



**2022/0099(COD)**

01.2.2023

# **OPINION**

of the Committee on Industry, Research and Energy

for the Committee on the Environment, Public Health and Food Safety

on the 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 (COM(2022)0150 – C9-0142/2022 – 2022/0099(COD))

Rapporteur for opinion: Sara Skyttedal

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## SHORT JUSTIFICATION

The Rapporteur supports many elements in the Commission proposal, especially regarding the enhanced implementation and enforcement on matters of illegal trade, the training needs on F-gas alternatives, the monitoring and reporting to fill existing gaps and improve processes and data quality for compliance and clarity, as well as internal coherence to support better implementation and understanding of the rules. Training and certification for sustainable alternatives is important.

The Rapporteur believes that the F-gas Regulation is a key instrument with respect to emissions of fluorinated greenhouse gases (F-gases) and that the 2014 F-Gas Regulation has proven to be successful. The Rapporteur also believes that more should be done to prevent additional F-gas emissions, thereby contributing to EU climate objectives, and that compliance with the Montreal Protocol as regards obligations related to hydrofluorocarbons ('HFCs') should be ensured.

However, the Rapporteur is of the opinion that certain provisions of the Commission's proposal could potentially jeopardize the clean energy transformation in heating and cooling and the achievement of EU energy independence, creating an additional burden to the European industry as well as to European consumers who wish to switch towards sustainable and efficient heating and cooling solutions. Therefore, the Rapporteur proposes amendments to ensure the availability of a full and diverse range of refrigerants for heating and cooling installations, in line with the RePower EU's ambition to frontload the deployment of heat pumps by 2030, as well as the Energy Efficiency Directive and the Energy Performance of Buildings Directive. The Rapporteur also proposes to extend the ban date for 12 to 24 kV (12 kV excluded) voltage level switchgear from 2026 to 2028, as there are concerns that manufacturers will not be able to supply enough SF6-free switchgear by 2026 on this specific voltage level.

Furthermore, the Rapporteur wants to achieve a better balance between phasing down F-gases and considerations of patient health. F-gases are widely used as propellants in metered dose inhaler (MDIs). The Rapporteur therefore reinstates the long-standing exemption for MDIs under the F-Gas regulation, which is deleted in the Commission proposal.

## AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

### **Amendment 1**

#### **Proposal for a regulation**

#### **Recital 1**

*Text proposed by the Commission*

(1) The European Green Deal launched a new growth strategy for the Union that aims to transform the Union into a fair and prosperous society with a modern, resource-efficient and competitive economy. It reaffirms the Commission's ambition to increase its climate targets and make Europe the first climate-neutral continent by 2050 and aims to protect the health and well-being of citizens from environment-related risks and impacts. Furthermore, the EU is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.

*Amendment*

(1) The European Green Deal launched a new growth strategy for the Union that aims to transform the Union into a fair and prosperous society with a modern, resource-efficient and competitive economy. It reaffirms the Commission's ambition to increase its climate targets and make Europe the first climate-neutral continent by 2050 and aims to protect the health and well-being of citizens from environment-related risks and impacts. Furthermore, the EU is committed to ***Regulation (EU) 2021/1119 of the European Parliament and of the Council ('European Climate Law')***, the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.

**Amendment 2**

**Proposal for a regulation**

**Recital 3**

*Text proposed by the Commission*

(3) Regulation (EU) No 517/2014 of the European Parliament and of the Council<sup>26</sup> was adopted to reverse the increase in fluorinated greenhouse gas emissions. As concluded by an evaluation prepared by the Commission, Regulation (EU) No 517/2014 has led to a year-on-year decrease of fluorinated greenhouse gas emissions. The supply of hydrofluorocarbons ('HFCs') has declined by 37 % in metric tonnes and 47 % in terms of tonnes CO<sub>2</sub> equivalent from 2015 until 2019. There has also been a clear shift to the use of alternatives with lower global warming potential ('GWP') including natural alternatives (for example CO<sub>2</sub>, ammonia, hydrocarbons, water) in many types of equipment that used fluorinated greenhouse gases traditionally.

*Amendment*

(3) Regulation (EU) No 517/2014 of the European Parliament and of the Council<sup>26</sup> was adopted to reverse the increase in fluorinated greenhouse gas emissions. As concluded by an evaluation prepared by the Commission, Regulation (EU) No 517/2014 has led to a year-on-year decrease of fluorinated greenhouse gas emissions. The supply of hydrofluorocarbons ('HFCs') has declined by 37 % in metric tonnes and 47 % in terms of tonnes CO<sub>2</sub> equivalent from 2015 until 2019. There has also been a clear shift to the use of alternatives with lower global warming potential ('GWP') including natural alternatives (for example ***air***, CO<sub>2</sub>, ammonia, hydrocarbons, water) in many types of equipment that used fluorinated greenhouse gases traditionally.

<sup>26</sup> Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases (OJ L 150, 20.5.2014, p. 195).

<sup>26</sup> Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases (OJ L 150, 20.5.2014, p. 195).

### Amendment 3

#### Proposal for a regulation Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) The RePowerEU Plan envisions an additional 20 million new heat pumps to be installed in the EU by 2026 and nearly 60 million by 2030. The full HFC phase-down by no later than 2050 should be in line and complimentary to and with the Union's energy-efficiency ambitions as laid out in, among others, the European Green Deal, the Energy Efficiency Directive, the Energy Performance of Buildings Directive (Directive 2010/31/EU) and the RePowerEU Plan, including the uptake of low-climate impact waste-heat recovery applications, such as heat pumps, as well as investments in electrification, power grid expansions and increased use of batteries in the energy and transport sector.***

### Amendment 4

#### Proposal for a regulation Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) As the impact assessment of this Regulation does not include F-gases needed for cooling equipment in battery systems used in for example electric powered vehicles, trucks, industrial applications and batteries used in energy system storage, the consequences on the market uptake of batteries and energy***

*storages solutions are not quantified or estimated properly. As the amount of electric vehicles and energy storage solutions are needed to increase drastically in the coming years to reach the 2030 climate target, an assessment within 1 year after entry into force of this Regulation is crucial to understand the consequences of the targets set in this regulation.*

## Amendment 5

### Proposal for a regulation Recital 6 b (new)

*Text proposed by the Commission*

*Amendment*

***(6b) It is of great importance that the Commission takes the phasing out of HFCs into account in its upcoming legislative proposals, such as REACH regarding the phase out of PFAS.***

## Amendment 6

### Proposal for a regulation Recital 8

*Text proposed by the Commission*

*Amendment*

(8) The intentional release of fluorinated substances, where unlawful, is a serious infringement of this Regulation and should be explicitly prohibited; operators and manufacturers of equipment should be obliged to prevent leakage of such substances to the extent possible, including through leak checking of the most relevant equipment.

(8) The intentional release of fluorinated substances, where unlawful, is a serious infringement of this Regulation and should be explicitly prohibited; operators and manufacturers of equipment should be obliged to prevent leakage of such substances to the extent possible, including through leak checking of the most relevant equipment ***and progressive installation of leakage detection systems, including on residential heat pumps, that would prevent the release of harmful refrigerants into the atmosphere, helping users to minimize their environmental impact, as well as to increase durability***

*and energy efficiency of the appliances.*

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 10**

*Text proposed by the Commission*

(10) To prevent emissions of fluorinated substances, it is necessary to lay down provisions on the recovery of substances from products and equipment and the prevention of leakages of such substances. Foams containing fluorinated greenhouse gases should be treated in accordance with Directive 2012/19/EU of the European Parliament and of the Council.<sup>30</sup> Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings, in order to maximise emissions reductions.

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<sup>30</sup> Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p.38).

## **Amendment 8**

### **Proposal for a regulation**

#### **Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

(10) To prevent emissions of fluorinated substances, it is necessary to lay down provisions on the recovery of substances from products and equipment and the prevention of leakages of such substances. Foams containing fluorinated greenhouse gases should be treated in accordance with Directive 2012/19/EU of the European Parliament and of the Council.<sup>30</sup> Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings, in order to maximise emissions reductions.

***Waste Electrical and Electronic Equipment schemes in Member States need to be considerably improved to better facilitate the recovery, recycling and reclamation of refrigerants, including from residential heat pumps.***

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<sup>30</sup> Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p.38).

***(10a) The prevention of emissions of fluorinated greenhouse gases should be considered together with the prevention of emissions of overall greenhouse gases and the energy efficiency first principle.***

*In this regard special attention should be paid to efficient and futureproof heat pump technologies and their potential to replace fossil fuel boilers, making a major contribution to achieving the EU's energy and climate targets and a reduced dependency on fossil fuels as determined in the REPowerEU plan.*

## **Amendment 9**

### **Proposal for a regulation Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

*(13a) The Commission should request the European standardisation organisations to develop and update relevant harmonised standards to ensure the smooth implementation of the restrictions on placing on the market laid down in this Regulation. Member States should ensure that national standards and building codes are updated to reflect the allowable charge limits of flammable refrigerants, including IEC 60335-2-89 and IEC 60335-2-40 and should report on their efforts to that end and any exceptions to their update.*

## **Amendment 10**

### **Proposal for a regulation Recital 13 b (new)**

*Text proposed by the Commission*

*Amendment*

*(13b) The Commission should work in close cooperation with the European Medicines Agency to coordinate a smooth approval process in respect of replacing fluorinated substances in pharmaceutical products with alternatives.*

## Amendment 11

### Proposal for a regulation Recital 20

*Text proposed by the Commission*

(20) Considering the market value of the allocated quota, it is appropriate to claim a price for its allocation. This avoids a further fragmentation of the market to the detriment of those undertakings that are in need of the HFC supply and already dependent on HFC trade in the declining market. It is assumed that undertakings that decide not to claim and pay any quota, for which they would be entitled in the year(s) prior to the calculation of reference values, have decided to leave the market and thus they do not get a new reference value. ***The revenue should be used to cover administrative costs.***

*Amendment*

(20) Considering the market value of the allocated quota, it is appropriate to claim a price for its allocation. This avoids a further fragmentation of the market to the detriment of those undertakings that are in need of the HFC supply and already dependent on HFC trade in the declining market. It is assumed that undertakings that decide not to claim and pay any quota, for which they would be entitled in the year(s) prior to the calculation of reference values, have decided to leave the market and thus they do not get a new reference value. ***In order to facilitate transition into HFC alternatives any revenue remaining after covering administrative costs should be entered into Horizon Europe fund.***

## Amendment 12

### Proposal for a regulation Recital 21 a (new)

*Text proposed by the Commission*

*Amendment*

***(21a) MDIs are subject to rigorous regulatory assessment and requirements for research and development of alternatives to current HFCs, including highly regulated clinical studies to ensure patient safety. The length of these regulatory processes varies per product and per jurisdiction. Cooperation and exchange of the necessary information between the European Commission, Member State competent authorities and the European Medicines Agency is therefore extremely important for ensuring that the transition to low-GWP medical dose inhalers moves forward***

*without endangering public health.*

### **Amendment 13**

#### **Proposal for a regulation Recital 21 b (new)**

*Text proposed by the Commission*

*Amendment*

***(21b) The removal of the exemption for metered dose inhalers provides an incentive for the pharmaceutical sector to continue with the transition to low-GWP solutions. Ensuring continued patient access to life-saving medicines should remain the imperative. Safeguards need to be put in place to pre-empt any shortage of such medicines and unintended consequence on public health.***

### **Amendment 14**

#### **Proposal for a regulation Recital 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) Custom authorities should monitor whether products covered under this Regulation that are declared to be in transit have actually left the customs territory of the Union. For this purpose, custom authorities shall keep records about the undertaking making the transit.***

### **Amendment 15**

#### **Proposal for a regulation Recital 28 b (new)**

*Text proposed by the Commission*

*Amendment*

***(28b) The Union should in line with its aim to lead the global effort to tackle climate change and with its promises to not to export its environmental footprint***

*outside its borders, particularly to developing states without sufficient infrastructure, limit the export of the most potent hydrofluorocarbons. The limit would furthermore incentivise European production of sustainable and safe alternatives.*

## **Amendment 16**

### **Proposal for a regulation**

#### **Recital 33**

*Text proposed by the Commission*

(33) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

*Amendment*

(33) Member States should lay down rules on **minimum and maximum** penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

## **Amendment 17**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and **II**, whether alone or in a mixture.

*Amendment*

1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and **III**, whether alone or in a mixture.

## **Amendment 18**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 36 a (new)**

*Text proposed by the Commission*

*Amendment*

**(36a) ‘self-contained’ means a complete factory made and pre-charged equipment in a suitable frame and/or enclosure, that is fabricated and transported complete, or**

*in two or more sections and in which no refrigerant containing parts are connected on site.*

## Amendment 19

### Proposal for a regulation

#### Article 7 – paragraph 2 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*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:

*Amendment*

The records referred to in paragraph 1 *shall be* stored in a database set up by the competent authorities of the Member States *and* the following rules *shall* apply:

## Amendment 20

### Proposal for a regulation

#### Article 7 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

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.

*Amendment*

The records referred to in paragraph 1 shall be made available, on request, to the Commission.

## Amendment 21

### Proposal for a regulation

#### Article 8 – paragraph 4

*Text proposed by the Commission*

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 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

*Amendment*

4. As from 1 January **2025**, 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 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.

carried out by appropriately qualified natural persons.

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 8 – paragraph 5 – subparagraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

As from 1 January **2025**, 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.

## **Amendment 23**

### **Proposal for a regulation**

#### **Article 8 – paragraph 6 – subparagraph 1**

##### *Text proposed by the Commission*

Operators of products and equipment not listed in paragraphs 1, 6 and 7 that contain fluorinated greenhouse gases listed in Annex I and 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.

##### *Amendment*

Operators of products and equipment not listed in paragraphs 1, 6 and 7 that contain fluorinated greenhouse gases listed in Annex I and 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 **life-cycle** 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.

## Amendment 24

### Proposal for a regulation Article 8 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

**7a. The undertakings that carry out recovery and destruction of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 shall register themselves at F-gas Portal and the list shall be publicly available.**

## Amendment 25

### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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 **require that by 31 December 2027 extended** producer **responsibility** schemes **are established** for the recovery of fluorinated greenhouse gases listed in Annexes I, **II and III** and their recycling, reclamation or destruction, **taking into account already applicable producer responsibility schemes.**

## Amendment 26

### Proposal for a regulation Article 10 – paragraph 3 – point e a (new)

*Text proposed by the Commission*

*Amendment*

**(ea) allowed location of installation in view of the applicable regulations, instruction manuals, technical standards and safe handling of equipment of the type and size covered by the certificate;**

## Amendment 27

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

**(eb) certification for natural refrigerants (their characteristics and benefits compared to the use of fluorinated greenhouse gases, and their safe handling during installation, servicing, maintenance, repair and decommissioning).**

**Amendment 28**

**Proposal for a regulation**  
**Article 10 – paragraph 8 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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.

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 **adapted** certification and training programmes.

**Amendment 29**

**Proposal for a regulation**  
**Article 11 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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 products and equipment, 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.

**Amendment 30**

**Proposal for a regulation**  
**Article 11 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

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 subsequent disposal and for the recovery of the gas prior to the disposal pursuant to Article 8.

*Amendment*

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 subsequent ***return to the origin country or for*** disposal and for the recovery of the gas prior to the disposal pursuant to Article 8 ***where possible***.

**Amendment 31**

**Proposal for a regulation**

**Article 11 – paragraph 1 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall assess and report to the European Parliament and the Council on how the phasing out of f-gases according to this Regulation will affect the transition towards electric powered vehicles and energy storage solutions within 1 year of the entry into force of this Regulation.***

***If the assessment concludes that the targets set in Annex VII in this Regulation have direct substantial negative impact on promotion of the electrification of transport and energy storage, the Commission shall, if appropriate, by means of a delegated act not later than 31 December 2027 review the targets accordingly.***

**Amendment 32**

**Proposal for a regulation**

**Article 11 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

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 **seven** years to allow the placing on the market of products and equipment listed in Annex IV, containing fluorinated greenhouse gases or whose functioning relies upon those gases, where it is demonstrated that:

**Amendment 33**

**Proposal for a regulation**

**Article 11 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

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).

*Amendment*

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, **and spare parts** 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). **The selling undertaking shall keep the documentation of transactions for a period of at least five years in order to enable control measures.**

**Amendment 34**

**Proposal for a regulation**

**Article 12 – paragraph 2**

*Text proposed by the Commission*

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.

*Amendment*

2. Products or equipment subject to an exemption as referred to in Article 11 (4) shall be labelled accordingly, **mentioning 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.

### **Amendment 35**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

From 1 January 2024, the use of fluorinated greenhouse gases with a global warming potential of **1 500** or more, for the servicing or maintenance of **stationary** refrigeration equipment is prohibited.

### **Amendment 36**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 3 – subparagraph 3 – point a**

*Text proposed by the Commission*

(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);

*Amendment*

(a) reclaimed fluorinated greenhouse gases listed in Annex I with a global warming potential of **1 500** or more used for the maintenance or servicing of existing refrigeration equipment, provided that they have been labelled in accordance with Article 12(6);

### **Amendment 37**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 3 – subparagraph 3 – point b**

*Text proposed by the Commission*

(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.

*Amendment*

(b) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of **1 500** 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.

**Amendment 38**

**Proposal for a regulation**  
**Article 13 – paragraph 4**

*Text proposed by the Commission*

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.*

*Amendment*

4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January **2029**, except when such use is strictly required and no other anaesthetic can be used on medical grounds. *Hospitals where inhalation anaesthetics equivalent to more than 1000 t CO<sub>2</sub>eq per year are used shall, provided that these technologies have been approved, install recovery technology in their operation theatres.*

**Amendment 39**

**Proposal for a regulation**  
**Article 13 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The evaluation on whether or not alternatives are on the market should take into account other policy requirements and standards including the upcoming revision of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning**

#### **Amendment 40**

##### **Proposal for a regulation Article 16 – paragraph 2 – point c**

*Text proposed by the Commission*

(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;

*Amendment*

(c) supplied directly by a producer or an importer to undertakings, for export out of the Union, not contained in **pre-charged** equipment, **referred to in Article 19(1)**, where those hydrofluorocarbons are not subsequently made available to any other party within the Union, prior to export;

#### **Amendment 41**

##### **Proposal for a regulation Article 16 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da) supplied directly by a producer or an importer to an undertaking producing metered dose inhalers for the delivery of pharmaceutical ingredients before 31 December 2028;**

#### **Amendment 42**

##### **Proposal for a regulation Article 16 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(ea) from 1 January 2029, supplied directly by a producer or an importer to an undertaking producing metered dose inhalers for the delivery of pharmaceutical ingredients with a low GWP, for export out of the Union;**

## Amendment 43

### Proposal for a regulation Article 16 – paragraph 2 – point e b (new)

*Text proposed by the Commission*

*Amendment*

***(eb) supplied directly by a producer or an importer for usage of repair of installations already existing on the market when this regulation is implemented.***

## Amendment 44

### Proposal for a regulation Article 16 – paragraph 4 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

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:

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 **seven** 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:

## Amendment 45

### Proposal for a regulation Article 17 – paragraph 5 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

The allocation of quotas is subject to the payment of the amount due which equals to **three** euro for each tonne of CO<sub>2</sub> equivalent of quota to be allocated. Importers and producers shall be notified

The allocation of quotas is subject to the payment of the amount due which equals to **four** euro for each tonne of CO<sub>2</sub> equivalent of quota to be allocated. Importers and producers shall be notified via the F-gas

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).

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).

#### Amendment 46

##### Proposal for a regulation Article 17 – paragraph 6

###### *Text proposed by the Commission*

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.

###### *Amendment*

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 ***jeopardize the green transition on the energy market, transport sector or any disruption to the supply of pharmaceutical products, or*** where the mechanism is not fulfilling its purpose and is having ***unintended effects on public health. A mechanism to ensure that these*** unintended effects ***are identified early enough to ensure mitigation is set up under the Consultation Forum referred to in Article 33.***

#### Amendment 47

##### Proposal for a regulation Article 17 – paragraph 7

###### *Text proposed by the Commission*

7. The revenue generated from the quota allocation amount shall constitute

###### *Amendment*

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 of implementation of this Regulation and **for ensuring** compliance with the Protocol. Any revenue remaining after covering these costs shall be entered into **the general budget of the Union**.

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 of implementation of this Regulation and **to support Member States' enforcement of this Regulation, including equipment and training and that related to sale via the internet and the seizure and destruction of illegal fluorinated greenhouse gases, to support the roll-out of alternatives to fluorinated greenhouse gas, particularly in the sectors incurring high mitigation costs, to enhance the related professional skills, and to ensure** compliance with the Protocol. Any revenue remaining after covering these costs shall be entered into **Horizon Europe fund**.

## Amendment 48

### Proposal for a regulation Article 18 – paragraph 1

#### *Text proposed by the Commission*

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<sup>43</sup>.

#### *Amendment*

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<sup>43</sup>.

<sup>43</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

<sup>43</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

## Amendment 49

### Proposal for a regulation

#### Article 20 – paragraph 4 – subparagraph 1 – introductory part

##### *Text proposed by the Commission*

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:

##### *Amendment*

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 for the following activities:

## Amendment 50

### Proposal for a regulation

#### Article 22 – paragraph 1

##### *Text proposed by the Commission*

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).

##### *Amendment*

The import and export of fluorinated greenhouse gases and products and equipment containing those gases or whose functioning relies upon those gases is subject to the presentation of a valid licence to customs authorities pursuant to Article 20(4).

## Amendment 51

### Proposal for a regulation

#### Article 23 – paragraph 3 – point e a (new)

*Text proposed by the Commission*

*Amendment*

**(ea) the portion of the quota which has already been used by the importer.**

## Amendment 52

### Proposal for a regulation

#### Article 23 – paragraph 6

*Text proposed by the Commission*

*Amendment*

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.

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 **as referred to in Article 11(3a).**

## Amendment 53

### Proposal for a regulation

#### Article 23 – paragraph 12 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

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

For other substances and products and equipment covered by this Regulation, **if seizure and confiscation of illegal shipments is not an option**, 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

Regulation.

quota and authorisation requirements set out in this Regulation.

#### **Amendment 54**

##### **Proposal for a regulation**

##### **Article 23 – paragraph 13 – subparagraph 1**

###### *Text proposed by the Commission*

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 entry into or 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.

###### *Amendment*

Member States customs authorities shall designate or approve customs offices or other places ***within six months of the entry into force of this Regulation*** 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 entry into or 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.

#### **Amendment 55**

##### **Proposal for a regulation**

##### **Article 24 – paragraph 1**

###### *Text proposed by the Commission*

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 placed under temporary storage, or a customs procedure including customs warehousing or free zone

###### *Amendment*

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 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, taking into account the environmental benefits and socio-economic impacts of such measures.

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, taking into account the environmental benefits and socio-economic impacts of such measures. ***Such measures may include a QR-code based system to track and trace fluorinated greenhouse gases and products and equipment containing those gases.***

## Amendment 56

### Proposal for a regulation Article 29 – paragraph 4

*Text proposed by the Commission*

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.

*Amendment*

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. ***The competent authorities shall also collect the checked trade records and keep the information for at least five years.***

## Amendment 57

### Proposal for a regulation Article 29 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***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.***

## Amendment 58

### Proposal for a regulation

#### Article 31 – paragraph 5 – subparagraph 1

##### *Text proposed by the Commission*

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-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.

##### *Amendment*

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 **minimum and** maximum administrative fines of at least **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 envisage **minimum and** maximum administrative fines of at least **ten** times the value of the gases or products and equipment concerned.

## Amendment 59

### Proposal for a regulation

#### Article 33 – paragraph 1

##### *Text proposed by the Commission*

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.

##### *Amendment*

The Commission shall establish a Consultation Forum for providing advice and **direction** in relation to the implementation of this Regulation. ***A dedicated sub-group of the Consultation Forum shall be established to evaluate unintended effects on public health. This subgroup shall ensure participation of representatives of the Member States, the European Medicines Agency and other interested parties and shall deliver a yearly report, as of 2025, evaluating the readiness of the relevant sectors. The European Commission shall act upon the yearly reports to adopt delegated acts in accordance with Article 32.*** The rules of procedure of the Consultation Forum shall be established by the Commission and

shall be published.

## Amendment 60

### Proposal for a regulation Article 35 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***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 Annexes I or II or by introducing fluorinated greenhouse gases in Annexes I or II, where it has evidence of the placing on the market of fluorinated greenhouse gases listed in Annex III or of fluorinated greenhouse gases not listed in Annexes I, II or III to this Regulation.***

## Amendment 61

### Proposal for a regulation Annex IV – point 11 – subpoint 3

*Text proposed by the Commission*

-that contain other fluorinated greenhouse gases with GWP of 150 or more.

1 January  
2024

*Amendment*

*deleted*

*deleted*

## Amendment 62

### Proposal for a regulation Annex IV – point 12

*Text proposed by the Commission*

*Amendment*

(12) Any self-contained refrigeration equipment that contains fluorinated

(12) Any **stationary** self-contained refrigeration equipment that contains

greenhouse gases with GWP of **150** or more.

fluorinated greenhouse gases with GWP of **5** or more.

### Amendment 63

#### Proposal for a regulation Annex IV – point 14

*Text proposed by the Commission*

(14) Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases with GWP of **2500** or more except equipment intended for application designed to cool products to temperatures below – 50 °C.

*Amendment*

(14) Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases with GWP of **150** or more except equipment intended for application designed to cool products to temperatures below – 50 °C.

### Amendment 64

#### Proposal for a regulation Annex IV – point 15

*Text proposed by the Commission*

(15) Multipack centralized refrigeration systems ***for commercial use with a rated capacity of 40 kW 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 1 500 may be used.***

1 January  
2022

*Amendment*

(15) Multipack centralized refrigeration systems that contain, or whose functioning relies upon, fluorinated greenhouse gases with GWP of **5** or more.

1 January  
2024

### Amendment 65

#### Proposal for a regulation Annex IV – point 17

*Text proposed by the Commission*

(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.	1 January 2025
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*Amendment*

(17) Plug-in room and other self-contained air-conditioning and heat pump equipment, <b><i>including equipment which is moveable between rooms by the end users</i></b> that contain fluorinated greenhouse gases with GWP of 150 or more.	1 January 2027
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## **Amendment 66**

### **Proposal for a regulation Annex IV – point 18 – subpoint a**

*Text proposed by the Commission*

(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;	1 January 2025
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*Amendment*

(a) Single split systems <b><i>and fixed double duct appliances</i></b> 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;	1 January 2025
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## **Amendment 67**

### **Proposal for a regulation Annex IV – point 18 – subpoint b**

*Text proposed by the Commission*

(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;	1 January 2027
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*Amendment*

***deleted***

1 January 2029
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## **Amendment 68**

**Proposal for a regulation**  
**Annex IV – point 18 – subpoint c**

*Text proposed by the Commission*

(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

1 January  
2027

*Amendment*

(b) Split systems containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more

1 January  
**2029**

**Amendment 69**

**Proposal for a regulation**  
**Annex IV – point 23 – subpoint a**

*Text proposed by the Commission*

(a) medium voltage switchgear for primary and secondary distribution up to 24 kV, with insulating or breaking medium using, or whose functioning relies upon, **gases** with GWP of 10 or more, or with GWP of 2000 or more, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above;

1 January  
**2026**

*Amendment*

(a) medium voltage switchgear for primary and secondary distribution up to 24 kV, with insulating or breaking medium using, or whose functioning relies upon, gas **mixtures** with GWP of 10 or more, or with GWP of 2000 or more, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above;

1 January  
**2028**

**Amendment 70**

**Proposal for a regulation**  
**Annex IV – point 23 – subpoint b**

*Text proposed by the Commission*

(b) medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to 52 kV, with insulating or breaking medium using, or whose functioning relies upon **gases** with GWP of **10** or more, **or with GWP of more than 2000**, unless evidence is provided that no suitable alternative is available based on technical grounds **within the lower GWP ranges referred to above**;

1 January  
2030

*Amendment*

(b) medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to 52 kV, with insulating or breaking medium using, or whose functioning relies upon gas <b>mixtures</b> with GWP of <b>1000</b> or more, unless evidence is provided that no suitable alternative is available based on technical grounds;	1 January 2030
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**Amendment 71**

**Proposal for a regulation**

**Annex IV – point 23 – subpoint c**

*Text proposed by the Commission*

(c) high voltage switchgear from 52 and up to 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon gases <b>with GWP of 10 or more, or</b> with GWP of more than 2000, unless evidence is provided that no suitable alternative is available based on technical grounds <b>within the lower GWP ranges referred to above;</b>	1 January 2028
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*Amendment*

(c) high voltage switchgear from 52 and up to 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon gas <b>mixtures</b> with GWP of more than 2000, unless evidence is provided that no suitable alternative is available based on technical grounds;	1 January 2028
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**Amendment 72**

**Proposal for a regulation**

**Annex IV – point 23 – subpoint d**

*Text proposed by the Commission*

(d) high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon gases <b>with GWP of 10 or more, or</b> with GWP of more than 2000 unless evidence is provided that no suitable alternative is available based on technical grounds <b>within the lower GWP ranges referred to above.</b>	1 January 2031
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*Amendment*

(d) high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon gas <b>mixtures</b> with GWP of more than 2000 unless evidence is provided that no suitable alternative is available based on technical grounds.	1 January 2031
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## Amendment 73

### Proposal for a regulation Annex IV – paragraph 2

*Text proposed by the Commission*

2. The evidence referred to in point 23, shall include documentation establishing that following an open call for tender no suitable alternative on technical grounds, given the demonstrated specificities of the application, was available that could meet the conditions set out in point 23. The documentation shall be kept by the operator for at least five years and shall be made available to the competent authority of the Member State and to the Commission, upon request.

*Amendment*

2. The evidence referred to in point 23, shall include documentation establishing that following an open call for tender no suitable alternative on technical grounds, ***(i.e. pilot equipment under real operation conditions for at least 3 years)***, given the demonstrated specificities of the application, was available that could meet the conditions set out in point 23 ***or that there were not two suppliers providing at least the suitable alternative***. 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.

## Amendment 74

### Proposal for a regulation Annex IV – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The prohibitions on placing on the market set out in point 23 do not apply to the spare parts necessary for the maintenance and repair of equipment already installed and to the extensions of the already installed gas-insulated switchgear.***

## Amendment 75

### Proposal for a regulation Annex VII – point 1 - table

*Text proposed by the Commission*

Years	Maximum Quantity in tonnes CO <sub>2</sub> equivalent
2024 – 2026	41 701 077
2027 – 2029	17 688 360
2030 – 2032	9 132 097
2033 – 2035	8 445 713
2036 – 2038	6 782 265
2039 – 2041	6 136 732
2042 – 2044	5 491 199
2045 – 2047	4 845 666
2048 onwards	4 200 133

*Amendment*

Years	Years	Maximum Quantity in tonnes CO <sub>2</sub> equivalent	Maximum Quantity in tonnes CO <sub>2</sub> equivalent
2024 – 2026	2024 – 2026	<b>41 701 077</b>	<b>45 701 077</b>
2027 – 2029	2027 – 2029	<b>17 688 360</b>	<b>30 850 539</b>
2030 – 2032	2030 – 2032	<b>9 132 097</b>	<b>17 688 360</b>
2033 – 2035	2033 – 2035	<b>8 445 713</b>	<b>9 132 097</b>
2036 – 2038	2036 – 2038	<b>6 782 265</b>	<b>8 445 713</b>
2039 – 2041	2039 – 2041	<b>6 136 732</b>	<b>6 782 265</b>
<b>2042 – 2044</b>	<b>2042</b>	<b>5 491 199</b>	<b>6 136 732</b>
<b>2045 – 2047</b>	<b>2043 – 2044</b>	<b>4 845 666</b>	<b>5 491 199</b>
	<b>2045-2047</b>		<b>4 845 666</b>
2048 onwards	2048 onwards	<b>4 200 133</b>	<b>811 814</b>

**Amendment 76**

**Proposal for a regulation  
Annex VIII – point 1 – paragraph 3**

*Text proposed by the Commission*

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.

*Amendment*

In case where after allocating the full amount of quotas as referred to in the second subparagraph, the maximum quantity is exceeded, all quotas ***allocated under Annex VII, point 4(i)*** will be reduced proportionally.

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014
<b>References</b>	COM(2022)0150 – C9-0142/2022 – 2022/0099(COD)
<b>Committee responsible</b> Date announced in plenary	ENVI 5.5.2022
<b>Opinion by</b> Date announced in plenary	ITRE 5.5.2022
<b>Rapporteur for the opinion</b> Date appointed	Sara Skyttedal 20.4.2022
<b>Discussed in committee</b>	27.10.2022
<b>Date adopted</b>	24.1.2023
<b>Result of final vote</b>	+: 45 –: 16 0: 9
<b>Members present for the final vote</b>	Hildegard Bentele, Tom Berendsen, Vasile Blaga, Marc Botenga, Markus Buchheit, Cristian-Silviu Buşoi, Jerzy Buzek, Ignazio Corrao, Beatrice Covassi, Ciarán Cuffe, Josianne Cutajar, Nicola Danti, Marie Dauchy, Pilar del Castillo Vera, Martina Dlabajová, Christian Ehler, Valter Flego, Niels Fuglsang, Lina Gálvez Muñoz, Jens Geier, Nicolás González Casares, Bart Groothuis, Christophe Grudler, András Gyürk, Henrike Hahn, Robert Hajšel, Ivo Hristov, Seán Kelly, Izabela-Helena Kloc, Zdzisław Krasnodębski, Andrius Kubilius, Miapetra Kumpula-Natri, Marisa Matias, Eva Maydell, Marina Mesure, Dan Nica, Angelika Niebler, Niklas Nienaß, Johan Nissinen, Mauri Pekkarinen, Morten Petersen, Markus Pieper, Clara Ponsatí Obiols, Robert Roos, Sara Skyttedal, Maria Spyraiki, Riho Terras, Grzegorz Tobiszowski, Patrizia Toia, Henna Virkkunen, Pernille Weiss, Carlos Zorrinho
<b>Substitutes present for the final vote</b>	Franc Bogovič, Damien Carême, Jakop G. Dalunde, Matthias Ecke, Klemen Grošelj, Alicia Homs Ginel, Ladislav Ilčić, Elena Lizzi, Marian-Jean Marinescu, Alin Mituța, Jutta Paulus, Massimiliano Salini, Jordi Solé, Susana Solís Pérez, Viola von Cramon-Taubadel, Emma Wiesner
<b>Substitutes under Rule 209(7) present for the final vote</b>	Rosanna Conte, László Trócsányi

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

45	+
ID	Rosanna Conte, Elena Lizzi
PPE	Tom Berendsen, Vasile Blaga, Franc Bogovič, Cristian-Silviu Buşoi, Jerzy Buzek, Pilar del Castillo Vera, Christian Ehler, Seán Kelly, Andrius Kubilius, Marian-Jean Marinescu, Eva Maydell, Markus Pieper, Massimiliano Salini, Sara Skyttedal, Maria Spyraiki, Riho Terras, Henna Virkkunen, Pernille Weiss
Renew	Nicola Danti, Martina Dlabajová, Valter Flego, Bart Groothuis, Klemen Grošelj, Christophe Grudler, Alin Mituța, Mauri Pekkarinen, Morten Petersen, Susana Solís Pérez, Emma Wiesner
S&D	Beatrice Covassi, Josianne Cutajar, Matthias Ecke, Niels Fuglsang, Lina Gálvez Muñoz, Jens Geier, Nicolás González Casares, Robert Hajšel, Alicia Homs Ginel, Ivo Hristov, Miapetra Kumpula-Natri, Dan Nica, Patrizia Toia, Carlos Zorrinho

16	-
ID	Markus Buchheit
NI	Clara Ponsatí Obiols
PPE	Hildegard Bentele, Angelika Niebler
The Left	Marc Botenga, Marisa Matias, Marina Mesure
Verts/ALE	Damien Carême, Ignazio Corrao, Ciarán Cuffe, Jakob G. Dalunde, Henrike Hahn, Niklas Nienaß, Jutta Paulus, Jordi Solé, Viola von Cramon-Taubadel

9	0
ECR	Ladislav Ilčík, Izabela-Helena Kloc, Zdzisław Krasnodębski, Johan Nissinen, Robert Roos, Grzegorz Tobiszowski
ID	Marie Dauchy
NI	András Gyürk, László Trócsányi

Key to symbols:

+ : in favour

- : against

0 : abstention