



17 March 2023

## ***Industry amendment proposals to the proposed Revision of the EU F-Gas Regulation***

The European Commission's F-Gas Regulation Revision proposal was published on 5 April 2022. The associations representing industries manufacturing, servicing and installing heating, cooling, refrigeration and foam insulation solutions in Europe have already actively commented on this proposal.

The industry associations are asking for tabling the below amendment proposals in plenary since the outcome of the ENVI report is dramatically jeopardising the goals of REPowerEU and the Green Deal Industrial Plan.

Against that background, the industry associations make a number of concrete joint amendment proposals to the F-Gas Regulation Revision text proposed by the Commission. Those ones which are gathered below in this document are the priority ones which present position of the whole industry on:

- Annex VII of the Regulation proposal regarding the HFC Phase Down;
- Annex IV of the Regulation proposal regarding the product bans 12, 14 & 15 on refrigeration 17 & 18 on air conditioning and heat pumps and new entry (19a) in the table of Annex IV on foams which was tabled by the ENVI Committee;
- Art. 3 of the Regulation regarding the definitions for 'self-contained'.
- Art. 5 of the Regulation proposal regarding the leak checks;

- **Art. 11 of the Regulation proposal regarding the inclusion of spare parts in the product bans;**

# I. Priority Amendments

## a. HFC Phase Down (Annex VII)

Amendments to Annex VII - maximum quantities and calculation of reference values and quotas for placing hydrofluorocarbons on the market referred to in Art. 17																																																																	
<i>European Commission proposal</i>	<i>Proposal for amendment</i>																																																																
<p>(1) The maximum amount of HFCs allowed to be placed on the Union market in a given year is set to be the following:</p> <table border="1"> <thead> <tr> <th>Years</th> <th>Maximum Quantity in tonnes CO<sub>2</sub> equivalent</th> </tr> </thead> <tbody> <tr><td>2024 – 2026</td><td>41 701 077</td></tr> <tr><td>2027 – 2029</td><td>17 688 360</td></tr> <tr><td>2030 – 2032</td><td>9 132 097</td></tr> <tr><td>2033 – 2035</td><td>8 445 713</td></tr> <tr><td>2036 – 2038</td><td>6 782 265</td></tr> <tr><td>2039 – 2041</td><td>6 136 732</td></tr> <tr><td>2042 – 2044</td><td>5 491 199</td></tr> <tr><td>2045 – 2047</td><td>4 845 666</td></tr> <tr><td>2048 onwards</td><td>4 200 133</td></tr> </tbody> </table>	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	<p><b>Re-table the <a href="#">ITRE Opinion amendment 75</a> – with reference to the exclusion of MDIs by 2029 as proposed by ITRE AM 41 (see below) or additional quota to be added in the first years for the MDI sector.</b></p> <p><u>Extract from ITRE Opinion report:</u></p> <p><b>Amendment 75</b></p> <p><b>Proposal for a regulation</b> <b>Annex VII – point 1 - table</b></p> <p style="text-align: center;"><i>Amendment</i></p> <table border="1"> <thead> <tr> <th>Years</th> <th>Years</th> <th>Maximum Quantity in tonnes CO<sub>2</sub> equivalent</th> <th>Maximum Quantity in tonnes CO<sub>2</sub> equivalent</th> </tr> </thead> <tbody> <tr><td>2024 – 2026</td><td>2024 – 2026</td><td><b>41 701 077</b></td><td><b>45 701 077</b></td></tr> <tr><td>2027 – 2029</td><td>2027 – 2029</td><td><b>17 688 360</b></td><td><b>30 850 539</b></td></tr> <tr><td>2030 – 2032</td><td>2030 – 2032</td><td><b>9 132 097</b></td><td><b>17 688 360</b></td></tr> <tr><td>2033 – 2035</td><td>2033 – 2035</td><td><b>8 445 713</b></td><td><b>9 132 097</b></td></tr> <tr><td>2036 – 2038</td><td>2036 – 2038</td><td><b>6 782 265</b></td><td><b>8 445 713</b></td></tr> <tr><td>2039 – 2041</td><td>2039 – 2041</td><td><b>6 136 732</b></td><td><b>6 782 265</b></td></tr> <tr><td><b>2042 – 2044</b></td><td><b>2042</b></td><td><b>5 491 199</b></td><td><b>6 136 732</b></td></tr> <tr><td><b>2045 – 2047</b></td><td><b>2043 – 2044</b></td><td><b>4 845 666</b></td><td><b>5 491 199</b></td></tr> <tr><td></td><td><b>2045-2047</b></td><td></td><td><b>4 845 666</b></td></tr> <tr><td>2048 onwards</td><td>2048 onwards</td><td><b>4 200 133</b></td><td><b>811 814</b></td></tr> </tbody> </table>	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>
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	<p><b>Re-table ITRE Amendment 41:</b>  <b>Amendment 41</b></p> <p><b>Proposal for a regulation</b>  <b>Article 16 – paragraph 2 – point d a (new)</b></p> <p><i>Text proposed by the Commission</i></p> <p><i>Amendment</i></p> <p><i>(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;</i></p>
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**Justification:**

The position of the ENVI Committee will stifle the roll-out of new energy efficient and renewable-based equipment -- in particular, heat pumps. A too-steep phasedown means there will not be enough HFCs available for new heat pump installations, which require fluorinated and non-fluorinated refrigerants, depending upon the location and national safety requirements. We appreciate ENVI recognized the risk to achieving REPowerEU targets, but we do not believe it can be solved by shifting the responsibility to the EU Commission to assess heat pump needs on a yearly basis and to add quota if required. The industry, including the component supply chain, needs a stable and reliable legislative framework to allow for medium- and long-term planning.

**b. RACHP-related product bans (Annex IV)**

**i. Refrigeration product bans**

<b>Amendments to Annex IV - <i>Placing on the market prohibitions referred to in Article 11(1)</i></b>	
<i>Commission proposal</i>	<i>Proposal for amendment</i>
<p>(12) Any self-contained refrigeration equipment that contains fluorinated greenhouse gases with GWP of 150 or more.</p> <p>Date of prohibition: 1 January 2025</p>	<p>(12)</p> <p>(a) self-contained equipment for stationary refrigeration <b>with a rated capacity up to 6 kW</b> that contains fluorinated greenhouse gases with GWP of 150 or more.</p> <p>Date of prohibition: 1 January 2025</p> <p><b>(b) Other self-contained equipment for stationary refrigeration except process chillers that contains fluorinated greenhouse gases with GWP of 150 or more.</b></p> <p><b>Date of prohibition: 1 January 2028</b></p>

<b>Amendments to Annex IV - <i>Placing on the market prohibitions referred to in Article 11(1)</i></b>	
<i>Commission proposal</i>	<i>Proposal for amendment</i>
<p>(14) Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C. Date of prohibition: 1 January 2024</p>	<p>(14) Stationary refrigeration equipment other than equipment <b>covered in provisions 12 and 15 and except process chillers</b>, that contains, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more.  Date of prohibition: 1 January <del>2024</del> <b>2028</b></p>

<b>Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)</b>	
<i>Commission proposal</i>	<i>Proposal for amendment</i>
<p>(15) Multipack centralised refrigeration systems for commercial use with a rated capacity of 40kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I, with GWP of 150 or more, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1500 may be used</p> <p>Date of prohibition: 1 January 2022</p>	<p>(15)(b) Multipack centralised refrigeration systems <del>for commercial use</del> with a rated capacity of 40 kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases, with GWP of 150 or more, <b>except process chillers</b>, <del>except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1500 may be used.</del></p> <p>Date of prohibition: 1 January <del>2022</del> <b>2025</b></p> <p><b>(15)(c) Multipack centralised refrigeration systems that contain or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more except process chillers.</b></p> <p><b>Date of prohibition: 1 January 2028</b></p>

## ii. Air-Conditioning and Heat Pumps product bans

<b>Amendments to Annex IV - <i>Placing on the market prohibitions referred to in Article 11(1)</i></b>	
<i>European Commission proposal</i>	<i>Proposal for amendment</i>
<p>(17) Plug-in room and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse gases with GWP of 150 or more. Date of prohibition: 1 January 2025</p>	<p>(17) <b>Stationary self-contained air conditioning and heat pump equipment:</b>  <b>(a)</b> Plug in self-contained air conditioning &amp; heat pump equipment moveable between rooms by the end user that contain fluorinated greenhouse gases with GWP of 150 or more-;  Date of prohibition: 1 January 2025   <b>(b) Stationary self-contained hydronic air conditioning and stationary self-contained hydronic heat pump equipment designed for outdoor installations below or equal to 12 kW* that contain fluorinated greenhouse gases with GWP of 150 or more except when needed to meet safety requirements;</b>  <b>Date of prohibition: 1 January 2029</b>  <i>* rated capacity as defined in the relevant ecodesign regulations</i>   <b>(c) Other stationary self-contained air conditioning and heat pump equipment that contain fluorinated greenhouse gases with GWP of 750 or more, except when needed to meet safety requirements.</b>  <b>Date of prohibition: 1 January 2030</b></p>



<b>Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)</b>	
<i>European Commission proposal</i>	<i>Proposal for amendment</i>
<p>(18) Stationary split air-conditioning and split heat pump equipment:</p> <p>(a) Single split systems containing less than 3 kg of fluorinated greenhouse gases listed in Annex I, that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 750 or more; Date of prohibition: 1 January 2025</p> <p>(b) Split systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more, except when required to meet safety standards; Date of prohibition: 1 January 2027</p> <p>(c) Split systems of a rated capacity of more than 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards. Date of prohibition: 1 January 2027</p>	<p>(18) Stationary split air-conditioning and split heat pump equipment:</p> <p>(a) <b>Stationary</b> single split <b>air to air</b> systems <b>and fixed double duct appliances</b> containing less than 3kg of fluorinated greenhouse gases listed in Annex I, that contains, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 750 or more; Date of prohibition: 1 January 2025</p> <p>(b) <b>Stationary single</b> split <b>air to air</b> systems of a rated capacity up to and including <del>12</del> <b>6 kW*</b> <b>and fixed double duct appliances of a rated capacity up to and including 3.5 kW*</b> containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more, except when needed to meet safety <del>standards</del> <b>requirements</b>; Date of prohibition: 1 January <del>2027</del> <b>2030</b> <i>* rated capacity as defined in the relevant ecodesign regulations</i></p> <p>(c) <b>Other stationary</b> split systems <del>of a rated capacity of more than 12 kW</del> containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when needed to meet safety <del>standards</del> <b>requirements</b>. Date of prohibition: 1 January <del>2027</del> <b>2029</b></p>

<b>Amendments to Annex IV - Placing on the market prohibitions referred to in Article 11(1)</b>	
Text in the ENVI report	<i>Suggested amendment (text proposed by the Commission and backed by the ITRE Committee report)</i>
(19a) <b>[new]</b> Foams that contain fluorinated greenhouse gases, except when required to meet national safety standards  Date of prohibition: 1 January 2030	<b>[Delete]</b> <del>(19a) Foams that contain fluorinated greenhouse gases, except when required to meet national safety standards</del>  <del>Date of prohibition: 1 January 2030</del>

**Justification:**

Surprisingly the proposed bans do not reflect the status of the art of the stationary refrigeration application. A considerable share of the stationary refrigeration industry has already adapted its technologies and product portfolio to use low GWP refrigerants, universally guaranteeing a high level of efficiency.

Therefore, we encourage the Commission to strengthen the ambition and promote the adoption of low GWP technologies for stationary refrigeration equipment and finally align the industry on sustainable and definitive long-term solutions.

Furthermore, the industry holds that to support the contribution of heat pump technology to the EU Climate ambitions the product bans introduced for heat pumps should be more realistic and in line with the industry needs. Some of the proposed bans in fact do not consider the technological development of products covered by Ecodesign measures.

Besides, the outcome of the review study for Room air conditioning appliances identified that for the niche market of for example fixed double duct air conditioners no alternative technologies are available. Thus, the industry associations call for reconsidering the bans for fixed double duct air conditioners accordingly.

From a climate perspective, and as shown in the European Commission impact assessment, it is not beneficial that in addition to the quotas' reduction there is a ban on low GWP substances used in thermal insulation. Viable alternatives to those substances are not yet available in all their applications, and these risks disrupting the placing on the market of insulating products that are required by the Renovation Wave. This is especially the case where thermal insulation efficiency is otherwise sacrificed. Furthermore, the entry (19) of the same table already banned high GWP substances in foam as from January 2023.

**c. Restrictions on the placing on the market and sale (Article 11)**

<b>Amendments to Art. 11 - Restrictions on the placing on the market and sale</b>					
<i>European Commission proposal</i>	<i>Proposal for amendment</i>				
<p>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.</p>	<p><b>Re-table ITRE amendment 29:</b></p> <p><b>Amendment 29</b></p> <p><b>Proposal for a regulation</b> <b>Article 11 – paragraph 1 – subparagraph 1</b></p> <table border="0"> <tr> <td style="text-align: center;"><i>Text proposed by the Commission</i></td> <td style="text-align: center;"><i>Amendment</i></td> </tr> <tr> <td> <p>The placing on the market of products and equipment, <b>including parts thereof</b>, 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.</p> </td> <td> <p>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.</p> </td> </tr> </table>	<i>Text proposed by the Commission</i>	<i>Amendment</i>	<p>The placing on the market of products and equipment, <b>including parts thereof</b>, 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.</p>	<p>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.</p>
<i>Text proposed by the Commission</i>	<i>Amendment</i>				
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**Justification:**

Limiting the availability of parts go against the need to encourage the repair of existing equipment and will lead to premature obsolescence and costs for SMEs and consumers.

#### d. Definitions (Article 3)

<b>Amendments to Art. 3 - Definition 'self-contained'</b>	
<i>Commission proposal</i>	<i>Proposal for amendment</i>
<i>[No definition]</i>	<i>Re-table ENVI amendment 212:</i> <b>(9 b) 'self-contained system' means a complete factory-made refrigerating system in a suitable frame and/or enclosure, that is fabricated and transported complete in which no refrigerant-containing parts are connected on site;</b>

**Note:**

This amendment proposal is coherent with the EN harmonised standards. It would enable clear and enforceable product bans.

**e. Leak checks (Article 5)**

<b>Amendments to Art. 5 - Leak checks</b>	
<i>European Commission proposal</i>	<i>Proposal for amendment</i>
2. Paragraph 1 applies to operators of the following equipment that contains fluorinated greenhouse gases listed in Annex I or in Annex II, Section I: [...]	2. Paragraph 1 applies to operators of the following equipment that contains fluorinated greenhouse gases listed in Annex I or in Annex II, Section I, <b>or other relevant alternatives to fluorinated greenhouse gases:</b> [...]