



EUROPEAN PARLIAMENT

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Committee on the Environment, Public Health and Food Safety

2012/0305(COD)

1.3.2013

*****|**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on fluorinated greenhouse gases
(COM(2012)0643 – C7-0370/2012 – 2012/0305(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Bas Eickhout

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on fluorinated greenhouse gases
(COM(2012)0643 – C7-0370/2012 – 2012/0305(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0643),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0370/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union
 - having regard to the opinion of the European Economic and Social Committee of ...¹,
 - having regard to the opinion of the Committee of the Regions of ...²,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Transport and Tourism (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) A Commission report on the application, effects and adequacy of Regulation (EC) No 842/2006 concluded

(3) A Commission report on the application, effects and adequacy of Regulation (EC) No 842/2006 concluded

¹ Not yet published in the Official Journal.....

² Not yet published in the Official Journal.....

that the current containment measures, if fully applied, have the potential to reduce emissions of fluorinated greenhouse gases. Those measures should, therefore, be maintained and clarified on the basis of the experience gained in implementing them. Certain measures should also be extended to other appliances in which substantial quantities of fluorinated greenhouse gases are used, such as refrigerated trucks and trailers. The obligation to establish and maintain records of equipment that contains such gases should also cover electrical switchgear.

that the current containment measures, if fully applied, have the potential to reduce emissions of fluorinated greenhouse gases. Those measures should, therefore, be maintained and clarified on the basis of the experience gained in implementing them, ***and should be complemented by requirements in relation to recovery schemes.*** Certain measures should also be extended to other appliances in which substantial quantities of fluorinated greenhouse gases are used, such as refrigerated trucks and trailers. The obligation to establish and maintain records of equipment that contains such gases should also cover electrical switchgear.

Or. en

Amendment 2

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Additional bans on the placing on the market of new equipment for refrigeration, air-conditioning and fire protection that operate using specific fluorinated greenhouse gases should be introduced where suitable alternatives to the use of those substances are available. In the light of future technical developments and the availability of cost-efficient alternatives to the use of fluorinated greenhouse gases, the Commission should be empowered to include other products and equipment or to exclude, also temporarily, certain categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are not available for technical or economic reasons, including insufficient supply of alternative substances on the market to meet the

Amendment

(8) Additional bans on the placing on the market of new equipment for refrigeration, air-conditioning, ***foams, aerosol*** and fire protection that operate using specific fluorinated greenhouse gases should be introduced where suitable alternatives to the use of those substances are available. In the light of future technical developments and the availability of cost-efficient alternatives to the use of fluorinated greenhouse gases, the Commission should be empowered to include other products and equipment or to exclude, also temporarily, certain categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are not available for technical or economic reasons, including insufficient supply of alternative substances on the market to

demand, or due to applicable safety standards excluding the use of relevant alternatives.

meet the demand, or due to applicable safety standards excluding the use of relevant alternatives.

Or. en

Amendment 3

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) Such bans should only be introduced where they will result in lower overall greenhouse gas emissions, in particular from both the leakage of any fluorinated greenhouse gases and the CO₂ emissions resulting from their energy consumption. ***Equipment containing fluorinated greenhouse gases should thus be allowed if their overall greenhouse gas emissions are less than those that would result from an equivalent equipment without fluorinated greenhouse gases, which has the maximum allowed energy consumption set out in relevant implementing measures adopted under Directive 2009/125/EC (Ecodesign).***

Amendment

(9) Such bans should only be introduced where they will result in lower overall greenhouse gas emissions, in particular from both the leakage of any fluorinated greenhouse gases and the CO₂ emissions resulting from their energy consumption.

Or. en

Amendment 4

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) ***Gradually reducing*** the placing on the market of hydrofluorocarbons has been identified as the most effective, cost-efficient way of reducing emissions of those substances in the long term.

Amendment

(11) ***The regulatory approach used for ozone-depleting substances under Regulation (EC) No 2037/2000 and Regulation (EC) No 1005/2009 of the European Parliament and of the Council***

of 16 September 2009 on substances that deplete the ozone layer¹, should also be used to regulate hydrofluorocarbons. In addition to bans on the placing on the market of hydrofluorocarbon-based equipment, containment measures and recovery requirements, the gradual reduction of the placing on the market of hydrofluorocarbons has been identified as the most effective, cost-efficient way of reducing emissions of those substances in the long term.

¹ *OJ L 286, 31.10.2009, p. 1*

Or. en

Amendment 5

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) To implement the gradual reduction of the placing on the market of hydrofluorocarbons, the Commission should allocate quotas to individual producers and importers for placing them on the market in order that the overall quantitative limit for placing hydrofluorocarbons on the market in the Union is not exceeded.

Amendment

(12) To implement the gradual reduction of the placing on the market of hydrofluorocarbons, the Commission should allocate quotas to individual producers and importers for placing them on the market in order that the overall quantitative limit for placing hydrofluorocarbons on the market in the Union is not exceeded. ***From 1 January 2018 the use of quotas should be subject to a fee which should be collected by the Commission and redistributed to address regional differences in implementing the Regulation within the Union.***

Or. en

Amendment 6

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The production of some fluorinated greenhouse gases can result in significant by-product emissions of other fluorinated greenhouse gases during the manufacturing process. Those by-product emissions should be eliminated as a condition for placing on the market fluorinated greenhouse gases in order to ensure that full life-cycle climate impact is addressed.

Or. en

Amendment 7

Proposal for a regulation Article 1 – paragraph 16 a (new)

Text proposed by the Commission

Amendment

(16a) ‘technical aerosol’ means an aerosol dispenser used in maintenance, repair, cleaning, testing, disinsecting, manufacturing, installation and other applications where a non-flammable formulation is required.

Or. en

Amendment 8

Proposal for a regulation Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. Operators of equipment that contains fluorinated greenhouse gases shall take

2. Operators of equipment that contains fluorinated greenhouse gases shall take

precautions to prevent their unintentional release (hereinafter "leakage").

precautionary measures to prevent their unintentional release (hereinafter "leakage"). ***Without prejudice to the obligation to take precautionary measures to prevent leakages, operators shall ensure that maximum leakage rates are not exceeded.***

Or. en

Amendment 9

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 specifying minimum precautionary measures and maximum leakage rates referred to in paragraph 2, based on best practices and experience in Member States for each type of equipment. Those rules shall be adopted by [1 January 2015].

Or. en

Amendment 10

Proposal for a regulation

Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) stationary refrigeration equipment;

(a) stationary ***and mobile*** refrigeration equipment;

Or. en

Amendment 11

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) stationary air-conditioning equipment;

Amendment

(b) stationary ***and mobile*** air-conditioning equipment;

Or. en

Amendment 12

Proposal for a regulation

Article 3 – paragraph 1 – point e

Text proposed by the Commission

(e) refrigerated trucks ***and*** refrigerated trailers.

Amendment

(e) refrigerated trucks, refrigerated trailers ***and refrigerated vans***.

Or. en

Amendment 13

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) the quantities of fluorinated greenhouse gases added and the reasons for adding them;

Amendment

(b) the quantities of fluorinated greenhouse gases added and the reasons for adding them; ***in the case of servicing or maintenance of refrigeration equipment pursuant to the third subparagraph of Article 11(3) also indicating whether the substance had been recycled or reclaimed, as well as the name and address of the undertaking having carried out the recycling or reclamation;***

Or. en

Amendment 14

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. **Unless the** records referred to in paragraph 1 **are** registered in a database set up by the competent authorities of the Member States, **the operators referred to in paragraph 1 shall keep the records until at least two years after decommissioning the equipment.**

Amendment

2. **The** records referred to in paragraph 1 **shall be** registered in a database set up by the competent authorities of the Member States. **The Commission shall provide operational guidance and technical assistance to Member States on the establishment and maintenance of the database. Member States shall ensure the public has access to relevant information in the database in accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information¹.**

¹ OJ L 41, 14.2.2003, p. 26

Or. en

Amendment 15

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Unless the records referred to in paragraph 1 are registered in a database set up by the competent authorities of the Member States, persons or undertakings carrying out the activities referred to in paragraph 1(e) for operators shall keep copies of the records for at least five years.

Amendment

deleted

Or. en

Amendment 16

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The records shall be made available on request to the competent authority or to the Commission.

deleted

Or. en

Amendment 17

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission ***may*** determine the format of the records referred to in paragraph 1 and specify how they should be established and maintained in an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 21.

3. The Commission ***shall*** determine the format of the records referred to in paragraph 1 and specify how they should be established and maintained in an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 21.

Or. en

Amendment 18

Proposal for a regulation

Article 6 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1a. Without prejudice to Article 9(1), producers and importers shall be prohibited from placing on the market fluorinated greenhouse gases listed in Annexes I and II unless any fluorinated

greenhouse gases produced as a by-product during the manufacturing process, including during the manufacturing process of their feedstocks and process agents, are destroyed.

Or. en

Justification

HFC production often occurs in third countries with no restrictions on by-products emissions (like HFC-23 emissions). The Commission proposal could therefore unintentionally increase global emissions of F-gases unless there is a prohibition on placing on the market any F-gas whose by-product emissions produced during the manufacturing process are not destroyed.

Amendment 19

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall establish mandatory recovery schemes for fluorinated greenhouse gases in products and equipment outside the scope of Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment¹ by 1 January 2016. Such recovery schemes shall require a financial deposit on fluorinated greenhouse gases placed on the market to be refunded for the quantity of fluorinated greenhouse gases that is delivered to an approved facility for destruction, unless recovery schemes comparable in effectiveness have already been established.

¹ OJ L 197, 24.7.2012, p. 38

Or. en

Justification

In order to promote producer responsibility, recovery schemes should be set up in all Member States to ensure the recycling, reclamation or destruction of F-gases.

Amendment 20

Proposal for a regulation

Article 7 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall adopt specific measures on producer responsibility for the recovery of fluorinated greenhouse gases contained in foams.

Or. en

Justification

In order to promote producer responsibility, recovery schemes should be set up in all Member States to ensure the recycling, reclamation or destruction of F-gases.

Amendment 21

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list of equipment in paragraph 1 to include other types of equipment in view of their increasing relevance due to the commercial or technological development.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list of equipment in paragraph 1 to include other types of equipment in view of their increasing relevance due to the commercial or technological development, ***and to adopt detailed rules regarding the recovery schemes referred to in paragraph 1a.***

Or. en

Justification

In order to promote producer responsibility, recovery schemes should be set up in all Member States to ensure the recycling, reclamation or destruction of F-gases.

Amendment 22

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. The prohibition set out in paragraph 1 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 emissions would be lower than that from equivalent equipment which meets relevant ecodesign requirements and does not contain hydrofluorocarbons.

deleted

Or. en

Justification

This provision could create a loophole and undermine market certainty that could otherwise be provided by bans. There are wide differentials in energy efficiency of equipment relying on HFCs as well as equipment relying on natural refrigerants. The F-gas regulation could therefore potentially be undermined through selecting specific equipment for the comparison between the energy efficiency of non-HFC and HFC equipment.

Amendment 23

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list set out in Annex III to include other products and equipment that contain fluorinated greenhouse gases *with a global warming potential of 150 or more*, or that rely on

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list set out in Annex III to include other products and equipment that contain fluorinated greenhouse gases, or that rely on them to work, if it has been established that

them to work, if it has been established that alternatives to the use of fluorinated greenhouse gases or to the use of specific types of fluorinated greenhouse gases are available, and their use would result in lower overall greenhouse gas emissions and to exclude, where appropriate for a specified period of time, certain categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are not available for technical, economic or safety reasons.

alternatives to the use of fluorinated greenhouse gases or to the use of specific types of fluorinated greenhouse gases are available, and their use would result in lower overall greenhouse gas emissions and to exclude, where appropriate for a specified period of time, certain categories of products or equipment for which alternative substances which fall below the specified global warming potential limit are not available for technical, economic or safety reasons.

Or. en

Amendment 24

Proposal for a regulation

Article 10 – paragraph 2 – point c

Text proposed by the Commission

(c) As of 1 January 2017, the quantity of greenhouse gases contained in the product or equipment, expressed in weight and in CO₂ equivalent.

Amendment

(c) As of 1 January 2017, the quantity of greenhouse gases contained in the product or equipment, expressed in weight and in CO₂ equivalent **and the GWP**.

Or. en

Amendment 25

Proposal for a regulation

Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Containers for fluorinated greenhouse gases with a GWP of 2150 or more used for servicing or maintenance of refrigeration equipment pursuant to the third subparagraph of Article 11(3) shall be labelled with an indication as to whether the substance has been recycled

or reclaimed, as well as the name and address of the undertaking that carried out the recycling or reclamation.

Or. en

Amendment 26

Proposal for a regulation

Article 11 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The use of SF₆ in medium voltage secondary switchgear shall be prohibited from 1 January 2020.

Or. en

Justification

SF₆ is a greenhouse gas with a warming potential up to 22,800 times more potent carbon dioxide (CO₂) and an atmospheric lifetime of over 3,000 years. In Europe almost 3 million SF₆ containing medium voltage installations are currently in operation. Competitive SF₆-free alternatives for medium voltage secondary switchgear (at the interface with low voltage) are available on the market already now and produced by a wide range of manufacturers. Therefore, any SF₆ emission should be considered as simply irresponsible.

Amendment 27

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. The use of fluorinated greenhouse gases, or of mixtures that contain fluorinated greenhouse gases, with a global warming potential of **2500** or more, to service or maintain refrigeration equipment with a charge size equivalent to **5** tonnes of CO₂ or more, shall be prohibited from **1 January 2020**.

3. The use of fluorinated greenhouse gases, or of mixtures that contain fluorinated greenhouse gases, with a global warming potential of **2150** or more, to service or maintain refrigeration equipment **designed for an operating temperature of -50°C or above and** with a charge size equivalent to **40** tonnes of CO₂ or more, shall be prohibited from **1 January 2015**.

Justification

Recent activities and experiences with retrofilling in European supermarkets show that significant and cost-effective HFC reductions can be achieved through the service ban, and as early as 2015. An earlier service ban therefore provides huge environmental and cost benefits. Excluding from the service ban around 80% of the systems in the small commercial sector by increasing the threshold from 5 to 40 tonnes of CO₂ equivalent would reduce the environmental benefits by only 8% or less. Refrigeration equipment operating at temperatures below -50°C is also excluded.

Amendment 28**Proposal for a regulation****Article 11 – paragraph 3 – subparagraph 3 a (new)***Text proposed by the Commission**Amendment*

3a. From 1 January 2017 fluorinated greenhouse gases with a GWP of 2150 or more shall only be used to service or to maintain refrigeration equipment other than that referred to in the first subparagraph if they have been recovered from other equipment within the Union.

Or. en

Amendment 29**Proposal for a regulation****Article 11 – paragraph 3 – subparagraph 3 b (new)***Text proposed by the Commission**Amendment*

3b. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 to grant a derogation, where appropriate for a specified period of time, for certain use of SF₆, where alternatives are not available for technical, economic or safety reasons.

Or. en

Amendment 30

Proposal for a regulation

Article 13 – paragraph 2 – subparagraph 2

Text proposed by the Commission

It shall not apply to producers or importers of less than **1 000** tonnes of CO₂ equivalent of hydrofluorocarbons per year.

Amendment

It shall not apply to producers or importers of less than **500** tonnes of CO₂ equivalent of hydrofluorocarbons per year.

Or. en

Amendment 31

Proposal for a regulation

Article 13 – paragraph 4 – point a

Text proposed by the Commission

(a) **amending** the maximum quantities set out in Annex V in the light of developments of the market in hydrofluorocarbons and related emissions; and

Amendment

(a) **reducing** the maximum quantities set out in Annex V in the light of developments of the market in hydrofluorocarbons and related emissions; and

Or. en

Amendment 32

Proposal for a regulation

Article 14 – paragraph 5

Text proposed by the Commission

5. The Commission shall allocate quotas for placing hydrofluorocarbons on the market for each producer and importer for each year beginning with the year 2015 applying the allocation mechanism laid down in Annex VI.

Amendment

5. The Commission shall allocate quotas for placing hydrofluorocarbons on the market for each producer and importer for each year beginning with the year 2015 applying the allocation mechanism laid down in Annex VI. **From 1 January 2018, producers and importers shall pay an allocation fee on an annual basis at a rate**

equal to EUR 30 per tonne of CO₂ equivalent of hydrofluorocarbons for any part of the quota used or transferred. The revenues collected shall be used to support the implementation of this Regulation and to address regional differences in relation to the cost of replacement technologies due to climate conditions.

Or. en

Justification

In the Commission proposal the HFC quotas are grandfathered at no cost, which violates the polluter pays principle. An allocation fee to use the HFC quotas is therefore introduced at a cost of 30€/ton CO₂-eq, which was the expected CO₂-price average during the third ETS phase at the time of adoption of the ETS Directive. This will secure a revenue stream to compensate for regional differences in costs due to climate conditions.

Amendment 33

Proposal for a regulation Article 14 – paragraph 6

Text proposed by the Commission

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the mechanism to recalculate the reference values pursuant to paragraph 3 and amending or supplementing the mechanism for allocating quotas set out in Annex VI.

Amendment

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the mechanism to recalculate the reference values pursuant to paragraph 3 and amending or supplementing the mechanism for allocating quotas set out in Annex VI, *as well as detailing the mechanism for allocating revenues in accordance with paragraph 5.*

Or. en

Amendment 34

Proposal for a regulation Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In the electronic registry ***shall be registered on request***

Amendment

The electronic registry shall ***include:***

Or. en

Amendment 35

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. By 31 March 2014 and every year after that, each producer, importer and exporter that produced, imported or exported more than one metric tonne or ***1 000*** tonnes of CO₂ equivalent of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year shall report to the Commission the data specified in Annex VII on each of those substances for that calendar year.

Amendment

1. By 31 March 2014 and every year after that, each producer, importer and exporter that produced, imported or exported more than one metric tonne or ***500*** tonnes of CO₂ equivalent of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year shall report to the Commission the data specified in Annex VII on each of those substances for that calendar year.

Or. en

Amendment 36

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. By 31 March 2014 and every year after that, each undertaking that destroyed more than one metric tonne or ***1 000*** tonnes of CO₂ equivalent of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year shall report to

Amendment

2. By 31 March 2014 and every year after that, each undertaking that destroyed more than one metric tonne or ***500*** tonnes of CO₂ equivalent of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year shall report to the

the Commission the data specified in Annex VII on each of those substances for that calendar year.

Commission the data specified in Annex VII on each of those substances for that calendar year.

Or. en

Amendment 37

Proposal for a regulation Article 18 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For that purpose they shall establish ***one of the following systems, as appropriate:***

(a) a system whereby a database is kept at national level for the collection of the data recorded in accordance with Article 5(1);

(b) a system whereby surveys on emissions from a representative sample of operators covered by the provisions of Article 5(1) are carried out, and results are extrapolated from those surveys.

Amendment

For that purpose they shall establish a system whereby a database is kept at national level for the collection of the data recorded in accordance with Article 5(1).

Or. en

Amendment 38

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(5), 14(6), 17(5), 18(3) and 19(1) and (2) shall be conferred on the Commission for ***an indeterminate*** period of ***time from [dd/mm/yyyy] [insert date of entry into force of this regulation].***

Amendment

2. The power to adopt delegated acts referred to in Articles 3(4), 7(2), 8(7), 9(3), 10(7), 13(5), 14(6), 17(5), 18(3) and 19(1) and (2) shall be conferred on the Commission for ***a*** period of ***five years*** from ***...¹. The Commission shall draw up a report in respect of the delegation of power not later than nine months before***

the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

¹ *Please insert the date of entry into force of this Regulation.*

Or. en

Amendment 39

Proposal for a regulation
ANNEX III – table – line 9 a (new)

Text proposed by the Commission

Amendment

9a. Technical aerosols

1 January 2020

Or. en

Justification

Sustainable alternatives are cost-effective and achieve significant HFC emission reductions (~3.6 Mt/CO₂-equivalent/year in 2030).

Amendment 40

Proposal for a regulation
ANNEX III – table – line 10

Text proposed by the Commission

10. Domestic refrigerators and freezers that contain HFCs containing HFCs **with GWP** 1 January 2015

of 150 or more

Amendment

10. Domestic refrigerators and freezers that contain HFCs 1 January 2015

Or. en

Amendment 41

Proposal for a regulation
ANNEX III – table – line 10 a (new)

Text proposed by the Commission

Amendment

10a. Refrigeration equipment that contains fluorinated greenhouse gases with GWP of 2150 or more 1 January 2015

Or. en

Justification

Article 11(3) prohibits the use of fluorinated greenhouse gases with GWP of 2150 or more to service or maintain refrigeration equipment from the year 2015. In order to be consistent with this service ban, the placing on the market of new refrigeration equipment containing F-gases with GWP of 2150 or more should also be prohibited from the same year.

Amendment 42

Proposal for a regulation
ANNEX III – table – line 10 b (new)

Text proposed by the Commission

Amendment

**10b. Stationary refrigeration equipment
that contain fluorinated greenhouse gases** **1 January 2020**

Or. en

Justification

This sector currently comprises the highest share of HFC emissions. Sustainable alternatives are cost-effective and achieve significant HFC emissions reductions (~15.3 Mt/CO₂-equivalent/year in 2030) – figures that do not include the significant reductions in GHG emissions from energy savings. Penetration rates of sustainable alternatives can achieve 100% market penetration in the year 2020.

Amendment 43

**Proposal for a regulation
ANNEX III – table – line 10 c (new)**

Text proposed by the Commission

Amendment

**10c. Mobile refrigeration equipment
except fishing vessels that contain
fluorinated greenhouse gases** **1 January 2025**

Or. en

Justification

Sustainable alternatives are cost-effective and achieve emission reductions (~0.7 Mt/CO₂-equivalent/year in 2030). Penetration rates of sustainable alternatives can achieve 100% market penetration in the year 2025, or close thereto.

Amendment 44

Proposal for a regulation ANNEX III – table – line 11 – part one

Text proposed by the Commission

| | | |
|---|---|-----------------------|
| 11. Refrigerators and freezers for the storage, display or distribution of products in retail and food service ("commercial use") - hermetically sealed systems | that contain HFCs with GWP of 2500 or more | 1 January 2017 |
|---|---|-----------------------|

Amendment

| | | |
|---|---|-----------------------|
| 11. Refrigerators and freezers for the storage, display or distribution of products in retail and food service ("commercial use") - hermetically sealed systems | that contain HFCs with GWP of 2150 or more | 1 January 2015 |
|---|---|-----------------------|

Or. en

Amendment 45

Proposal for a regulation ANNEX III – table – line 11 – part two

Text proposed by the Commission

| | | |
|---|--|-----------------------|
| 11. Refrigerators and freezers for the storage, display or distribution of products in retail and food service ("commercial use") - hermetically sealed systems | that contain HFCs with GWP of 150 or more | 1 January 2020 |
|---|--|-----------------------|

Amendment

11. Refrigerators and freezers for the storage, display or distribution of products in retail and food service ("commercial use") - hermetically sealed systems

that contain HFCs

1 January 2018

Or. en

Amendment 46

**Proposal for a regulation
ANNEX III – table – line 12**

Text proposed by the Commission

12. Movable room air-conditioning appliances (hermetically sealed equipment which is movable between rooms by the end user) that contain HFCs **with GWP of 150 or more**

1 January 2020

Amendment

12. Movable room air-conditioning appliances (hermetically sealed equipment which is movable between rooms by the end user) that contain HFCs

1 January 2020

Or. en

Amendment 47

Proposal for a regulation ANNEX III – table – line 12 a (new)

Text proposed by the Commission

Amendment

12a. Stationary air-conditioning equipment except centrifugal chillers that contain fluorinated greenhouse gases **1 January 2020**

Or. en

Justification

This sector has a high share of HFC emissions and is the fastest growing source of emissions. Sustainable alternatives are cost-effective and achieve significant HFC emissions reductions (~29 Mt/CO₂-equivalent/year in 2030). Penetration rates of sustainable alternatives can achieve 100% market penetration in the year 2020, or close thereto.

Amendment 48

Proposal for a regulation ANNEX III – table – line 12 b (new)

Text proposed by the Commission

Amendment

12b. Centrifugal chillers that contain fluorinated greenhouse gases **1 January 2027**

Or. en

Justification

Sustainable alternatives are cost-effective and will achieve emission reductions (~9 kt/CO₂-

equivalent/year in 2030). Penetration rates of sustainable alternatives can achieve 100% market penetration in the year 2027.

Amendment 49

Proposal for a regulation ANNEX III – table – line 12 c (new)

Text proposed by the Commission

Amendment

12c. Air-conditioning equipment in cargo ships that contain fluorinated greenhouse gases **1 January 2020**

Or. en

Justification

Sustainable alternatives are cost-effective and will achieve emission reductions (~232 kt/CO₂-equivalent/year in 2030). Penetration rates of sustainable alternatives can achieve 100% market penetration in the year 2020.

Amendment 50

Proposal for a regulation ANNEX III – table – line 12 d (new)

Text proposed by the Commission

Amendment

12d. Foams containing fluorinated greenhouse gases **1 January 2015**

Or. en

Justification

Foams can have long lifetimes of up to 50 years. Furthermore, it is expensive to recover blowing gases from foam products. A lack of public intervention today would hence result in higher emissions in the coming decades. Sustainable alternatives are cost-effective and achieve significant HFC emission reductions (~3.9 Mt/CO₂-equivalent/year in 2030). Penetration rates of sustainable alternatives can achieve 100% market penetration in the year 2015.

Amendment 51

**Proposal for a regulation
ANNEX V – introductory paragraph**

Text proposed by the Commission

The maximum quantity referred to in Article 13(1) shall be calculated by applying the following percentages to the annual average of the total quantity produced and imported into the Union during the period from **2008** to **2011**:

Amendment

The maximum quantity referred to in Article 13(1) shall be calculated by applying the following percentages to the annual average of the total quantity produced and imported into the Union during the period from **2009** to **2012**:

Or. en

Justification

The data for the year 2012 will be available soon and therefore this latest data should be used to calculate the baseline, i.e. taking the average during the 2009-2012 period.

Amendment 52

**Proposal for a regulation
ANNEX V – table – line 2**

Text proposed by the Commission

2016–17

93 %

Amendment

2016–17

83 %

Amendment 53**Proposal for a regulation
ANNEX V – table – line 5***Text proposed by the Commission*2024–26 **31 %***Amendment*2024–26 **25 %**

Or. en

Justification

In its resolution of 14 September 2011, the EP has called for "a rapid phase-down of the production and consumption of HFCs" within the EU. The current phase-down schedule needs to be tightened to ensure the technically feasible and cost-effective transition to sustainable alternatives and to avoid HFC over-allocation. The EC has tabled the proposal for the phase-down schedule without taking into account the service ban in Article 11. The service ban will lead to significant lower HFC demand and therefore the phase-down steps, notably before 2018 and after 2023, should be more ambitious.

Amendment 54**Proposal for a regulation
ANNEX V – table – line 6***Text proposed by the Commission*2027–29 **24 %***Amendment*2027–29 **19 %**

Or. en

Justification

In its resolution of 14 September 2011, the European Parliament has called for "a rapid phase-down of the production and consumption of HFCs" within the EU. The current phase-down schedule needs to be tightened to ensure the technically feasible and cost-effective transition to sustainable alternatives and to avoid HFC over-allocation. The Commission has tabled the proposal for the phase-down schedule without taking into account the service ban in Article 11. The service ban will lead to significant lower HFC demand and therefore the phase-down steps, notably before 2018 and after 2023, should be more ambitious.

Amendment 55

Proposal for a regulation ANNEX V – table – line 7

Text proposed by the Commission

2030 21 %

Amendment

2030 16 %

Or. en

Justification

In its resolution of 14 September 2011, the European Parliament has called for "a rapid phase-down of the production and consumption of HFCs" within the EU. The current phase-down schedule needs to be tightened to ensure the technically feasible and cost-effective transition to sustainable alternatives and to avoid HFC over-allocation. The Commission has tabled the proposal for the phase-down schedule without taking into account the service ban in Article 11. The service ban will lead to significant lower HFC demand and therefore the phase-down steps, notably before 2018 and after 2023, should be more ambitious.

EXPLANATORY STATEMENT

BACKGROUND

The Montreal Protocol, considered the most successful international environmental agreement, has achieved global phase-outs and phase-downs of most ozone-depleting substances, including chlorofluorocarbons (CFCs) and hydrofluorochlorocarbons (HCFCs). Hydrofluorocarbons (HFCs) have recently begun to act as substitutes for CFCs and HCFCs, but they are climatically very active. In addition, other fluorinated greenhouse gases (F-gases), including perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆), have global warming potentials (GWPs) up to 23,000 times more potent than carbon dioxide and can remain in the atmosphere for thousands of years. Action is needed.

The European Union (EU) has called for an 80-95% reduction of greenhouse gas (GHG) emissions by 2050 compared to levels in 1990. According to the European Commission's *Low Carbon Economy Roadmap*, in order to reach this target, 72-73% reductions in non-CO₂ emissions (this includes fluorinated greenhouse gases) are needed by 2030. But while all other greenhouse gases have been reduced, F-gas emissions in the EU have risen by 60% since 1990. HFC-based products and equipment can have long lifetimes of up to 50 years. Additional legislation is therefore needed now to prevent emissions from increasing for several decades to come.

Fortunately, sustainable alternatives—those proven to be safe, cost-effective, energy efficient—are already on the market today and in use. These sustainable alternatives can replace almost all new HFC-based equipment now and in the near future. Phasing-out the use of HFCs will enhance sustainable growth, spur innovation and reward European companies that have invested in green technologies. The Danish experience serves as a prime example. There, F-gas prohibitions were advanced a decade ago, spurring investment and innovation and benefiting many small- and medium-sized enterprises, which now have matured and continue to extend their reach outside of Denmark. Through ambitious global leadership, Europe can maintain its competitiveness in the field of innovative refrigeration, cooling and heating technology in line with environmentally stewardship.

RAPPORTEUR'S PROPOSAL

The Rapporteur supports many elements in the Commission proposal. Quantitative limits on the amount of HFCs that can be placed on the market (the “phase-down”) is a step in the right direction, as are the bans in hermetically sealed and pre-charged equipment needed to support it. Training and certification for sustainable alternatives is important. The ban on servicing and maintaining *existing* refrigeration equipment with very climate potent HFCs and blends will reduce emissions and produce energy savings. In addition, the Rapporteur supports

banning the use of HFCs in certain equipment like domestic refrigerators and freezers for which less harmful alternatives are available on the market today. Overall, however, the proposal could do more to support the sustainable alternatives and the smaller European companies producing them. The Rapporteur therefore finds that the Commission proposal can be improved in several ways, as discussed below.

Placing on the Market (POM) Prohibitions and Use Bans

There are already sustainable alternatives for equipment containing HFCs available in Europe today. The Rapporteur thinks that placing on the market (POM) prohibitions are appropriate when these sustainable alternatives can meet the demand for new equipment in a certain subsector. POM prohibitions also help prevent the use of HFCs in sectors where natural refrigerants are available, thereby ensuring the cost-effectiveness of the phase-down and preserving limited HFC quotas for sectors that actually need them. Further, POM prohibitions and use bans provide the clear market signals requested by smaller European companies producing sustainable alternatives and ensure a transparent, stable and predictable investment climate.

The Rapporteur therefore introduces POM prohibitions and use bans when penetration rates of sustainable alternatives can achieve 100% market penetration¹ or close thereto, in particular:

- **Foams**: POM prohibition in 2015. Foams can have long lifetimes of up to 50 years. Furthermore, it is expensive to recover blowing gases from foam products. A lack of public intervention today would hence result in higher emissions in the coming decades. Sustainable alternatives are cost-effective and achieve significant HFC emission reductions (~3.9 Mt/CO₂-equivalent/year in 2030).
- **Technical Aerosols**: POM prohibition in 2020. Sustainable alternatives are cost-effective and achieve significant HFC emission reductions (~3.6 Mt/CO₂-equivalent/year in 2030).
- **Refrigeration**: POM prohibition in 2020 on stationary refrigeration. This sector currently comprises the highest share of HFC emissions. Sustainable alternatives are cost-effective and achieve significant HFC emissions reductions (~15.3 Mt/CO₂-equivalent/year in 2030) – figures that do not include the significant reductions in GHG emissions from energy savings. POM prohibition in 2025 on mobile refrigeration except fishing vessels. Sustainable alternatives are cost-effective and achieve emission reductions (~0.7 Mt/CO₂-equivalent/year in 2030).
- **Air-Conditioning**: POM prohibition in 2020 for stationary air conditioning and cargo ships. This sector has a high share of HFC emissions and is the fastest growing source of emissions. Sustainable alternatives are cost-effective and achieve significant HFC

¹ The penetration rate is defined as the maximum market potential of abatement options to replace new products or equipment relying upon HFCs in a particular sector. A penetration rate of 100% in 2015 means that 100% of the new HFC units installed in 2015 could be replaced by units of alternative technologies.

emissions reductions (~29 Mt/CO₂-equivalent/year in 2030). POM prohibition in centrifugal chillers in 2027. Sustainable alternatives are cost-effective and will achieve emission reductions (~9 kt/CO₂-equivalent/year in 2030).

The Rapporteur furthermore introduces a ban in 2020 for the use of SF₆ as an insulator and switching medium in medium voltage switchgear. SF₆ is a greenhouse gas with a warming potential up to 22,800 times more potent carbon dioxide (CO₂) and an atmospheric lifetime of over 3,000 years. Competitive SF₆-free alternatives are available on the market already now and therefore any SF₆ emission should be considered as simply irresponsible.

Phase-Down

The European Parliament resolution of 14 September 2011 on a comprehensive approach to non-CO₂ climate-relevant anthropogenic emissions urged “*a rapid phase-down of the production and consumption of HFCs*” within the European Union. This will not only promote the uptake of alternatives in advance of the POM prohibitions and use bans, but will encourage tighter systems and reward reclamation and recycling.

The Rapporteur therefore introduces measures designed to eliminate HFC over-allocation and ensure a technically feasible and cost-effective phase-down schedule, in particular:

- Tightened Phase-Down Schedule. The current phase-down schedule needs to be tightened to ensure the technically feasible and cost-effective transition to sustainable alternatives. The Commission has tabled the proposal for the phase-down schedule without taking into account the service ban in Article 11. The service ban will lead to significant lower HFC demand and therefore the phase-down steps, notably before 2018 and after 2023, should be more ambitious.
- Allocation Fee. An allocation fee to use the HFC quotas is introduced at a cost of 30€/ton CO₂-eq, which was the expected CO₂-price average during the third ETS phase at the time of adoption of the ETS Directive. This will secure a revenue stream to compensate for regional differences in costs due to climate conditions.
- Corrected Baseline. The baseline for the phase-down schedule as proposed by the Commission takes the annual average of the quantity produced and imported into the EU during the 2008-2011 period. Since the data for the year 2012 will be available soon, using the latest data to calculate the baseline should be used, i.e. taking the average during the 2009-2012 period.

Ban on By-Product Emissions

The Commission proposal could unintentionally increase global emissions of F-gases and further complicate climate progress at the international level unless by-product emissions are

meaningfully addressed. The reason is that the HFC production often occurs in third countries with no restrictions on by-products emissions (like HFC-23 emissions) or binding obligations to reduce GHG emissions. The Rapporteur therefore introduces a prohibition on placing on the market any F-gas listed in Annexes I and II unless by-product emissions produced during the manufacturing process are destroyed. Given the vertical integration and limited number of producers in this sector, enforcement should not be a concern.

Containment and Recovery

Clear obligations on containment and recovery are needed to overcome historically low compliance rates and cost-ineffectiveness.

The Rapporteur therefore introduces amendments to limit leakage and promote recovery, in particular:

- Service Ban. The proposal to ban the servicing and maintenance of existing refrigeration equipment with high-GWP HFCs should be improved. Recent activities and experiences with retrofilling in European supermarkets show that significant and cost-effective HFC reductions can be achieved through this measure, and as early as 2015. An earlier service ban therefore provides huge environmental and cost benefits. Excluding from the service ban around 80% of the systems in the small commercial sector by increasing the threshold from 5 to 40 tonnes of CO₂ equivalent would reduce the environmental benefits by only 8% or less. Refrigeration equipment operating at temperatures below -50°C is also excluded. For these sectors, the use of recovered high-GWP HFCs will still be allowed to promote recycling.
- Recovery Schemes. In order to ensure recovery and promote producer responsibility, recovery schemes should be set up in all Member States to ensure the recycling, reclamation or destruction of F-gases.
- Minimum Precautionary Measures. Operators should be required to take minimum precautionary measures to prevent leakage before it occurs, based on best industry practices and experiences in Member States.
- Maximum Leakage Rates. Maximum leakage rates should be established for each type of equipment to improve compliance and enforcement, based on best industry practices, experiences in Member States and international and European standards.
- Extended Scope. Extending containment obligations to all mobile equipment is cost-effective and achieves significant emission reductions (~2.4 Mt/CO₂-equivalent/year).