

SPF Santé Publique - FOD Volksgezondheid)

From:

Sent: jeudi, 28 septembre 2023 15:00

To:

Subject: FW: point sur le dossier F-Gaz avant mandat COREPER

Importance: High

Follow Up Flag: Follow up

Flag Status: Completed

USAGE INTERNE - INTERN GEBRUIK

From: EU

Sent: Thursday, 28 September 2023 14:02

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Subject: point sur le dossier F-Gaz avant mandat COREPER

Importance: High

- La proposition de la PDCE ES actuellement sur la table pour négocier avec le PE comprend plusieurs interdictions de mise sur le marché, dont notamment, à l'annexe IV, point 18, celle concernant les « split systems » comme il suit :
 - a) Single split system, moins de 3 kg de F-gas, PRG $\geq 750 \rightarrow 2025$;
 - b) Split air-à-eau, ≤ 12 kW, PRG $\geq 150 \rightarrow 2027$ + clause de sécurité ;
 - c) Split air-air, ≤ 12 kW, PRG $\geq 150 \rightarrow 2029$ + clause de sécurité ;
 - d) Split systems, ≤ 12 kW $\rightarrow 2035$ + clause de sécurité ;
 - e) Split systems, ≥ 12 kW, PRG ≥ 750 , 2029 + clause de sécurité ;
 - f) Split systems, ≥ 12 kW, PRG ≥ 150 , 2033 + clause de sécurité.
- Le « safety requirement » signifie que, en cas de danger, on peut choisir de recourir aux F-Gas au lieu des alternatives (notamment : inflammabilité). Les « safety requirements » sont établis par les autorités locales.
- L'art. 35 prévoit une clause de révision comme il suit :

1. 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.

2. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend the lists of gases in Annexes I, II and III, where it has been found by the Assessment Panels established under the Montreal Protocol or by another authority of equivalent stature that these gases have a significant impact on climate and where these gases are exported, imported, produced or placed on the market in significant quantities.

3. No later than 1 July 2027, the Commission shall publish a report assessing whether cost-effective, technically feasible, energy-efficient and reliable alternatives exist, which make the replacement of fluorinated greenhouse gases possible in mobile refrigeration, mobile air conditioning equipment and where appropriate, put forward a legislative proposal to the European Parliament and to the Council to amend the list set out in Annex IV.

3a. No later than 1 July 2028, the Commission shall publish a report assessing the impact of this Regulation on the health sector, particularly the availability of MDIs for the delivery of pharmaceutical ingredients, as well as the impact on the market of cooling equipment used in conjunction with batteries.

4. No later than 1 January 2030 the Commission shall publish a report on the effects of this Regulation. The report shall include an evaluation of the following:

- a) the application of the placing on the market prohibitions, including the availability of feasible alternatives in sectors covered by those prohibitions that have not yet become applicable at the time of the evaluation;

- b) international developments relevant for the shipping sector and the potential expansion of the scope of containment requirements to fluorinated gases contained in refrigeration and air conditioning equipment of ships;
- c) the potential expansion of the scope of the export ban referred to in Article 22(5), taking into account, inter alia, the potential increased global availability of products and equipment containing low GWP fluorinated greenhouse gases or natural alternatives and developments under the Montreal Protocol
- d) the potential inclusion in the quota requirement laid down in Article 16(1), of the hydrofluorocarbons for purposes listed in Article 16(2), particularly hydrofluorocarbons supplied directly by a producer or an importer to an undertaking using it for etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector;
- e) the risk of excessive reduction of competition in the market due to the prohibitions 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;

The Commission shall submit, if appropriate, a legislative proposal to the European Parliament and Council.

5. By 1 January 2040, the Commission shall review the needs for hydrofluorocarbons in the sectors where they are still used and the phase-out of HFC quotas set out in Annex VII for the year 2050, in particular, taking into account technological developments, the availability of alternatives to hydrofluorocarbons for the relevant applications and the Union's climate targets. Where appropriate, the review shall be accompanied by a legislative proposal to the European Parliament and Council.

6. The European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 may, on its own initiative, provide scientific advice and issue reports on the coherence of this Regulation with the objectives of Regulation (EC) No 2021/1119 and the Union's international commitments under the Paris Agreement.

Proposition Daikin:

- supprimer 18.d et 18.f et, au lieu de se baser sur la clause de révision au 2030, les réintroduire comme ajout à la clause de révision (nouveau 35.3.b) :

No later than 1 July 2030, the Commission shall publish a report assessing whether in point 18 of Annex IV:

- cost-effective, technically feasible, energy-efficient and reliable alternatives exist, which make the replacement of fluorinated greenhouse gases possible in stationary split air conditioning and heatpump equipment up to and including 12kW ;
- cost-effective, technically feasible, energy-efficient and reliable alternatives exist, which makes a GWP150 limit possible in stationary split air conditioning and heat pump equipment above 12kW and where appropriate, put forward a legislative proposal to the European Parliament and to the Council to amend the list set out in Annex IV.

Éléments techniques :

- Daikin juge que la clause de « safety requirements » donnera lieu à plusieurs demandes, ayant par conséquence une augmentation en termes de besoins de F-Gas non prévus/anticipés par le système de quotas. L'opinion de COM et de PDCE est que la réserve de quotas est suffisante et que, de toute façon, le système de quotas ne couvre que les HFC, pas les HFO (qui, eux, sont couverts par le ban à pd 2035). NB : les HFO contiennent des PFAS.
- La clause qui permet à un EM de demander à COM le déclenchement des quotas supplémentaires ne rassure pas Daikin en termes de temps de réaction, et donc prévisibilité industrielle.
- COM, de son côté, juge les conditions applicables, en se basant sur des études d'impact. Daikin conteste la validité des études allemands qui ne prendraient pas en compte les systèmes split multi (le centre de recherche Daikin au Japon travaille sur les substances alternatives mais ne serait pas encore convaincu de la faisabilité de l'interdiction). Daikin considère également que les éventuelles substances alternatives rendraient les équipements bien plus chers. PDCE ES constate une fracture au sein de l'industrie, où il n'y a pas de consensus.

Éléments politiques :

- Le PE a soutenu le « full ban » avec une grande majorité, tous partis confondus (voir résultat des votes en [commission ENVI](#) et en [plénière](#) : 426 pour, 109 contre, 52 abst) ;
- Selon PDCE ES, l'interdiction au point 18.d de l'annexe IV est un prérequis pour le PE ; si le Conseil ne la concède pas, il n'y a pas d'accord (le 18.f n'est pas rediscutable au sein du Conseil) ;
- La majorité qualifiée est faible ; sans **BE** elle pourrait manquer et le dossier devrait être réouvert ou serait bloqué.

