

Position Paper

UEAPME¹ position on the ongoing Triologue negotiations on the Proposal for a Regulation on Fluorinated Greenhouse Gases

Introductory remarks

UEAPME is the employer's organisation representing the interests of European crafts, trades and SMEs. In reference to the Proposal for a Regulation on Fluorinated greenhouse gases, UEAPME represents a wide variety of SMEs, from those active in maintenance and instalment services to retailers using refrigeration systems as well as SMEs in the cold storage and temperature controlled logistics.

UEAPME supports the overall aim to reduce the emissions of fluorinated greenhouse gases (F-gases) and gradually replace them with safe and energy efficient alternatives with no or very low impact on the climate. In spite of this, enough time is needed to allow a smooth transition for operators and for the wide range of undertakings, many of which are SMEs.

Having this in mind, UEAPME seizes this occasion to also ask the EU institutions to properly assess the impact of the proposed Regulation on the different Member States in order to make sure that countries with warmer climates are not disproportionately affected. In such countries, the domestic and commercial use of air-conditioning systems is generalised and as a result there are plenty of SMEs installing and carrying out maintenance-related activities based on handling F-gases.

Specific Considerations

Scope

The wording of article 1 a (new) focuses only on the protection of the environment. This is a very unbalanced approach and in contradiction with the main principles of sustainability which apart from environment aspects also include societal and economic aspects.

UEAPME calls on the EU institutions to introduce the following amendment in article 1a (new) *"The purpose of this Regulation is to protect the environment **as well as improving the harmonisation of the internal market, while enhancing competitiveness and innovation of the European economy** by reducing emissions of fluorinated greenhouse gases..."*.

Such amendment is very important in relation to the adoption of delegated acts. In this process, it should be clear that a ban/restriction can be only adopted, if it makes sense for society as a whole and takes into account the economic impacts.

¹ UEAPME subscribes to the European Commission's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is [55820581197-35](#).

Allocation fee

UEAPME welcomes the deletion by the Council of the provision on the allocation fee (article 14 a new) as introduced by the European Parliament's Environment Committee. Even though the fee was addressed to producers and importers, it would be indirectly charged to operators of equipment, many of which are SMEs.

Service ban

As far as article 11.3 is concerned, UEAPME finds sensible to extend the deadline to ban the use F-gases or of mixtures that contain F-gases to 2022 instead of 2020 as proposed by the Commission and instead of 2017 as proposed by the European Parliament.

Refrigerants should only be prohibited when appropriate substitutes are not only available on the market but also compatible with the technical specifications of existing cooling systems. Such substitutes should also be economically feasible. For many, especially SMEs this might not be possible by 2020.

Thus, it is important the co-legislators maintain at least the 2022 deadline. A shorter deadline would represent a huge financial burden for operators of refrigeration systems, particularly operators of cold storage facilities since well-functioning systems would need to be replaced or upgraded significantly.

In addition to this and as stipulated by the "Montreal Protocol on Substances that Deplete the Ozone Layer" many companies have in the last years replaced their HCFC (hydrochlorofluorocarbon) with HFCs (hydrofluorocarbons) according to existing national laws with the perspective to use the refrigerants in the existing cooling facilities until at least the time when the facilities are amortized (25 years).

Last but not least, UEAPME favours the transitional periods until 2030 proposed by the Council for recycled and reclaimed gases. Such timeframe is a sensible compromise between technical feasibility and environmental protection.

Reduction of the placing on the market of Hydrofluorocarbons (HFC)

UEAPME would like the phase down of F-gases stipulated in Annex V of the Proposal to be more gradual. A too strict phase down as proposed by the European Parliament (16% by 2030) will definitely have negative economic consequences for SMEs.

In this line, UEAPME calls on the co-legislators to take into account the economic interests of SMEs when deciding on the percentages of HFC to be placed on the market in the coming years. UEAPME suggests to begin as of 2021 and to end around 2035 so as to avoid a too sudden phase down.

Training and certification

Regulation 842/2006 currently in force foresees a certification system for personnel handling F-gases. Based on the regulation and implementing acts, Member States have introduced national certification systems over the past years. UEAPME hence calls on the EU institutions not to introduce stricter certification requirements as far as the existing certification requirements have not been fully implemented. Efforts should be put to monitor the implementation of the current system before introducing new requirements.

Continuing training of personnel handling F-gases is indeed important. UEAPME supports the mentions on certification and training (AM 4, recital 5) proposed by the Council: *"Certification and training programmes should be established or adapted, taking account of those established under Regulation 842/2006 and may be integrated into the vocational training systems"*. In spite of this, UEAPME would like to reiterate that it should be up to Member States to decide how continuing training is implemented given the existing differences in training systems in the EU.

UEAPME also supports the removal of the expiry date by the Council (AM 55 article 8) and in particular the new wording of article 8.5: *"existing certificates and training attestations issued in accordance with Regulation 842/2006 shall remain valid, in accordance with the conditions under which they were originally issued"*.

In spite of the Council's positive provisions on certification and training, the notion "evaluation processes" (article 3) and the legal consequences it may entail are not clear to UEAPME. Further clarification of this notion would be necessary.

Last but not least, the training programs for natural persons recovering F-gases from mobile air conditioning systems falling within the scope of the MAC Directive 2006/40/EC should be regulated by this Directive.

Pre-charging ban

As UEAPME represents a great number of SMEs providing maintenance, installation, repairing services, duly compliant with expensive and time-consuming certification requirements, we are concerned with the proliferation of the so-called do-it-yourself services charging F-gases into non-filled equipment. Such services are often provided by unqualified professionals and therefore put compliant SMEs in a competitive disadvantage.

The provision of the Regulation on the pre-charging ban should tackle this issue in order to ensure that F-gases are treated by qualified personnel. In this sense, AM 57 article 9.3 a (new) as proposed by the Council ("*F-gases shall only be sold to and purchased by undertakings that hold the relevant certificates*") is an attempt in the good direction.

Fire protection systems

UEAPME believes the European Parliament's proposal on Annex III.3 (AM 84) along with article 9.1 (amendment 56) is a fair compromise between environmental interests, technical feasibility and the protection of human health. The longer timeframe proposed (until January 2020) enables a better analysis of the impacts on human safety in case of a fire.

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