

Archived: lundi, 11 mars 2024 14:03:23

From:

To:

Subject: RE: NOTA's WPE - EP amendments (F-gas regulation)

Sensitivity: Normal

Et les miennes !

mercredi, 26 avril 2023

15:20

Some aspects will be easy to solve and a compromise will be quickly found, but other not.
Common provision between FGRR and O3RR are accepted as an approach.

Here we are not changing the Eu Concil position but rather give a lead to continue the discussions.

Round 1

Art 4.6 and Rec 10 a, about SF shall be recovered.

...

Art 5.2 and 8.1 extension to mobile sector although the scope may differ (maritime)

Art 9 EP extent producer responsibility.

Art 10.7 : additional requirements.

GER (...)

FRA est opposé à l'interdiction au SF en agriculture, ni pour les annexe IV. Les trilogues devront être prudents pour tous les points liés au SF6. Chap I, problèmes avec les amd 38 39 40 142 et 144, Chap II opposé aux 9, 44 et 94 sur la récup du SF et cela devrait être intégré à la position du Conseil, en plus risque d'interférence avec d'autres règlements.

Très opposés au 47, conditions d'exemptions de contrôles de fuites pour les SF6 car problème financiers et d'émission.

Souple sur d'autres points. Aussi difficulté pour les 48 49 53 54 sur le secteur mobile, tout comme 10 57 63 sur la responsabilité élargie des producteurs car il faudrait évaluer l'impact. Le 68 sur la formation à adapter en 6 mois, c'est trop court.

NLD AMD 41 on feedstocks, EP goes too far. CHAP II, enforceability is difficult as this would entail checks of homes, 68 is too short, 72 keep it reasonable.

FIN, positive to many EP suggestions. 45 do not understand. 46 not supported. 47 do not support deletion of c) ; 49 on ships and planes is agreeable but exemption MAC DIR. Producer responsibility should not be changed. 64 SF6 is already included. 70-71 no support. Reminds the art 13.3.Bis is crucial and should remain at all costs.

EST (ROW numbers), CHAP II no support for SF agri recapture. Row 121 support the current system not narrow to domestic, 125 no changes. Certification in 6 months not acceptable. CHAP III 11.4 SF6 ex....

POL EP is mainly unacceptable but there are some good solutions. (amd numbers). 37 not ok; 40 not ok, 41 not ok; 44 and related not possible to recapture SF ; 45 may be ok but already gas tight; 46 not clear; 84-86 and 95 should be considered together and are OK.

SLO stick to the Council mandate as much as possible. Chap II still under study (SF); 57-63 not so detailed; 67 what are other alternatives and what certification may be proposed. 68 not OK; 69 flex, 70 more info on threshold; 81 should have 1 year; 82-84 flexibility.

CZE 17 not ok 38-39 not ok; 40 could be ok; 142-144 don't like them but flex. Not for the extended producer responsibility. 57-63; 45-47, 60, 68, 69 not ok. 70 as GER. 80, 82, 84 problematic problems of responsibility

AUT quite flexible. not support 68. Art 10.8 remain on Council position. Art 12 questions the GWP 20 or 100, but better to stick to 100. 12.3 on labelling may change the annexes.

DNK amd 49 on leakchecks are problematic for Ships.

HUN 44-9 on SF skeptical and need impact assessment. 58-63 also skeptical as it brings burden. 65-71 keep Council mandate. 68 too short. 70-71 opposed.

BEL mainly stick to mandate. Negative on ame 46_47, 52. 68 too short. 81-91 and AnnIV. Positive 57 64

ITA positive to 55-56; 67-73 acceptable but prefer CION; 80-83 questions.
CHY scrutiny but supports DNK
BUL amd 10, 57-63 not in favor. 45-49 not ok; 68, 70-71 not ok. 81, 84-86 not ok
MLT 46 no residential, 48-49 prefer Council ; 55-56 keep Council; 58 no support for wording. 59 not ok; 60 not ok, 70 not acceptable. Support CHY-DNK.
GRE support DNK-CHY
POR 68 too short.
IRL support GER and asks to protect the semi-conductor text.

CION the addition on labelling (GWP 20). GWP 100 is enough and less confusing but not too important. On SF, it is covered by biocide regulation. Acceptable if not contradictory or double regulation. No clear impact assessment. Need to be cautious to keep alternatives to MB. Relabeling of retrofitted equipment is important. Leak check on HS equipment is not a good idea and would increase the burden with little impact. The semi-conductor sector uses more than one ton and there are few alternatives. But if they are kept outside the scope, the price of HFC will increase for them. They should develop alternatives. Cion suggest to keep the exemption.

Round 2

FIN 130 only publicly available info should be made available. 170 maybe not necessary. 127 no support. 131 too much burden. 137-138 no support as it changes central provisions.
SLO 96 flex ; 97 need more info on the role of an agency. 98 flex. 114 keep confidential ; 117 hesitant if no destruction capacity 118 keep mandate ; Art 23 ; .. 119-121 and 126 flex, 127 ok but deadline later; 129 flex, 130 mandate, 137 flex; 140 2027 too soon and mandate. 141 ok.
NLD on semi-conducteur, 130 too strong; 128 4 (on temporary storage mandate. XXX on electronic register.... keep 137
MLT 111 oppose removal of temp storage. 12-126 oppose to remove exemption. 128 don't approve to add "regular"; 130 no support; 131 no support
EST Art 26.1 keep mandate. 29.7 too much admin burden.
DNK Support 24 on export ban of equipment. Chap 6 totally flex, CHAP 7 129 is also flex.
POL 95 no support, 97 not clear on agency; 113 stick to available and protect sensitive. 117 mandate; 119 mandate. 122-124 flex; 125-126 not rational ; 140 mandate
FRA 95-96 semi conductor : keep mandate. 104 et 110 ok; 29-30 ok, 28-117 not acceptable. CHAP VI 120-127 not acceptable. 128-130 flex; 131 not acceptable. Chap VII 21-22 no; 137-140 not keen.
GER Ch IV 18-no need for SME. 27 too. Semi-conducteur should be exempted. 113 critical on confidentiality, maybe partial data. CH V 28 reject, temp storage rejected too; destruction not acceptable CH VI what are the benefits. 127 problematic in federal structures. CH VII 131 ask about logbook data. CH IX 139 reject as PFAS in REACH should be redrafted. Assessment in 2027 too soon.
CZE CH IV 18 ok 95-96, 112 not acceptable. CH 30 ok; other mandate. Ch VI not acceptable, mainly 127. CH VII flex but not 131 that is not acceptable. CH IX 21 ok, but all at the same date.
ITA is flex 18-27 97-98, Ch V 24 118-119 flex, CH VI not flex, but CH VII flex. Ch IX flex on 21-22 137-139. 140 is ok.
BLG 95-96, 111, 112, 113, CH V 28 79, 114-115, CH VI 120 122 126, 127, CH VII 130-131, CH IX 137-138 are all not acceptable.
HUN 113, 117, 120-127 all not acceptable and 2027 is too early for a review.
AUT 97 what agency, 113 not keen, 115 117, flex on 130 but 131 hesitant. 2027 too early (140)
POR CH IV 18 is agreeable but it may take awhile. 27 not acceptable CH IX not acceptable as it may conflict with MTL Protocol.
CION on logbooks they doubt of such a large exercise. Temporary storage, could be further assessed. Agency to request CION to act may not be appropriate. Export ban comes from the Council and the EP. It may disadvantage EU companies. Concerned about data made publicly available.

Round 3

EST stick to mandate.
POL 132 (fines) mandate, 160 mandate. 74-75 not ok but flex on 75. 76-77 are ok; 78 not, 152 absolutely not ok, 89 90-92 definitely not ok, 99 not ok; Ann IV on Switchgear the council is the max they could accept. 10a 20a acceptable, but other not.
DNK CH VIII positive or flexible But 132 on fines it's a no-go. Ann VII is flex. Not in favor for specific amount for MDIs. OK with 5€ but revenues to general budget.
GER 132 not acceptable. But recital 34 could be amended to accommodate it. CH III no ref to REACH. 74 is no, 78 (under

scrutiny), ban on exports to mandate. Exemption for military equipment is ok. 152, 81 91 92 not ok. 101 mandate. 102 reject, oppose exemption for semi-conductor. 146 mandate.

FIN 132 mandate, 78 unclear, 152 not supported, 89 91 not ok, 102 no earmarking but refer to mandate, 150 favor ambitions but need to wait for full alternatives to be available.

ITA positive to CH VIII 31-36, 132, CH III ok

SLO sanctions as FIN, 160 flex, 74 not flex, 76 unnecessary, 78 mandate, 79 same date as for exports, 1rt 13 and Ann IV and VII, hadr to understand. Prefer mandate. Art 17 not flex on the price, but flex on 17.6 (100). Amd 101not reasonable, 102 ...

FRA CH VIII not in favor of 132, CH III better to keep mandate, such a 3-4 12-13, 14, 20 and 99 not favorable to the EP approach, 102 is acceptable. 74 not in favor, 79 mandate, 152 and 89-92 not ok, 88 not pertinent. Ann IV 153-45 157 not ok. SF6 is sensitive so not for 23b, amd 146 not ok, Ann V 147-148 not favorable.

HUN 74 mandate, 152 89-92 not possible. 91 not ok at all. 79 neither 151 and 100 1002 could be flex.

MLT 24, 75, 78, 89 91, 99 ... not ok.....

CZE CH VIII 31 35 nogo, 32 unnecessary, 35, 33 not ik.40 flex, 16 153 problematic, 23 to be removed, 159 is ok, 156 i very positive as well as 88.

AUT 88 raises questions. Is it necessary to make exemption for nuclear uses. 74 flex, 99 flex, 102 mandate, 132 need it to be clear (not referring to the market value).

BLG 31-35 could be supoorted, 132 not ok, 74, 78, 152, 88-92, 99, 94, 150 could not be supported.

NLD FLEX to 99, concerned about earmarking (mandate), 152, 89 91 not keen. Desflorane Mandate, 146 no, ...

LIT flex for technical, but prefers to stick to mandate as much as possible.

DNK 99 the 2€ was foreseen to allow margin during the trilogue.

LUX 88 supports questions and asks if no other legislation may be applicable.

GRE support Art 16.4 but no other.

HUN 88 align with CZE.

ROM reminds their participation to the POL note. Red lines in Ann IV and VII. Could be flex on the price.

CION on 88 it is restricting the possibility to equipment to go below -50° in medical only and nuclear, they feel it restrictive and not convinced. Many will to stick to the mandate. PFAS and some other aspects are maybe treated specifically because they are discussed publicaly. On penalties, they remind that deforestation set up penalties. This could be considered as an example for this negotiation.

From: [REDACTED] (SPF Santé Publique - FOD Volksgezondheid) <[REDACTED]>
Sent: jeudi, 27 avril 2023 12:07
To:
Cc: [REDACTED] (SPF Santé Publique - FOD Volksgezondheid) <[REDACTED]>
Subject: NOTA's WPE - EP amendments (F-gas regulation)

Bonjour [REDACTED],

Pour info, ci-dessous mes notes de hier.

Bonne journée,
[REDACTED]

From: [REDACTED] (SPF Santé Publique - FOD Volksgezondheid)
Sent: woensdag, 26 april 2023 18:45
To: [REDACTED] (SPF Santé Publique - FOD Volksgezondheid) <[REDACTED]>
Subject: NOTA's WPE - EP amendments (F-gas regulation)

Written comments: next week (03/05)

ROUND 2

FI

- 117: previous wording better
- 127: no support uniform date (own systems in place)
- 131: no support administrative burden too high for benefits
- 137-138: no support changes central provisions regulation

SI

- 96: flexible
- 97: which cases agency comes in?
- 98: flexible
- 113: keep data confidential (cf. original proposal and mandate)
- 117: hesitant due to additional costs
- 118: stick to council mandate
- Art. 23 pp. 13: stick to deleted para's
- 119: flexible
- 120-121: flexible
- 126: flexible
- 127: agree synchronized electronic system but deadline 2024 seems soon
- 129: flexible
- 130: stick council decision
- 137: flexible
- 140: 2027 deadline too soon to see results
- 141: flexible

NL

- Concerns amendments semiconductor, public data (too high administrative burden), centralized electronic system (flexibility for MS), review (too far)

MT

- 111: oppose removal (difficult to enforce + see no added benefits)
- 120-126: oppose
- 128: not approve additional term "regular"
- 130: not support changes (prerogative receiving MS whether or not to conduct checks)
- 131: get too high administrative burden

EE

- Art 26 para 1: keep threshold to avoid administrative burden
- Art. 29 para 7: bring administrative burden to all

DK

- 24: support amendment (export ban equipment)
- Chapter 6: flexible EP amendments
- Chapter 7: flexible to amendment 129 (enforcement, incl. online trade)

PL

- 95: support
- 97: more clarification needed
- 113: addition data F-gas portal (stick to current one + limit data since some are more sensitive commercially)
- 117: stick to council text (customs cannot destroy something itself)
- 119: council text is better (text illegal trade)
- 120-124: deletion limit for reporting (flexible)
- 125-126: related to limit for verification report (not rationale to require verification of small quantities) compromise proposal
- Chapter 9: scrutiny on additional empowerment

- 140: date for review report

FR

- Semiconductors: not support + more clarification EC?
- 104, 110: support (going in right direction)
- 29, 30: support
- 117: no support (customs destruction)
- 120-127: no support (reporting obligation)
- Flexible timing control (128-130)
- 131: no support (MS asked to give yearly summaries from data gathered at control – administrative burden too big & no benefits)

DE

- Support PL & FR
- 18, 13c: exception regulation for MKBs not necessary
- 27: critical view w/ publication data legal concerns & benefits not clear + who should pass this on? Possible to publish only partial data to accommodate EP?
- 28: reject + temporary storage to be rejected + no support customs to destroy themselves
- 127: problems due to federal structure (MS compelled to use centralized system when nationally good reason not to do so?)
- 131: not fan + what is logbook data?
- 137: reject
- 139: reject
- 140: reject (2027 far too soon)

CZ

- 18: support
- 95, 96, 112: no support (extension portal system or more restrictions)
- 30: support, other amendments chapter 5: prefer council position
- 127: most problematic amendment in chapter 6
- Chapter 7: mostly flexible with exception 131 (no accept for limited added value & administrative burden associated with it)
- Chapter 9: support 21 (streamline same date, prefer 2030)
- 137 – 138: not accept

IT

- Flexible: 18, 27, 97, 98
- Chapter 5, flexible: 24, 108, 119
- Chapter 6: not flexible
- Chapter 7: 128-131 flexible
- Chapter 9: flexible 21, 22 as well as 137-139

BG

- 95-96: no support (semiconductors)
- 111: no support (temporary keeping & registration)
- 112: no support
- 113: no support
- Chapter 5: 28, 97 no support / 114-115 no support
- Chapter 6: no support 120, 122, 126 (disproportionate proposals – administrative burden) / 127 no support (existing system should be TIA)
- Chapter 7: no support 130, 131
- Chapter 9: no support 137, 138

HU

- 113: no support (data sensitivity)

- 117: no support (destruction customs office)
- 120-127: no support (2027 too early for review)

AT

- 97: question Agency meant by EP (more info needed)
- 113: public available information (questions & hesitant due to legal concerns)
- 115 & 117: hesitant
- 130: flexible (online platforms)
- 131: hesitant
- 140: stick to council position (review)

PT

- Chapter 4: 18 support (but equipment involved is large so can take while) / 27: undermine goals to reduce (not acceptable)
- Chapter 9: 21a not accept

EC

- Logbook: when you have a piece of equipment and you need to refill it, you have logbook to fill in & monitor leakage each equipment. That type of information is useful to have to have better overview of emissions. Some MS have advanced systems in this. It would be a big burden on MS to collect & make summaries & send to commission in all different languages. EC has doubts on cost-benefit of this exercise & large burden it puts on MS. Will have to analyse proposal in more detail.
- Temporary storage: not initially propose because it would be disproportionate. Can be further assessed.
- EU agencies to request EC to do things: not appropriate.
- Export ban: not in EC proposal. Council made ban & parliament totally bans all export of equipment which is also banned in annex 4. Going EP way would put EU companies too much at disadvantage.
- Concerned making all data public. Some of those data are confidential.

ROUND 3

PDCY

- Important topics
 - Spare parts on market provided emissions do not increase
 - Similar ban as council of export of product & equipment containing F-gas (stricter & applies to all products & equipment)
 - Delay ban servicing refrigeration equipment
 - New ban servicing stationary equipment (starting 2030)
 - Heat pumps
 - Delete GWP values in some of the bans
 - Switchgear: full ban SF6
 - No postponement high voltage switchgear
 - MDIs same direction: smoother transition to avoid negative consequences public health
 - 2M extra quota to address possible shortages
 - New bans in annex 4
 - Quota price: 5y increasing over time to ensure constant revenue (compared to 2 euros in council position)
 - Penalties: strengthen EC proposal & make more detailed + increase minimum amount of fines

EE

- Non paper number countries & fragile balance we achieved in COREPER in April. Stick to council approach as much as possible in these chapters.

PL

- 132 (market fines): no support
- 160 (parts equipment): text in our mandate is better
- 74-75: no support but 75 might be flexible

- 76-77: support
- 78: no support
- 152: absolutely not
- 89: absolutely not
- 90-92: absolutely not
- 99 (quota): absolutely not
- 94: no support
- Changes annex 4
 - Switchgears: maximum was in council position
 - 10a + 20a: support
 - All rest = red line

DK

- General: quite positive & flexible but some comments
- Chapter 8
 - Administrative fines: red line (because Danish Constitution) & no flexibility to show here
 - 132: flexible
- Annex 4: flexible and positive towards direction
- Annex 7: same as above
- Art. 17: flexible on price EUR 5 but revenues should be part of overall budget of the Union (important to defend council mandate on this)

DE

- 132: absolute red line (legally speaking not able to implement) but to accommodate EP (criminal precedence over administrative misdemeanors) → follows in writing
- Chapter 3
 - REACH: reject
 - 74: reject (stick to 2y)
 - 78: what happens with intermediary traders?
 - Ban on export: maintain council compromise but military exceptions proposed is not bad + no exception of military in mobile installations (might come back to haunt us)
 - 152, 89, 91, 92: no support → more clarification needed
 - 101: stick to council position but in principle positive on reaching agreement with EP
 - 102: reject (charged to EU budget generally)
 - Oppose to deletion of exemption on semiconductors
- Chapter 4
 - Increase use heat pumps should not be hampered (not shorten transitional periods further)
 - 146: reject

FI

- 132: position on sanctions did not change – support continue trilogue in line council position
- 78: unclear certification requirements refer to buyer or seller
- 152: no support (concerned not consider technical lifetime already installed equipment)
- 89 & 91: why use reclaimed or recycled refrigerants would be banned
- 102: no support broader earmarking revenues, accepted it with upper limit in council decision (no support broader earmarking)
- 150: favor ambitious phasedown but at this point not in favor of setting date of phase out (council mandate is balance way forward)

IT

- Positive outlook
 - Chapter 8: 31-36, 132, 136
 - Chapter 3: 3, 4, 12-15, 16, 22, 25

SI

- Sanctions: no support detailed requirements on penalties
- 160: flexible
- 74: no support
- 76: unnecessary changes proposed
- 78: keep council position
- 79: same dates for prohibition should apply for export
- Art. 13 annex 4 & 7: more time needed to study EP proposal
- Art. 17 para 6: flexible (amendment 101)
- 101: flexible
- 102: agree purposeful spending collective money but difficult for such mechanism

FR

- Chapter 8:
 - 132: no support (maintain council mandate)
- Chapter 3
 - 3, 4, 12: stick council approach
 - 14: switchgears – keep council proposal (recital 13a)
 - 20, 99: no support (keep stable contributions over time)
 - 102: flexible
 - 74: hesitant (impact economic operators in supply chain)
 - 79: export ban (council approach more measured to situation)
 - 89, 91, 92: not relevant (exemptions for military equipment) brings end of life of a lot of equipment in existence
- Annex 4
 - 145, 153: not in favor (approach a bit much)
 - Switchgears: important for FR (pay attention to this type of data)
 - 146: not in favor (authorization processes – administrative burden)
 - Retain review clause
 - Keep use SF6 as part of maintenance (keep these provisions)
- Annex 5
 - Not in favor amendments (HFC production rights)

HU

- 74: stick council mandate (6 months too restricting)
- 152: red line
- 89, 90-92: no support
- 99 & quota price: very negative
- 79: not support on export ban rules
- Annex 4 & annex 7: stick council position
- Annex 8: 151 & 100, 102: flexible

MT

- 74: sufficient time needed so keep EC position
- 78: questions reasoning behind this proposal – no support EP amendment
- 89, 91: prefer EC text
- 99: strongly oppose EUR 5 (small enterprises might be left out)
- 132: no support
- 137, 138: any changes to prohibition should be done through implementing acts
- 152: concerns new changes proposed (not allow servicing & maintenance)
- 145, 153, ... : against introducing more restrictions with impact on market

CZ

- Chapter 8
 - 31, 35: no support
 - 32: unnecessary
 - 133, 135: problematic

- Chapter 3:
 - Welcome amendment linked to RU invasion in UA
 - 115: highly problematic (aerosols)
 - 23: not include amendment
 - 159, 25: support
 - Many Ops no support (in writing)
- 156: welcome
- 88: welcome (include in final compromise text – safety reasons)

AT

- 88: no support (extension exemption military equipment + applications in nuclear field → necessary? If was necessary, EC would have taken it up and they did not.
- 74: flexible
- 99: quota price (flexible)
- 102: stick to council (frugal MS)
- 132: sanctions (according to AT law sanctions should be clear and that is not the case now) – clear no on the amendment

BG

- 31-35: support
- 132 74, 78, 152, 88-92, 99, 94, 150: no support

NL

- 26, 99, 102: flexible height fee & but concerned ceiling earmarking
- 152, 89, 91: concerns
- 106: keep council position
- 146: concerns (high administrative costs)
- 151: questions different reference value
- Annex 4 & 7: flexible to grow towards EP amendments with high ambition

LI

- General: stick closely to council mandate (especially chapter 3, trajectory & ambition level)

DK

- 99: quota price – we lowered the price to 2 EUR in compromise to have negotiation position with EP, in this light is flexibility & be positive towards EP proposal (agreement at COREPER)

LU

- 88: support AT (questions raised on some other questions and why EC proposed this if there is no different legislation applicable, possible alternatives, etc.)

ES

- Still scrutinizing

HU

- 88: support CZ

RO

- 88: support CZ, HU & remind you of one MS signing non-paper – some elements in general approach were quite straightforward (red lines in annex 4 & 7, also with price) → maximum we can accept (going to 3 is flexibility show already)

EC

- 88: amending something that we have in the current regulation It is restricting the possibility to other types products cooled minus 50 for medical & nuclear power stations. We did not have “medical” word in Restrictive approach from EP & not sure that this is technically feasible to say it should only apply to medical. For nuclear power stations, also need minus 50. One of the areas where an exemption would be needed.
- Full prohibition F-gases is due to heart of rapporteur & MEPs & other parties, in the public debate for the moment Looking into areas where we for sure don't need to go for F-gases at all. Ex. domestic refrigeration, nobody would think about starting to put synthetic f-gas in anymore.
- Penalties: already agreement on regulation deforestation where penalties linked to illegal activity from which you

profit.

ROUND 4: ODS

PDCY

- Less EP amendments
- Feedstock: more rapid phase out + caps for feedstock in delegated acts

FI

- Favor listing allowed feedstock using (good example for work under MP)

EE

- Feedstock use (amendments 26-30): support

MT

- Positive scrutiny in general
- Para 5, subpara 1: council removed this para. Preference towards council mandate & keep it removed.

FR

- 16: flexible (but more clarity needed)
- 18: hesitant (more clarity needed)
- 26-30: flexible
- 35-37: flexible
- 61-62: reluctant to go this way (penalties)

DK

- Lean positive towards EP proposals

DE

- Hesitant amendments feedstock
 - General remark: under MP MS responsible to fulfil obligation to fulfil obligations regarding feedstock & no li under MP (internationally not the current state of art)
 - Questions will be handed in in written

NL

- Concerns on feedstock (other instruments to regulate this)

EC

- Doing something on feedstock = important. Almost only area left under MP where more can be done But work ongoing & question is if it is useful that EUs go through trouble to establish list of permitted uses, which can mean some uses are not permitted in the EU Impact assessment where we analyzed which uses you could possibly replace ODS, conclusion was that in general the environmental effect would be doubtful. Extremely expensive change to another feedstock. Would consider to move out of EU if that happened. Threat that you not know is true or not. Consider to make sure that in future Ozone regulation there is possibility to make list so that we go into negotiations under MP and negotiate list & afterwards implement it.