annex I, Section 1, and products containing such gases shall only be destroyed by technologies approved by the Parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol') or by technologies not yet approved, but are environmentally equivalent and comply with Union	7. Fluorinated greenhouse gases listed in Annex I, Section 1, and products containing such gases shall only be destroyed by technologies approved by the Parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol') ~~or by technologies not yet approved, but are environmentally equivalent and comply with Union~~	[No change]	

and national legislation on waste and with additional requirements under such legislation.	Other fluorinated greenhouse gases for which destruction technologies have not been approved, shall only be destroyed by the most environmentally acceptable destruction technology not entailing excessive costs, and that comply with Union and national legislation on waste and that additional requirements under such legislation are met.	[No change]	8. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing a list of products and equipment for which the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, or destruction of products and equipment containing such gases without prior recovery of these gases shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied	
and national legislation on waste and with additional requirements under such legislation.	Other fluorinated greenhouse gases for which destruction technologies have not been approved, shall only be destroyed by the most environmentally acceptable destruction technology not entailing excessive costs, and that comply with Union and national legislation on waste and that additional requirements under such legislation are met.		8. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing a list of products and equipment for which the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, or destruction of products and equipment containing such gases without prior recovery of these gases shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied	

9. Member States shall promote the recovery, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1.	9. Member States shall promote the recovery, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1.	9. Member States shall promote the recovery, recycling, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and Annex I, ~~Section 1.~~	
---	--	--	--

i) Producer responsibility schemes (article 9)

Amendments to Article 9 - Producer responsibility schemes			
Commission proposal	European Council Position	European Parliament position	Comments
Without prejudice to existing Union legislation, Member States shall encourage the development of producer responsibility schemes for the recovery of fluorinated greenhouse gases listed in Annexes I and II and their recycling, reclamation or destruction.	Without prejudice to existing Union legislation, Member States shall encourage the development of producer responsibility schemes for the recovery of fluorinated greenhouse gases listed in ~~Annexes I and II~~ Annex I and in Annex II, Section 1 and for their recycling, reclamation or destruction.	[TITLE] Extended producer responsibility schemes Without prejudice to existing Union legislation, Member States shall require that by 31 December 2027 extended producer responsibility schemes are established for the recovery, recycling, reclamation or destruction of fluorinated greenhouse gases listed in Annexes I and II, taking into account already applicable producer responsibility schemes.	
		1a. The Commission shall, by 31 December 2025, adopt delegated acts in accordance with Article 32 to supplement this Regulation by setting out minimum requirements for the producer responsibility schemes referred to in paragraph 1, including on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness raising.	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	1b. Member States shall ensure that producers and importers of the fluorinated greenhouse gases listed in Annexes I and II cover the costs pursuant to the extended producer responsibility provisions in Directive 2008/98/EC of the European Parliament and of the Council* and, insofar as not already included, cover at least the following costs: <i>*Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).</i> <i>(a) the costs of collection, including the provision of accessible collection points, storage and transport;</i> <i>(b) the costs of recycling units for natural persons certified in accordance with Article 10 for the purposes of on-site recycling.</i>	
Member States shall inform the Commission on the actions undertaken.	Member States shall inform the Commission on the actions undertaken.	~~Member States shall inform the Commission on the actions undertaken.~~

j) Certification and training (article 10)

Amendments to Article 10 - Certification and training			
Commission proposal	European Council Position	European Parliament position	Comments
1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 and other relevant alternatives to fluorinated greenhouse gases: (a) installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (g); (b) leak checks of the equipment referred to in Article 5(1); (c) recovery as provided for in Article 8(1).	1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I, and in Annex II, Section 1, in Annex III when used in electrical switchgear and other relevant alternatives to fluorinated greenhouse gases including natural refrigerants: (a) installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (gf) and in Article 5(2a), points (a) and (b); (b) leak checks of the equipment referred to Article 5(2), points (a) to (fe) and in Article 5(2a), points (a) and (b), as provided for in Article 5(1); (c) recovery as provided for in Article 8(1).	1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I and Annex II, ~~Section 1~~ and other relevant alternatives to fluorinated greenhouse gases: (a) installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (g); (b) leak checks of the equipment referred to Article 5(2), points (a) to (f), as provided for in Article 5(1); (c) recovery as provided for in Article 8(1).	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		
2. Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and Annex II, Section I from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council⁴² are available, pursuant to paragraph 5.	2. Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and in Annex II, Section I from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council²¹ are available, pursuant to paragraph 5. This shall also apply to natural persons recovering fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1 from equipment listed in Article 8(1), third subparagraph, points (b) and (c) as well as natural persons carrying out maintenance or servicing, repair and checks of equipment listed in Article 5(2a), point (c).	Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and Annex II, Section I, and other relevant alternatives to fluorinated greenhouse gases, from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council⁴² are available, pursuant to paragraph 5.
3. The certification programmes and training provided for in paragraphs 1 and 2 shall cover the following, (a) applicable regulations and technical standards; (b) emission prevention;	3. The certification programmes and training on skills and knowledge provided for in paragraphs 1 and 2 shall cover the following; (a) applicable regulations and technical standards; (b) emission prevention	3. The certification programmes and training provided for in paragraphs 1 and 2 shall cover at least the following, (a) applicable regulations and technical standards; (b) emission prevention;

(c) recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1; (d) safe handling of equipment of the type and size covered by the certificate; and (e) energy efficiency aspects.	(c) recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1; (d) safe handling of equipment of the type and size covered by the certificate; and (da) safe handling of equipment with flammable or toxic gases or operating under high-pressure; (e) ~~energy efficiency aspects~~ the measures of improving or maintaining the energy efficiency of equipment during installation or maintenance.	(c) recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1; (d) safe handling of equipment of the type and size covered by the certificate; and (e) energy efficiency aspects. (ea) certification for natural alternatives, including their characteristics and benefits compared to the use of fluorinated greenhouse gases, and their safe handling during installation, servicing, maintenance, repair and decommissioning.	
	3a. The certification programmes and training under paragraph 3 concerning aircraft shall be reflected in the process of updating the certification specifications and other detailed specifications, acceptable means of compliance and guidance material by the European Aviation Safety Agency pursuant to Article 76(3) and Article 115 of Regulation (EU) 2018/1139 of the European Parliament and of the Council.		
4. Certificates under the certification programmes referred to in paragraph 1 shall be subject to the condition that the applicant has successfully completed an evaluation		[No change]	

process established in accordance with paragraphs 1, 3 and 5.	AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		
5. The Commission shall, by means of implementing acts, establish the minimum requirements for certification programmes and training attestations. Those minimum requirements shall specify, for each type of equipment referred to in paragraphs 1 and 2, the required practical skills and theoretical knowledge, where appropriate, differentiating between different activities to be covered, the modalities of the certification or attestation as well as the conditions for mutual recognition of certificates and training attestations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	5. By [OP, please insert the date = 2 years following the entry into force of this Regulation], the Commission shall, by means of implementing acts, establish the minimum requirements for certification programmes and training attestations for the equipment referred to in paragraphs 1 and 2. Those minimum requirements shall specify, for each type of equipment referred to in paragraphs 1 and 2, the required practical skills and theoretical knowledge, where appropriate, differentiating between different activities to be covered, the modalities of the certification or attestation as well as the conditions for mutual recognition of certificates and training attestations. The Commission shall, by means of implementing acts, adapt, where necessary, the minimum requirements mentioned above. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	[No change]	

6. Member States shall establish or adapt certification programmes on the basis of the minimum requirements referred to in paragraph 5 for undertakings carrying out installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (f), containing fluorinated greenhouse gases listed in Annex I and Annex II, Section I, and other relevant alternatives to fluorinated greenhouse gases for other parties.	6. By [OP, please insert the date = 1 year following the entry into force of the implementing act under paragraph 5], Member States shall establish or adapt certification programmes for the equipment referred to in paragraphs 1 and 2 on the basis of the minimum requirements referred to in paragraph 5 for undertakings carrying out installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (fe) and Article 5(2a), points (a) and (b), containing fluorinated greenhouse gases listed in Annex I and in Annex II, Section 11, and other relevant alternatives to fluorinated greenhouse gases including natural refrigerants for other parties.	
		6a. The Member States shall establish or adapt certification schemes and training programmes pursuant to paragraphs 1, 2, 3 and 6 within six months from the entry into force of this Regulation, where relevant.
7. Existing certificates and training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions under which they were originally issued.	7. Existing certificates and training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions under which they were originally issued. By [OP, please insert	~~7. Existing certificates and~~ training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions under which they were originally

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEATING PLUMBERS IN EUROPE	<i>the date = three years following the entry into force of this Regulation</i> Member States shall ensure that certified natural persons are required to participate to refreshment training courses or complete an evaluation process referred to in paragraph 3, at least every seven years. Member States shall ensure that natural persons who already hold a certificate or training attestation under Regulation (EU) No 517/2014 shall participate to such refreshment course or complete such evaluation process for the first time no later than [OP, please insert the date = five years following the entry into force of this Regulation].	issued. The validity of existing certificates may be subject to additional requirements to reflect the extension of the certification scheme to other relevant alternatives to fluorinated greenhouse gases.	
8. By 1 January [OP, please insert the date = one year following the entry into force of this Regulation] Member States shall notify the Commission of certification and training programmes.	8. By 1 January [OP, please insert the date = ~~one~~ three years following the entry into force of this Regulation] Member States shall notify the Commission of certification and training programmes.	8. By 1 January [OP, please insert the date = one year following the entry into force of this Regulation] Member States shall notify the Commission of certification and training programmes and the number of certified and trained persons for fluorinated greenhouse gases and the relevant alternatives in each sector. Where certification and training for the relevant alternatives fall below a minimum threshold, Member States shall accompany	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE Member States shall recognise certificates and training attestations issued in another Member State in accordance with this Article. They shall not restrict the freedom to provide services or the freedom of establishment because a certificate was issued in another Member State.	Member States shall recognise certificates and training attestations issued in another Member State in accordance with this Article. They shall not restrict the freedom to provide services or the freedom of establishment because a certificate was issued in another Member State.	<i>the notification with a plan, compiled in consultation with the relevant stakeholders, including social partners, setting out actions to increase certification and training on the relevant alternatives as from the following calendar year.</i> Member States shall recognise certificates and training attestations issued in another Member State in accordance with this Article. They shall not restrict the freedom to provide services or the freedom of establishment because a certificate was issued in another Member State.	
9. The Commission may, by means of implementing acts, determine the format of the notification referred to in paragraph 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	[No change]	9. The Commission shall, by means of implementing acts, determine the minimum threshold for actions to increase certification and training on relevant alternatives and the format of the notification referred to in paragraph 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
10. Any undertaking which assigns a task referred to in paragraph 1 to another undertaking shall take	[No change]	10. An undertaking may assign a task referred to in paragraph 1 to another undertaking only after	

reasonable steps to ascertain that the latter holds the necessary certificates for the required tasks referred to in paragraph 1.	AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	verification that the latter holds the necessary certificates for the required tasks referred to in paragraph 1.	
11. Where the obligations under this Article relating to the provision of certification and training would impose disproportionate burdens on a Member State because of the small size of its population and the consequent lack of demand for such training and certification, compliance may be achieved through the recognition of certificates issued in other Member States. Member States applying this paragraph shall inform the Commission who shall inform other Member States.	[No change]	[No change]	
12. This Article shall not prevent Member States from setting up further certification and training programmes in respect of equipment other than that referred to in paragraph 1.	12. This Article shall not prevent Member States from setting up further certification and training programmes in respect of equipment and activities other than that referred to in paragraph 1.	[No change]	

k) Restrictions on placing on the market and sale (article 11)

Amendments to Article 11 - Restrictions on placing on the market and sale			
Commission proposal	European Council Position	European Parliament position	Comments
1. The placing on the market of products and equipment, including parts thereof, listed in Annex IV, with an exemption for military 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.	1. The placing on the market of products and equipment, including parts thereof, listed in Annex IV, with an exemption for military 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. 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.	1. The placing on the market of products and equipment, including parts thereof, listed in Annex IV, with an exemption for military 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.	

THE VOICE OF THE REFRIGERATION, 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. Such products and equipment may only be stored or transported for the subsequent disposal and for the recovery of the gas prior to the disposal pursuant to Article 8.	AIR-CONDITIONING AND HEAT-PUMP INDUSTRIES IN EUROPE 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. 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 with the measures referred to in Article 23(12). Such products and equipment may only be stored or transported for subsequent disposal and for the recovery of the	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.
--	---	---

THE VOICE OF THE REFRIGERATION, 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.	gas prior to the disposal pursuant to Article 8 or for their re-export. [No change]	INDUSTRY IN EUROPE ~~Two years~~Six months 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	
2. The prohibition set out in paragraph 1, first subparagraph, shall not apply to equipment for which it has been established in ecodesign requirements adopted under Directive 2009/125/EC that due to higher energy efficiency during its operation, its lifecycle CO2 equivalent emissions would be lower than those of equivalent equipment which meets relevant ecodesign requirements.	[No change]	[No change]	
3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply,	3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply, or	3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply,	

or making available to other persons within the Union for payment or free export of non-refillable containers for fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, empty or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses. The paragraph applies to: (a) containers which cannot be refilled without being adapted for that purpose (non-refillable); and (b) containers that could be refilled but are imported or placed on the market without provision having been made for their return for refilling.	making available to other persons within the Union for payment or free of charge, use or export of non-refillable containers for fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, empty or fully or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses of fluorinated greenhouse gases. [No change]	or making available to other persons within the Union for payment or free of charge, use or export of non-refillable containers for fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, empty or fully or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses. [No change]
		3a. Undertakings which place on the market refillable containers for fluorinated greenhouse gases shall produce a declaration of conformity that includes evidence confirming the arrangements in place for the return of that container for the purpose of refilling. Those arrangements shall

THE VOICE OF THE REFRIGERATION,	AIR-CONDITIONING AND HEAT-PUMP	contain binding obligations for the supplier of the containers to the end-user to comply with the arrangements. The undertakings referred to in the first subparagraph shall keep the declaration of conformity for a period of at least five years after the placing on the market of refillable containers and shall make it available, on request, to the competent authorities of Member States and the Commission. Suppliers of the containers to end-users shall keep evidence of the compliance with these arrangements for a period of at least five years after supply to the end-user and shall make it available, on request, to the competent authorities of Member States and the Commission. The Commission may, by means of implementing acts, supplement this Regulation by determining the details of the declaration of conformity. Such implementing acts shall be adopted in accordance with Article 34(2).
--	---------------------------------------	---

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 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: (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 (b) the use of technically feasible and safe alternatives would entail disproportionate costs. Those implementing acts shall be adopted in accordance with the	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, or, in derogation to Article 13(5), putting into operation new or expanded electrical switchgear, including parts thereof, containing fluorinated greenhouse gases or whose functioning relies upon those gases, where it is demonstrated that: [No Change]	4. Without prejudice to the derogation for spare parts referred to in subparagraph 1a, 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: [No change]
--	--	---

examination procedure referred to in Article 34(2).	AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	
5. Only undertakings that hold a certificate required under Article 10(1), point (a) or the training attestation required under Article 10(2), or undertakings that employ persons holding such a certificate or a training attestation shall be allowed to purchase fluorinated greenhouse gases listed in Annex I or Annex II, Section 1, for the purpose of carrying out the installation, servicing, maintenance or repair of the equipment containing those gases, or whose functioning relies upon those gases, referred to in Article 5(2), points (a) to (g), and Article 10(2). This paragraph shall not prevent non-certified undertakings, who do not carry out such activities, from collecting, transporting or delivering fluorinated greenhouse gases listed in Annex I and Annex II, Section 1.	5. Only undertakings that hold a certificate required under Article 10(1), point (a) ~~or the training attestation required under Article 10(2)~~, or undertakings that employ persons holding such a certificate required under Article 10(1), point (a) or a training attestation required under Article 10(2) shall be allowed to purchase fluorinated greenhouse gases listed in Annex I or in Annex II, Section 1, for the purpose of carrying out the installation, servicing, maintenance or repair of the equipment containing those gases, or whose functioning relies upon those gases, referred to in Article 5(2), points (a) to (gi), and Article 10(2). Sellers shall sell or offer for sale, directly or indirectly, such gases exclusively to the undertakings referred to in this paragraph. This paragraph shall not prevent non-certified undertakings, who do not carry out ~~the~~ activities referred to in the first subparagraph, from collecting, transporting or delivering fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1.	[No change]

6. Non-hermetically sealed equipment charged with fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 may only be sold to an end user where evidence is provided that the installation is to be carried out by an undertaking certified in accordance with Article 10.	6. Non-hermetically sealed equipment charged with fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 may only be sold to an end user where evidence is provided that the installation is to be carried out by an undertaking certified in accordance with Article 10.	[No change]
6a. Undertakings shall only be allowed to place on the market and sell bulk fluorinated greenhouse gases where: (a) the undertakings either hold a certificate or training attestation required under Article 10 or employ persons holding such a certificate or a training attestation, and (b) the undertakings are established in the Union or have mandated an only representative established in the Union who assumes full responsibility of complying with this Regulation. The only representative may be the representative mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council.	6a. Undertakings shall only be allowed to place on the market and sell bulk fluorinated greenhouse gases where: (a) the undertakings either hold a certificate or training attestation required under Article 10 or employ persons holding such a certificate or a training attestation, and (b) the undertakings are established in the Union or have mandated an only representative established in the Union who assumes full responsibility of complying with this Regulation. The only representative may be the representative mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council.	[No change]

THE VOICE OF THE EUROPEAN PEOPLE

I) Restriction on the export of certain products and equipment containing fluorinated greenhouse gases (article 11a)

Amendments to Article 11a [New] - Restriction on the export of certain products and equipment containing fluorinated greenhouse gases			
Commission proposal	European Council Position	European Parliament position	Comments
		The export of products and equipment, including parts thereof, listed in Annex IV, with an exemption for military 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.	

m) Labelling and product and equipment information (article 12)

Amendments to Article 12 - Labelling and product and equipment information			
Commission proposal	European Council Position	European Parliament position	Comments
1. The following products and equipment that contain fluorinated greenhouse gases or whose functioning relies upon those gases listed in Annexes I and II, may only be placed on the market if they are labelled: (a) refrigeration equipment; (b) air-conditioning equipment; (c) heat pumps; (d) fire protection equipment; (e) electrical switchgear; (f) aerosol dispenser that contain fluorinated greenhouse gases, including metered dose inhalers; (g) all fluorinated greenhouse gas containers; (h) fluorinated greenhouse gas-based solvents; (i) organic Rankine cycles.	1. The following products and equipment that contain fluorinated greenhouse gases or whose functioning relies upon fluorinated greenhouse ~~these gases listed in Annexes I and II,~~ may only be placed on the market, subsequently supplied or made available to another person if they are labelled: [No change]	[No change]	

2. Products or equipment subject to an exemption as referred to in Article 11 (4) shall be labelled accordingly and shall include a reference that those products or equipment may only be used for the purpose for which an exemption under that Article was granted.	[No change]	2. Products or equipment subject to an exemption as referred to in Article 11 (4) shall be labelled accordingly, specifying the validity period of the exemption, and shall include a reference that those products or equipment may only be used for the purpose for which an exemption under that Article was granted.	
3. The label required pursuant to paragraph 1 shall indicate the following information: (a) an indication that the product or equipment contains fluorinated greenhouse gases or that its functioning relies upon those gases; (b) the accepted industry designation for the fluorinated greenhouse gases concerned or, if no such designation is available, the chemical name; (c) from 1 January 2017, the quantity expressed in weight and in CO₂ equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is	[No change]	3. The label required pursuant to paragraph 1 shall indicate the following information: [No Change] (c) from 1 January 2017, the quantity expressed in weight and in CO₂ equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is	

designed, and the global warming potential of those gases. The label shall indicate the following information, where applicable: (a) a reference that the fluorinated greenhouse gases are contained in hermetically sealed equipment; (b) a reference that the electrical switchgear has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer.	designed, and the global warming potential of those gases, both on a 100- and a 20-year timescale. [...] [No change] Where relevant, retrofitted products or equipment containing fluorinated greenhouse gases shall be relabelled with updated information as referred to in this paragraph.	
4. The label required pursuant to paragraph 1 shall be clearly legible and indelible and shall be placed either: (a) adjacent to the service ports for charging or recovering the fluorinated greenhouse gas; or	4. [No change]	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE (b) on that part of the product or equipment that contains the fluorinated greenhouse gas. The label shall be in the official languages of the Member State in which the good is to be placed on the market.			
5. Foams and pre-blended polyols that contain fluorinated greenhouse gases listed in Annexes I and II shall not be placed on the market unless the fluorinated greenhouse gases are identified with a label using the accepted industry designation or, if no such designation is available, the chemical name. The label shall clearly indicate that the foam or pre-blended polyol contains fluorinated greenhouse gases. In the case of foam boards, that information shall be clearly and indelibly stated on the boards.	The label shall be written in the official languages of the Member State in which the goods to be placed on the market, made available or supplied. 5. Foams and pre-blended polyols that contain fluorinated greenhouse gases listed in Annexes I and II shall not be placed on the market, made available or supplied unless the fluorinated greenhouse gases are identified with a label using the accepted industry designation or, if no such designation is available, the chemical name. The label shall clearly indicate that the foam or pre-blended polyol contains fluorinated greenhouse gases. In the case of foam boards, that information shall be clearly and indelibly stated on the boards.	[No change]	Not in EPEE's scope
		5a. Where relevant, refilled containers of fluorinated greenhouse gases shall be relabelled with updated information as referred to in the first subparagraph of paragraph 3.	

6. Reclaimed or recycled fluorinated greenhouse gases shall be labelled with an indication that the substance has been reclaimed or recycled, information on the batch number and the name and address of the reclamation or recycling facility in the Union.	6. Reclaimed or recycled fluorinated greenhouse gases listed in Annexes I and II shall be labelled with an indication that the substance has been reclaimed or recycled. In the case of reclamation , information on the batch number and the name and address of the reclamation ~~or recycling~~ facility in the Union shall be included .	[No change]	
7. Fluorinated greenhouse gases listed in Annex I and placed on the market for destruction shall be labelled with an indication that the contents of the container may only be destroyed.	7. Fluorinated greenhouse gases listed in Annex I and placed on the market, made available or supplied for destruction shall be labelled with an indication that the contents of the container may only be destroyed.	[No change]	
8. Fluorinated greenhouse gases listed in Annex I and intended for direct export shall be labelled with an indication that the contents of the container may only be directly exported	[No change]	[No change]	
9. Fluorinated greenhouse gases listed in Annex I and placed on the market for use in military equipment shall be labelled with an indication that the contents of the container may only be used for that purpose.	9. Fluorinated greenhouse gases listed in Annex I and placed on the market, made available or supplied for use in military equipment shall be labelled with an indication that the contents of the container may only be used for that purpose.	[No change]	
10. Fluorinated greenhouse gases listed in Annexes I and II placed on the market for etching of semiconductor material or cleaning	10. Fluorinated greenhouse gases listed in Annexes I and II placed on the market, made available or supplied for etching of semiconductor material or	~~10. Fluorinated greenhouse gases listed in Annexes I and II placed on the market for etching of semiconductor material or cleaning of chemicals vapour deposition chambers within~~	Not EPEE's scope

of chemicals vapour deposition chambers within the semiconductor manufacturing sector shall be labelled with an indication that the contents of the container may only be used for that purpose.	cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector shall be labelled with an indication that the contents of the container may only be used for that purpose.	~~the semiconductor manufacturing sector shall be labelled with an indication that the contents of the container may only be used for that purpose.~~
11. Fluorinated greenhouse gases listed in Annex I and placed on the market for feedstock use shall be labelled with an indication that the contents of the container may only be used as feedstock.	11. Fluorinated greenhouse gases listed in Annex I and placed on the market, made available or supplied for feedstock use shall be labelled with an indication that the contents of the container may only be used as feedstock.	[No change]
12. Fluorinated greenhouse gases listed in Annex I and placed on the market for producing metered dose inhalers for the delivery of pharmaceutical ingredients shall be labelled with an indication that the contents of the container may only be used for that purpose.	12. Fluorinated greenhouse gases listed in Annex I, Section 1 and placed on the market, made available or supplied for producing metered dose inhalers for the delivery of pharmaceutical ingredients shall be labelled with an indication that the contents of the container may only be used for that purpose.	[No change]
13. In case of hydrofluorocarbons, the label referred to in paragraphs 7 to 11 shall include the indication “exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation]”.	13. In case of fluorinated greenhouse gases listed in Annex I, Section 1 ~~hydrofluorocarbons~~ , the label referred to in paragraphs 7 to 11 shall include the indication “exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation]”.	13. In case of hydrofluorocarbons, the label referred to in paragraphs 7 to 9 and 11 shall include the indication “exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation]”.
In the absence of the labelling requirements referred to in the first	[No change]	In the absence of the labelling requirements referred to in the

subparagraph and in paragraphs 7 to 11, the hydrofluorocarbons shall be subject to the quota requirements pursuant to Article 16(1).	AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	first subparagraph and in paragraphs 7 to 9 <i>and</i> 11, the hydrofluorocarbons shall be subject to the quota requirements pursuant to Article 16(1).	
14. In the cases referred to in Annex IV, points 3, 8, 18(b) and (c), 19 and 20, the product shall be labelled with an indication that it may be used only where required by the safety standard to be specified. In the case referred to in Annex IV, points 20 and 22, the product shall be labelled with an indication that the product may only be used where required by the medical application to be specified.	14. In the cases referred to in Annex IV, points 3, 8, 12, 16, 18(b) and (c), 19 and 20, the product or equipment shall be labelled with an indication that it may be used only where required by the safety standard to be specified. In the cases referred to in Annex IV, points 20 and 22, the product or equipment shall be labelled with an indication that the product or equipment may only be used where required by the medical application to be specified.	[No change]	
15. The information referred to in paragraphs 3 and 5 shall be included in instruction manuals for the products and equipment concerned. In the case of products and equipment that contain fluorinated greenhouse gases in Annexes I and II with a global warming potential of 150 or more that information shall also be included in descriptions used for advertising.	[No change]	[No change]	
16. The Commission may, by means of implementing acts, determine the format of the labels referred to in paragraph 1 and paragraphs 4 to 14.	[No change]	[No change]	

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	
17. The Commission is empowered to adopt delegated acts in accordance with Article 32 amending the labelling requirements set out in paragraphs 4 to 14 where appropriate in view of commercial or technological development.	[No change]	

n) Control of use (article 13)

Amendments to Article 13 - Control of use			
Commission proposal	European Council Position	European Parliament position	Comments
1. The use of sulphur hexafluoride in magnesium die-casting and in the recycling of magnesium die-casting alloys is prohibited.	[No change]	[No change]	Not in EPEE's scope
2. The use of sulphur hexafluoride to fill vehicle tyres is prohibited.	[No change]	[No change]	Not in EPEE's scope
3. From 1 January 2024, the use of fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more, for the servicing or maintenance of refrigeration equipment is prohibited.	3. The use of fluorinated greenhouse gases, with a global warming potential of 2 500 or more, to service or maintain refrigeration equipment with a charge size of 40 tonnes of CO₂ equivalent or more, is prohibited. From 1 January 2024, the use of fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more, for the servicing or maintenance of all refrigeration equipment is prohibited.	13. From 1 January 2024, the use of the servicing or maintenance of air conditioning and heat pump equipment, mobile and stationary refrigeration equipment and chillers by fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more, for. From 1 January 2030, the following uses shall be prohibited: the servicing or maintenance of stationary refrigeration equipment, with the exclusion of chillers, by fluorinated greenhouse gases listed in Annex I, with a	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE This paragraph shall not apply to military equipment or equipment intended for applications designed to cool products to temperatures below - 50 °C. The prohibition referred to in the first subparagraph shall not apply to the following categories of fluorinated greenhouse gases until 1 January 2030: (a) reclaimed fluorinated greenhouse gases listed in Annex I with a global warming potential of 2 500 or more used for the maintenance or servicing of existing refrigeration equipment, provided that they have been labelled in accordance with Article 12(6);	[No change] [No change]	global warming potential of 150 or more is prohibited. This paragraph shall not apply to military equipment or equipment intended for applications designed to cool <i>medicinal</i> products to temperatures below - 50 °C or equipment intended for applications designed to cool nuclear power stations. The prohibition referred to in the first subparagraph shall not apply to the following categories of fluorinated greenhouse gases until 1 January 2030: (a) reclaimed fluorinated greenhouse gases listed in Annex I with a global warming potential of ~~2 500~~ 150 or more used for the maintenance or servicing of existing <i>stationary</i> refrigeration equipment, with the exclusion of chillers, provided that they have been labelled in accordance with Article 12(6); (aa) reclaimed fluorinated greenhouse gases listed in Annex I, with a global warming potential of
---	---------------------------------------	---

(b) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of 2 500 or more used for the maintenance or servicing of existing refrigeration equipment provided they have been recovered from such equipment. Such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or the undertaking for which the recovery was carried out as part of maintenance or servicing.	2 500 or more, used for the maintenance or servicing of air conditioning and heat pump equipment, mobile refrigeration and chillers, provided that they have been labelled in accordance with Article 12(6); (b) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of 150 or more used for the maintenance or servicing of existing stationary refrigeration equipment with the exclusion of chillers provided they have been recovered from such equipment. Such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or the undertaking for which the recovery was carried out as part of maintenance or servicing; <i>(ba) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of 2 500 or more used for the maintenance or servicing of existing air conditioning and heat pump equipment, mobile</i>	
--	---	--

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE The prohibition referred to in the first subparagraph shall not apply to refrigeration equipment for which an exemption has been authorised in accordance with Article 11(4).	[No change]	<i>refrigeration and chillers, provided they have been recovered from such equipment; such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or by the undertaking for which the recovery was carried out as part of maintenance or servicing.</i> [No change]	
The prohibition referred to in the first subparagraph shall not apply to refrigeration equipment for which an exemption has been authorised in accordance with Article 11(4).	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: i. cannot be used on the basis of technical grounds; or ii. are not available in case of an emergency repair situation. 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. This paragraph shall not apply to military equipment.		Not in EPEE's scope

4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January 2026, except when such use is strictly required and no other anaesthetic can be used on medical grounds. The user shall provide evidence, upon request, on the medical justification to the competent authority of the Member State and the Commission.	AIR-CONDITIONING AND HEAT-PUMP INSTALLATIONS	4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January 2026, except and shall only be permitted when such use is strictly required and no other anaesthetic can be used on medical grounds. The user or when ensured that it is used in combination with a capture system. The healthcare institution shall provide keep evidence, upon request on the medical justification, and provide it, upon request, to the competent authority of the Member State and the Commission.	Not in EPEE's scope
		4a. From 1 January 2030, the use of sulfuric fluoride for post-harvest fumigation and treatment of wood and wooden products against pest infestation is prohibited, except where such use is strictly required for a phytosanitary certificate and no other treatment can be used.	Not in EPEE's scope
	5. Putting into operation of the following new or expanded electrical switchgear with fluorinated greenhouse gases is prohibited as follows: [...]		Not in EPEE's scope
	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:		Not in EPEE's scope
	5b. By derogation to paragraph 5a, 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.		Not in EPEE's scope

THE VOICE OF THE REFRIGERATION, AIR CONDITIONING AND HEATING - LISTED IN	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.	INDUSTRY IN EUROPE	Not in EPEE's scope
	5d. Paragraph 5 shall not apply to equipment for which it has been established in ecodesign requirements adopted under Directive 2009/125/EC that, due to higher energy efficiency during operation, its life cycle CO2 emissions would be lower than those of equivalent equipment which meets the relevant ecodesign requirements.		Not in EPEE's scope
	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.		Not in EPEE's scope
	7. Putting into operation any equipment listed in Annex IV points 3(c), 12, 16(b), 16(c), 18(b), 18(ba), 18(c) and 18(d) after the respective prohibition date specified in these points is prohibited unless: (a) the relevant safety requirements at the particular location do not permit the installation of equipment using fluorinated greenhouse gases below		

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	the GWP value specified in the respective prohibitions; or	
	(b) evidence is provided that the equipment was placed on the market before the relevant prohibition date listed in Annex IV. 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.	

o) Production of hydrofluorocarbons (article 14)

Amendments to Article 14 - Production of hydrofluorocarbons		
<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament position</i>
	For the purpose of this Article, Article 15 and Annex V, the production of hydrofluorocarbons is the amount of hydrofluorocarbons produced minus the amount destroyed by technologies approved by the Parties to the Protocol, and minus the amount entirely used as feedstock in the manufacture of other chemicals, but including hydrofluorocarbons generated as a by-product, unless not captured or unless that by-product is destroyed as part of or after the manufacturing process by the producer or handed over to another undertaking for destruction. No amount reclaimed shall be considered in the calculation of the production of hydrofluorocarbons.	
1. The production of hydrofluorocarbons is allowed to the extent that producers have been allocated productions rights by the Commission as set out in this Article.	[No change]	[No change]

2. The Commission shall, by means of THE VOICE OF THE REFRIGERATION implementing acts, allocate production rights on the basis of Annex V for producers that produced hydrofluorocarbons in 2022, based on data reported under Article 19 of Regulation (EU) No 517/2014. Such implementing acts shall be adopted in accordance with Article 34(2).	[No change] 3. The Commission may, by means of implementing acts, at the request of the competent authority of a Member State, amend the implementing acts referred to in paragraph 2 in order to allocate additional production rights to the producers referred to in paragraph 2 or any other undertakings established in the Union, ~~while respecting~~ the production limits of the Member State under the Protocol are exceeded. Such implementing acts shall be adopted in accordance with Article 34(2).	[No change]	[No change]
3. The Commission may, by means of implementing acts, at the request of the competent authority of a Member State, amend the implementing acts referred to in paragraph 2 in order to allocate additional production rights to the producers referred to in paragraph 2 or any other undertakings established in the Union, while respecting the production limits of the Member State under the Protocol. Such implementing acts shall be adopted in accordance with Article 34(2).	3. The Commission may, by means of implementing acts, at the request of the competent authority of a Member State, amend the implementing acts referred to in paragraph 2 in order to allocate additional production rights to the producers referred to in paragraph 2 or any other undertakings established in the Union, ~~while respecting~~ the production limits of the Member State under the Protocol are exceeded. Such implementing acts shall be adopted in accordance with Article 34(2).	[No change]	[No change]
3a. In absence of an implementing act being effective by the date specified in Article 38 second subparagraph, producers may continue to produce without production rights being allocated. The hydrofluorocarbons produced during such period will	3a. In absence of an implementing act being effective by the date specified in Article 38 second subparagraph, producers may continue to produce without production rights being allocated. The hydrofluorocarbons produced during such period will	[No change]	[No change]

count towards the allocation of production rights once issued.		
THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT PUMP INDUSTRY IN EUROPE		
4. Three years following the adoption of the implementing acts referred to in paragraph 2, and every three years thereafter, the Commission shall review and amend if needed these implementing acts, taking into account the changes to the production rights pursuant to Article 15 during the preceding three years period. Such implementing acts shall be adopted in accordance with Article 34(2).	[No change]	[No change]

p) Transfer and authorisation of production rights for industrial rationalisation (article 15)

Amendments to Article 15 - Transfer and authorisation of production rights for industrial rationalisation			
Commission proposal	European Council Position	European Parliament position	Comments
1. For the purpose of industrial rationalisation within a Member State, producers may transfer totally or partially their production rights to any other undertaking in that Member State, as long as the production limits of Parties under the Protocol are respected. Transfers shall be approved by the Commission and the relevant competent authorities and carried out via the F-gas Portal. 2. For the purpose of industrial rationalisation between Member States, the Commission may, in agreement with both the competent authority of the Member State in which a producer's relevant production is situated, and the competent authority of the Member State in which the Member State in which excess production rights are available, authorise via the F-gas Portal that producer to exceed its production referred to in Article 14(2) by a specified	1. For the purpose of industrial rationalisation within a Member State, producers may transfer totally or partially their production rights to any other undertaking in that Member State, as long as the calculated levels of production of Parties under the Protocol are respected. Transfers shall be approved by the Commission and the relevant competent authorities and carried out via the F-gas Portal. 2. For the purpose of industrial rationalisation between Member States, the Commission may, in agreement with both the competent authority of the Member State in which a producer's relevant production is situated, and the competent authority of the Member State in which excess calculated levels of production are available, under the Montreal Protocol authorise via the F-gas Portal that producer to exceed its production rights referred to in Article 14(2) by a specified amount,	[No change]	

amount, considering conditions set out in the Protocol.	considering the conditions set out in the Protocol.	
3. The Commission may, in agreement with both the competent authority of the Member State in which a producer's relevant production is situated and the competent authority of the third country Party concerned, authorise a producer to combine the calculated levels of production referred to in Article 14(2) with the production allowed to a producer in a third country Party under the Protocol and that producer's national legislation for the purpose of industrial rationalisation with a third country Party, provided that the combined calculated levels of production by the two producers do not lead to an exceedance of production rights under the Montreal Protocol and any relevant national legislation is respected.	3. The Commission may, in agreement with both the competent authority of the Member State in which a producer's relevant production is situated and the competent authority of the third country Party concerned, authorise a producer to combine the ~~calculated levels of~~ production rights referred to in Article 14(2) with the calculated levels of production allowed to a producer in a third country Party under the Protocol and that producer's national legislation for the purpose of industrial rationalisation with a third country Party, provided that the combined ~~calculated levels of~~ production by the two producers do not lead to an exceedance of calculated levels of production rights of the two Parties under the Montreal Protocol and any relevant national legislation is respected.	[No change]

q) Reduction of the quantity of hydrofluorocarbons (article 16)

Amendments to Article 16 - Reduction of the quantity of hydrofluorocarbons placed on the market			
Commission proposal	European Council Position	European Parliament position	Comments
1. The placing on the market of hydrofluorocarbons is only allowed to the extent that producers and importers have been allocated quotas by the Commission as set out in Article 17. Producers and importers shall ensure that the quantities of hydrofluorocarbons they place on the market do not exceed their respective quota available to them at the moment of placing on the market.	1. The placing on the market of hydrofluorocarbons is only allowed to the extent that producers and importers have been allocated quotas by the Commission as set out in Article 17. Producers and importers placing hydrofluorocarbons on the market shall not exceed their respective quota available to them at the moment of placing on the market ensure that the quantities of hydrofluorocarbons they place on the market do not exceed their respective quota available to them at the moment of placing on the market.	[No change]	
2. Paragraph 1 shall not apply to hydrofluorocarbons that are: (a) imported into the Union for destruction; (b) used by a producer in feedstock applications or supplied directly by a producer or an importer to	[No change]	2. Paragraph 1 shall not apply to hydrofluorocarbons that are: (a) imported into the Union for destruction; (b) used by a producer in feedstock applications or supplied directly by a producer or an importer to	

undertakings for use in feedstock applications; THE ROLE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		undertakings for use in feedstock applications; (c)supplied directly by a producer or an importer to undertakings, for export out of the Union, not contained in products or equipment, where those hydrofluorocarbons are not subsequently made available to any other party within the Union, prior to export; (d)supplied directly by a producer or an importer for use in military equipment; (e)supplied directly by a producer or an importer to an undertaking using it for the etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector.	Proposed change not in EPEE's scope
undertakings for use in feedstock applications; (c)supplied directly by a producer or an importer to undertakings, for export out of the Union, not contained in products or equipment, where those hydrofluorocarbons are not subsequently made available to any other party within the Union, prior to export; (d)supplied directly by a producer or an importer for use in military equipment; (e)supplied directly by a producer or an importer to an undertaking using it for the etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector.	[No change]	3. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 2 and exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons in accordance	3. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 2 and exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons in accordance

with decisions of the Parties to the Protocol.	with decisions of the Parties to the Protocol.	The Commission shall continuously monitor the Union's semiconductor supply market. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 2 of this Article and exclude from the quota system laid down in paragraph 1 of this Article semiconductor materials or vapour deposition chambers within the semiconductor sector, where it identifies that, as a consequence of the inclusion of the semiconductor sector in the hydrofluorocarbon quota system, there are shortages or disruptions of supply to the Union's market of semiconductor materials or of vapour deposition chambers.
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 exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons for use in specific applications, or specific categories of products or equipment, where it is demonstrated in the request that:	[No change]	4. Following a substantiated request by a competent authority of a Member State or an EU Agency 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 exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons for use in specific applications, or specific categories of products or equipment, where it is demonstrated in the request that:

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		equipment, where it is demonstrated in the request that:	
(a) for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; and	(b) a sufficient supply of hydrofluorocarbons cannot be ensured without entailing disproportionate costs.	(a) for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons or risks to public health ; and	
	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	(b) [No change]	
		[No change]	
5. The emission of hydrofluorocarbons during production shall be considered as being placed on the market the year in which they occur		[No change]	
6. This Article and Articles 17, 20 to 29 and 31 shall also apply to hydrofluorocarbons contained in pre-blended polyols.		[No change]	

r) Determination of reference values and allocation of quotas for placing hydrofluorocarbons on the market

Amendments to Article 17 - Determination of reference values and allocation of quotas for placing hydrofluorocarbons on the market			
Commission proposal	European Council Position	European Parliament position	Comments
1. By 31 October [OP: Please insert the year of application of this Regulation] and every three years thereafter, the Commission shall determine reference values for producers and importers in accordance with Annex VII for the placing on the market of hydrofluorocarbons. The Commission shall determine those reference values for all importers and producers that imported or produced hydrofluorocarbons during the previous three years, by means of an implementing act determining references values for all importers and producers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).	[No change]	[No change]	
2. Only importers and producers that have experience in trading activities of chemicals for three consecutive years prior to the quota allocation period, shall be allowed to submit a declaration referred to	[No change]	[No change]	

in Article 17(3) or receive a quota allocation on that basis pursuant to Article 17(4). The importers and producers shall submit evidence to this effect, on request, to the Commission.	CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	
3. For the purpose of registration in the F-gas Portal, importers and producers shall provide a physical address where the company is located and from where it conducts its business. Only one undertaking shall be registered under the same physical address. For the purpose of submitting a quota declaration pursuant to Article 17(3) and receiving a quota allocation pursuant to Article 17(4) as well as for the purpose of determining reference values pursuant to Article 17(1), all undertakings that share the same beneficial owner, shall be considered as one single undertaking. Only that single undertaking, which is the one registered first in the registry unless indicated otherwise by the beneficial owner, shall be entitled to a reference value pursuant to Article 17(1) and a quota allocation pursuant to Article 17(4).	[No change]	[No change]
4. By 31 December [PO: Please insert the year of application of this Regulation], and every year thereafter, the Commission shall allocate quotas for each importer and	[No change]	[No change]

producer for placing hydrofluorocarbons on the market, pursuant to Annex VIII. Quotas shall be notified via the F-gas Portal to importers and producers.	CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	
5. The allocation of quotas is subject to the payment of the amount due which equals to three euro for each tonne of CO₂ equivalent of quota to be allocated. Importers and producers shall be notified via the F-gas Portal of the total amount due for its calculated maximum quota allocation for the following calendar year and of the deadline for completing the payment. The Commission may, by means of implementing acts, determine the modalities and the detailed arrangements for the payment of the amount due. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).	5. The allocation of quotas is subject to the payment of the amount due which equals to ~~three~~ two euro for each tonne of CO₂ equivalent of quota to be allocated. Importers and producers shall be notified via the F-gas Portal of the total amount due for ~~its~~ their calculated maximum quota allocation for the following calendar year and of the deadline for completing the payment. The Commission may, by means of implementing acts, determine the modalities and the detailed arrangements for the payment of the amount due. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).	5. The allocation of quotas is subject to the payment of the amount due which equals to five euro for each tonne of CO₂ equivalent of quota to be allocated in the period 2024-2026 and shall increase every three years thereafter so as to ensure a constant revenue, in light of the quota phase-down set out in Annex VII. Importers and producers shall be notified via the F-gas Portal of the total amount due for its calculated maximum quota allocation for the following calendar year and of the deadline for completing the payment. The Commission may, by means of implementing acts, determine the modalities and the detailed arrangements for the payment of the amount due. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).

Importers and producers may pay only for the allocated maximum quota allocation offered to them. In such a case, these importers and producers shall be allocated the quota corresponding to the payment made by the set deadline.	Importers and producers may pay only for a part of the calculated maximum quota allocation offered to them. In such a case, these importers and producers shall be allocated the quota corresponding to the payment made by the set deadline.	[No change]
The Commission shall redistribute the quota for which a payment has not been made by the set deadline, free of charge, to only those importers and producers that have paid the total amount due for their calculated maximum quota allocation referred to in the first subparagraph and that have made a declaration referred to in paragraph 3. This distribution shall be made on the basis of each importer's or producer's share of the sum of all the maximum calculated quota offered to and paid for in full by those importers and producers.	Until [OP please insert the year = 3 years following the date of entry into force of this Regulation], the Commission shall redistribute the quota for which a payment has not been made by the set deadline, free of charge, to only those importers and producers that have paid the total amount due for their calculated maximum quota allocation referred to in the first subparagraph and that have made a declaration referred to in paragraph 3. This distribution shall be made on the basis of each importer's or producer's share of the sum of all the maximum calculated quota offered to and paid for in full by those importers and producers. From [OP please insert the year	[No change]

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE The Commission shall be authorised not to fully allocate the maximum quantity referred to in Annex VII or allocate additional quotas, as contingency for implementation issues during the allocation period.	= 4 years following the date of entry into force of this Regulation], the quota for which a payment has not been made by the set deadline shall be cancelled. [No change]	[No change]	
6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 5 as regards the amounts due for the allocation of quota and the mechanism to allocate remaining quotas, where necessary to prevent major disruptions of the market of hydrofluorocarbons, or where the mechanism is not fulfilling its purpose and is having undesirable or unintended effects.	6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 5 as regards the amounts due for the allocation of quota in order to compensate for the inflation. ~~and the mechanism to allocate remaining quotas, where necessary to prevent major disruptions of the market of hydrofluorocarbons, or where the mechanism is not fulfilling its purpose and is having undesirable or unintended effects.~~	6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 5 as regards the amounts due for the allocation of quota and the mechanism to allocate remaining quotas, where necessary to prevent major disruptions of the market of hydrofluorocarbons, or where the mechanism is not fulfilling its purpose and is having undesirable or unintended effects, including on public health and the users of MDIs.	

6a. By ... [one year following the entry into force of this Regulation] and every year thereafter, the Commission shall assess, in consultation with relevant stakeholders, the impact of the HFC quota phase-down on the Union's heat pump market, and shall submit a report to the European Parliament and the Council.	The Commission shall adopt delegated acts in accordance with Article 32 to amend Annex VII and allow a limited amount of additional quotas for placing on the Union market HFCs to be used in heat pumps until the year 2029, where the assessment referred to in the first subparagraph concludes that the HFC quota phase-down set out in Annex VII creates disruptions in the Union's heat pump market to an extent which would endanger the attainment of the RePowerEU heat pump deployment targets. In the report referred to in the first subparagraph the Commission shall provide a justification for its
6a. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 5 as regards the mechanism to allocate remaining quotas, where necessary to prevent major disruptions of the market of hydrofluorocarbons, or where the mechanism is not fulfilling its purpose and is having undesirable or unintended effects.	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		decision to adopt or not to adopt the delegated acts referred to in the second subparagraph. Where the Commission adopts a delegated acts as referred to in the second subparagraph, the additional quotas shall be distributed to producers and importers, following their requests, submitted to the F-gas Portal, accompanied by evidence, in the form of sales contracts, that the quotas are to be used for heat pumps.	
	6b. Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission shall assess the impact of the hydrofluorocarbons quota phase-down laid out in Annex VII on the Union's heat pump market. Where the assessment concludes that the hydrofluorocarbons phase-down creates verified cases of shortage of hydrofluorocarbons for specific uses, which may endanger the attainment of the		

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRIES IN EUROPE	heat pumps deployment rate target provided under the Commission Communication of 18 May 2022 entitled "REPowerEU Plan"22, the Commission may adopt delegated acts in accordance with Article 32 to amend Annex VII in order to allow the placing on the market of a quantity of hydrofluorocarbons in addition to the quotas under Annex VII, respectively up to 4 410 247 tons for the period 2024-2026 or up to 1 425 536 tons for the period 2027-2029.	7. The revenue generated from the quota allocation amount shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) No 2018/1046. That revenue shall be assigned to the LIFE programme and to Heading 7 of the multiannual financial framework (European Public Administration), to cover the costs of external staff working on the management of the quota allocation, IT services, and licensing systems for the purpose	7. The revenue generated from the quota allocation amount shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) No 2018/1046. That revenue shall be assigned to the LIFE programme and to Heading 7 of the multiannual financial framework (European Public Administration), to cover the costs of external staff working on the management of the quota allocation, IT services, and licensing systems for the purpose
--	---	--	--

these costs shall be entered into the general budget of the Union.	of implementation of this Regulation and for ensuring compliance with the Protocol. The revenue used to cover these costs shall not exceed the maximum annual amount of 3 million euros. Any revenue remaining after covering these costs shall be entered into the general budget of the Union.	purpose of implementation of this Regulation; (b) to cover the costs for ensuring compliance with the Protocol; (c) to support capacity building at national level and Member States' implementation and enforcement of this Regulation, including in relation to the fight against online sales of illegal fluorinated gases and the destruction of seized illegal fluorinated gases; and (d) to accelerate the deployment of alternatives to fluorinated gases, particularly in sectors incurring high mitigation costs, and in the heat pump sector, including increasing production of necessary equipment, facilitating access to finance, reducing prices for consumers, training and certifying natural persons under Article 10 and reskilling gas boiler installers. Any revenue remaining after covering these costs shall be entered into the general budget of the Union.
--	--	--

s) Conditions for registration and receiving quota allocations (article 18)

Amendments to Article 18 - Conditions for registration and receiving quota allocations			
Commission proposal	European Council Position	European Parliament position	Comments
1. Quotas shall only be allocated to producers or importers that have an establishment within the Union, or which have mandated an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation. The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁴³ .	[No change]	1. Quotas shall only be allocated to producers or importers that have an establishment within the Union, or which have mandated an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation and with the requirements of Title II of Regulation(EC) No 1907/2006 of the European Parliament and of the Council. The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council.	
2. Only importers and producers that have experience in trading activities of chemicals for three consecutive years prior to the quota allocation shall be allowed to submit a declaration referred to in Article 17(3) or receive a quota allocation on that basis pursuant to Article 17(4). The importers and producers shall	2. Only importers and producers that have experience in trading activities of chemicals or inservicing refrigeration, air conditioning, heat pumps or fire protection equipment for three consecutive years prior to the quota allocation period, shall be allowed to submit a declaration referred to in Article 17(3) or receive a quota	[No change]	

submit evidence to this effect, on request, to the Commission.	allocation on that basis pursuant to Article 17(4). The importers and producers shall submit evidence to this effect, on request, to the Commission.	
3. For the purpose of registration in the F-gas Portal, importers and producers shall provide a physical address where the company is located and from where it conducts its business. Only one undertaking shall be registered under the same physical address. For the purpose of submitting a quota declaration pursuant to Article 17(3) and receiving a quota allocation pursuant to Article 17(4) as well as for the purpose of determining reference values pursuant to Article 17(1), all undertakings that share the same beneficial owner, shall be considered as one single undertaking. Only that single undertaking, which is the one registered first in the registry unless indicated otherwise by the beneficial owner, shall be entitled to a reference value pursuant to Article 17(1) and a quota allocation pursuant to Article 17(4).	[No change]	

t) Pre-charging of equipment with hydrofluorocarbons (article 19)

Amendments to Article 19 - Pre-charging of equipment with hydrofluorocarbons		
Commission proposal	European Council Position	European Parliament position
1. Refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons shall not be placed on the market unless hydrofluorocarbons charged into the equipment are accounted for within the quota system referred to in this Chapter.	1. Refrigeration ~~and~~ , air conditioning ~~equipment~~ ~~and~~ , heat pumps ~~equipment and metered dose inhalers~~ charged with ~~hydrofluorocarbons~~ substances listed in Annex I, Section 1 shall not be placed on the market unless ~~hydrofluorocarbons~~ those substances charged into the equipment or products are accounted for within the quota system referred to in this Chapter.	1. Refrigeration, air conditioning, MDIs and heat pump equipment charged with hydrofluorocarbons shall not be placed on the market unless hydrofluorocarbons charged into the equipment are accounted for within the quota system referred to in this Chapter.
2. When placing pre-charged equipment as referred to in paragraph 1 on the market, manufacturers and importers of equipment shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect. By drawing up the declaration of conformity, manufacturers and importers of equipment shall assume	2. When placing pre-charged equipment or products as referred to in paragraph 1 on the market, manufacturers and importers of equipment shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect. By drawing up the declaration of conformity, manufacturers and importers of equipment or products shall assume responsibility for	2. When placing pre-charged equipment or products as referred to in paragraph 1 on the market, manufacturers and importers of equipment or products shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect. By drawing up the declaration of conformity, manufacturers and importers of equipment or products shall assume

responsibility for compliance with this paragraph and paragraph 1.	compliance with this paragraph and paragraph 1.	responsibility for compliance with this paragraph and paragraph 1.
Manufacturers and importers of equipment shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment or products and shall make it available, on request, to the competent authorities of Member States and the Commission.	Manufacturers and importers of equipment or products shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment or products and shall make it available, on request, to the competent authorities of Member States and the Commission.	Manufacturers and importers of equipment or products shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment or products and shall make it available, on request, to the competent authorities of Member States and the Commission.
3. Where hydrofluorocarbons contained in the equipment referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment, importers of that equipment shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.	3. Where hydrofluorocarbons contained in the equipment or products referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment or products , importers of that equipment or products shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.	3. Where hydrofluorocarbons contained in the equipment or products referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment, importers of that equipment or products shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE The independent auditor shall be either: (a) accredited pursuant to Directive 2003/87/EC of the European Parliament and of the Council 44 ; or, (b) accredited to verify financial statements in accordance with the legislation of the Member State concerned.	[No change]	auditor registered in the F-gas Portal. [No change]	
4. The Commission shall, by means of implementing acts, determine the detailed arrangements relating to the declaration of conformity referred to in paragraph 2, the verification by the independent auditor and of the accreditation of verifiers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	[No change]	[No change]	
5. Importers of equipment referred to in paragraph 1, which has no establishment in the Union, shall mandate an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation. The	[No change]	5. Importers of equipment or products referred to in paragraph 1, which has no establishment in the Union, shall mandate an only representative with an establishment within the Union that assumes the full responsibility	

only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006.	AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	of complying with this Regulation. The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006.	
6. This Article shall not apply to undertakings that placed on the market less than 100 tonnes of CO ₂ equivalent of hydrofluorocarbons, per year, contained in the equipment referred to in paragraph 1.	6. This Article shall not apply to undertakings that placed on the market less than ~~100~~ 10 tonnes of CO ₂ equivalent of hydrofluorocarbons, per year, contained in the equipment or products referred to in paragraph 1.	6. This Article shall not apply to undertakings that placed on the market less than 100 tonnes of CO ₂ equivalent of hydrofluorocarbons, per year, contained in the equipment or products referred to in paragraph 1.	

u) The F-gas portal (article 20)

Amendments to Article 20 - The F-gas Portal			
Commission proposal	European Council Position	European Parliament position	Comments
1. The Commission shall set up and ensure the operation of an electronic system for the management of the quota system, licensing of imports and exports and reporting ('the F-gas Portal').	[No change]	[No change]	
2. The Commission shall ensure the interconnection of the F-gas Portal with the European Union Single Window Environment for Customs through the European Union Customs Single Window - Certificate Exchange System established by Regulation (EU) No .../... [the full reference to be inserted once that Regulation has been adopted].	[No change]	[No change]	
3. Member States shall ensure the interconnection of their national single window environments for customs with the European Union Customs Single Window - Certificate Exchange System for the purpose of exchanging information with the F-gas Portal.	[No change]	[No change]	

4. Undertakings shall have a valid registration in the F-gas Portal prior to the import or export of fluorinated greenhouse gases and products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases except in cases of temporary storage and for the following activities:	4. Undertakings shall have a valid registration in the F-gas Portal prior to the import or export of fluorinated greenhouse gases and products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases except in cases of temporary storage and for the following activities:	4. Undertakings shall have a valid registration in the F-gas Portal prior to the import or export of fluorinated greenhouse gases and products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases except in cases of temporary storage and for the following activities:	
(a)submitting a declaration pursuant to Article 17(3);	(a) the import or export of fluorinated greenhouse gases and products and equipment containing fluorinated greenhouse gases except in cases of temporary storage, pursuant to Article 5(17) of the Regulation (EU) No 952/2013;	(a) [No change]	
(b)receiving a quota allocation for the placing on the market of hydrofluorocarbons in accordance with Article 17(4) or making or receiving a quota transfer in accordance with Article 21(1) or making or receiving an authorisation to use quota in accordance with Article 21(2) or delegating that	(b) [No change]	(b) [No change]	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		
authorisation to use quota in accordance with Article 21(3);		
(c) supplying, or receiving hydrofluorocarbons for the purposes listed in points (a) to (e) of Article 16(2);	(c) [No change]	(c) supplying, or receiving hydrofluorocarbons for the purposes listed in points (a) to (e) of Article 16(2);
(d) for carrying out the activities that require reporting under Article 26;	(d) ~~for~~ carrying out ~~the~~ all other activities that require reporting under Article 26;	[No change]
(e) for receiving production rights pursuant to Article 14 and for making or receiving a transfer and an authorisation of production rights referred to in Article 15;	(e) ~~for~~ receiving production rights pursuant to Article 14 and for making or receiving a transfer and an authorisation of production rights referred to in Article 15;	
(f) for verifying reports referred to in Articles 19(3) and 26(8). Registration shall be valid only once the Commission validates it and for as long as it is not suspended or revoked by the Commission or withdrawn by the undertaking.	(f) ~~for~~ verifying reports referred to in Articles 19(3) and 26(8). [No change]	
5. A valid registration in the F-Gas Portal at the moment of import or export constitutes a licence required under Article 22.	[No change]	[No change]

6. The Commission shall, to the extent necessary, by means of implementing acts, ensure the smooth functioning of the F-gas Portal. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	6. The Commission shall, to the extent necessary, by means of implementing acts, clarify the rules of registration to ensure the smooth functioning of the F-gas Portal and compatibility with the European Union Single Window Environments for Customs. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	[No change]
7. The competent authorities, including customs authorities, of the Member States shall have access to the F-gas Portal to enable the implementation of the relevant requirements and controls. Access to the F-gas Portal by customs authorities shall be ensured via the European Union Single Window Environments for Customs. The Commission and competent authorities of the Member States shall ensure the confidentiality of the data included in the F-gas Portal.	[No change]	7. The Commission and competent authorities of the Member States shall ensure that the following data included in the F-gas Portal is publicly available: (a) regularly updated quota allocation and quota transfers; (b) a list of registered importers and producers; (c) data on imports, including points of entry and type of HFC; (d) temporary storage data; facility-level chemical destruction data.
8. Any requests by importers and producers for corrections of the information recorded in the F-gas Portal, by themselves, concerning transfers of quota referred to in Article 21(1), authorisations to use	[No change]	[No change]

quota referred to in Article 21(2) or referred to in Article 21(3), shall be communicated, with the consent of all undertakings involved in the transaction, to the Commission without undue delay and at the latest until 31 March of the year following the year of the recording of the transfer of quota or the authorisation to use quota and shall be substantiated with evidence establishing that it concerns a clerical error. Notwithstanding the conditions set out in the first subparagraph, requests for corrections of data that negatively affect the entitlements of other importers and producers not involved in the underlying transaction shall be refused.		
	9. The Commission shall make publicly available a list of quota holders no later than three months after the allocation is completed for a given year, subject to business confidentiality and protection of personal data.	

v) Transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment (Article 21)

Amendments to Article 21 – Transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment			
<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament position</i>	<i>Comments</i>
1. Any producer or importer for whom a reference value has been determined pursuant to Article 17(1) may transfer in the F-gas Portal its quota allocation on the basis of Article 17(4), for all or any quantities, to another producer or importer in the Union or to another producer or importer which is represented in the Union by an only representative referred to in Article 18(1). Transferred quota as referred to in the first subparagraph shall not be transferred a second time.	[No change]	[No change]	
2. Any producer or importer for whom a reference value has been determined pursuant to Article 17(1), may authorize in the F-gas Portal an undertaking	[No change]	[No change]	

in the Union or represented in the Union by an only representative referred to in Article 19(5), to use all or part of its quota for the purpose of importing pre-charged equipment referred to in Article 19. The respective quantities of hydrofluorocarbons shall be deemed to be placed on the market by the authorising producer or importer at the moment of the authorisation.	R-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	
3. Any undertaking receiving authorisations may delegate that authorisation to use quota received in accordance with paragraph 2 in the F-gas Portal to an undertaking for the purpose of importing pre-charged equipment referred to in Article 19. A delegated authorisation shall not be delegated a second time.	[No change]	
4. Transfers of quota, authorisations to use quota and delegations of authorisations carried out via the F-gas Portal shall only be valid if the receiving undertaking accepts it via the F-gas Portal.	[No change]	

w) Imports and exports (Article 22)

Amendments to Article 22 – Imports and exports		
Commission proposal	European Council Position	European Parliament position
The import and export of fluorinated greenhouse gases and products and equipment containing those gases or whose functioning relies upon those gases except in cases of temporary storage, is subject to the presentation of a valid licence to customs authorities pursuant to Article 20(4). Fluorinated greenhouse gases imported into the Union shall be considered as virgin gases.	The import and export of fluorinated greenhouse gases and products and equipment whose functioning relies upon those gases except in cases of temporary storage, is subject to the presentation of a valid licence to customs authorities pursuant to Article 20(4) and 20(5). Fluorinated greenhouse gases imported into the Union shall be considered as virgin gases. This paragraph does not apply to products and equipment that are personal effects. The export of refrigeration and air conditioning equipment and heat pumps that are referred to in Annex IV that contain or whose functioning relies upon fluorinated greenhouse gases listed in Annex I, Section 1 with a GWP of 2000 or more shall be prohibited, unless such equipment can be placed on the	The import and export of fluorinated greenhouse gases and products and equipment containing those gases or whose functioning relies upon those gases ~~except in cases of temporary storage,~~ is subject to the presentation of a valid licence to customs authorities pursuant to Article 20(4). Fluorinated greenhouse gases imported into the Union shall be considered as virgin gases.

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	market in the EU in accordance with Annex IV. Undertakings established in the Union shall take all necessary measures to ensure the export of refrigeration and air conditioning equipment, and heat pumps, does not violate import restrictions the importing country has notified under the Montreal Protocol.		
		1a. By way of derogation from the first paragraph of this Article and from Article 20, the Commission shall, by means of implementing acts, establish simplified rules for registration in the F-gas Portal in the case of temporary storage as defined in Article 5(17) of Regulation (EU) No 952/2013. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34.	

x) Controls of Trade (Article 23)

Amendments to Article 23 - Controls of trade			
Commission proposal	European Council Position	European Parliament position	Comments
1. Customs authorities and market surveillance authorities shall enforce the prohibitions and other restrictions set out in this Regulation with regards to imports and exports.	[No change]	[No change]	
2. For the purpose of release for free circulation, the undertaking holding quota or authorisations to use quota as required under this Regulation and registered in the F-gas Portal pursuant to Article 20 shall be the importer indicated in the customs declaration. For the purpose of imports, other than release for free circulation, the undertaking registered in the F-gas Portal pursuant to Article 20 shall be the declarant indicated in the customs declaration. For the purpose of exports, the undertaking registered in the F-gas Portal pursuant to Article 20 shall be the exporter indicated in the customs declaration.	[No change]	[No change]	

3. In cases of imports of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases the importer, or where not available the declarant, indicated in the customs declaration or in the temporary storage declaration, and in cases of exports the exporter indicated in the customs declaration, shall provide to customs authorities in the declaration the following, where relevant: (a) the F-gas Portal registration identification number; (b) the Economic Operators Registration and Identification (EORI) number; (c) the net mass of bulk gases and of gases charged in products and equipment; (d) the commodity code under which the goods are classified; (e) the tonnes of CO₂ equivalent of bulk gases and of gases contained in products or equipment, and parts thereof.	3. In cases of imports of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases the importer, or where not available the declarant, indicated in the customs declaration ~~or in the temporary storage declaration~~, and in cases of exports the exporter indicated in the customs declaration, shall provide to customs authorities in the declaration the following, where relevant: [No change]	[No change]	[No change]
---	---	--------------------	--------------------

4. Customs authorities shall verify, in particular, that in cases of release for free circulation, the importer indicated in the customs declaration has quota or authorisations to use before releasing the goods for free circulation. Customs authorities shall also ensure that in cases of imports the importer indicated in the customs declaration, or where not available the declarant, and in cases of exports the exporter, indicated in the customs declaration is registered in the F-gas Portal pursuant to Article 20.	[No change]	[No change]	
5. Where relevant, customs authorities shall communicate information regarding the customs clearance of goods to the F-gas Portal via the European Union Single Window Environment for Customs.	[No change]	[No change]	
6. Importers of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, in refillable containers shall make available to customs authorities, at the time the customs declaration related to the release for free circulation is submitted, a declaration of conformity including evidence confirming the arrangements in	6. Importers of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, in refillable containers as referred to in Article 11 (3) (b) shall make available to customs authorities, at the time the customs declaration related to the release for free circulation is submitted, a declaration of conformity including evidence confirming the	6. Importers of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, in refillable containers shall make available to customs authorities, at the time the customs declaration related to the release for free circulation is submitted, a declaration of conformity including evidence confirming the arrangements in	

place for the return of the container for the purpose of refilling.	arrangements in place for the return of the container for the purpose of refilling.	place for the return of the container for the purpose of refilling.
place for the return of the container for the purpose of refilling.	arrangements in place for the return of the container for the purpose of refilling.	place for the return of the container for the purpose of refilling.
7. Importers of fluorinated greenhouse gases shall make available to customs authorities, at the time the customs declaration related to the release for free circulation in the Union is submitted, the evidence referred to in Article 4(5).	[No change]	[No change]
8. The declaration of conformity and the documentation referred to in Article 19(2) shall be made available to customs authorities at the time the customs declaration related to the release for free circulation in the Union is submitted.	[No change]	[No change]
9. Customs authorities shall verify compliance with the rules on imports and exports set out in this Regulation when carrying out the controls based on risk analysis in the context of Customs Risk Management Framework and in accordance with Article 46 of Regulation (EU) No 952/2013. The risk analysis shall take into account, in particular, any available information on the likelihood of illegal trade of fluorinated greenhouse gases, and the	[No change]	[No change]

compliance history of the THE VOICE OF THE REFRIGERATION, AIR- undertaking concerned.	-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		
10. Based on risk analysis, when carrying out physical customs controls of the gases and products covered under this Regulation, the customs authority shall, in particular, verify the following on imports and exports: (a) that the goods presented correspond to those described in the licence and in the customs declaration; (b) that the product or equipment presented does not fall under the restrictions referred to in Article 11(1) and (3); (c) that the goods are appropriately labelled in accordance with Article 12 before releasing the goods for free circulation. The importer, or where not available the declarant, or exporter shall make their licence available to customs authorities during controls in accordance with Article 15 of Regulation (EU) No 952/2013.	Based on risk analysis, when carrying out physical customs controls of the gases, ~~and~~ products and equipment covered under this Regulation, the customs authority shall, in particular, verify the following on imports and exports: (a) that the goods presented correspond to those described in the licence and in the customs declaration; (b) that the product or equipment presented does not fall under the restrictions referred to in Article 11(1) and (3); (c) that the goods are appropriately labelled in accordance with Article 12 before releasing the goods for free circulation. The importer, or where not available the declarant, or exporter shall make their licence available to customs authorities during controls in accordance with Article 15 of Regulation (EU) No 952/2013.		

11. Customs authorities or market surveillance authorities shall take all necessary measures to prevent attempts to import or export the substances and the products covered under this Regulation that were already not allowed to enter or exit the territory.	11. Customs authorities or market surveillance authorities shall take all necessary measures to prevent attempts to import or export the substances ~~and the~~, products and equipment covered under this Regulation that were already not allowed to enter or exit the territory.	[No change]	
12. Customs authorities shall confiscate or seize non-refillable containers prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) 952/2013. Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with Article 16 of Regulation (EU) No 2019/1020 of the European Parliament and the Council 45.	12. Customs authorities shall confiscate or seize non-refillable containers as referred to in Article 11 (3) (a) prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) 952/2013. or shall inform the competent authorities for ensuring the confiscation and seizure of such containers for disposal. Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with Article 16 of Regulation (EU) No 2019/1020 of the European Parliament and the Council. In other cases, not referred to in the first subparagraph, of unlawful import, further supply, or export carried out in breach of this Regulation, in particular in cases of fluorinated greenhouse gases listed in Annex 1 Section 1 placed on the	12. Customs authorities shall confiscate or seize non-refillable containers prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) 952/2013 and destroy them. Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with Article 16 of Regulation (EU) No 2019/1020 of the European Parliament and the Council.	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING, AND HEATING INDUSTRIES IN EUROPE	market in bulk or charged in products and equipment in violation of the quota and authorisation requirements set out in this Regulation, customs authorities or market surveillance authorities may take alternatives measures. Such measures may include auctioning provided that the subsequent placing on the market is in line with this Regulation. For other substances and products and equipment covered by this Regulation, alternative measures may be taken to prevent unlawful import, further supply, or export, in particular in cases of hydrofluorocarbons placed on the market in bulk or charged in products and equipment in violation of the quota and authorisation requirements set out in this Regulation.	For other substances and products and equipment covered by this Regulation, alternative measures may be taken customs authorities shall seize and confiscate fluorinated greenhouse gases imported or exported in violation of this Regulation and in accordance with the [Environmental Crime Directive 2021/0422(COD)] to prevent unlawful import, further supply, or export, in particular in cases of hydrofluorocarbons placed on the market in bulk or charged in products and equipment in violation of the quota and authorisation requirements set out in this Regulation.	
--	---	--	--

The re-export of gases and products and equipment that do not comply with this Regulation is prohibited.	The re-export of fluorinated greenhouse gases listed in Annex 1 Section 1 unlawfully placed on the market gases and products and equipment that do not comply with this Regulation is prohibited.	13. Member States customs authorities shall designate or approve customs offices or other places and those offices and places, in accordance with Articles 135 and 267 of Regulation (EU) No 952/2013, for the presentation to the fluorinated greenhouse gases listed in Annex I and of the products and equipment referred to in Article 19 at their exit from the customs territory of the Union. Those customs offices or places shall be sufficiently equipped to carry out the relevant physical controls based on risk analysis, and shall be knowledgeable on matters related to the prevention of illegal activities by this Regulation. Only the designated or approved places and customs offices referred to in the first subparagraph shall be authorised to open or end a transit	13. Member States customs authorities shall designate or approve customs offices or other places and shall specify the route to those offices and places, in accordance with Articles 135 and 267 of Regulation (EU) No 952/2013, for the presentation to customs of the fluorinated greenhouse gases listed in Annex I and of the products and equipment referred to in Article 19 at their exit from the customs territory of the Union. Those customs offices or places shall be sufficiently equipped to carry out the relevant physical controls based on risk analysis, and shall be knowledgeable on matters related to the prevention of illegal activities by this Regulation. Only the designated or approved places and customs offices referred to in the first subparagraph shall be authorised to open or end a transit	[No change]	
---	---	---	---	--------------------	--

procedure of the gases and products or equipment covered by this Regulation.	procedure of the gases and products or equipment covered by this Regulation.	INDUSTRY IN EUROPE	
---	---	---------------------------	--

y) Measures to monitor illegal trade (Article 24)

Amendments to Article 24 - Measures to monitor illegal trade		
Commission proposal	European Council Position	European Parliament position
The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing additional measures to those set out in this Regulation for the monitoring of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases, t The Commission is empowered to adopt delegated acts in accordance with Article 32 to: (i) supplement Article 29 this Regulation by specifying the criteria to be taken into account by the competent authorities of Member States when carrying out checks to establish whether undertakings comply with their obligations under the Regulation; (ii) supplement Articles 23 by specifying the requirements to be checked when monitoring fluorinated greenhouse gases, products and equipment containing those gases or whose functioning relies upon those gases, placed under temporary storage or under a customs procedure, including customs warehousing or free zone procedure or in transit through the customs territory of the Union;	1. On the basis of an evaluation of the potential risks of illegal trade linked to the movements of fluorinated greenhouse gases, products and equipment containing those gases or whose functioning relies upon those gases, t The Commission is empowered to adopt delegated acts in accordance with Article 32 to: (i) supplement Article 29 this Regulation by specifying the criteria to be taken into account by the competent authorities of Member States when carrying out checks to establish whether undertakings comply with their obligations under the Regulation; (ii) supplement Articles 23 by specifying the requirements to be checked when monitoring fluorinated greenhouse gases, products and equipment containing those gases or whose functioning relies upon those gases, placed under temporary storage or under a customs procedure, including customs warehousing or free zone procedure or in transit through the customs territory of the Union;	[No change]
		Comments

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	(iii) to amend Article 22 by adding tracing methodologies for fluorinated greenhouse gases placed on the market for the monitoring of import and export of fluorinated greenhouse gases, products and equipment containing those gases or whose functioning relies upon those gases, placed under temporary storage or under a customs procedure. establishing additional measures to those set out in this Regulation for the monitoring of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases placed under temporary storage, or a customs procedure including customs warehousing or free zone procedure or in transit through the customs territory of the Union, on the basis of an evaluation of the potential risks of illegal trade linked to such movements, including tracing methodologies for gases placed on the market;		
	1a. The Commission, when adopting a delegated act under paragraph 1, shall take into account the environmental benefits and socio-economic impacts of the such methodology to be established under points (i), (ii) and (iii) of paragraph 1 measures.		
		-1. By 30 June 2025, the Commission shall publish a report evaluating the	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		potential risks of illegal trade and identifying additional measures to reduce those risks linked to movements of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases when placed under temporary storage, or a customs procedure including customs warehousing or free zone procedure or in transit through the customs territory of the Union, including tracing methodologies for gases placed on the market, such as quick response (QR) codes.
---	--	---

z) Trade with states or regional economic integration organisations and territories not covered by the Protocol (Article 25)

Amendments to Article 25 - Trade with states or regional economic integration organisations and territories not covered by the Protocol			
<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament position</i>	<i>Comments</i>
1. Import and export of hydrofluorocarbons and of products and equipment containing, hydrofluorocarbons or whose functioning relies upon those gases from and to any state or regional economic integration organisation that has not agreed to be bound by the provisions of the Protocol applicable to those gases shall be prohibited as from 1 January from 2028.	[No change]	[No change]	
2. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing the rules applicable to the release for free circulation in the Union and export of products and equipment imported from and exported to any State or regional economic integration organisation subject to paragraph 1, which were produced using hydrofluorocarbons but do not contain gases which can be	[No change]	[No change]	

THE VALUE OF THE REPERIODATION AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE positively identified as hydrofluorocarbons, as well as rules on the identification of such products and equipment. When adopting those delegating acts the Commission shall take into account the relevant decisions taken by the Parties to the Protocol and, as regards the rules on the identification of such products and equipment, periodical technical advice given to the Parties to the Protocol.	[No change]
3. By way of derogation from paragraph 1, trade with any state or regional economic integration organisation subject to paragraph 1 in hydrofluorocarbons and equipment containing hydrofluorocarbons or whose functioning replies upon those gases or which are produced by means of one or more such gases may be authorised by the Commission, by means of implementing acts, to the extent that the state or regional economic integration organisation is determined by a meeting of the Parties to the Protocol pursuant to Article 4(8) of the Protocol to be in full compliance with the Protocol and has submitted data to that	[No change]

effect as specified in Article 7 of the Protocol. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).			
4. Subject to any decision taken under paragraph 2, paragraph 1 shall apply to any territory not covered by the Protocol in the same way as such decisions apply to any state or regional economic integration organisation subject to paragraph 1.	[No change]	[No change]	
5. Where the authorities of a territory not covered by the Protocol are in full compliance with the Protocol and have submitted data to that effect as specified in Article 7 of the Protocol, the Commission may decide, by means of implementing acts, that some or all of the provisions of paragraph 1 of this Article shall not apply in respect of that territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	[No change]	[No change]	

aa) Reporting by undertakings (Article 26)

Amendments to Article 26 - Reporting by undertakings			
Commission proposal	European Council Position	European Parliament position	Comments
1. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer, importer and exporter that produced, imported or exported hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. This paragraph shall also apply to all undertakings receiving quotas pursuant to Article 21(1). By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each importer or producer that has been allocated quota pursuant to Article 17(4), or has received quotas pursuant to Article 21(1) but has not placed any	[No change]	1. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer, importer and exporter that produced, imported or exported ~~hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other~~ fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. This paragraph shall also apply to all undertakings receiving quotas pursuant to Article 21(1).	

quantities of hydrofluorocarbons on the market during the preceding calendar year, shall report to the Commission by submitting a 'nil-report'.	THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	
2. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each destroyed hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	[No change]	2. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that destroyed ~~hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other~~ fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.
3. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that used 1 000 tonnes of CO₂ equivalent or more of fluorinated greenhouse gases listed in Annex I as feedstock during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	[No change]	3. By 31 March [[OP: Please insert the year of application of this Regulation], each undertaking that used ~~1 000 tonnes of CO₂ equivalent or more of~~ fluorinated greenhouse gases listed in Annex I as feedstock during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

4. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that placed 100 tonnes of CO₂ equivalent or more of hydrofluorocarbons, or 500 tonnes of CO₂ equivalent or more of other fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	4. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that placed 100 tonnes of CO₂ equivalent or more of hydrofluorocarbons, or 500 tonnes of CO₂ equivalent or more of other fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	4. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that placed 100 tonnes of CO₂ equivalent or more of hydrofluorocarbons, or 500 tonnes of CO₂ equivalent or more of other fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	
5. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that received any quantities of hydrofluorocarbons referred to in Article 16(2) shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer or importer that placed on the market hydrofluorocarbons for the purpose of producing metered dose inhalers	[No change]	[No change]	

		for the delivery of pharmaceutical ingredients shall report to the Commission the data specified in Annex IX. The manufacturers of such metered dose inhalers shall report to the Commission the data specified in Annex IX on the hydrofluorocarbons received.
	6. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking thatreclaimed quantities exceeding 1 metric tonne or 100 tonnes of CO₂ equivalent of fluorinated greenhouse gases shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	[No change]
	7. By 30 April [OP: Please insert the year of application of this Regulation], each importer of equipment that placed on the market pre-charged equipment as referred to in Article 19 containing at least 1 000 tonnes of CO₂-equivalent hydrofluorocarbons, and where those hydrofluorocarbons have not been placed on the market prior to the charging of the equipment, shall submit to the	[No change]

Commission a verification report issued pursuant to Article 19(3).	Commission a verification report issued pursuant to Article 19(3).	Commission a verification report issued pursuant to Article 19(3).
8. By 30 April [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking which under paragraph 1 reports on the placing on the market of ~~1 000 tonnes of CO₂ equivalent or more~~ of hydrofluorocarbons during the preceding calendar year shall, in addition, ensure that the veracity of its report is confirmed, at a reasonable level of assurance, by an independent auditor. The auditor shall be registered in the F-gas Portal and shall be either: [No change]	[No change]	8. By 30 April [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking which under paragraph 1 reports on the placing on the market of 1 000 tonnes of CO₂ equivalent or more of hydrofluorocarbons during the preceding calendar year shall, in addition, ensure that the veracity of its report is confirmed, at a reasonable level of assurance, by an independent auditor. The auditor shall be registered in the F-gas Portal and shall be either: (a) accredited pursuant to Directive 2003/87/EC; or (b) accredited to verify financial statements in accordance with the legislation of the Member State concerned. Transactions referred to in Article 16(2), point (c), of shall be verified regardless of the quantities involved. The Commission may request an undertaking to ensure that the veracity of its report is confirmed at

a reasonable level of assurance, by an independent auditor, regardless of the quantities involved, where needed to confirm its compliance with the rules under this Regulation. The Commission may, by means of implementing acts, specify the details of the verification of reports and of the accreditation of verifiers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	9. All reporting and verification referred to in this Article shall be carried out via the F-gas Portal. The Commission may, by means of implementing acts, determine the format of submitting the reports referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	[No change]	[No change]
---	--	--------------------	--------------------

bb) Collection of emissions data (Article 27)

Amendments to Article 27 - Collection of emissions data			
<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament position</i>	<i>Comments</i>
Member States shall establish reporting systems for the relevant sectors referred to in this Regulation, with the objective of acquiring emissions data. Member States shall, where appropriate, enable the recording of the information collected in accordance with Article 7 via a centralised electronic system.	[No change]	[No change]	
		2a. By 31 December 2024 the Commission shall adopt a delegated act on a common general framework that Member States shall use to design centralised electronic systems.	

cc) Cooperation and exchange of information (Article 28)

Amendments to Article 28 - Cooperation and exchange of information			
Commission proposal	European Council Position	European Parliament position	Comments
1. The competent authorities of Member States, including customs authorities, market surveillance authorities, environmental authorities and other authorities with inspection functions, shall cooperate with each other, with the competent authorities of other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation. When cooperation with customs authorities is needed to ensure a proper implementation of the customs risk management framework, competent authorities shall provide all necessary information to customs in accordance with Article 47(2) of Regulation (EU) 952/2013.	1. When required to ensure compliance with this Regulation, the competent authorities of Member States, including customs authorities, market surveillance authorities, environmental authorities and other authorities with inspection functions, shall cooperate with each other, with the competent authorities of other Member States, with the Commission, and if necessary, with administrative authorities of third countries ~~in order to ensure compliance with this Regulation.~~ [No change]	[No change]	

2. When customs authorities, market surveillance authorities or any other competent authority of a Member State have detected an infringement of this Regulation, that competent authority shall notify the environmental authority or if not relevant any other authority responsible for the enforcement of penalties in accordance with Article 31.	[No change]	[No change]
3. Member States shall ensure that their competent authorities are able to efficiently have access to and exchange between them any information necessary for the enforcement of this Regulation. Such information shall include customs related data, information on ownership and financial status, any environmental violations, as well as data recorded in the F-gas Portal. That information shall also be made available to competent authorities of other Member States and to the Commission when needed to ensure the enforcement of this Regulation. Competent authorities shall immediately inform the Commission of infringements of Article 16(1).	[No change]	[No change]

4. Competent authorities shall alert competent authorities of other Member States when they detect infringement of this Regulation that may affect more than one Member State. Competent authorities shall, in particular, inform competent authorities of other Member States when they detect a relevant product on the market that is not compliant with this Regulation, to enable that it is seized, confiscated, withdrawn or recalled from the market for disposal.	[No change]	[No change]
The Customs Risk Management System shall be used for the exchange of customs risk-related information.	[No change]	
Customs authorities shall also exchange any relevant information related to infringement of the provisions of this Regulation in accordance with Regulation (EC) No 515/97 of the European Parliament and of the Council 46 and shall request assistance from the other Member States and the Commission where relevant.	Customs authorities shall also exchange any relevant information related to infringement of the provisions of this Regulation in accordance with Council Regulation (EC) No 515/97 ~~of the European Parliament and of the Council~~²⁶ and shall request assistance from the other Member States and the Commission where relevant.	

dd) Obligation to carry out checks (Article 29)

Amendments to Article 29 - Obligation to carry out checks			
Commission proposal	European Council Position	European Parliament position	Comments
1. The competent authorities of Member States shall carry out checks to establish whether undertakings comply with their obligations under this Regulation.	[No change]	1. The competent authorities of Member States shall carry out regular checks to establish whether undertakings comply with their obligations under this Regulation.	
2. The checks shall be carried out following a risk-based approach, which takes into consideration in particular, the history of compliance of undertakings, the risk of non-compliance of a specific product with this Regulation, and any other relevant information received from the Commission, national customs authorities, market surveillance authorities and environmental authorities or from competent authorities of third countries.	[No change]	[No change]	
Competent authorities shall also conduct checks when they are in possession of evidence or other relevant information, including based on substantiated concerns	[No change]		

provided by third parties, concerning potential non-compliance with this Regulation. The competent authorities of the Member States shall also carry out the checks that the Commission considers necessary to ensure compliance with this Regulation.	THE VOICE OF THE REFRIGERATION AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE ~~The competent authorities of the Member States shall also carry out the checks that the Commission considers necessary to ensure compliance with this Regulation.~~	
3. Checks referred to in paragraphs 1 and 2, shall include on-site visits of establishments with the appropriate frequency and verification of relevant documentation and equipment.	[No change]	3. Checks referred to in paragraphs 1 and 2, shall include on-site visits of establishments with the appropriate frequency and verification of relevant documentation and equipment as well as checks of online platforms selling bulk fluorinated gases or products and equipment that contain such gases.
Checks shall be carried out without prior warning of the undertaking, except where prior notification is necessary in order to ensure the effectiveness of the checks. Member States shall ensure that undertakings afford the competent authorities all necessary assistance to enable those authorities to carry out the checks provided for by this Article.	[No change]	

4. The competent authorities shall keep records of the checks indicating in particular their nature and results, as well as on the measures taken in case of non-compliance. Records of all checks shall be kept for at least five years.	[No change]	[No change]
5. At the request of another Member State, a Member State may conduct checks on undertakings suspected of being engaged in the illegal movement of the gases and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member State shall be informed about the result of the check.	[No change]	[No change]
6. In carrying out the tasks assigned to it by this Regulation, the Commission may request all necessary information from the competent authorities of the Member States and from undertakings. When requesting information from an undertaking the Commission shall at the same time forward a copy of the request to the competent authority of the Member State within the territory of	[No change]	[No change]

which the undertaking's seat is situated.	THE VALUE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		
7. The Commission shall take appropriate steps to promote an adequate exchange of information and cooperation between competent authorities of the Member States and between competent authorities of the Member States and the Commission. The Commission shall take appropriate steps to protect the confidentiality of information obtained under this Article.	[No change]	[No change]	7a. Member States shall provide an annual summary of the data collected from the logbooks to the Commission by 1 April of each year. The Commission shall publish an annual summary and assessment of the data received from Member States.

ee) Reporting of breaches and protection of reporting persons (Article 30)

Amendments to Article 30 - Reporting of breaches and protection of reporting persons			
<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament position</i>	<i>Comments</i>
Directive (EU) 2019/1937 shall apply to the reporting of breaches of this Regulation and the protection of persons reporting such breaches.	[No change]	[No change]	

ff) Penalties (Article 31)

Amendments to Article 31 - Penalties			
Commission proposal	European Council Position	European Parliament position	Comments
1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by 1 January [OP please insert the year = 1 year following the date of entry into force of this Regulation] notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council²⁷ of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by 1 January [OP please insert the year = 2	[No change]	
2. Without prejudice to the obligations of Member States under Directive 2008/99/EC, Member States shall, in accordance with national law, provide for competent	2. ~~Without prejudice to the obligations of Member States under Directive [2008/99/EC], Member States shall, in accordance with national law, provide for competent authorities to have the~~	[No change]	

authorities to have the power to impose appropriate administrative penalties and take other administrative measures in relation to those infringements.	~~power to impose appropriate administrative penalties and take other administrative measures in relation to those infringements.~~	
3. Member States shall ensure that level and type of penalties are appropriate and proportionate and are applied considering at least to the following criteria: (a) the nature and gravity of the infringement; (b) the intentional or negligent character of the infringement; (c) any previous infringements of this Regulation by the undertaking held responsible; (d) the financial situation of the undertaking held responsible;	[No change]	

THE VOICE OF THE REPER: GENERATION AIR- ENVIRONMENT	(e) the economic benefits derived or expected to be derived from the infringement.	INDUSTRY IN EUROPE	
4. The Member States shall ensure that their competent authorities are able to at least impose the following penalties in case of infringements of this Regulation: (a) fines; (b) confiscation or seizure of illegally obtained goods or of revenues gained by the undertaking from the infringement; (c) suspension or revocation of the authorisation to carry out activities where those fall under the scope of this Regulation.	(e) the economic benefits derived or expected to be derived from the infringement. 4. The Member States shall ensure that their competent authorities are able to at least impose the following penalties in case of infringements of this Regulation: (a) fines; (b) confiscation or seizure of illegally obtained goods or of revenues gained by the undertaking from the infringement; (c) suspension or revocation of the authorisation to carry out activities where those fall under the scope of this Regulation.	[No change]	
5. In cases of unlawful production, import, export, placing on the market, or use of fluorinated greenhouse gases or of products containing those gases or whose functioning relies on those gases, Member States shall envisage maximum administrative fines of at least five times the market value of the concerned gases or products and equipment concerned. In case of a repeated	~~5. In cases of unlawful production, import, export, placing on the market, or use of fluorinated greenhouse gases or of products and equipment containing those gases or whose functioning relies on those gases, Member States shall envisage maximum administrative fines of at least five times the market value of the concerned gases or products and equipment concerned. In case of a repeated infringement within a five-~~	5. In cases of unlawful production, import, export, placing on the market, or use of fluorinated greenhouse gases or of products containing those gases or whose functioning relies on those gases, Member States shall set out minimum administrative fines of at least four times the market value of the gases or products concerned and equipment concerned and	

infringement within a five-year period, the Member States shall envisage maximum administrative fines of at least eight times the value of the gases or products and equipment concerned. In cases of infringements of Article 4(1), the potential impact on the climate shall be reflected by taking into account the carbon price in the determination of an administrative fine.	~~year period, the Member States shall envisage maximum administrative fines of at least eight times the value of the gases or products and equipment concerned.~~ ~~In cases of infringements of Article 4(1), the potential impact on the climate shall be reflected by taking into account the carbon price in the determination of an administrative fine.~~	envisage maximum administrative fines of at least five ~~six~~ times the market value of the concerned gases or products and equipment concerned. In case of a repeated infringement within a five-year period, the Member States shall set out minimum administrative fines of at least seven times the value of the gases or products concerned and equipment concerned and envisage maximum administrative fines of at least ~~eight~~ ten times the value of the gases or products and equipment concerned. In cases of infringements of Article 4(1), the potential impact on the climate shall be reflected by taking into account the carbon price in the determination of an administrative fine.	
6. In addition to the penalties referred to in paragraph 1, undertakings that have exceeded their quota for placing hydrofluorocarbons on the market, allocated in accordance with Article 17(4) or transferred to them in accordance with Article 21(1), may only be allocated a reduced quota	[No change]	[No change]	

allocation for the allocation period after the excess has been detected. The amount of reduction shall be calculated as 200 % of the amount by which the quota was exceeded. If the amount of the reduction is higher than the amount to be allocated in accordance with Article 17(4) as a quota for the allocation period after the excess has been detected, no quota shall be allocated for that allocation period and the quota for the following allocation periods shall be reduced likewise until the full amount has been deducted. The reduction(s) shall be recorded in the F-gas Portal.	REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	
---	---	--

gg) Exercise of the delegation (Article 32)

Amendments to Article 32 - Exercise of the delegation			
Commission proposal	European Council Position	European Parliament position	Comments
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	[No change]	[No change]	
2. The power to adopt delegated acts referred to in Article 8(8), Article 12(17), Article 16(3), 17(6), Article 24, Article 25(2) and Article 35 shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation].	2. The power to adopt delegated acts referred to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), 17(6a) and 17(6b) , Article 24(1), Article 25(2) and Article 35 shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation].	2. The power to adopt delegated acts referred to in Article 8(8), Article 9(1a) , Article 12(17), Article 16(3) first subparagraph, Article 16(3), second subparagraph, 17(6), Article 17(6a), Article 24, Article 25(2) Article 27, third subparagraph, Article 35(1), Article 35(1a) and Article 35(1b) shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation].	
3. The delegation of power referred to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25(2) and Article 35 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It	[No change]	3. The delegation of power referred to in Article 8(8), Article 9(1a) , Article 12(17), Article 16(3) first subparagraph, Article 16(3) second subparagraph, Article 17(6), Article 17(6a), Article 24, Article 25(2), Article 27, third subparagraph, and Article 35(1), Article 35(1a) and Article 35(1b)	

shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	HEATING, COOLING, VENTILATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRIES IN EUROPE	may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.	[No change]	[No change]	
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	[No change]	[No change]	
6. A delegated act adopted pursuant to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25(2) and Article 35 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the	[No change]	6. A delegated act adopted pursuant to in Article 8(8), Article 9(1a), Article 12(17), Article 16(3), Article 16(3), second subparagraph, Article 17(6), Article 17(6a), Article 24, Article 25(2), Article 27, third subparagraph, and Article 35(1), Article 35(1a) and Article 35(1b)	

European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
--	---

hh) Consultation Forum (Article 33)

Amendments to Article 33 - Consultation Forum			
<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament position</i>	<i>Comments</i>
The Commission shall establish a Consultation Forum for providing advice and expertise in relation to the implementation of this Regulation. The rules of procedure of the Consultation Forum shall be established by the Commission and shall be published.	[No change]	The Commission shall establish a Consultation Forum for providing advice and expertise in relation to the implementation of this Regulation. The Consultation Forum shall have a balanced participation of: (i) Member State representatives; (ii) representatives of all relevant stakeholders, including environmental organisations, patient associations and healthcare professional organisations, representatives of manufacturers and operators. The Consultation Forum shall closely cooperate with the relevant EU Agencies. The rules of procedure of the Consultation Forum shall be established by the Commission and shall be published.	

ii) Committee procedure (Article 34)

Amendments to Article 34 - Committee procedure			
<i>Commission proposal</i>	<i>European Council Position</i>	<i>European Parliament position</i>	<i>Comments</i>
1. The Commission shall be assisted by a committee on fluorinated greenhouse gases. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	[No change]	[No change]	
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	[No change]	[No change]	

jj) Review (Article 35)

Amendments to Article 35 - Review			
Commission proposal	European Council Position	European Parliament position	Comments
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.	[No change]	[No change]	
		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	

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		GWP fluorinated greenhouse gases in the 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. 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 offluorinated greenhouse gases not listed in Annex I, II or III, respectively. 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,
--	--	---

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE By 1 January 2033, the Commission shall publish a report on the implementation of this Regulation.	By 1 January 2033~~0~~ the Commission shall publish a report on the implementation of this Regulation, 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.	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. By 1 January ~~2033~~ 2027, the Commission shall publish a report on the implementation of this Regulation, including in relation to the impact of this Regulation on the health sector, particularly the availability of MDIs for the delivery of pharmaceutical ingredients, as well as on the impact on the market of cooling equipment used in conjunction with batteries.	
--	--	--	--

kk) Repeal (Article 36)

Amendments to Article 36 - Repeal			
Commission proposal	European Council Position	European Parliament position	Comments
Regulation (EU) No 517/2014 is repealed. References to Regulation (EU) No 517/2014 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex X.	[No change]	[No change]	

II) Amendment to Directive (EU) No 2019/1937 (Article 37)

Amendments to Article 37 - Amendment to Directive (EU) No 2019/1937			
Commission proposal	European Council Position	European Parliament position	Comments
In Part I, Section E, point 2, of the Annex to Directive (EU) No 2019/1937, the following point is added: Regulation (EU) No [OP: please insert the number of this Regulation] of the European Parliament and of the Council on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014 [OP: please insert the OJ reference to this Regulation]’.	[No change]	[No change]	

mm) Entry into force and application (Article 38)

Amendments to Article 38 - Entry into force and application			
Commission proposal	European Council Position	European Parliament position	Comments
This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from 1 January [OP: Please insert the year following the year of entry into force of this Regulation]. Articles 20(2), 20(3) and 23(5) shall apply from: (a)[[1 March 2023] date = the application date specified in Regulation of the European Parliament and of the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 in the Annex for the part concerning fluorinated greenhouse gases] for release for free circulation referred to in Article 201 of Regulation (EU) 952/2013; (b)[[1 March 2025] date = the application date specified in Regulation of the European Parliament and of the Council	[No change]	[No change]	

establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 in the Annex for the part concerning fluorinated greenhouse gases] for import procedures other than the one referred to in point (a), and export. Article 17(5) shall apply from [OP: Please insert the year following the year of the application of this Regulation]. This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Strasbourg,	REFRIGERATION, AIR- CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE	
--	--	--

III. Other Annexes

ANNEXES to the

Commission's Proposal for a Regulation of the European Parliament and of the Council
on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014

In this section, the initial text of the European Commission's proposal is put in black as reference; the changes made by the Council are written in **orange** and the ones from the European Parliament are made in **green**.

a) ANNEX I – Fluorinated greenhouse gases referred to in Article 2(1)¹ – hydrofluorocarbons, perfluorocarbons and other perfluorinated compounds

Substance	GWP (2)		20 years-GWP(3) for information purposes only
Industrial designation	Chemical name (Common name)	Chemical formula	
Section 1: Hydrofluorocarbons (HFCs)			
HFC-23	trifluoromethane (fluoroform)	CHF ₃	14 800
HFC-32	difluoromethane	CH ₂ F ₂	675
HFC-41	Fluoromethane (methyl fluoride)	CH ₃ F	92
HFC-125	pentafluoroethane	CHF ₂ CF ₃	3 500
HFC-134	1,1,2,2-tetrafluoroethane	CHF ₂ CHF ₂	1 100
HFC-134a	1,1,1,2-tetrafluoroethane	CH ₂ FCF ₃	1 430
HFC-143	1,1,2-trifluoroethane	CH ₂ FCHF ₂	353

HFC-143a	1,1,1 –trifluoroethane	CH3CF3	4 470	7 840
HFC-152	1,2-difluoroethane	CH2FCH2F	53	77,6
HFC-152a	1,1 –difluoroethane	CH3CHF2	124	591
HFC-161	Fluoroethane (ethyl fluoride)	CH3CH2F	12	17,4
HFC-227ea	1,1,1,2,3,3,3-heptafluoropropane	CF3CHFCF3	3 220	5 850
HFC-236cb	1,1,1,2,2,3-hexafluoropropane	CH2FCF2CF3	1 340	3 750
HFC-236ea	1,1,1,2,3,3-hexafluoropropane	CHF2CHFCF3	1 370	4 420
HFC-236fa	1,1,1,3,3,3-hexafluoropropane	CF3CH2CF3	9 810	7 450
HFC-245ca	1,1,2,2,3-pentafluoropropane	CH2FCF2CHF2	693	2 680
HFC-245fa	1,1,1,3,3-pentafluoropropane	CHF2CH2CF3	1 030	3 170
HFC-365mfc	1,1,1,3,3-pentafluorobutane	CF3CH2CF2CH3	794	2 920
HFC-43-10mee	1,1,1,2,2,3,4,5,5,5-decafluoropentane	CF3CHFCF2CF3	1 640	3 960
Substance			GWP 100 (3)	GWP 20 (3)
Industrial designation	Chemical name (Common name)	Chemical formula		
Section 2: Perfluorocarbons (PFCs)				
PFC-14	tetrafluoromethane (perfluoromethane, carbon tetrafluoride)	CF4	7 380	5 300
PFC-116	Hexafluoroethane (perfluoroethane)	C2F6	12 400	8 940
PFC-218	octafluoropropane	C3F8	9 290	6 770

THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE		C4F10		10 000	7 300
PFC-3-1-10 (R-31-10)	(perfluoropropane) decafluorobutane (perfluorobutane)				
PFC-4-1-12 (R-41-12)	dodecafluoropentane (perfluoropentane)			9 220	6 680
PFC-5-1-14 (R-51-14)	tetradecafluorohexane (perfluorohexane)			8 620	6 260
PFC-c-318	octafluorocyclobutane (perfluoro cyclobutane)			10 200	7 400
PFC-9-1-18 (R-91-18)	Perfluorodecalin			7 480	5 480
PFC-4-1-14 (R-41-14)	perfluoro-2-methylpentane			7 370 (<u>4</u>)	(<u>5</u> *)
Section 3: Other (per)fluorinated compounds and fluorinated ketones					
	sulphur hexafluoride	SF6		25 200	18 300
	Heptafluoroisobutyronitrile (2,3,3,3-tetrafluoro-2-(trifluoromethyl)-propanenitrile)		Iso-C ₃ F ₇ CN	2 750	4 580
	1,1,1,3,4,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one		CF ₃ C(O)CF(CF ₃) ₂	0,29	(*)

1

Mixtures containing the substances listed in this Annex are considered as fluorinated greenhouse gases covered by the rules of this Regulation (Article 2(1)). This Annex contains the gases listed therein, whether alone or in a mixture.

2

Based on the Fourth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

3

Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

4

Droste et al. (2019). Trends and Emissions of Six Perfluorocarbons in the Northern and Southern Hemisphere.

*

Atmospheric Chemistry and Physics. <https://acp.copernicus.org/preprints/acp-2019-873/acp-2019-873.pdf>
Global warming potential not yet available.

b) ANNEX II : Other fluorinated greenhouse substances referred to in Article 2(1)(⁶) – unsaturated hydro(chloro)fluorocarbons, fluorinated substances used as inhalation anaesthetics and other fluorinated substances

Substance	GWP (⁷)	20 years-GWP(2) for information purposes only
Common name/industrial designation Chemical formula		
Section 1: Unsaturated hydro(chloro)fluorocarbons		
HCFC-1224yd(Z)	CF ₃ CF=CHCl	0,06(⁹) (^{9bis*})
Cis/Trans-1,2-difluoroethylene 1132)	CHF=CF ₂	0,005 0,017
1,1-difluoroethylene (HFC-1132a)	CH ₂ =CF ₂	0,052 0,189
1,1,1,2,3,4,5,5,5(or1,1,1,3,4,4,5,5,5)- nonafluoro-4(or2)- (trifluoromethyl)pent-2-ene	CF ₃ CF=CF ₂ CF ₃ CF ₃ or CF ₃ CF ₃ C=CF ₂ CF ₃	1 Fn (¹⁰) (*)
HFC-1234yf	CF ₃ CF = CH ₂	0,501 1,81
HFC-1234ze	trans — CHF = CHCF ₃	1,37 4,94
HFC-1336mzz(E)	CF ₃ CH = CHCF ₃	17,9 64,3
HFC-1336mzz(Z)	(Z)-CF ₃ CH = CHCF ₃	2,08 7,48
HCFC-1233zd	CF ₃ CH = CHCl	3,88 14
HCFC-1233xf	CF ₃ CCl = CH ₂	1 Fn (9) (*) ~~Error!~~ Bookmark not defined.
Section 2: fluorinated substances used as inhalation anaesthetics		
HFE-347mmz1 (sevoflurane) and isomers	(CF ₃) ₂ CHOCH ₂ F	195 702
HCFE-235ca2 (enflurane) and isomers	CHF ₂ OCH ₂ CHFCl	654 2 320
HCFE-235da2 (isoflurane) and isomers	CHF ₂ OCHClCF ₃	539 1 930

c) ANNEX III **Other F**luorinated greenhouse gases referred to in Article 2(1) ¹¹ – **fluorinated**

ethers, ketones and alcohols and other fluorinated compounds

Substance	GWP (12)		20 years–GWP (2) for information purposes only
Common name/industrial designation	Chemical formula		
Section 1: Fluorinated ethers, ketones and alcohols			
HFE-125	CHF ₂ OCHF ₃	14 300	13 500
HFE-134 (HG-00)	CHF ₂ OCHF ₂	6 630	12 700
HFE-143a	CH ₃ OCHF ₃	2 170	616
HFE-245cb2	CH ₃ OCHF ₂ CF ₃	747	2 630
HFE-245fa2	CHF ₂ OCH ₂ CF ₃	3 060	878
HFE-254cb2	CH ₃ OCHF ₂ CHF ₂	328	1 180
HFE-347 mcc3 (HFE-7000)	CH ₃ OCHF ₂ CF ₂ CF ₃	576	2 020
HFE-347pcf2	CHF ₂ CF ₂ OCH ₂ CF ₃	980	3 370
HFE-356pcc3	CH ₃ OCHF ₂ CF ₂ CHF ₂	277	995
HFE-449s1 (HFE-7100)	C ₄ F ₉ OCH ₃	460	1 620
HFE-569sf2 (HFE-7200)	C ₄ F ₉ OCH ₂ H ₅	60,7	219
HFE-7300	(CF ₃) ₂ CF ₂ CF ₂ CF ₃	405	1 420
n-HFE-7100	CF ₃ CF ₂ CF ₂ CF ₂ OCH ₃	544	1 920
i-HFE-7100	(CF ₃) ₂ CF ₂ CF ₂ OCH ₃	437	1 540
i-HFE-7200	(CF ₃) ₂ CF ₂ CF ₂ OCH ₂ CH ₃	34,3	124
HFE-43-10pcccl24 (H-Galden 1040x) HG-11	CHF ₂ OCHF ₂ OCH ₂ CF ₂ CF ₂ CF ₃	3 220	8 720
HFE-236cal2 (HG-10)	CHF ₂ OCHF ₂ OCH ₂ CF ₂	6 060	11 700
HFE-338pcccl3 (HG-01)	CHF ₂ OCHF ₂ CF ₂ OCH ₂ CF ₂	3 320	9 180
HFE-347mmyl	(CF ₃) ₂ CF ₂ OCH ₂ CH ₃	392	1 400
2,2,3,3,3-pentafluoropropan-1-ol	CF ₃ CF ₂ CH ₂ OH	34,3	123

1,1,1,3,3,3-Hexafluoropropan-2-ol	(CF ₃) ₂ CHOH	206	742
THE MAIN USE OF THE REFRIGERATION, AIR CONDITIONING AND HEAT-PUMP FLUIDS	CF ₃ CHFOCF ₃	7 520	9 800
HFE-227ea	CF ₃ CH ₂ OCF ₃	1 100	3 670
HFE-236fa	CHF ₂ CH ₂ OCF ₃	934	3 170
HFE-245fal	CF ₃ CH ₂ OCH ₃	2,06	7,43
HFE-263fb2	CHF ₂ CF ₂ OCH ₂ CF ₃	3 770	7 550
HFE-329 mcc2	CF ₃ CH ₂ OCF ₂ CF ₃	1 040	3 460
HFE-338 mcf2	(CF ₃) ₂ CHOCHF ₂	3 040	6 500
HFE-338mmzl	CHF ₂ CH ₂ OCF ₂ CF ₃	963	3 270
HFE-347 mcf2	CH ₃ OCF ₂ CHF ₂ CF ₃	264	949
HFE-356 mec3	(CF ₃) ₂ CHOCH ₃	8,13	29,3
HFE-356mm1	CHF ₂ CH ₂ OCF ₂ CHF ₂	831	2 870
HFE-356pcf2	CHF ₂ OCH ₂ CF ₂ CHF ₂	484	1 730
HFE-356pcf3	CF ₃ CF ₂ CH ₂ OCH ₃	1,6	5,77
HFE 365 mcf3	CHF ₂ CF ₂ OCH ₂ CH ₃	12,5	45
HFE-374pc2	CF ₃ C(O)CF(CF ₃) ₂	0,29 ⁽¹⁾	(*)
1,1,1,3,4,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one	- (CF ₂) ₄ CH (OH)-	13,6	49,1
2,2,3,3,4,4,5-octafluorocyclopentan-1-ol	CF ₃ C(O)CF(CF ₃) ₂	0,29(13)	(*)
1,1,1,3,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one			
perfluoropolymethylisopropyl-ether (PFPMIE)	CF ₃ OCF(CF ₃)CF ₂ OCF ₂ OCF ₃	10 300	7 750
Perfluoro(2-methyl-3-pentanone)	CF ₃ CF ₂ C(O)CF(CF ₃) ₂		
Section 2: Other fluorinated compounds			
perfluoropolymethylisopropyl-ether (PFPMIE)	CF ₃ OCF(CF ₃)CF ₂ OCH ₂ OCF ₃	10-300	7-750
trifluoromethylsulphurpentafluoride	SF ₅ CF ₃	18 500	13 900

Perfluorocyclopropane	c-C3F6	9 200 (<u>14</u>)	6 850(3)
Heptafluoroisobutyronitrile	Iso- C ₃ F ₇ CN	2 750	4 580
(2,3,3,3-tetrafluoro-2-(trifluoromethyl)-propanenitrile)			
Heptafluoroisobutyronitrile	Iso-C3F7CN	2 750	4 580
(2,3,3,3-tetrafluoro-2-(trifluoromethyl)-propanenitrile)			
perfluorotributylamine (PFTBA, FC43)	C12F27N	8 490	6 340
perfluoro-N-methylmorpholine	C5F11NO	~~8 800~~ 8380 (<u>15</u>)	(<u>16*</u>)
Perfluorotripropylamine	C9F21N	9 030	6 750

11
M mixtures containing the substances listed in this Annex are considered as fluorinated greenhouse gases covered by the rules of this Regulation (Article 2(1)) This Annex contains the gases listed therein, whether alone or in a mixture.

12
Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

d) ANNEX V – Production rights for placing hydrofluorocarbons on the market

The **production rights** for ~~calculated levels of production of~~ hydrofluorocarbons, expressed in tonnes of CO₂ equivalents, referred to in Article 14 **(2)** for each producer ~~is~~ are calculated as:

- (a) for the period 1 January 2024 to 31 December 2028, 60 % of the annual average of its production in 2011-2013;
- (b) from the period 1 January 2029 to 31 December 2033, 30% of the annual average of its production in 2011-2013;
- (c) for the period 1 January 2034 to 31 December 2035, 20% of the annual average of its production in 2011-2013;
- (d) for the period 1 January 2036 ~~and thereafter, 15% to 31 December 2049, 15%~~ of the annual average of its production in 2011-2013.
- (da) for the period 1 January 2050 and thereafter, 0% of the annual average of its production in 2011-2013.**

~~For the purpose of this Annex, production means the amount of hydrofluorocarbons produced minus the amount destroyed by technologies approved by the Parties to the Protocol, and minus the amount entirely used as feedstock in the manufacture of other chemicals, but including hydrofluorocarbons generated as a by-product, unless not captured or unless that by-product is destroyed as part of or after the manufacturing process by the producer or handed over to another undertaking for destruction. No amount reclaimed shall be considered as production.~~

e) **ANNEX VI : Method of calculating the total GWP of a mixture referred to in Article 3(~~12~~)**

The GWP of a mixture is calculated as a weighted average, derived from the sum of the weight fractions of the individual substances multiplied by their GWP, unless otherwise specified, including substances that are not fluorinated greenhouse gases.

Σ (Substance X % x GWP) + (Substance Y % x GWP) + ... (Substance N % x GWP), where % is the contribution by weight with a weight tolerance of +/- 1 %.

For example: applying the formula to a blend of gases consisting of 60 % dimethyl ether, 10 % HFC-152a and 30 % isobutane:

Σ (60 % x 1) + (10 % x 124) + (30 % x ~~30~~)

Total GWP = 13,~~90~~

The GWP of the following non-fluorinated substances are used to calculate the GWP of mixtures. For other substances not listed in this annex a default value of 0 applies. **Only emissible components that fulfil broadly the same function are relevant for the calculation of the GWP.**

Substance			GWP 100(~~17~~)
Common name	Industrial designation	Chemical Formula	
methane		CH4	27,9
nitrous oxide		N2O	273
dimethyl ether		CH3OCH3	1(~~18~~)
methylene chloride		CH2Cl2	11,2
methyl chloride		CH3Cl	5,54
chloroform		CHCl3	20,6
ethane	R-170	CH3CH3	0,437
propane	R-290	CH3CH2CH3	0,02

f) ANNEX VIII Allocation mechanism referred to in Article 17

(1) Determination of the quantity to be allocated to undertakings for which reference values have been established under Article 17(1). Each undertaking for which reference values have been established receives quota, which is calculated as follows:

—a quota corresponding to 89 % of the reference value referred to in Annex VII, point 4(i). **From 2029 onwards, such a quota corresponds to the reference value.** **From 2027, such a quota is obtained by multiplying the reference value with a factor of 0,7. From 2030, such a quota corresponds to the reference value;** multiplied by the maximum quantity for the year for which the quota is allocated divided by the base value of 176 700 479 tonnes CO2 equivalent [21](#).

—in addition, where relevant, a quota corresponding to the reference value referred to in Annex VII, point 4(ii), multiplied by the maximum quantity for the year for which the quota is allocated divided by the maximum quantity for the year 2024.

In case where after allocating the full amount of quotas as referred to in the second subparagraph, the maximum quantity is exceeded, all quotas will be reduced proportionally.

(2) Determination of the quota to be allocated to undertakings that have submitted a declaration pursuant to Article 17(3).

The total sum of the quotas allocated under point 1 is subtracted from the maximum quantity for the given year set out in Annex VII to determine the reserve amount to be allocated to undertakings, which have submitted a declaration under Article 17(3).

Each undertaking receives an allocation corresponding to a pro-rata share of the reserve.

The pro-rata share is calculated by dividing 100 by the number of undertakings that have submitted a declaration.

(3) Penalties established in accordance with Article 31 are taken into account in the calculations referred to above.

g) ANNEX IX DATA TO BE REPORTED PURSUANT TO ARTICLE 26

(1) Each producer referred to in Article 26(1), first subparagraph, shall report on:

- (a) the total quantity of each substance listed in Annexes I, II and III it has produced in the Union, including by-production, differentiating between amounts captured and not captured, and identifying quantities destroyed, from such production or by-production, of amounts not captured, or if captured, quantities destroyed prior to their placing on the market, either in the facilities of the producer or handed over to other undertakings for destruction, as well as the undertaking that carried out the destruction;
 - (b) the main categories of application in which the substance is used;
 - (c) the quantities of each substance listed in Annex I, II and III it has placed on the market in the Union, specifying separately:
 - quantities placed on the market for feedstock uses, including, for HFC-23 only, if after prior capture or without prior capture;
 - direct exports;
 - producing metered dose inhalers for the delivery of pharmaceutical ingredients;
 - use in military equipment;
 - use in the etching of semiconductor material or the cleaning of chemical vapour deposition chambers within the semiconductor manufacturing sector;
 - amounts of hydrofluorocarbons produced for uses within the Union exempted under the Montreal Protocol;
 - (d) any stocks held at the beginning and the end of the reporting period, specifying if placed on the market or not.
- (2) Each importer referred to in Article 26(1), first subparagraph, shall report on:
- (a) the total quantity of each substance listed in Annex I, II and III it has imported into the Union, identifying the main categories of application in which the substance is used, specifying separately:

- amounts imported, not released for free circulation, and re-exported contained in products or equipment by the reporting undertaking;
THE VOICE OF THE REFRIGERATION, AIR-CONDITIONING AND HEAT-PUMP INDUSTRY IN EUROPE
- quantities for destruction, identifying the undertaking carrying out the destruction;
- feedstock uses, specifying separately amounts of hydrofluorocarbons imported for feedstock uses, and identifying the feedstock using undertaking
- direct exports, identifying the exporting undertaking;
- producing metered dose inhalers for the delivery of pharmaceutical ingredients identifying the producer;
- use in military equipment; identifying the undertaking receiving the quantities for this use;
- use in the etching of semiconductor material or the cleaning of chemical vapour deposition chambers within the semiconductor manufacturing sector, identifying the receiving semiconductor manufacturer;
- amounts of hydrofluorocarbons contained in pre-blended polyols;
- amounts of **used recovered**, recycled or reclaimed hydrofluorocarbons;
- amount of hydrofluorocarbons imported for uses exempted under the Montreal Protocol;
- Quantities of hydrofluorocarbons shall be reported separately for each country of origin.
- (b) any stocks held at the beginning and the end of the reporting period, specifying if already placed on the market or not.

(3) Each exporter referred to in Article 26(1), first subparagraph, shall report on the quantities of each substance listed in Annexes I, II and III that it has exported from the Union, specifying if from own production or import or if purchased from other undertakings within the Union, **including the amounts of hydrofluorocarbons contained in pre-blended polyols**.

(4) Each undertaking referred to in Article 26(2) shall report on:

- (a) the quantities of each substance listed in Annexes I, II and III destroyed, including the quantities of those substances contained in products or equipment;
- (b) any stocks **held at the beginning and the end of the reporting period** of each substance listed in Annexes I, II and III waiting to be destroyed, including **separately**, the quantities of those substances contained in products or equipment;

(5) Each undertaking referred to in Article 26(3) shall report on the quantities of each substance listed in Annex I used as feedstock.

(6) Each undertaking referred to in Article 26(4) shall report on:

- (a) the categories of the products or equipment containing substances listed in Annexes I, II and III;
- (b) the number of units **with regard to products and equipment or mass with regard to non-countable products like foams**;
- (c) any quantities of each substance listed in Annexes I, II and III contained in the products or equipment;
- (d) the amount of hydrofluorocarbons charged into the imported equipment, released for free circulation, for which the hydrofluorocarbons had previously been exported from the Union and which had been subject to quota limitations for placing on the Union market. In such case, the report shall also specify the exporting undertaking and the year of export as well as the undertaking having placed the hydrofluorocarbons on the Union market for the first time and the year of that placing on the market.

(7) Each undertaking referred to in Article 26(5) shall report on the quantities of each substance received from importers and producers for destruction, feedstock uses, direct exports, metered dose inhalers for the delivery of pharmaceutical ingredients use in military equipment and use in the etching of semiconductor material or the cleaning of chemical vapour deposition chambers within the semiconductor manufacturing sector;

The manufacturer of metered dose inhalers for the delivery of pharmaceutical ingredients shall report on the type of hydrofluorocarbons and the quantities used.

(8) Each undertaking referred to in Article 26(6) shall report on:

- (a) the quantities of each substance listed in Annexes I, II and III that it has reclaimed;
- (b) any stocks **held at the beginning and the end of the reporting period** of each substance listed in Annexes I, II and III waiting to be reclaimed.

h) ANNEX X Correlation Table

Regulation (EU) No 517/2014	This Regulation
Article 1	Article 1
Article 2(1)	Article 2(1), point (a)
Article 2(2)	Article 3(4)
Article 2(3)-(4)	-
Article 2(5)	Article 3(2)
Article 2(6)	Article 3(1)
Article 2(7)	Article 3(3)
Article 2(8)	Article 3(5)
Article 2(9)	Article 3(~~36~~ 35)
Article 2(10)	Article 3(6)
Article 2(11)	Article 3(9)
Article 2(12)	Article 3(10)
Article 2(13)	Article 11(3) and Annex IV, point 1
Article 2(14)	Article 3(11)
Article 2(15)	Article 3(12)
Article 2(16)	Article 3(13)
Article 2(17)	Article 3(14)
Article 2(18)	Article 3(15)
Article 2(19)	Article 3(16)
Article 2(20)	Article 3(17)
Article 2(21)	Article 3(18)
Article 2(22)	Article 3(19)
Article 2(23)	Article 3(20)
Article 2(24)	Article 3(21)
Article 2(25)	Article 3(22)

Article 2(26)	Article 3(23)
Article 2(27)	Article 3(24)
Article 2(28)	-
Article 2(29)	Article 3(25)
Article 2(30)	Article 3(26)
Article 2(31)	Article 3(27)
Article 2(32)	Article 3(28)
Article 2(33)	Article 3(29)
Article 2(34)	Article 3(30)
Article 2(35)	Article 3(31)
Article 2(36)	Article 3(32)
Article 2(37)	Article 3(33)
Article 2(38)	Article 3(34)
Article 2(39)	-
Article 3(1)-(2)	Article 4(1)-(2)
Article 3(3)	Article 4(4)
Article 3(4)	Article 4(6)
Article 4	Article 5
Article 5	Article 6
Article 6	Article 7
Article 7(1)	Article 4(3)
Article 7(2)	Article 4(5)
Article 8(1)	Article 8(1)
Article 8(2)	Article 8(3)
Article 8(3)	Article 8(4)
Article 9	Article 9
Article 10(1)-(4)	Article 10(1)-(4)
Article 10(5)	-
Article 10(6)	Article 10(6)
Article 10(7)	Article 10(7)

Article 10(8)	-
Article 10(9)	Article 10(8)
Article 10(10)	Article 10(10)
Article 10(11)	Article 10(5)
Article 10(12)	Article 10(9)
Article 10(13)	Article 10(11)
Article 10(14)	Article 10(12)
Article 10(15)	Article 11(1), first subparagraph
Article 11(1)	Article 11(2)
Article 11(2)	Article 11(4)
Article 11(3)	Article 11(5)
Article 11(4)	Article 11(6)
Article 11(5)	-
Article 11(6)	Article 12(1)-(12)
Article 12(1)-(12)	Article 12(15)
Article 12(13)	Article 12(16)
Article 12(14)	Article 12(17)
Article 12(15)	Article 13(1)
Article 13(1) first subparagraph	-
Article 13(1) second subparagraph	Article 13(2)
Article 13(2)	-
Article 13(3)	Article 19(1)
Article 14(1)	Article 19(2), first subparagraph
Article 14(2), first subparagraph	Article 19(3)
Article 14(2), second subparagraph	Article 19(2), third subparagraph
Article 14(2), third subparagraph	Article 19(2), second subparagraph
Article 14(3)	Article 19(4)
Article 14(4)	-
Article 15(1), first subparagraph	Article 16(1), first subparagraph
Article 15(1), second subparagraph	

Article 15(2)	Article 16(2)
Article 15(3)	Article 16(6)
Article 15(4)	Article 16(4)
Article 16(1)	-
Article 16(2)	Article 17(3)
Article 16(3)	Article 17(1)
Article 16(4)	Article 17(3)
Article 16(5)	Article 17(4)
Article 17(1), first subparagraph	Article 20(1)
Article 17(1), second subparagraph	Article 20(4)
Article 17(1), third subparagraph	-
Article 17(2)	Article 20(6)
Article 17(3)	-
Article 17(4)	Article 20(7)
Article 18(1)	Article 21(1), first subparagraph
Article 18(2), first subparagraph	Article 21(2)
Article 18(2), second subparagraph	-
Article 18(2), third subparagraph	Article 21(3)
Article 19(1), first subparagraph	Article 26(1), first subparagraph
Article 19(2)	Article 26(2)
Article 19(3)	Article 26(3)
Article 19(4)	Article 26(4)
Article 19(5)	Article 26(7)
Article 19(6)	Article 26(8)
Article 19(7)	Article 26(9), second subparagraph
Article 19(8)	Article 20(7), second subparagraph
Article 20	Article 27
Article 21(1)	Article 35, first subparagraph
Article 21(2)-(6)	-
Article 22	Article 32

Article 23	Article 33
Article 24	Article 34
Article 25	Article 31
Article 26	Article 36
Article 27	Article 38
Annex I	Annex I
Annex II	Annex III
Annex III	Annex IV
Annex IV	Annex VI
Annex V	Annex VII
Annex VI	Annex VIII
Annex VII	Annex IX