

F-GAS REGULATION

PRINCIPAL OBLIGATIONS OF MEMBER STATES

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OBLIGATIONS OF MEMBER STATES

What are the obligations of MSs administrations contained in the EU F-gas legislation?

If any obligation for the Member States is explicitly laid down in the Regulation



Member States shall ensure that such obligation is reflected in their national legislation and it is specified which national institution (Competent Authority**) is responsible for fulfilling it**

OBLIGATIONS OF MEMBER STATES

**What are the obligations of MSs administrations
contained in the EU F-gas legislation?**

**To establish Competent Authority(ies) responsible for
implementing certain provisions (and the Contact
Point for the Commission)**



**References to „competent authority” are included in
Regulation 842/2006 and in the revised F-gas
regulation**

OBLIGATIONS OF MEMBER STATES

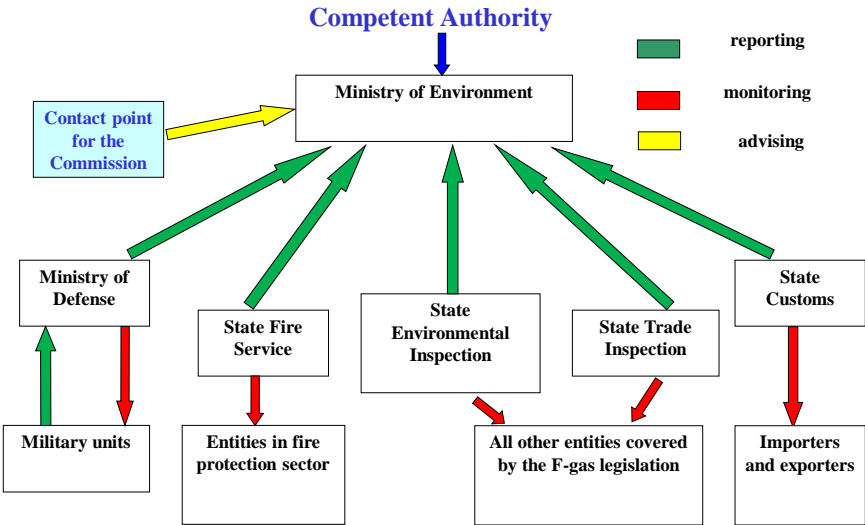
**Which institutions play the role of „competent authorities” in
the national EU F-gas legislations of the EU MSs?**

- Overall responsibility → Ministry of Environment

but

- Other Ministries or institutions may be designated to play
important role in certain areas
 - Ministry of Economy/Industry/Education → certification body
 - State Environmental Inspectorate → general control of following
the legislation by entities and reporting to Ministry of Environment
 - State Customs → control of international trade and reporting to
Ministry of Environment
 - State Trade Inspectorate → control of internal trade
 - State Fire Service → control of provisions related to fire protection
sector
 - Ministry of Defense → collecting data from military units and
reporting to Ministry of Environment

Responsibility share between institutions
Possible approach (except certification)



OBLIGATIONS OF MEMBER STATES

**What are the obligations of MSs administrations
contained in the EU F-gas legislation?**

Regulation 842/2006 Art. 5(4)	Revised regulation Art. 11(4)
<p>•To ensure that the relevant personnel of companies taking delivery of F-gases for specified purposes is certified</p> <p>↓</p> <p>→No direct responsibility of those companies, their personnel <u>or F-gas suppliers</u></p> <p>→ To be reflected in the national legislation</p>	<p>No such obligation for MSs but F-gas suppliers and purchasers have to ensure the same</p> <p>↓</p> <p>→ Direct responsibility of F-gas suppliers</p>

OBLIGATIONS OF MEMBER STATES

What are the obligations of MSs administrations contained in the EU F-gas legislation?

Regulation 842/2006 Art. 5(2)	Revised regulation Art. 10
<ul style="list-style-type: none"> • To establish <u>training and certification programmes</u> for personnel conducting certain activities (and certification programmes for companies) and notify Commission <div>↓</div> <p>→ To be reflected in the national legislation</p>	<ul style="list-style-type: none"> • To establish <u>certification programmes including evaluation processes</u> for natural persons (and certification programmes for companies) conducting certain activities and notify Commission • To ensure that <u>training is available</u> for natural persons who wish to receive certificate •To ensure <u>access to information on alternative technologies</u> and availability of training for certified persons <div>↓</div> <p>→ To be reflected in the national legislation</p>

OBLIGATIONS OF MEMBER STATES

What are the obligations of MSs administrations contained in the EU F-gas legislation?

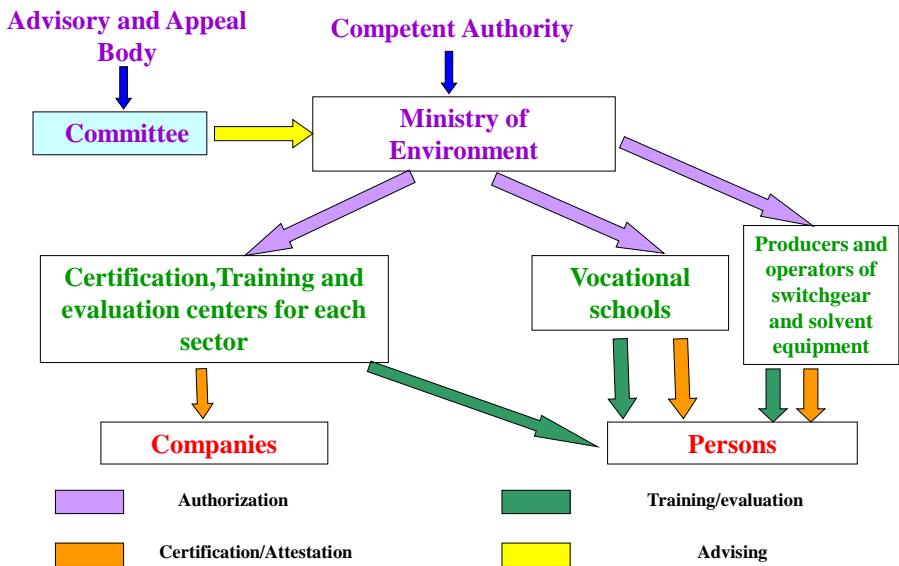
Regulation 842/2006 Art. 5(2)	Revised regulation Art. 10
<ul style="list-style-type: none"> • To give recognition to certificates issued in the other MSs <div>↓</div> <p>→ To be reflected in the national legislation</p>	<ul style="list-style-type: none"> • To give recognition to certificates issued in the other MSs • To establish training programmes for natural persons recovering F-gases from motor vehicles falling under Directive 2006/40 <div>↓</div> <p>→ To be reflected in the national legislation</p>

OBLIGATIONS OF MEMBER STATES

What are the obligations of MSs administrations contained in the EU F-gas legislation?



Regulation 842/2006 Commission Regulations 303/2008 – 306/2008 (certification) +307/2008 (attestation)	Revised regulation The same Commission Regulations → until revised versions are published
<ul style="list-style-type: none">• To designate certification body (bodies) and evaluation/attestation bodies and notify Commission <p style="text-align: center;">↓</p> <p>→ To be reflected in the national legislation</p> <p>NOTE: In case of electrical switchgear and solvent sector the certification bodies can be manufacturers or operators of the relevant equipment</p>	<ul style="list-style-type: none">• <u>The same obligations</u>, but: → MS for which establishing a certification system would create a great problem because of size of the country or because of lack or small size of particular sector (e.g. solvent sector) <p style="text-align: center;">↓</p> <p>May be released from this obligation, but have to notify Commission which will notify other MS - Art. 10(14)</p>

Responsibility share between institutions Possible approach (certification)




OBLIGATIONS OF MEMBER STATES

What are the obligations of MSs administrations contained in the EU F-gas legislation?



Regulation 842/2006 Art. 6(4)	Revised regulation Art. 20
<ul style="list-style-type: none">• To establish reporting systems for sectors covered by the Regulation to obtain data on F-gas emissions <div></div> <p>→ To be reflected in the national legislation</p>	<ul style="list-style-type: none">• To establish reporting systems for sectors covered by the Regulation to obtain data on F-gas emissions <div></div> <p>→ To be reflected in the national legislation</p>

OBLIGATIONS OF MEMBER STATES

What are the obligations of MSs contained in the EU F-gas legislation?

Regulation 842/2006	Revised regulation Art. 9
	<ul style="list-style-type: none">• To encourage the development of producer responsibility schemes for recovery, recycling, reclamation and destruction of F-gases and provide information to the Commission in this regard <div></div> <p>→ development of such schemes is left for the MS to decide, but providing info to Commission on the relevant actions taken is mandatory</p>

OBLIGATIONS OF MEMBER STATES
What are the obligations of MSs contained in the EU F-
gas legislation?

Regulation 842/2006 Art. 13	Revised regulation Art. 25
<ul style="list-style-type: none">• To lay down rules on penalties for infringement of the Regulation 	<ul style="list-style-type: none">• To lay down rules on penalties for infringement of the Regulation 
→ To be reflected in the national legislation	→ To be reflected in the national legislation

OBLIGATIONS OF INDUSTRY
STAKEHOLDERS RESULTING FROM
THE EU F-GAS LEGISLATION



Explained in detail in the presentation on the
EU F-gas legislation

Main sectors covered by the EU F-gas legislation where F-gases are used

- Refrigeration, air-conditioning and heat pump (RAC&HP) sector → HFCs and PFCs → as refrigerants
 - Special sub-sector → Mobile Air Conditioning (MAC) falling under Directive 2006/40
- Fire protection sector → HFCs and PFCs → as fire extinguishing agents
- Electrical switchgear sector → SF₆ → as insulating gas
- Solvent sector → HFCs and PFCs → as solvents for cleaning and etching in electronic and machine industry

Other sectors (partly covered by the EU F-gas legislation) where F-gases are used

- Production of foams and pre-blended polyols for foams → HFCs → as foam blowing agents
- Production of aerosols and sprays → HFCs → as aerosol propellants
- Magnesium die-casting process → SF₆ → as insulating gas
- Filling vehicle tires → SF₆ → as rubber protecting gas
- Production of sports footwear → SF₆ and PFCs → for filling air bags in shoe soles
- Production of windows → SF₆ and PFCs → as insulating gas

Industry stakeholders affected by F-gas legislation

Group of industry stakeholders	Reg 842	New reg
All stakeholders	YES	YES
Operators of stationary equipment	YES	YES
Operators of mobile equipment	NO	YES
Entities which dispose F-gas containers or pr/equ	YES	YES
Entities which produce, import, export or POM F-gases	YES	YES
Entities which produce or POM pr/equ ctg/re on F-gases	YES	YES
Entities which supply/receive F-gases	NO	YES
Producers, importers or exporters of fluorinated compounds not covered by F-gas definition	NO	YES
Companies/persons conducting certain activities related to F-gas equipment	YES	YES
Entities which use SF ₆ in magnesium die-casting and for filling vehicle tires	YES	YES
Entities which use F-gases as feedstock	NO	YES
Entities which destroy F-gases	YES	YES
Entities affected by the POM bans	YES	YES

Obligation of ALL stakeholders dealing with F-gases

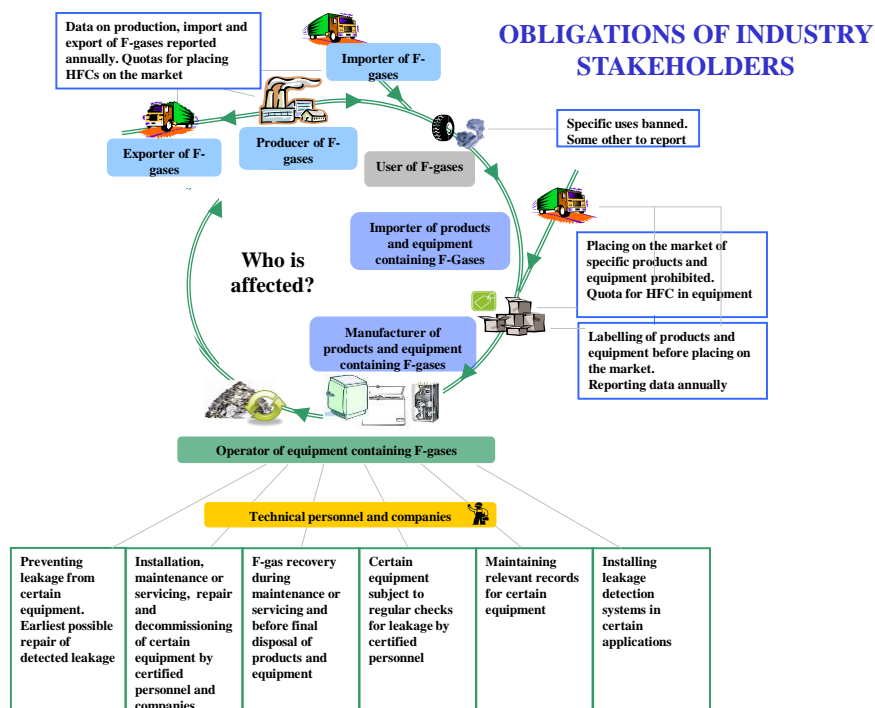
- **Regulation 842/2006**
 - to ensure that recovery of F-gases from any product or equipment is conducted before final disposal and during maintenance and servicing operations (with exemption for military equipment when it is serving military operations) by the appropriately qualified personnel
- **Revised regulation**
 - to avoid intentional release of fluorinated greenhouse gases into the atmosphere where the release is not technically necessary for the intended use

Obligations of industry stakeholders resulting from the EU F-gas legislation (general list) - I

- **Producers, importers and exporters of F-gases and other fluorinated compounds**
 - to report data on-line
 - to follow quota requirements for HFCs
- **Manufacturers and importers of products and equipment containing or relying on F-gases**
 - to report data on-line
 - to follow POM bans
 - to follow quota requirements for HFCs in equipment
 - to label products and equipment before POM
- **End-users of F-gases**
 - to follow use bans, some uses need data reporting

Obligations of industry stakeholders resulting from the EU F-gas legislation (general list) - II

- **Operators of equipment containing F-gases**
 - to prevent leakage and ensure checks for leakage (and repair of detected leakage) by certified personnel
 - to ensure installation, servicing or maintenance, repair and decommissioning of certain equipment by certified personnel and (in certain equipment) by certified companies
 - to ensure installation of leakage detection systems (for certain equipment)
 - to ensure recovery of F-gases by certified personnel
 - to keep records of activities conducted on equipment
- **Servicing companies and technicians dealing with F-gases**
 - to be certified or appropriately qualified according to the requirements contained in the legislation and to follow leakage checking procedures laid down in Commission regulations
 - to keep records of certain activities
- **F-gas suppliers**
 - to ensure that the purchasers of F-gases to be used for activities requiring certificates are appropriately certified



Set of very useful brochures and leaflets designed for stakeholders dealing with F-gases
(available on Commission website)

- **Brochures designed for operators of :**

- RAC&HP equipment
- Fire protection systems
- Electrical switchgear equipment
- Equipment containing solvents

- **Leaflets designed for servicing companies in :**

- RAC&HP sector
- Fire protection sector

Will have to be revised to take into account changes introduced by the
new revised F-gas regulation

**Thank you for your
attention !**