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From:	General Secretariat of the Council
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Subject:	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 - Preparation for the trilogue

I. INTRODUCTION

1. On 5 April 2022, the Commission transmitted to the European Parliament and the Council, 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.
2. The proposal aims to align the F-gas Regulation with the objectives of the European Green Deal and the European Climate Law and the Union's recent international obligations on hydrofluorocarbons (HFCs) under the Montreal Protocol and the Kigali Amendment as well as to strengthen the implementation and enforcement on issues related to illegal trade, training needs for F-gas alternatives and the functioning of the quota system.

3. In the European Parliament (EP), the Committee on the Environment, Public Health and Food Safety (ENVI) is responsible for examining the proposal, with the Committee on Industry, Research and Energy associated. A draft report by the rapporteur, Bas Eickhout (Greens/EFA, NL), was published on 10 October 2022. The ENVI Committee adopted its report on the proposal on 1 March 2023. The EP adopted its position on 30 March 2023.
4. The European and Social Committee delivered its opinion on 15 June 2022. The Committee of the Regions decided not to deliver an opinion¹.
5. The Council agreed on a mandate for negotiations with the EP on 5 April 2023.
6. On 25 April 2023, the first trilogue was held on this proposal, together with the proposal on the Regulation for Ozone depleting substances. The Working Party on the Environment examined the EP amendments at its meeting on 26 April 2023.
7. Following the first trilogue, six technical meetings have been held during which positions from both delegations were presented and discussed, enabling progress on a number of issues in preparation of the second trilogue scheduled for 13 June 2023.
8. On 31 May 2023, the Working Party on the Environment held an exchange of views on the state of play of the preparations in view of the second trilogue.

II. PRESIDENCY SUGGESTIONS IN VIEW OF THE TRILOGUE

9. The second trilogue will focus on:
 - a) An exchange on the main political issues;
 - b) A discussion on the way forward on some of the more technical or less contentious issues identified in technical meetings.

¹ Letter from the Committee of the Regions on 17 June 2022.

10. When it comes to the Council's main priorities, namely those relating to the bans listed in Annex IV, quota price and earmarking of revenue, quota phase-down schedules for placing on the market in Annex VII (including semiconductors) and for production in Annex V, MDIs in Annex VIII, Article 13(5) on switchgear and penalties, the Presidency proposes to maintain the Council's mandate at this stage and only engage in exploratory discussions to provide further explanations or clarifications of the Council's position and gather information of the EP's priorities with a view to preparing the ground for further progress ahead of the third trilogue, which is scheduled to take place on 19 July.
11. In view of the second trilogue, the Presidency proposes COREPER to consider the following flexibilities:

A. Quota reserve

The EP's amendment goes in the same direction as the Council's. A compromise could be explored together with the EP and the Commission. The quota reserve's link to the RePowerEU-targets, an adequate ceiling of number of quotas and the possible triggering through a substantiated request by a competent authority of a Member State should be maintained.

B. Extended producer responsibility schemes

The EP proposes to make such schemes mandatory, based on minimum requirements from the Commission and with specific indication on how the cost of such schemes should be covered. The Council could be open to include some elements among the requirements for producers and importers to cover the costs for such schemes (rows 188b-d), provided that: (a) the producer responsibility schemes remain voluntary, (b) compatibility with other pieces of legislation is ensured, and (c) it is without prejudice to existing schemes.

C. Export ban

Both co-legislators foresee an export ban. However, the EP proposes to mirror the bans on equipment containing F-gases applicable in the EU for export, while the Council intends to impose export bans only on the equipment with a very high global warming potential (GWP of 2000 or more) to avoid dumping of technically obsolete products and equipment to developing countries. The Presidency proposes to maintain the Council's approach, however with some limited flexibility on the scope of the ban as regards GWP value, but which would not undermine the global competitiveness of the European industry. In addition, a possibility to derogate from this ban may need to be included, to avoid unintended consequences.

D. Mobile sector

The main elements and the structure of the Council's mandate regarding the mobile sector should be kept and sufficient time for implementation for Member States should be ensured. The Council could accept any necessary clarifications on the scope of the mobile equipment covered, in light of the relevant existing legislation. The Presidency proposes to maintain the Council's mandate as regards the inclusion of maritime sector. In addition the Council could signal flexibility on a number of technical issues, provided that the EP reciprocates with their openness on other issues:

a) Subject matter

Declaration of conformity requirement for importers and producers (Rows 115 and 116)

The Council could indicate flexibility on the EP amendment's intention on declaration of conformity. However, the implications of the proposed requirements should be assessed and should not result in excessive administrative burden.

b) Leak checks

- Manufacturers' obligation on leaks checks (Row 120)

The clarification that an obligation to check equipment for leaks applies also to manufacturers could be acceptable.

- Exemption for residential equipment (Row 121)

The Council maintains its mandate regarding the exemption from leak checks proposed by the Commission, but could show flexibility on the EP's intention to create a new exemption for all hermetically sealed residential equipment.

c) Record keeping

The EP amendment on record keeping obligation for equipment operators in row 151 with minor rewording ("exact timing" replaced by "date") and additions in row 152 could be acceptable.

d) Recovery

The EP amendment to delete "Section 1," in rows 185 and 186 may be acceptable.

e) Certification and training

EP proposal to allow MS to add requirements to their national certification programs in row 196, may be acceptable.

EP amendment in row 201a may be acceptable, but should be combined with row 200a since they both deal with the same concern regarding the inclusion of alternatives to f-gases in the certification programs.

EP proposal to strengthen the language on verification of certificates in row 209 could be acceptable.

f) Placing on the market of equipment

- Time period after which burden of proof of legality of equipment lies on equipment sellers (Row 217)

Although the EP proposal to shorten to 6 months the period after which the sellers of the equipment will have to prove that it was placed on the market legally is not acceptable, the Council could show some openness to slightly shorten the 2-year period proposed by the Commission.

- Declaration of conformity on refillable containers (row 222a)

The EP amendment requiring undertakings of refillable containers to produce a declaration of conformity could be accepted, but further discussion at technical level is necessary.

g) Labelling

- Validity of exemption (row 241)

The EP suggestion to specify the end of validity of the exemption could be accepted, with the rewording of “validity period” to “validity date”.

- Relabelling of retrofitted products or equipment (row 248a)

The EP amendment could be accepted.

h) Control of use

- Service ban exemption for equipment for cooling nuclear power stations (row 272)

The Council could indicate openness to accept the proposed exemption by the EP.

- Record keeping on the use of desflurane as aesthetic (row 277)

The EP proposal on evidence-keeping by a healthcare institution rather than the user providing such an evidence could be accepted.

i) Controls of trade

- Temporary storage (row 368)

The Council could be open to revert to the Commission's original proposal.

- Confiscation, destruction of non-refillable containers and other prohibited substances or equipment (rows 386 and 387)

The Council could show openness on the EP amendments' intention, provided that the nationally regulated competences of authorities on seizure, confiscation or destruction of goods are respected. Some legal rewording may also be needed in row 386 so that it reads "disposal by destruction" and to take into account that the Environmental Crime Directive is still under negotiations.

- Designated customs authorities (rows 389-390)

The Council could consider reverting to the Commission proposal to have customs authorities dedicated to dealing with illegal trade in F-gases.

j) Obligation to carry out checks

The Council could accept, as a compromise, to include the Commission among actors that can request the Member State authorities to conduct checks if there is a suspicion of illegal activities in row 434, if the deletion of row 435 in the Council's mandate is accepted.

k) Consultation Forum

While the Council remains sceptical on the EP suggestion in row 470 to specify the groups who should be represented in the Forum, the Council could be more open on the EP proposal on the close cooperation of the Consultation Forum with the European Medicines Agency.

l) Review

- New delegated act to change the content of Annexes I, II and III (row 476)

EP amendment to include a new delegated act for the Commission to change the content of Annexes I, II and III may be acceptable in part depending on the outcome of the negotiations regarding these Annexes and provided some objective criteria are provided for possible amendments to the Annexes, since the empowerment as it stands does not provide sufficient criteria. Some legal adjustments may also be necessary.

- Scientific advice by the European Scientific Advisory Board on Climate Change (row 477a)

The EP amendment on the own-initiative scientific advice and reports by the Advisory Board on the coherence of the F-gas Regulation with the Union's international commitments under the Paris Agreement could be accepted, if the wording is in line with other pieces of legislation.

III. CONCLUSION

12. The Permanent Representatives Committee is invited to agree to the Presidency's suggestions as set out in the Annex to this note in view of the upcoming trilogue.

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
(Text with EEA relevance)
v. 02/06/2023

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Formula				
1	2022/0099 (COD)		2022/0099 (COD)	
Proposal Title				
2	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 (Text with EEA relevance)		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 (Text with EEA relevance)	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , _____		Having regard to the opinion of the European Economic and Social Committee ¹ , _____	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	1. OJ C , , p. .		1. OJ C , , p. .	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .		Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:		Whereas:	
Recital 1				
11	(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	(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	(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	Recitals to be discussed at a later stage.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	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.	Europe the first climate-neutral <u>and zero-pollution</u> 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 <u>Regulation (EU) 2021/1119 of the European Parliament and of the Council^{1a} ('European Climate Law'), the 8th Environmental Action Programme, and the the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.</u> <u>1a. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).</u>	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.	
Recital 2				
12	(2) Fluorinated greenhouse gases are human-made chemicals that are very strong greenhouse gases ('GHG'), often several thousand times stronger than carbon dioxide ('CO ₂ '). Together with CO ₂ , methane and nitrous oxide, they		(2) Fluorinated greenhouse gases are human-made chemicals that are very strong greenhouse gases ('GHG'), often several thousand times stronger than carbon dioxide ('CO ₂ '). Together with CO ₂ , methane and nitrous oxide, they	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>belong to the group of GHG emissions covered by the Paris Agreement adopted under the United Nations Framework Convention on Climate Change ('the Paris Agreement').¹</p> <p>Fluorinated greenhouse gas emissions amount today to 2.5 % of total GHG emissions, in the Union, but have doubled from 1990 to 2014 in contrast to other GHG emissions, which have fallen.</p> <p>¹. OJ L 282, 19.10.2016, p. 4.</p>		<p>belong to the group of GHG emissions covered by the Paris Agreement adopted under the United Nations Framework Convention on Climate Change ('the Paris Agreement').¹</p> <p>Fluorinated greenhouse gas emissions amount today to 2.5 % of total GHG emissions, in the Union, but have doubled from 1990 to 2014 in contrast to other GHG emissions, which have fallen.</p> <p>¹. OJ L 282, 19.10.2016, p. 4.</p>	
Recital 3				
13	<p>(3) Regulation (EU) No 517/2014 of the European Parliament and of the Council¹ 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 CO₂ equivalent from 2015 until 2019.</p>	<p>(3) Regulation (EU) No 517/2014 of the European Parliament and of the Council¹ 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 CO₂ equivalent from 2015 until 2019.</p>	<p>(3) Regulation (EU) No 517/2014 of the European Parliament and of the Council¹ 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 CO₂ equivalent from 2015 until 2019.</p>	

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	<p>There has also been a clear shift to the use of alternatives with lower global warming potential ('GWP') including natural alternatives (for example CO₂, ammonia, hydrocarbons, water) in many types of equipment that used fluorinated greenhouse gases traditionally.</p> <p>1. 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).</p>	<p>There has also been a clear shift to the use of alternatives with lower global warming potential ('GWP') including natural alternatives (for example <u>air</u>, CO₂, ammonia, hydrocarbons, water) in many types of equipment that used fluorinated greenhouse gases traditionally.</p> <p>1. 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).</p>	<p>There has also been a clear shift to the use of alternatives with lower global warming potential ('GWP') including natural alternatives (for example CO₂, ammonia, hydrocarbons, water) in many types of equipment that used fluorinated greenhouse gases traditionally.</p> <p>1. 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).</p>	
Recital 4				
14	<p>(4) The Intergovernmental Panel on Climate Change (IPCC) Special report¹ concluded that emission decreases for fluorinated greenhouse gases of up to 90 % by 2050 globally compared to the year 2015 would be needed. In response to the urgency for climate action, the Union increased its climate ambition through Regulation (EU) 2021/1119 of the European Parliament and of the Council (the European Climate Law).² That Regulation establishes a binding net GHG reduction target of at least 55 % by 2030 compared to</p>		<p>(4) The Intergovernmental Panel on Climate Change (IPCC) Special report¹ concluded that emission decreases for fluorinated greenhouse gases of up to 90 % by 2050 globally compared to the year 2015 would be needed. In response to the urgency for climate action, the Union increased its climate ambition through Regulation (EU) 2021/1119 of the European Parliament and of the Council (the European Climate Law).² That Regulation establishes a binding net GHG reduction target of at least 55 % by 2030 compared to</p>	

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	<p>1990 and climate neutrality by 2050. The Union has also enhanced its initial nationally determined contribution under the Paris Agreement from at least 40 % greenhouse gas emissions reductions by 2030, to at least 55 %. However, the evaluation of Regulation (EU) No 517/2014 shows that the emission savings envisaged by 2030 in the context of the outdated Union climate objectives will not be fully achieved.</p> <p>1. IPCC Special Report. Global warming of 1.5 C (August 2021). 2. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).</p>		<p>1990 and climate neutrality by 2050. The Union has also enhanced its initial nationally determined contribution under the Paris Agreement from at least 40 % greenhouse gas emissions reductions by 2030, to at least 55 %. However, the evaluation of Regulation (EU) No 517/2014 shows that the emission savings envisaged by 2030 in the context of the outdated Union climate objectives will not be fully achieved.</p> <p>1. IPCC Special Report. Global warming of 1.5 C (August 2021). 2. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).</p>	
14a		<p><u>(4a) The RePowerEU Plan envisages an additional 20 million new heat pumps to be installed in the Union by 2026 and nearly 60 million by 2030. The full HFC phase-down by no later than 2050</u></p>		

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		<u>should be in line with and complimentary to the Union's energy-efficiency ambitions as laid down in, inter alia, the European Green Deal, the Energy Efficiency Directive (2012/27/EU), 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 the increased use of batteries in the energy and transport sector.</u>		
Recital 5				
15	<p>(5) Due to rising HFC emissions globally, Parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol') decided in 2016 under the Kigali Amendment¹ to implement an HFC phase-down that is to reduce HFC production and consumption by more than 80 % over the next 30 years. This implies that each Party must</p>		<p>(5) Due to rising HFC emissions globally, Parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol') decided in 2016 under the Kigali Amendment¹ to implement an HFC phase-down that is to reduce HFC production and consumption by more than 80 % over the next 30 years. This implies that each Party must</p>	

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	<p>comply with an HFC consumption and production reduction schedule as well as providing for a licencing system for imports and exports and reporting on HFCs. It is estimated that the Kigali Amendment alone will save up to 0,4°C of additional warming by the end of the century.</p> <p>1. Council Decision (EU) 2017/1541 of 17 July 2017 on the conclusion, on behalf of the European Union, of the Kigali Amendment to the Montreal Protocol on substances that deplete the ozone layer, (OJ L 236, 14.9.2017, p. 1).</p>		<p>comply with an HFC consumption and production reduction schedule as well as providing for a licencing system for imports and exports and reporting on HFCs. It is estimated that the Kigali Amendment alone will save up to 0,4°C of additional warming by the end of the century.</p> <p>1. Council Decision (EU) 2017/1541 of 17 July 2017 on the conclusion, on behalf of the European Union, of the Kigali Amendment to the Montreal Protocol on substances that deplete the ozone layer, (OJ L 236, 14.9.2017, p. 1).</p>	
Recital 6				
16	<p>(6) It is important that this Regulation ensures that the Union complies with its international obligations under the Kigali Amendment to the Protocol in the long-term, in particular, with regards to the reduction of consumption and production of HFCs, reporting and licensing requirements, in particular by introducing a phase-down for production and adding reduction steps for the placing of HFCs on the market for the time after 2030.</p>		<p>(6) It is important that this Regulation ensures that the Union complies with its international obligations under the Kigali Amendment to the Protocol in the long-term, in particular, with regards to the reduction of consumption and production of HFCs, reporting and licensing requirements, in particular by introducing a phase-down for production and adding reduction steps for the placing of HFCs on the market for the time after 2030.</p>	

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16a		<p><u>(6a) It is of great importance that the Commission takes the phasing out of HFCs into account in its upcoming legislative proposals, such as in the revision of Regulation EC/1907/2006 on the Registration, Evaluation and Authorisation of Chemicals (the 'REACH Regulation') regarding the phase out of per- and polyfluoroalkyl substances (PFAS).</u></p>		
Recital 7				
17	<p>(7) To ensure coherence with the reporting requirements under the Protocol, global warming potentials of HFCs should be calculated in terms of the 100-year global warming potential of one kilogram of a gas relative to one kilogram of CO₂ based on the Fourth Assessment Report adopted by the IPCC. For other substances, the most recent IPCC Assessment Report should be used. Where available, the 20-year global warming potential should be provided to better inform about the</p>	<p>(7) To ensure coherence with the reporting requirements under the Protocol, global warming potentials of HFCs should be calculated in terms of the 100-year global warming potential of one kilogram of a gas relative to one kilogram of CO₂ based on the Fourth Assessment Report adopted by the IPCC. For other substances, the most recent IPCC Assessment Report should be used. Where available, the 20-year global warming potential should be provided to better inform about the</p>	<p>(7) To ensure coherence with the reporting requirements under the Protocol, global warming potentials of HFCs should be calculated in terms of the 100-year global warming potential of one kilogram of a gas relative to that of one kilogram of CO₂ based on the Fourth Assessment Report adopted by the IPCC. For other substances, the most recent IPCC Assessment Report should be used. Where available, the 20-year global warming potential should be provided to better inform about the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	climate impacts of the substances covered by this Regulation.	climate impacts of the substances covered by this Regulation. <u><i>The Commission should advocate for an update at international level of the GWP values of fluorinated greenhouse gases in line with the Sixth Assessment Report adopted by the IPCC.</i></u>	climate impacts of the substances covered by this Regulation.	
Recital 8				
18	(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 <u><i>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 minimise their environmental impact, as well as to increase durability and energy efficiency of the appliances.</i></u>	(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.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Recital 9				
19	(9) Given that the production process for some fluorinated compounds can result in significant emissions of other fluorinated greenhouse gases produced as by-products, such by-product emissions should be destroyed or recovered for subsequent use as a condition for the placing of fluorinated greenhouse gases on the market. Producers and importers should be required to document measures adopted to prevent emissions of trifluoromethane during the production process.	(9) Given that the production process for some fluorinated compounds can result in significant emissions of other fluorinated greenhouse gases produced as by-products, such by-product emissions should be destroyed or recovered for subsequent use as a condition for the placing of fluorinated greenhouse gases on the market <u>in accordance with the Protocol</u> . Producers and importers should be required to document <u>mitigation</u> measures adopted to prevent emissions of trifluoromethane during the production process <u>and proof of the destruction and recovery of those by-product emissions in line with the best available techniques</u> .	(9) Given that the production process for some fluorinated compounds can result in significant emissions of other fluorinated greenhouse gases produced as by-products, such by-product emissions should be destroyed or recovered for subsequent use as a condition for the placing of fluorinated greenhouse gases on the market. Producers and importers should be required to document measures adopted to prevent emissions of trifluoromethane during the production process. Declaration of conformity should be provided prior to the placing on the market.	
Recital 10				
20	(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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>fluorinated greenhouse gases should be treated in accordance with Directive 2012/19/EU of the European Parliament and of the Council.¹ Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings, in order to maximise emissions reductions.</p> <p>1. 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).</p>	<p>fluorinated greenhouse gases should be treated in accordance with Directive 2012/19/EU of the European Parliament and of the Council.¹ Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings, in order to maximise emissions reductions. <u>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.</u></p> <p>1. 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).</p>	<p>fluorinated greenhouse gases should be treated in accordance with Directive 2012/19/EU of the European Parliament and of the Council.¹ Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings, in order to maximise emissions reductions. Provisions on recovery of substances are also introduced with the view to the Commission communication 'A new circular economy agenda' (11 March 2020), to the Commission communications 'A new industrial strategy for Europe' (10 March 2020), to the Commission communication 'Towards zero pollution for air, water and soil', to the Commission communication 'Towards a toxic-free environment' and to 'Updating the new 2020 industrial strategy: building a stronger single market for Europe's recovery' (5 May 2021), since the recovery, recycling and reclamation of fluorinated greenhouse gases is an application of circular economy principles.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			1. [1] 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).	
20a		<u>(10a) Despite the high GWP and increasing use of sulfuric fluoride, the emissions of that fluorinated greenhouse gas have not been regulated or monitored and are also not covered by any reporting requirements under the Paris Agreement. From 2025, operators should ensure that, if technically feasible and not disproportionately costly, sulfuric fluoride is recovered after fumigation.</u>		
20b		<u>(10b) Member States should ensure that producer responsibility schemes are established for the treatment of end-of-life fluorinated greenhouse gases. The Commission should set out minimum requirements for those producer responsibility</u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>schemes, including on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness-raising.</u>		
Recital 10a				
20c			(10a) Given the international character of shipping and the high leakage rate of fluorinated greenhouse gases in the shipping sector, it is important that the Member States and the Union within their respective competences work with third countries to ensure that unnecessary emissions of fluorinated greenhouse gases are prevented in this sector, including during installation, maintenance, repair and recovery from refrigeration and air-conditioning equipment on ships.	
Recital 10b				
20d			(10b) Regulation (EU) 2018/1139 ¹ of the European Parliament and of the Council	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			<p>and its implementing rules lay down rules on the skills and knowledge required for natural persons undertaking maintenance activities on aircraft component. In order to ensure that unnecessary emissions are prevented in this sector, including during installation, maintenance, repair and recovery from refrigeration and air conditioning equipment on aircraft, it would be appropriate to cover the required competences in the regular process of updating the certification specifications and other detailed specifications, acceptable means of compliance and guidance material for the application of that Regulation."</p> <p>1. Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).	
Recital 11				
21	(11) To encourage the use of technologies with no impact or lower impact on the climate that may involve the use substances that are toxic, flammable or highly pressurized, the training of natural persons who carry out activities involving fluorinated greenhouse gases should cover technologies replacing or reducing the use of fluorinated greenhouse gases, including information on energy efficiency aspects and applicable regulations and technical standards. Certification and training programmes established under Regulation (EU) No 517/2014, which may be integrated in national vocational training systems, should be reviewed or adapted enabling technicians to handle alternative technologies safely.	(11) To encourage the use of technologies with no impact or lower impact on the climate that may involve the use substances that are toxic, flammable or highly pressurized, the training <u>Member States should ensure that a high number</u> of natural persons who carry out activities involving fluorinated greenhouse gases should cover <u>and</u> technologies replacing or reducing the use of fluorinated greenhouse gases; including <u>are trained and certified.</u> <u>Trainings should include</u> information on energy efficiency aspects and applicable regulations and technical standards. Certification and training programmes established under Regulation (EU) No 517/2014, which may be integrated in national vocational training systems, should be reviewed or adapted enabling technicians to handle alternative technologies safely.	(11) To encourage the use of technologies with no impact or lower impact on the climate that may involve the use of substances that are toxic, flammable or highly pressurized, the training of natural persons who carry out activities involving fluorinated greenhouse gases should cover technologies replacing or reducing the use of fluorinated greenhouse gases, including information on energy efficiency aspects and applicable regulations and technical standards. Certification and training programmes established under Regulation (EU) No 517/2014, which may be integrated in national vocational training systems, should be reviewed or adapted enabling technicians to handle alternative technologies safely. Existing certificates issued under Regulation (EU) No 517/2014 should remain valid.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
21a		<p><u>(11a) In May 2022, the European Commission presented the RePowerEU Plan, as a response to the hardships and global energy market disruption caused by Russia's invasion of Ukraine, aiming at ending the Union's dependence on Russian fossil fuels and tackling the climate crisis. The Plan includes a target to roll out 10 million hydronic heat pumps by 2027 and to double the rate of heat pump deployment by 2030. While the heat pump industry has started investing in HFC alternatives, it could prove challenging to quickly replace production of HFC-based heat pumps with natural alternatives and deliver to the market the amount of heat pumps targeted by RePowerEU. The Commission should therefore closely monitor market developments and should provide an additional amount of HFC quotas to the heat pump industry, should the HFC quota phase-down set out in Annex VII create disruptions in the Union's</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>heat pump market to an extent which would endanger the attainment of the RePowerEU heat pump deployment targets.</u>		
21b		<u>(11b) The shift towards the use of hydrofluorocarbon alternatives will lead to cost savings for undertakings as a result of avoided HFC quota purchase, and will spur green innovation and employment. Member States should however ensure a fair and just transition, leaving no one behind, for the personnel employed by undertakings which do not succeed in the transition to natural alternatives.</u>		
Recital 12				
22	(12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution.	(12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution. <u>This Regulation does</u>	(12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>not require the replacement of switchgears that are already installed in the power grid on the dates indicated in Annex IV. Grid operators should only be required to install new switchgears fulfilling the requirements set out in that Annex when, as from the dates indicated therein, they decide to replace already installed switchgears or to install additional switchgears in the power grid.</u>		
22a		<u>(12a) The acceleration in the market of air conditioning and heat pump equipment and the technological turnover in refrigeration reinforce the need for Member States to increase efforts to ensure certification programmes and training are sufficient to meet the Union's climate objectives.</u>		
Recital 13				
23	(13) Where suitable alternatives to the use of specific fluorinated greenhouse gases are available,	(13) Where suitable alternatives to the use of specific fluorinated greenhouse gases are available,	(13) Where suitable alternatives to the use of specific fluorinated greenhouse gases are available,	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	bans should be introduced on the placing on the market of new equipment for refrigeration, air-conditioning and fire protection that contains fluorinated greenhouse gases or whose functioning relies upon those gases. Where alternatives are not available or cannot be used for technical or safety reasons, or where the use of such alternatives would entail disproportionate costs, it should be possible for the Commission to authorise an exemption to allow the placing on the market of such products and equipment for a limited period.	bans should be introduced on the placing on the market of new equipment for refrigeration, air-conditioning and fire protection, <u>foams and technical aerosols</u> that contains fluorinated greenhouse gases or whose functioning relies upon those gases. Where alternatives are not available or cannot be used for technical or safety reasons, or where the use of such alternatives would entail disproportionate costs, it should be possible for the Commission to authorise an exemption to allow the placing on the market of such products and equipment for a limited period <u>period of maximum 4 years. That exemption should be able to be renewed if, after assessment of a new substantiated exemption request, the Commission, through the committee procedure, concludes that alternatives are still not available.</u>	bans should be introduced on the placing on the market of new equipment for refrigeration, air-conditioning and fire protection that contains fluorinated greenhouse gases or whose functioning relies upon those gases. Where alternatives are not available or cannot be used for technical or safety reasons, or where the use of such alternatives would entail disproportionate costs, it should be possible for the Commission to authorise an exemption to allow the placing on the market of such products and equipment for a limited period.	
23a		<u>(13a) The ban on the placing on the market of parts of equipment that is banned under this</u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p><u>Regulation should not apply to parts required for repairs and servicing of existing equipment that has already been installed in order to ensure that such equipment remains repairable and maintainable for their full lifespan, thereby avoiding the need for the unwarranted replacement of existing energy equipment and infrastructure, which could have a negative effect on decarbonisation efforts. The repair or servicing for which such spare parts are used should not result in an increase in the capacity of the equipment or an increase in the amount of fluorinated gases contained in the equipment or of the fluorinated gases used.</u></p>		
23b		<p><u>(13b) 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</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>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.</u>		
23c		<u>(13c) When examining if there are alternatives to the use of specific fluorinated greenhouse gases, the Commission should not only consider if a technical alternative exists, but also consider that alternative as broadly as possible. The Commission should therefore consider, inter alia, if the alternative is economically viable and if the alternative can be widely deployed for practical reasons. In particular, the Commission should take into account the situation of small and medium- sized enterprises (SMEs) when assessing if an alternative can realistically be applied. The Commission should also be able to</u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u><i>provide for exceptions applicable to SMEs.</i></u>		
23d		<u><i>(13d) The production of metered dose inhalers (MDIs) for the delivery of pharmaceutical ingredients uses a non-negligible proportion of all HFCs consumed in the Union. However, MDIs using lower GWP fluorinated greenhouse gases and natural alternatives are being developed by the industry. This Regulation includes the MDI sector in the HFC quota system , thereby creating an incentive for the industry to pursue its path towards cleaner alternatives. To enable a smooth transition towards clean alternatives, Annex VII and VIII to this Regulation introduce a mechanism of reserved quotas for the MDI sector for the first two quota allocation periods. The MDI sector should be able to receive an amount of quotas corresponding to its entire current consumption during the first allocation period following the entry into force of this Regulation,</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>and an amount of quotas corresponding to 70% of its current consumption during the second allocation period.</u>		
23e		<u>(13e) MDIs are medical products subject to rigorous assessments including clinical studies to ensure patient safety. The Commission, Member States and their competent authorities, and the European Medicines Agency (EMA) should cooperate closely to ensure a smooth approval process of MDIs using low GWP fluorinated gases and alternatives to fluorinated gases, thereby ensuring the transition to clean solutions without affecting the accessibility, availability and affordability of essential medicines.</u>		
23f		<u>(13f) Some cooling equipment used in conjunction with batteries needed for the Union's energy transition could contain</u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>fluorinated gases. However, this sector was not analysed in the Impact Assessment accompanying this Regulation. In its report on the implementation of this Regulation, due by 1 January 2027, the Commission should assess the impact of this Regulation on the Union's battery market.</u>		
23g		<u>(13g) In its communication of 14 October 2020 entitled "Chemical Strategy for Sustainability Towards a Toxic-Free Environment", the Commission pointed out that PFAS require special attention, considering the large number of cases of contamination of soil and water - including drinking water - in the Union and globally, the number of people affected with a full spectrum of illnesses and the related societal and economic costs, and it set the objective to phase out PFAS in the Union, unless it is proven essential for society. In order to ensure coherence with Union policy and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p><u>a high level of protection of health and the environment, and given the availability of non-toxic alternatives, this Regulation should not encourage substitution of HFCs with fluorinated greenhouse gases that are also PFAS, whose production produces PFAS or otherwise decomposes into PFAS. If the prohibitions in Annex IV allow for the placing on the market and export of products and equipment containing PFAS, it is important that Member States work with the industry to direct investments into alternatives. This will also prevent stranded assets, should the revision of the REACH Regulation introduce PFAS bans. Immediately after the adoption of the revised REACH Regulation, the Commission should assess the coherence between this Regulation and that Regulation.</u></p>		
Recital 13a				
23h			(13a) Where technically suitable alternatives are available and in consistency with the EU competition policies, bans should be introduced on the putting into	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			operation of new electrical switchgear with relevant fluorinated greenhouse gases. Where the extension of existing electrical equipment is necessary, one or more additional cells with fluorinated greenhouses gases with the same GWP as the existing cells, may be added if a technology using fluorinated greenhouses gases with a lower GWP would entail the replacement of the entire electrical equipment.	
Recital 13b				
23i			(13b) In order to limit the necessity for the production of virgin SF6, the capacity of reclamation for SF6 from existing equipment should be increased. Without endangering the safe functioning of the electrical grids and power plants, the use of virgin SF6 in electrical switchgear should be avoided, where it is technically feasible and when reclaimed or recycled SF6 is available.	
Recital 13c				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
23j			(13c) HFCs used as propellants in metered dose inhalers (MDIs) are critical for the health of patients suffering from respiratory conditions, such as asthma and chronic obstructive pulmonary disease (COPD). There is a need to secure a safe transition to alternatives with lower GWP without endangering public health.	
Recital 14				
24	<p>(14) For reasons of reducing the indirect impact of the operation of equipment for refrigeration, air-conditioning on the climate, the maximum energy consumption of such equipment set out in relevant implementing measures adopted under Directive 2009/125/EC of the European Parliament and of the Council¹ should continue to be considered as reason for exempting specified types of equipment from the prohibition to use fluorinated greenhouse gases.</p> <p>¹. Directive 2009/125/EC of the European Parliament and of the Council of 21</p>		<p>(14) For reasons of reducing the indirect impact of the operation of equipment for refrigeration, air-conditioning and heating on the climate, the maximum energy consumption of such equipment set out in relevant implementing measures adopted under Directive 2009/125/EC of the European Parliament and of the Council¹ should continue to be considered as reason for exempting specified types of equipment from the prohibition to use fluorinated greenhouse gases.</p> <p>¹. [1] Directive 2009/125/EC of the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).		European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).	
Recital 15				
25	(15) Non-refillable containers for ozone depleting substances, should be banned, considering that an amount of refrigerant inevitably remains in these containers when emptied, which is then released into the atmosphere. In this respect, this Regulation should prohibit their import, placing on the market, subsequent supply or making available on the market, use unless for laboratory and analytical uses, and their export.	(15) Non-refillable containers for ozone depleting substances <u>of fluorinated greenhouse gases</u> , should be banned, considering that an amount of refrigerant inevitably remains in these containers when emptied, which is then released into the atmosphere. In this respect, this Regulation should prohibit their import, placing on the market, subsequent supply or making available on the market, use unless for laboratory and analytical uses, and their export. <u>To prevent refillable containers from not being refilled and being discarded instead, undertakings should be required to produce a declaration of conformity including evidence of the arrangements for the return for the purpose of refilling when placing refillable containers on the market.</u>	(15) Non-refillable containers for fluorinated greenhouse gases ozone depleting substances , should be banned, considering that an amount of refrigerant inevitably remains in these containers when emptied, which is then released into the atmosphere. In this respect, this Regulation should prohibit their import, placing on the market, subsequent supply or making available on the market, use unless for laboratory and analytical uses, and their export.	

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25a		<p><u>(15a) As third countries, particularly developing ones, might not have stringent recovery obligations for fluorinated greenhouse gases or not have the appropriate infrastructure to manage those gases at the end of life, exports to third countries of products and equipment containing those gases could result in the release of those gases in the atmosphere. In the framework of the Union's global efforts to mitigate climate change, the bans on products and equipment laid down in Annex IV should therefore apply to both their placing on the Union's market and their export from the Union to third countries.</u></p>		
Recital 16				
26	<p>(16) In order to facilitate the enforcement of the placing on the market prohibitions and the restriction to products and equipment that contain fluorinated greenhouse gases or whose functioning relies upon those gases, including when placed on</p>		<p>(16) In order to facilitate the enforcement of the placing on the market prohibitions and the restriction to products and equipment that contain fluorinated greenhouse gases or whose functioning relies upon those gases, including when placed on the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	the market in containers, it is important to establish the necessary labelling requirements for those goods.		market in containers, it is important to establish the necessary labelling requirements for those goods.	
Recital 17				
27	(17) To implement the Protocol, including the gradual reduction of the quantities of HFCs, the Commission should continue to allocate quotas to individual producers and importers for the placing of HFCs on the market, ensuring that the overall quantitative limit permitted under the Protocol is not exceeded. To protect the integrity of the gradual reduction of the quantities of HFCs placed on the market, HFCs contained in equipment should continue to be accounted for under the quota system.	(17) To implement the Protocol, including the gradual reduction of the quantities of HFCs, the Commission should continue to allocate quotas to individual producers and importers for the placing of HFCs on the market, ensuring that the overall quantitative limit permitted under the Protocol is not exceeded. <u>The Commission should be able, exceptionally, to authorise an exemption for up to four years on the exclusion of hydrocarbons from the quota system for use in specific applications or specific categories of products or equipment. That exemption should be able to be renewed if, after assessment of a new substantiated exemption request, the Commission, through the committee procedure, concludes that alternatives are still not available.</u> To protect the integrity	(17) To implement the Protocol, including the gradual reduction of the quantities of HFCs, the Commission should continue to allocate quotas to individual producers and importers for the placing of HFCs on the market, ensuring that the overall quantitative limit permitted under the Protocol is not exceeded. To protect the integrity of the gradual reduction of the quantities of HFCs placed on the market, HFCs contained in equipment should continue to be accounted for under the quota system.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		of the gradual reduction of the quantities of HFCs placed on the market, HFCs contained in equipment should continue to be accounted for under the quota system.		
Recital 18				
28	(18) Initially, the calculation of reference values and the allocation of quotas to individual producers and importers was based on the quantities of HFCs that they reported as having been placed on the market during the reference period 2009 to 2012. However, in order not to exclude undertakings from entering the market, or expanding their activities, a smaller part of the overall maximum quantity should be reserved for importers and producers who have previously not placed HFCs on the market and for importers and producers having a reference value that wish to increase their quota allocation.		(18) Initially, the calculation of reference values and the allocation of quotas to individual producers and importers was based on the quantities of HFCs that they reported as having been placed on the market during the reference period 2009 to 2012. However, in order not to exclude undertakings from entering the market, or expanding their activities, a smaller part of the overall maximum quantity should be reserved for importers and producers who have previously not placed HFCs on the market and for importers and producers having a reference value that wish to increase their quota allocation.	
Recital 19				
29				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	(19) By a triannual recalculation of the reference values and quotas, the Commission should ensure that undertakings are allowed to continue their activities on the basis of the average volumes they placed on the market in recent years, also including undertakings that previously had no reference value.		(19) By a triannual recalculation of the reference values and quotas, the Commission should ensure that undertakings are allowed to continue their activities on the basis of the average volumes they placed on the market in recent years, also including undertakings that previously had no reference value.	
Recital 19a				
29a			(19a) The Commission, on behalf of the Union, should compile the report on the consumption of HFCs controlled under the Montreal Protocol for a timely reporting to the Secretariat for the Montreal Protocol, therefore including data on production. In absence of a notification by the Union to the Secretariat, Member States should continue to report separately on production in their own capacity. The Commission should make this data available to the Member States sufficiently early before the submission to the Secretariat for the Montreal Protocol, to allow for a review of	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			the data to avoid any inconsistencies.	
Recital 20				
30	<p>(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.</p>	<p>(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 <u>The quota price should increase over time in order to provide a stable revenue stream. The</u> revenue should be used to cover administrative costs, <u>to support capacity building, implementation and enforcement, as well as to accelerate the deployment of alternatives to fluorinated greenhouse gases.</u></p>	<p>(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. – Part of the revenue should be used to cover administrative costs.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Recital 21				
31	(21) To maintain the flexibility of the market in bulk HFCs, it should be possible to transfer quotas from undertakings that have received a reference value to other producers or importers in the Union or to other producers or importers which are represented in the Union by an only representative.		(21) To maintain the flexibility of the market in bulk HFCs, it should be possible to transfer quotas from undertakings that have received a reference value to other producers or importers in the Union or to other producers or importers which are represented in the Union by an only representative.	
Recital 22				
32	(22) A central so-called F-gas Portal should be set up and operated by the Commission to manage quotas for the placing of HFCs on the market, registration of concerned undertakings, and the reporting on all substances and on all equipment placed on the market, in particular where the equipment is pre-charged with HFCs that have not been placed on the market prior to the charging. To ensure that only genuine operators are registering in the F-gas Portal, specific conditions should be established. A valid registration in the F-gas Portal should constitute a license, which		(22) A central so-called F-gas Portal should be set up and operated by the Commission to manage quotas for the placing of HFCs on the market, registration of concerned undertakings, and the reporting on all substances and on all equipment placed on the market, in particular where the equipment is pre-charged with HFCs that have not been placed on the market prior to the charging. To ensure that only genuine operators are registering in the F-gas Portal, specific conditions should be established. A valid registration in the F-gas Portal should constitute a license, which is an essential	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	is an essential requirement under the Protocol for the monitoring of trade and preventing illegal activities in this respect.		requirement under the Protocol for the monitoring of trade and preventing illegal activities in this respect.	
Recital 22a				
32a			<p>(22a) The objective of the Protocol is to protect the ozone layer by phasing out the chemicals that deplete it. The Protocol has also the objective to phase out HFCs that are potent greenhouse gases. Following the Kigali Amendment to the Montreal Protocol, the export of HFCs to countries parties to the Protocol to non-party countries is prohibited. Such ban is an important step towards the phase down of HFCs. However, several parties to the Protocol considered it insufficient to tackle the environmental concerns linked to export of HFCs. Several developing countries parties to the Protocol raised the problem of export of inefficient refrigerant and air-conditioning appliances using obsolete refrigerants and refrigerants with high GWP</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			from other parties to their markets, thereby increasing the use of HFCs in servicing in those countries. In line with what is already provided under Regulation (EC) No 1005/2009, and in order to support the achievement of the objectives of the Protocol, it is appropriate to introduce a ban of the export of certain equipment containing or whose functioning relies upon HFCs with a GWP of 2000 or more.	
Recital 23				
33	(23) In order to ensure automatic, real-time, customs controls, at shipment level as well as an electronic exchange and storing of information on all shipments of fluorinated greenhouse gases and the concerned products and equipment presented to customs it is necessary to interconnect the F-gas Portal with European Union Single Window Environment for Customs established by Regulation (EU) No .../... of the European Parliament and of the Council [the full reference to be inserted once		(23) In order to ensure automatic, real-time, customs controls, at shipment level as well as an electronic exchange and storing of information on all shipments of fluorinated greenhouse gases and the concerned products and equipment presented to customs it is necessary to interconnect the F-gas Portal with European Union Single Window Environment for Customs established by Regulation (EU) No .../... of the European Parliament and of the Council [the full reference to be inserted once	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>that Regulation has been adopted].¹</p> <p>1. Regulation (EU) No .../... of the European Parliament and of the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 OJ C , , p. [full reference to be inserted once that Regulation has been adopted]</p>		<p>that Regulation has been adopted].¹</p> <p>1. Regulation (EU) No .../... of the European Parliament and of the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 OJ C , , p. [full reference to be inserted once that Regulation has been adopted]</p>	
Recital 24				
34	<p>(24) To enable the monitoring of the effectiveness of this Regulation, the scope of the reporting obligations should be extended to cover other fluorinated substances that have significant global warming potential or that are likely to replace the use of fluorinated greenhouse gases. For the same reason, the destruction of fluorinated greenhouse gases and the importation into the Union of those gases when contained in products and equipment should also be reported. De minimis thresholds should be set to avoid disproportionate administrative burden, in particular for small and medium-sized enterprises and micro-enterprises where it does not result in non-compliance with the</p>		<p>(24) To enable the monitoring of the effectiveness of this Regulation, the scope of the reporting obligations should be extended to cover other fluorinated substances that have significant global warming potential or that are likely to replace the use of fluorinated greenhouse gases. For the same reason, the destruction of fluorinated greenhouse gases and the importation into the Union of those gases when contained in products and equipment should also be reported. De minimis thresholds should be set to avoid disproportionate administrative burden, in particular for small and medium-sized enterprises and micro-enterprises where it does not result in non-compliance with the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	Protocol.		Protocol.	
Recital 25				
35	(25) To ensure that reports on substantial quantities of substances are accurate and that the quantities of HFCs contained in pre-charged equipment are accounted for under the Union quota system, third party verification should be required.	(25) To ensure that reports on substantial quantities of substances are accurate and that the quantities of HFCs contained in pre-charged equipment are accounted for under the Union quota system, <u>independent</u> third party verification should be required.	(25) To ensure that reports on substantial quantities of substances are accurate and that the quantities of HFCs contained in pre-charged equipment are accounted for under the Union quota system, third party verification should be required.	
Recital 26				
36	(26) The use of consistent, high-quality data to report on fluorinated greenhouse gas emissions is essential to ensuring the quality of emissions reporting under the United Nations Framework Convention on Climate Change. The establishment of reporting systems by Member States of emissions of fluorinated greenhouse gases would provide coherence with Regulation (EU) 2018/1999 of the European Parliament and of the Council ¹ . Data on leakage of fluorinated greenhouse gases from equipment		(26) The use of consistent, high-quality data to report on fluorinated greenhouse gas emissions is essential to ensuring the quality of emissions reporting under the United Nations Framework Convention on Climate Change. The establishment of reporting systems by Member States of emissions of fluorinated greenhouse gases would provide coherence with Regulation (EU) 2018/1999 of the European Parliament and of the Council ¹ . Data on leakage of fluorinated greenhouse gases from equipment	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>collected by companies under this Regulation could significantly improve those emission reporting systems. In that way, it should lead to a better estimation of emissions of fluorinated greenhouse gases in the national greenhouse gases inventories.</p> <p>1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action (OJ L 328, 21.12.2018, p. 1).</p>		<p>collected by companies under this Regulation could significantly improve those emission reporting systems. In that way, it should lead to a better estimation of emissions of fluorinated greenhouse gases in the national greenhouse gases inventories.</p> <p>1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action (OJ L 328, 21.12.2018, p. 1).</p>	
Recital 27				
37	<p>(27) In order to facilitate customs controls, it is important to specify the information to be submitted to customs authorities in cases of imports and exports of the gases and products covered by this Regulation, as well as the tasks for customs authorities when implementing the prohibitions and restrictions to imports and exports of those substances and the products and equipment covered by this Regulation.</p>		<p>(27) In order to facilitate customs controls, it is important to specify the information to be submitted to customs authorities in cases of imports and exports of the gases and products covered by this Regulation, as well as the tasks for customs authorities when implementing the prohibitions and restrictions to imports and exports of those substances and the products and equipment covered by this Regulation. Regulation (EU) 2019/1020 of the European Parliament and of the Council, which sets out rules on market</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			surveillance and control of products entering the Union market, applies to the substances and products and equipment covered under this Regulation in so far as there are no specific provisions to regulate in a more specific manner particular aspects of market surveillance and enforcement. Where this Regulation does include specific provisions, for example on customs controls, those prevail as being more specific, complementing the rules set out under the Regulation (EU) 2019/1020. In order to ensure protection of the environment, this Regulation should apply to all forms of supply of fluorinated greenhouse gases subject to this Regulation, including online sales as referred to in Article 6 of Regulation (EU) 2019/1020.	
Recital 28				
38	(28) Competent authorities of Member States should take all necessary measures, including confiscation and seizure, in order to prevent the unlawful entry or		(28) Competent authorities of Member States should take all necessary measures, including confiscation and seizure, in order to prevent the unlawful entry or	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	exit into and from the Union of gases and products covered by this Regulation. The re-export of illegally imported products covered by this Regulation should be prohibited in any event.		exit into and from the Union of gases and products covered by this Regulation. The re-export of illegally imported products covered by this Regulation should be prohibited in any event.	
38a		<u>(28a) Custom authorities should monitor if products covered under this Regulation that are declared to be in transit have actually left the customs territory of the Union. For that purpose, custom authorities should keep records about the undertaking making the transit.</u>		
Recital 29				
39	(29) Member States should ensure that customs authorities carrying out controls under this Regulation have the appropriate resources and knowledge, for example via training made available to them, and are sufficiently equipped in view of addressing cases of illegal trade of the gases and products and equipment covered by this	(29) Member States should ensure that customs authorities carrying out controls under this Regulation have the appropriate resources and knowledge, for example via training made available to them, and are sufficiently equipped in view of addressing cases of illegal trade of the gases and products and equipment covered by this	(29) Member States should ensure that customs authorities carrying out controls under this Regulation have the appropriate resources and knowledge, for example via training made available to them, and are sufficiently equipped in view of addressing cases of illegal trade of the gases and products and equipment covered by this	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	Regulation. Member States should designate those customs offices that meet those conditions and are therefore mandated to carry out customs controls on imports, exports and in cases of transit.	Regulation. Member States should designate those customs offices that meet those conditions and are therefore mandated to carry out customs controls on imports, exports and in cases of transit.	Regulation. Member States should designate those customs offices that meet those conditions and are therefore mandated to carry out customs controls on imports, exports and in cases of transit.	
Recital 30				
40	(30) Cooperation and exchange of the necessary information between all competent authorities involved in the implementation of this Regulation, namely customs authorities, market surveillance authorities, environmental authorities and any other competent authorities with inspection functions, amongst Member States and with the Commission, is extremely important for tackling infringements of this Regulation, notably illegal trade. Due to the confidential nature of the exchange of customs risk-related information, the Customs Risk Management System should be used for that purpose.		(30) Cooperation and exchange of the necessary information between all competent authorities involved in the implementation of this Regulation, namely customs authorities, market surveillance authorities, environmental authorities and any other competent authorities with inspection functions, amongst Member States and with the Commission, is extremely important for tackling infringements of this Regulation, notably illegal trade. Due to the confidential nature of the exchange of customs risk-related information, the Customs Risk Management System should be used for that purpose.	
Recital 31				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
41	(31) In carrying out the tasks assigned to it by this Regulation, and in view of promoting cooperation and adequate exchange of information between competent authorities and the Commission in cases of compliance checks and illegal trade in fluorinated greenhouse gases, the Commission should be assisted by the European Anti-Fraud Office (OLAF). OLAF should have access to all necessary information to facilitate the performance of its tasks.		(31) In carrying out the tasks assigned to it by this Regulation, and in view of promoting cooperation and adequate exchange of information between competent authorities and the Commission in cases of compliance checks and illegal trade in fluorinated greenhouse gases, the Commission should be assisted by the European Anti-Fraud Office (OLAF). OLAF should have access to all necessary information to facilitate the performance of its tasks.	
Recital 32				
42	(32) The import and export of HFCs as well as products and equipment containing HFCs or whose functioning relies upon those gases from and to a State not party to the Protocol should be prohibited as from 2028. The parallel prohibition envisaged under the Protocol as from 2033 has thus been advanced, to ensure that the global HFC reduction measures of the Kigali Amendment provide the envisaged benefit to the climate as soon as possible.	(32) The import and export of HFCs as well as products and equipment containing HFCs or whose functioning relies upon those gases from and to a State not party to the Protocol should be prohibited as from 2028. The parallel <u>Protocol envisages that prohibition from 2033, and the purpose of its earlier application under this Regulation is prohibition envisaged under the Protocol as from 2033 has thus been advanced,</u> to ensure that the	(32) The import and export of HFCs as well as products and equipment containing HFCs or whose functioning relies upon those gases from and to a State not party to the Protocol should be prohibited as from 2028. The parallel prohibition envisaged under the Protocol as from 2033 has thus been advanced, to ensure that the global HFC reduction measures of the Kigali Amendment provide the envisaged benefit to the climate as soon as possible.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		global HFC reduction measures of the Kigali Amendment provide the envisaged benefit to the climate as soon as possible.		
Recital 33				
43	(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.		(33) Member States should lay down rules on penalties applicable to infringements of the national provisions of adopted pursuant to this Regulation and should ensure that they are implemented. Those The penalties should be effective, proportionate and dissuasive.	
Recital 34				
44	(34) It is also necessary to provide for administrative penalties of such a level and type that truly deter violations of this Regulations.		(34) It is also necessary to provide Member States may lay down rules for administrative as well as criminal penalties of such a level and type that truly deter violations of this Regulations for the same infringements. In any case, the imposition of criminal and administrative penalties should not lead to a breach of the right not to be tried or punished twice in criminal proceedings for	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			the same criminal offence (ne bis in idem), as interpreted by the Court of Justice.	
44a		<u>(34a) Without prejudice to the competences and sovereignty of Member States, penalties should be as coherent as possible. The Commission should therefore map out the differences in penalties between Member States every four years and submit a report to the European Parliament and to the Council.</u>		
Recital 35				
45	<p>(35) Serious infringements of this Regulation should also be prosecuted under criminal law, in accordance with Directive 2008/99/EC of the European Parliament and of the Council.¹</p> <p>¹. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).</p>		<p>(35) Serious infringements of this Regulation should also be prosecuted under criminal law, in accordance with Directive 2008/99/EC of the European Parliament and of the Council.⁺</p> <p>⁺. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Recital 36				
46	<p>(36) Competent authorities of the Member States, including their environmental authorities, market surveillance and customs authorities, should carry out checks, on a risk-based approach, in order to ensure compliance with all provisions of this Regulation. Such approach is necessary in order to target the activities representing the highest risk of illegal trade or unlawful release of fluorinated greenhouse gases covered by this Regulation. In addition, competent authorities should carry out checks when in possession of evidence or other relevant information on potential cases of non-compliance. Where relevant and to the extent possible, such information should be communicated to customs authorities in order to proceed to a risk analysis prior to controls, in accordance with Article 47 of Regulation (EU) 952/2013 of the European Parliament and of the Council.¹ It is important to ensure that competent authorities responsible for following up the issuing of penalties are informed</p>		<p>(36) Competent authorities of the Member States, including their environmental authorities, market surveillance and customs authorities, should carry out checks, on a risk-based approach, in order to ensure compliance with all provisions of this Regulation. Such approach is necessary in order to target the activities representing the highest risk of illegal trade or unlawful release of fluorinated greenhouse gases covered by this Regulation. In addition, competent authorities should carry out checks when in possession of evidence or other relevant information on potential cases of non-compliance. Where relevant and to the extent possible, such information should be communicated to customs authorities in order to proceed to a risk analysis prior to controls, in accordance with Article 47 of Regulation (EU) 952/2013 of the European Parliament and of the Council.¹ It is important to ensure that competent authorities responsible for following up the issuing of penalties are informed</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>when cases of infringements of this Regulation have been established by other competent authorities.</p> <p>1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).</p>		<p>when cases of infringements of this Regulation have been established by other competent authorities.</p> <p>1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).</p>	
Recital 37				
47	<p>(37) Whistle-blowers can bring new information to the attention of competent authorities which may help the competent authorities detect infringements of this Regulation and enable them to impose penalties. It should be ensured that adequate arrangements are in place to enable whistle-blowers to alert the competent authorities to actual or potential infringements of this Regulation and to protect the whistle-blowers from retaliation. For that purpose, it should be provided in this Regulation that Directive (EU) 2019/1937 of the European Parliament and of the Council¹ is applicable to the reporting of breaches of this Regulation and to the protection of</p>	<p>(37) Whistle-blowers can bring new information to the attention of competent authorities which may help the competent authorities detect infringements of this Regulation and enable them to impose penalties. It should be ensured that adequate arrangements are in place to enable whistle-blowers to alert the competent authorities to actual or potential infringements of this Regulation and to <u>effectively</u> protect the whistle-blowers from retaliation. For that purpose, it should be provided in this Regulation that Directive (EU) 2019/1937 of the European Parliament and of the Council¹ is applicable to the reporting of breaches of this Regulation and to</p>	<p>(37) Whistle-blowers can bring new information to the attention of competent authorities which may help the competent authorities detect infringements of this Regulation and enable them to impose penalties. It should be ensured that adequate arrangements are in place to enable whistle-blowers to alert the competent authorities to actual or potential infringements of this Regulation and to protect the whistle-blowers from retaliation. For that purpose, it should be provided in this Regulation that Directive (EU) 2019/1937 of the European Parliament and of the Council¹ is applicable to the reporting of breaches of this Regulation and to the protection of persons reporting</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>persons reporting such breaches.</p> <p>1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).</p>	<p>the protection of persons reporting such breaches.</p> <p>1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).</p>	<p>such breaches.</p> <p>1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).</p>	
47a		<p><u><i>(37a) The Commission's communication of 14 October 2020 on 'Improving access to justice in environmental matters in the EU and its Member States' underlined the need to include provisions on access to justice in EU legislative proposals for new or revised EU law concerning environmental matters. This Regulation includes provisions on access to justice to ensure equal conditions for access to justice in the Member States in line with the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the 'Aarhus Convention').</i></u></p>		
Recital 38				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
48	(38) To enhance legal certainty, the applicability, pursuant to this Regulation, of Directive (EU) 2019/1937 to reports of breaches of this Regulation and to the protection of persons reporting such breaches should be reflected in Directive (EU) 2019/1937. The Annex to Directive (EU) 2019/1937 should therefore be amended accordingly. It is for the Member States to ensure that that amendment is reflected in their transposition measures adopted in accordance with the Directive, although neither the amendment nor the adaptation of national transposition measures are a condition for the applicability of Directive (EU) 2019/1937 to the reporting of breaches of this Regulation and to the protection of reporting persons.		(38) To enhance legal certainty, the applicability, pursuant to this Regulation, of Directive (EU) 2019/1937 to reports of breaches of this Regulation and to the protection of persons reporting such breaches should be reflected in Directive (EU) 2019/1937. The Annex to Directive (EU) 2019/1937 should therefore be amended accordingly. It is for the Member States to ensure that that amendment is reflected in their transposition measures adopted in accordance with the Directive, although neither the amendment nor the adaptation of national transposition measures are a condition for the applicability of Directive (EU) 2019/1937 to the reporting of breaches of this Regulation and to the protection of reporting persons.	
Recital 39				
49	(39) In implementing this Regulation, the Commission should establish a so-called Consultation Forum to ensure a balanced participation of Member	(39) In implementing this Regulation, The Commission should establish a so-called Consultation Forum to <u>facilitate the implementation of this</u>	(39) In implementing this Regulation, the Commission should establish a so-called Consultation Forum to ensure a balanced participation of Member	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	States' representatives and representatives of civil society, including environmental organisations, representatives of manufacturers, operators and certified persons.	<u>Regulation. The Consultation Forum should</u> ensure a balanced participation of Member States' representatives and <u>of all relevant stakeholders including</u> representatives of civil society, including environmental <u>environmental organisations, patient associations and healthcare professionals'</u> organisations, representatives of manufacturers, operators and certified persons. <u>The Consultation Forum should cooperate with the relevant EU Agencies, particularly the EMA.</u>	States' representatives and representatives of civil society, including environmental organisations, representatives of manufacturers, operators and certified persons.	
Recital 40				
50	(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards evidence to be provided on the destruction or recovery of trifluoromethane by-production during the manufacturing of other fluorinated substances; requirements for leak checks; the format of the records, their establishment and maintenance; minimum	(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards evidence to be provided on the destruction or recovery of trifluoromethane by-production during the manufacturing of other fluorinated substances; requirements for leak checks; the format of the records, their establishment and maintenance; minimum	(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards evidence to be provided on the destruction or recovery of trifluoromethane by-production during the manufacturing of other fluorinated substances; requirements for leak checks; the format of the records, their establishment and maintenance; minimum	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>requirements for certification programmes and training attestations; the format of the notification of certification and training programmes; exemptions for products and equipment falling under a placing on the market prohibition; the format of labels; the determination of production rights for producers of HFCs; exemptions from the quota requirement for HFCs for use in specific applications, or specific categories of products or equipment; the determination of reference values for producers and importers for the placing on the market of HFCs; the modalities and detailed arrangements for the payment of the amount due; the detailed arrangements for the declaration of conformity for pre-charged equipment and their verification as well as for the accreditation of verifiers; the smooth functioning of the registry; the authorisation of trade with entities not covered by the Protocol; the details of the verification of reporting and of the accreditation of verifiers and the format for submitting reports. Those powers should be exercised</p>	<p>requirements for certification programmes and training attestations; the format of the notification of certification and training programmes; exemptions for products and equipment falling under a placing on the market prohibition; the format of labels; the determination of production rights for producers of HFCs; <u>the determination of details of the declaration of conformity for refillable containers for fluorinated greenhouse gases, including evidence confirming that arrangements are in place for the return of that container for the purpose of refilling</u>; exemptions from the quota requirement for HFCs for use in specific applications, or specific categories of products or equipment; the determination of reference values for producers and importers for the placing on the market of HFCs; the modalities and detailed arrangements for the payment of the amount due; the detailed arrangements for the declaration of conformity for pre-charged equipment and their verification as well as for the accreditation of verifiers; the smooth functioning of</p>	<p>requirements for certification programmes and training attestations; the format of the notification of certification and training programmes; exemptions for products and equipment falling under a placing on the market prohibition; the format of labels; the determination of production rights for producers of HFCs; exemptions from the quota requirement for HFCs for use in specific applications, or specific categories of products or equipment; the determination of reference values for producers and importers for the placing on the market of HFCs; the modalities and detailed arrangements for the payment of the amount due; the detailed arrangements for the declaration of conformity for pre-charged equipment and their verification as well as for the accreditation of verifiers; the smooth functioning of the registry; the authorisation of trade with entities not covered by the Protocol; the details of the verification of reporting and of the accreditation of verifiers and the format for submitting reports. Those powers should be exercised</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p 13).</p>	<p>the registry; the authorisation of trade with entities not covered by the Protocol; the details of the verification of reporting and of the accreditation of verifiers and the format for submitting reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p 13).</p>	<p>in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p 13).</p>	
Recital 41				
51	<p>(41) In order to amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be delegated to the Commission in respect of the establishment of a list of products and equipment for which the recovery of gases or their</p>	<p>(41) In order to amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be delegated to the Commission in respect of the establishment of <u>establishing</u> a list of products and equipment for which the recovery of gases or</p>	<p>(41) In order to amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be delegated to the Commission in respect of the establishment of a list of products and equipment for which the recovery of gases or their</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	destruction is technically and economically feasible and the specification of the technologies to be applied; labelling requirements; the exclusion from quota requirements of HFCs in accordance with decisions of the Parties to the Protocol; concerning the amounts due for the allocation of quota and the mechanism to allocate remaining quotas; additional measures for the monitoring of substances and of products and equipment placed under temporary storage and customs procedures; the rules applicable to the release for free circulation of products and equipment imported from and exported to any entity not covered by the Protocol; the update of global warming potentials of listed substances. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making ¹ . In particular, to ensure equal participation in the	their destruction is technically and economically feasible and the specification of the technologies to be applied; <u>setting out minimum requirements for producer responsibility schemes for the recovery, recycling, reclamation or destruction of certain fluorinated greenhouse gases, including on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness raising</u> ; labelling requirements; the exclusion from quota requirements of HFCs in accordance with decisions of the Parties to the Protocol; concerning <u>excluding from the quota system the placing on the market of hydrofluorocarbons semiconductor materials or vapour deposition chambers within the semiconductor sector, where, in certain cases, there are shortages or disruptions of supply to the Union's market of semiconductor materials or of vapour deposition chambers; increasing, in certain cases, the quotas for placing on the Union market hydrofluorocarbons to be used in heat pumps until the year</u>	destruction is technically and economically feasible and the specification of the technologies to be applied; labelling requirements; the exclusion from quota requirements of HFCs in accordance with decisions of the Parties to the Protocol; concerning the amounts due for the allocation of quota and the mechanism to allocate remaining quotas; additional measures for the monitoring of substances and of products and equipment placed under temporary storage and customs procedures; the rules applicable to the release for free circulation of products and equipment imported from and exported to any entity not covered by the Protocol; the update of global warming potentials of listed substances. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making ¹ . In particular, to ensure equal participation in the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>	<p><u>2029;</u> the amounts due for the allocation of quota and the mechanism to allocate remaining quotas; additional measures for the monitoring of substances and of products and equipment placed under temporary storage and customs procedures; the rules applicable to the release for free circulation of products and equipment imported from and exported to any entity not covered by the Protocol; <u>the adoption of a common general framework for the design of centralised electronic systems for the recording of the information collected in accordance with this Regulation; and</u> the update of global warming potentials of listed substances <u>and to strengthen the prohibitions on the placing on the market of such substances.</u> It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, <u>in particular consultation with the Consultation Forum as set up according to Article 33 of this Regulation,</u> including at expert level and that those consultations be conducted in accordance with the principles laid</p>	<p>preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. In order to avoid that the HFCs quotas phase down creates disruptions in the Union's heat pump market to an extent which may endanger the attainment of the heat pumps deployment target under the REPowerEU Plan, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend Annex VII in order to allow the placing on the market of an additional amount of HFCs for a certain period of time.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p>down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 1.</p>		
Recital 42				
52	<p>(42) The protection of individuals with regard to the processing of personal data by the Member States is governed by Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and the protection of individuals with regard to the processing of personal data by the Commission is governed by Regulation (EU) 2018/1725 of the European Parliament and of the Council² in particular as regards the requirements of confidentiality and</p>		<p>(42) The protection of individuals with regard to the processing of personal data by the Member States is governed by Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and on the protection of individuals with regard to the processing of personal data by the Commission is governed by Regulation (EU) 2018/1725 of the European Parliament and of the Council² in particular as regards the requirements of confidentiality and</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>security of processing, the transfer of personal data from the Commission to the Member States, the lawfulness of processing, and the rights of data subjects to information, access to and rectification of their personal data.</p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p>		<p>security of processing, the transfer of personal data from the Commission to the Member States, the lawfulness of processing, and the rights of data subjects to information, access to and rectification of their personal data.</p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p>	
Recital 43				
53	<p>(43) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council and delivered an opinion on [date of</p>		<p>(43) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council and delivered an opinion on [date of delivery of the opinion].</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	delivery of the opinion].			
Recital 44				
54	(44) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the transboundary nature of the environmental problem addressed and the effects of this Regulation on the intra-Union and external trade, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.		(44) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the transboundary nature of the environmental problem addressed and the effects of this Regulation on the intra-Union and external trade, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	
Recital 45				
55	(45) A number of amendments are to be made to Regulation (EU) No 517/2014. In the interests of clarity, that Regulation should be repealed and replaced.		(45) A number of amendments are to be made to Regulation (EU) No 517/2014. In the interests of clarity, that Regulation should be repealed and replaced.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Recital 46				
56	(46) In view of the yearly quota allocation and reporting process set out in this Regulation, it is appropriate that this Regulation applies as from 1 January [OP please insert the year following the year of the date of entry into force of this Regulation],		(46) In view of the yearly quota allocation and reporting process set out in this Regulation, it is appropriate that this Regulation applies as from 1 January [OP please insert the year following the year of the date of entry into force of this Regulation],	
Formula				
57	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	
CHAPTER I				
58	CHAPTER I GENERAL PROVISIONS		CHAPTER I GENERAL PROVISIONS	
Article 1				
59	Article 1 Subject-matter		Article 1 Subject-matter	
Article 1, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
60	This Regulation:		This Regulation:	
Article 1, first paragraph, point (a)				
61	(a) lays down rules on containment, use, recovery and destruction of fluorinated greenhouse gases and on related ancillary measures, and facilitates the safe use of alternative substances;		(a) lays down rules on containment, use, recovery and destruction of fluorinated greenhouse gases and , on related ancillary measures, and facilitates and on the safe and efficient use of alternative substances, and on training and certification for tasks involving natural refrigerants;	Maintain Council's General Approach, with a possible deletion of "efficiency" if necessary since it is already covered in Article 10, and some slight redrafting since training and certification for f-gases is part of containment measures.
Article 1, first paragraph, point (b)				
62	(b) imposes conditions on the import, export, placing on the market, further supply and use of fluorinated greenhouse gases and specific products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases;		(b) imposes conditions on the production , import, export, placing on the market, further supply and use of fluorinated greenhouse gases and specific products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases;	EP expected to accept Council's amendment.
Article 1, first paragraph, point €				
63				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	I imposes conditions on specific uses of fluorinated greenhouse gases;		I imposes conditions on specific uses of fluorinated greenhouse gases;	
Article 1, first paragraph, point (d)				
64	(d) establishes quantitative limits for the placing of hydrofluorocarbons on the market;		(d) establishes quantitative limits for the placing of hydrofluorocarbons on the market;	
Article 1, first paragraph, point €				
65	I establishes rules on reporting.		I establishes rules on reporting.	
Article 2				
66	Article 2 Scope		Article 2 Scope	
Article 2(1)				
67	1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and II, whether alone or in a mixture.	1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and III , whether alone or in a mixture.	1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and II, whether alone or in a mixture III, either as substances or as mixtures containing such substances.	EP expected to accept Council's amendment.
Article 2(2)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
68	2. This Regulation also applies to products and equipment, and parts thereof, containing fluorinated greenhouse gases or whose functioning relies upon those gases.	2. This Regulation also applies to products and equipment, and parts thereof, containing fluorinated greenhouse gases or whose functioning relies upon <u>partly or entirely on</u> those gases.	2. This Regulation also applies to products and equipment, and parts thereof, containing fluorinated greenhouse gases or whose functioning relies upon those gases.	The intention of the Council's amendment is covered by Council's amendment in row 215. The Presidency therefore suggests to reintroduce Commission's proposal.
Article 3				
69	Article 3 Definitions		Article 3 Definitions	
Article 3, first paragraph				
70	For the purposes of this Regulation the following definitions apply:		For the purposes of this Regulation the following definitions apply:	
Article 3, first paragraph, point (1)				
71	(1) 'global warming potential' or 'GWP' means the climatic warming potential of a greenhouse gas relative to that of carbon dioxide ('CO ₂ '), calculated in terms of the 100-year warming potential, unless specified otherwise, of one kilogram of a greenhouse gas		(1) 'global warming potential' or 'GWP' means the climatic warming potential of a greenhouse gas relative to that of carbon dioxide ('CO ₂ '), calculated in terms of the 100-year warming potential, unless specified otherwise, of one kilogram of a greenhouse gas	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	relative to one kilogram of CO ₂ , as set out in Annexes I, II, III and VI or in the case of mixtures, calculated in accordance with Annex VI;		relative to one kilogram of CO ₂ , as set out in Annexes I, II, III and VI or in the case of mixtures, calculated in accordance with Annex VI;	
Article 3, first paragraph, point (2)				
72	(2) 'mixture' means a fluid composed of two or more substances, at least one of which is a substance listed in Annexes I, II or III;		(2) 'mixture' means a fluid composed of two or more substances, at least one of which is a substance listed in Annexes I, II or III;	
Article 3, first paragraph, point (3)				
73	'(3) 'tonne(s) of CO ₂ equivalent' means a quantity of greenhouse gases expressed as the product of the weight of the greenhouse gases in metric tonnes and of their global warming potential;		'(3) 'tonne(s) of CO ₂ equivalent' means a quantity of greenhouse gases expressed as the product of the weight of the greenhouse gases in metric tonnes and of their global warming potential;	
Article 3, first paragraph, point (4)				
74	(4) 'hydrofluorocarbons' or 'HFCs' means the substances listed in Annex I, Section 1, or mixtures containing any of those substances;		(4) 'hydrofluorocarbons' or 'HFCs' means the substances listed in Annex I, Section 1, or mixtures containing any of those substances;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 3, first paragraph, point (5)				
75	(5) ‘operator‘ means the undertaking exercising actual power over the technical functioning of products and equipment covered by this Regulation or the owner where designated by a Member State as being responsible for the operator’s obligations in specific cases;	(5) ‘operator‘ means the undertaking exercising actual power over the technical functioning of products and equipment covered by this Regulation or the owner <u>entity</u> where designated by a Member State as being responsible for the operator’s obligations in specific cases;	(5) ‘operator‘ means the undertaking exercising actual power over the technical functioning of products, equipment or facilities and equipment covered by this Regulation or the owner where designated by a Member State as being responsible for the operator’s obligations in specific cases;	EP expected to accept Council’s amendment.
Article 3, first paragraph, point (6)				
76	(6) ‘placing on the market’ means the supplying or making available to another person within the Union, for the first time, for payment or free of charge, the customs release for free circulation in the Union, and the use of substances produced or the use of products or equipment manufactured for own use;	(6) ‘placing on the market’ means the supplying or making available to another person within the Union, for the first time, for payment or free of charge, the customs release for free circulation in the Union, and the use of substances produced or the use <u>utilisation</u> of products or equipment manufactured for own use <u>utilisation</u> ;	(6) ‘placing on the market’ means the customs release for free circulation in the Union or the supplying or making available to another person within the Union, for the first time, for payment or free of charge, the customs release for free circulation in the Union, and or the use of substances produced or the use of products or equipment manufactured for own use;	EP expected to accept Council’s amendment.
Article 3, first paragraph, point (7)				
77	(7) ‘import’ means the entry of		(7) ‘import’ means the entry of	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	substances, products and equipment covered by this Regulation into the customs territory of the Union as far as the territory is covered by a ratification of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer and includes temporary storage and the customs procedures referred to in Articles 201 and 210 of Regulation (EU) 952/2013;		substances, products and equipment covered by this Regulation into the customs territory of the Union as far as the territory is covered by a ratification of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer and includes temporary storage and the customs procedures referred to in Articles 201 and 210 of Regulation (EU) 952/2013;	
Article 3, first paragraph, point (8)				
78	(8) ‘export’ means the exit from the customs territory of the Union, in so far as the territory is covered by a ratification of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, of substances, products and equipment;		(8) ‘export’ means the exit from the customs territory of the Union, in so far as the territory is covered by a ratification of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, of substances, products and equipment;	
Article 3, first paragraph, point (9)				
79	(9) ‘hermetically sealed equipment’ means equipment in which all fluorinated greenhouse gas containing parts are made tight during its manufacturing process at the premises of the manufacturer		(9) ‘hermetically sealed equipment’ means equipment in which all fluorinated greenhouse gas containing parts are made tight during its manufacturing process at the premises of the manufacturer	EP expected to accept Council’s amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	by welding, brazing or a similar permanent connection, which may include capped valves or capped service ports that allow proper repair or disposal;		by welding, brazing or a similar permanent connection, which may include capped valves or capped service ports that allow proper repair or disposal, and the joints in the sealed system have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure;	
Article 3, first paragraph, point (10)				
80	(10) ‘container’ means a product which is designed primarily for transporting or storing fluorinated greenhouse gases;		(10) ‘container’ means a product receptacle which is designed primarily for transporting or storing fluorinated greenhouse gases;	EP expected to accept Council’s amendment.
Article 3, first paragraph, point (11)				
81	‘11) ‘recovery’ means the collection and storage of fluorinated greenhouse gases from products, including containers, and equipment during maintenance or servicing or prior to the disposal of the products or equipment;		‘11) ‘recovery’ means the collection and storage of fluorinated greenhouse gases from products, including containers, and equipment during maintenance or servicing or prior to the disposal of the products or equipment;	
Article 3, first paragraph, point (12)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
82	(12) ‘recycling’ means the reuse of a recovered fluorinated greenhouse gas following a basic cleaning process, including filtering and drying;		(12) ‘recycling’ means the reuse of a recovered fluorinated greenhouse gas following a basic cleaning process, including filtering and drying;	
Article 3, first paragraph, point (13)				
83	(13) ‘reclamation’ means the reprocessing of a recovered fluorinated greenhouse gas in order to match the equivalent performance of a virgin substance, taking into account its intended use;		(13) ‘reclamation’ means the reprocessing of a recovered fluorinated greenhouse gas in order to match to the equivalent performance of a virgin substance, taking into account its intended use, in authorized reclamation facilities that have the appropriate equipment and procedures in place that enable the reclamation of such gases and can assess and attest to the level of the required quality;	Maintain Council's mandate.
Article 3, first paragraph, point (14)				
84	(14) ‘destruction’ means the process of permanently transforming or decomposing completely, to the extent possible, a fluorinated greenhouse gas into one or more stable substances that		(14) ‘destruction’ means the process of permanently transforming or decomposing completely, to the extent possible, a fluorinated greenhouse gas into one or more stable substances that	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	are not fluorinated greenhouse gases;		are not fluorinated greenhouse gases;	
Article 3, first paragraph, point (15)				
85	(15) ‘decommissioning’ means the removal from operation or usage of a product or equipment, containing fluorinated greenhouse gases, including the final shut-down of an installation;		(15) ‘decommissioning’ means the permanent removal from operation or usage of a product or equipment, containing fluorinated greenhouse gases, including the final shut-down of an installation a facility ;	EP expected to accept Council’s amendment.
Article 3, first paragraph, point (16)				
86	(16) ‘repair’ means the restoration of damaged or leaking products or equipment that contain fluorinated greenhouse gases or whose functioning relies upon those gases, involving a part containing or designed to contain such gases;		(16) ‘repair’ means the restoration of damaged or leaking products or equipment that contain fluorinated greenhouse gases or whose functioning relies upon those gases, involving a part containing or designed to contain such gases;	
Article 3, first paragraph, point (17)				
87	(17) ‘installation’ means joining two or more pieces of equipment or circuits containing or designed to contain fluorinated greenhouse gases, with a view to assembling a		(17) ‘installation’ means the process of joining two or more pieces of equipment or circuits containing or designed to contain fluorinated greenhouse gases, with	EP expected to accept Council’s amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	system in the location where it will be operated, that entails joining together gas carrying conductors of a system to complete a circuit;		a view to assembling a system in the location where it will be operated, that entails joining together gas carrying conductors of a system to complete a circuit irrespective of the need to charge the system after assembly ;	
Article 3, first paragraph, point (18)				
88	(18) ‘maintenance or servicing’ means all activities, excluding recovery in accordance with Article 8 and leak checks in accordance with Article 4 and Article 10(1), point (b), of this Regulation, that entails opening the circuits containing or designed to contain fluorinated greenhouse gases, supplying the system with fluorinated greenhouse gases, removing one or more pieces of circuit or equipment, reassembling two or more pieces of circuit or equipment, as well as repairing leaks;		(18) ‘maintenance or servicing’ means all activities, excluding recovery in accordance with Article 8 and leak checks in accordance with Article 4 and Article 10(1), point (b), of this Regulation, that entails opening the circuits or other subparts containing or designed to contain fluorinated greenhouse gases, supplying the system with fluorinated greenhouse gases, removing one or more pieces of circuit or equipment, reassembling two or more pieces of circuit or equipment, as well as repairing leaks and adding fluorinated greenhouse gas to keep the normal working pressure of the equipment ;	EP expected to accept Council’s first amendment. Council may accept deleting “to keep the normal working pressure of the equipment”.
Article 3, first paragraph, point (19)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
89	(19) 'virgin substances' means substance which have not previously been used;		(19) 'virgin substances' means a substance which have not previously been used;	EP expected to accept Council's amendment, with some minor linguistic adjustments.
Article 3, first paragraph, point (20)				
90	(20) 'stationary' means not normally in transit during operation and includes moveable room air-conditioning appliances;		(20) 'stationary' means not normally in transit during operation and includes moveable room air-conditioning appliances;	
Article 3, first paragraph, point (21)				
91	(21) 'mobile' means normally in transit during operation;		(21) 'mobile' means normally in transit during operation;	
Article 3, first paragraph, point (22)				
92	(22) 'one-component foam' means a foam composition contained in a single aerosol dispenser in unreacted or partly reacted liquid state and that expands and hardens when it leaves the dispenser;		(22) 'one-component foam' means a foam composition contained in a single aerosol dispenser in unreacted or partly reacted liquid state and that expands and hardens when it leaves the dispenser;	
Article 3, first paragraph, point (23)				
93	(23) 'refrigerated truck' means a		(23) 'refrigerated truck' means a	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	motor vehicle with a mass of more than 3,5 tonnes that is designed and constructed primarily to carry goods and that is equipped with a refrigeration unit;		motor vehicle with a mass of more than 3,5 tonnes that is designed and constructed primarily to carry goods and that is equipped with a refrigeration unit;	
Article 3, first paragraph, point (23a)				
93a			(23a) ‘refrigerated light-duty vehicle’ means a motor vehicle with a mass of 3,5 tonnes or less that is designed and constructed primarily to carry goods and that is equipped with a refrigeration unit;	Maintain Council's Mandate.
Article 3, first paragraph, point (24)				
94	(24) ‘refrigerated trailer’ means a vehicle that is designed and constructed to be towed by a truck or a tractor, primarily to carry goods and that is equipped with a refrigeration unit;		(24) ‘refrigerated trailer’ means a vehicle that is designed and constructed to be towed by a truck road vehicle or a tractor, primarily to carry goods and that is equipped with a refrigeration unit;	EP expected to accept Council’s amendment.
Article 3, first paragraph, point (25)				
95	(25) ‘leakage detection system’ means a calibrated mechanical, electrical or electronic device for		(25) ‘leakage detection system’ means a calibrated mechanical, electrical or electronic device for	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	detecting leakage of fluorinated greenhouse gases which, on detection, alerts the operator;		detecting leakage of fluorinated greenhouse gases which, on detection, alerts the operator;	
Article 3, first paragraph, point (26)				
96	(26) ‘undertaking’ means any natural or legal person which carries out an activity referred to in this Regulation;		(26) ‘undertaking’ means any natural or legal person which carries out an activity referred to in this Regulation;	
Article 3, first paragraph, point (27)				
97	(27) ‘feedstock’ means any fluorinated greenhouse gas listed in Annexes I and II, that undergoes chemical transformation in a process in which it is entirely converted from its original composition and emissions are insignificant;	(27) ‘feedstock’ means any fluorinated greenhouse gas listed in Annexes I and II, that undergoes chemical transformation in a process in which it is entirely converted from its original composition and emissions are insignificant ;	(27) ‘feedstock’ means any fluorinated greenhouse gas listed in Annexes I and II, that undergoes chemical transformation in a process in which it is entirely converted from its original composition and emissions are insignificant;	Maintain Council’s mandate.
Article 3, first paragraph, point (28)				
98	(28) ‘commercial use’ means use for the storage, display or dispensing of products, for sale to end users, in retail and food services;		(28) ‘commercial use’ means use for the storage, display or dispensing of products, for sale to end users, in retail and food services;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 3, first paragraph, point (29)				
99	(29) ‘fire protection equipment’ means the equipment and systems utilised in fire prevention or suppression applications and includes fire extinguishers;		(29) ‘fire protection equipment’ means the equipment and systems utilised in fire prevention or suppression applications and includes fire extinguishers;	
Article 3, first paragraph, point (30)				
100	(30) ‘organic Rankine cycle’ means a cycle containing condensable substances converting heat from a heat source into power for the generation of electric or mechanical energy;		(30) ‘organic Rankine cycle’ means a cycle containing condensable substances converting heat from a heat source into power for the generation of electric or mechanical energy;	
Article 3, first paragraph, point (31)				
101	(31) ‘military equipment’ mean arms, munitions and material intended specifically for military purposes which are necessary for the protection of the essential interests of the security of Member States;		(31) ‘military equipment’ mean arms, munitions and material intended specifically for military purposes which are necessary for the protection of the essential interests of the security of Member States;	
Article 3, first paragraph, point (32)				
102	(32) ‘electrical switchgear’ means		(32) ‘electrical switchgear’ means	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	switching devices and their combination with associated control, measuring, protective and regulating equipment, and assemblies of such devices and equipment with associated interconnections, accessories, enclosures and supporting structures, intended for usage in connection with the generation, transmission, distribution and conversion of electric energy;		switching devices and their combination with associated control, measuring, protective and regulating equipment, and assemblies of such devices and equipment with associated interconnections, accessories, enclosures and supporting structures, intended for usage in connection with the generation, transmission, distribution and conversion of electric energy;	
Article 3, first paragraph, point (33)				
103	(33) ‘multipack centralised refrigeration systems’ means systems with two or more compressors operated in parallel, which are connected to one or more common condensers and to a number of cooling devices such as display cases, cabinets and freezers, or to chilled store rooms;		(33) ‘multipack centralised refrigeration systems’ means systems with two or more compressors operated in parallel, which are connected to one or more common condensers and to a number of cooling devices such as display cases, cabinets and freezers, or to chilled store rooms;	
Article 3, first paragraph, point (34)				
104	(34) ‘primary refrigerant circuit of cascade systems’ means the primary circuit in indirect medium temperature systems where a		(34) ‘primary refrigerant circuit of cascade systems’ means the primary circuit in indirect medium temperature systems where a	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	combination of two or more separate refrigeration circuits are connected in series such that the primary circuit absorbs the condenser heat from a secondary circuit for the medium temperature;		combination of two or more separate refrigeration circuits are connected in series such that the primary circuit absorbs the condenser heat from a secondary circuit for the medium temperature;	
Article 3, first paragraph, point (35)				
105	(35) ‘use’ means the utilisation of fluorinated greenhouse gases in the production, maintenance or servicing, including refilling, of products and equipment, or in other activities referred to in this Regulation;		(35) ‘use’ means, in relation to the utilisation of fluorinated greenhouse gases, their utilisation in the production, maintenance or servicing, including refilling, of products and equipment, or in other activities and processes referred to in this Regulation;	EP expected to accept Council’s amendment.
Article 3, first paragraph, point (36)				
106	(36) ‘establishment within the Union’ means for a natural person to have his or her habitual residence in the Union and for a legal person to have in the Union a permanent business establishment as referred to in Article 5(32) of Regulation (EU) No 952/2013 in the Union.		(36) ‘establishment within the Union’ means for a natural person to have his or her habitual residence in the Union and for a legal person to have in the Union a permanent business establishment as referred to in Article 5(32) of Regulation (EU) No 952/2013 in the Union.	
Article 3, first paragraph, point (36a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
106a			(36a) 'self-contained' means complete factory-made system in a suitable frame or encasing that is fabricated and transported complete or in two or more sections and in which no gas-containing parts are connected on site, but which may contain isolation valves;	Rows 106a-106d and 106f: Maintain Council's Mandate with some flexibility on possible technical adaptations aiming to avoid possible overlaps between different product categories.
Article 3, first paragraph, point (36b)				
106b			(36b) 'split system' means a system consisting of a number of refrigerant piped units that form a separate but interconnected unit, requiring the installation and connection of refrigerant circuit components at the point of use;	See 106a
Article 3, first paragraph, point (36c)				
106c			(36c) 'air-conditioning' means the process of treating air to meet the requirements of a conditioned space by controlling its temperature, humidity, cleanliness or distribution;	See 106a

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 3, first paragraph, point (36d)				
106d			(36d) 'heat pump' means an equipment capable of using ambient heat and/or waste heat from air, water or ground sources to provide heat or cooling and is based on the interconnection of one or more components forming a closed cooling circuit in which a refrigerant circulates to extract and release heat;	See 106a
Article 3, first paragraph, point (36e)				
106e			(36e) 'safety requirements' means requirements on the safety of using fluorinated greenhouse gases and natural refrigerants or products and equipment containing or relying on them, prohibiting the use of a certain fluorinated greenhouse gas, natural refrigerants, product or equipment at a specific place of intended utilisation due to site and application specificities that are either: (i) set out in Union or national law; or (ii) set out in a non-legally binding act, in case (a) they are considered legally	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			binding by applicable law, or (b) a risk assessment proves that a safe use cannot be ensured under the intended conditions and at the location of intended utilisation.	
Article 3, first paragraph, point (36f)				
106f			(36f) ‘refrigeration’ means the process of maintaining or lowering the temperature of a product, substance, system or other items below ambient temperature;	See 106a
Article 3, first paragraph, point (36g)				
106g			(36g) ‘foam panel’ means a structure made of layers containing a foam and a rigid material, such wood or metal, bound to one or both sides;	Maintain Council’s Mandate.
Article 3, first paragraph, point (36h)				
106h			(36h) ‘laminated board’ means a foam board that is covered by a thin skin layer of a non-rigid material, such as plastic.	Maintain Council’s Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
CHAPTER II				
107	CHAPTER II CONTAINMENT		CHAPTER II CONTAINMENT	COM is expected to provide clarifications and more streamlined wording, regarding the requirements for certification or training attestation respectively, as well as other requirements in Articles 4, 5 and 8. No change in substance is foreseen. In Chapter II, maintain the main elements and the structure of the Council's mandate regarding the mobile sector.
Article 4				
108	Article 4 Prevention of emissions		Article 4 Prevention of emissions	
Article 4(-1), first subparagraph				
109	1. The intentional release into the atmosphere of fluorinated greenhouse gases listed in Annexes I and II shall be prohibited where the release is not technically necessary for the intended use.		-1. The intentional release into the atmosphere of fluorinated greenhouse gases listed in Annexes I and II shall be prohibited where the release is not technically necessary for the intended use.	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 4(-1), second subparagraph				
109a			Where the release is technically necessary in accordance with the first subparagraph, operators of equipment that contains fluorinated greenhouse gases or facilities where fluorinated greenhouse gases are used shall take all measures that are technically and economically feasible to prevent, to the extent possible, their release into the atmosphere, including by recapturing the gases emitted.	This row is discussed together with rows 118b and 277. Maintain Council's Mandate, with some possible clarifications.
Article 4(2)				
110	2. Operators and manufacturers of equipment and installations that contain fluorinated greenhouse gases listed in Annexes I or II, as well as undertakings in possession of such equipment during its transport or storage, shall take all necessary precautions to prevent the unintentional release of any such gases. They shall take all measures that are technically and economically feasible to minimise		2. Operators and manufacturers of equipment and installations that contain that contains fluorinated greenhouse gases listed in Annexes I or II or facilities where fluorinated greenhouse gases are used, as well as undertakings in possession of such equipment during its transport or storage, shall take all necessary precautions to prevent the unintentional release of any such gases. They shall take all	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	leakage of the gases.		measures that are technically and economically feasible to minimise leakage of the gases.	
Article 4(3)				
111	3. During the production, storage, transport, and transfer from one container or system to another or to an equipment or installation, of fluorinated greenhouse gases listed in Annexes I and II, the undertaking shall take all necessary precautions to limit release of fluorinated greenhouse gases listed in Annexes I and II to the greatest extent possible. This paragraph also applies where fluorinated greenhouse gases listed in Annexes I and II are produced as by-products.		3. During the production, storage, transport, and transfer from one container or system to another or to an equipment or a facility installation , of fluorinated greenhouse gases listed in Annexes I and II , the undertaking shall take all necessary precautions to limit release of fluorinated greenhouse gases listed in Annexes I and II to the greatest extent possible. This paragraph also applies where fluorinated greenhouse gases listed in Annexes I and II are produced as by-products.	Maintain Council's Mandate.
Article 4(4), first subparagraph				
112	4. Where a leakage of fluorinated greenhouse gases listed in Annex I or II is detected, the operators, manufacturers of equipment and installations and the undertakings in possession of the equipment during its transport, or storage,		4. Where a leakage of fluorinated greenhouse gases listed in Annex I or II is detected, the operators, manufacturers of equipment and installations facilities where fluorinated greenhouse gases are used and the undertakings in	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	shall ensure that the equipment or installation is repaired without undue delay.		possession of the equipment during its transport, or storage, shall ensure that the equipment or facility where fluorinated greenhouse gases are used or installation is repaired without undue delay.	
Article 4(4), second subparagraph				
113	Where the equipment is subject to leak checks under Article 5(1), and a leak in the equipment has been repaired, the operators shall ensure that the equipment is checked by a natural person certified in accordance with Article 10 within one month after the repair to verify that the repair has been effective.		Where the equipment is subject to leak checks under Article 5(1), and a leak in the equipment has been repaired, the operators shall ensure that the equipment is checked by a natural person certified in accordance with Article 10 within at the earliest after an operating time of 24 hours but not later than one month after the repair to verify that the repair has been effective. For mobile equipment listed in Article 5(2a) points (a) to (c), leakage check may be carried out directly after a repair.	Maintain Council's Mandate.
Article 4(5), first subparagraph				
114	5. Without prejudice to Article 11(1), first subparagraph, the		5. Without prejudice to Article 11(1), first subparagraph, the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	placing on the market of fluorinated greenhouse gases shall be prohibited, unless producers or importers provide evidence to the competent authority at the time of such placing, that any trifluoromethane, produced as a by-product during the manufacturing process, including during the manufacturing of feedstock for their production, has been destroyed or recovered for subsequent use, using best available techniques.		placing on the market of fluorinated greenhouse gases shall be prohibited, unless producers or importers provide evidence to the competent authority at the time of such placing, that any trifluoromethane, produced as a by-product during the manufacturing process, including during the manufacturing of feedstock for their production, has been destroyed or recovered for subsequent use, using best available techniques.	
Article 4(5), second subparagraph				
115	For the purpose of providing that evidence, importers and producers shall draw up a declaration of conformity and join supporting documentation on the production facility and the mitigation measures adopted to prevent emissions of trifluoromethane. Producers and importers shall keep the declaration of conformity and supporting documentation for a period of at least five years after the placing on the market and make them available, upon request, to national competent authorities and	For the purpose of providing that evidence, importers and producers shall draw up a declaration of conformity and join supporting documentation <u>with:</u> <u>(a) information</u> on the production facility; <u>(b) the proof of availability and operation of the best available abatement technology at the production facility;</u> <u>(c) the proof of and the</u>	For the purpose of providing that evidence, importers and producers shall draw up a declaration of conformity and join supporting documentation on the production facility and the mitigation measures adopted to prevent emissions of trifluoromethane. Producers and importers shall keep the declaration of conformity and supporting documentation for a period of at least five years after the placing on the market and make them available, upon request, to national competent authorities and	The intention of the EP amendment may be acceptable, provided the administrative burden is limited. Some clarifications may also be needed to the text.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	to the Commission.	<p>mitigation measures adopted to prevent emissions of trifluoromethane. <u>in line with best available techniques;</u></p> <p><u>(d) the proof of destruction or recovery of any quantity of emitted trifluoromethane, in line with best available techniques and in accordance with the requirements laid down in Article 8(7).</u></p> <p>Producers and importers shall keep the declaration of conformity and supporting documentation for a period of at least five years after the placing on the market and make them available, upon request, to national competent authorities and to the Commission.</p>	to the Commission.	
Article 4(5), third subparagraph				
116	The Commission may, by means of implementing acts, determine the detailed arrangements relating to the declaration of conformity and supporting documentation referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with Article	The Commission may <u>shall</u> , by means of implementing acts, determine the detailed arrangements relating to <u>and the detailed elements of</u> the declaration of conformity and supporting documentation referred to in the second subparagraph.	The Commission may, by means of implementing acts, determine the detailed arrangements relating to the declaration of conformity and supporting documentation referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with Article	<p>Maintain Council's Mandate regarding first part of EP amendment.</p> <p>Presidency suggests to show some openness towards second part of EP amendment, depending on the outcome of row 115.</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	34(2).	Those implementing acts shall be adopted in accordance with Article 34(2).	34(2).	
Article 4(6), first subparagraph				
117	6. Natural persons carrying out the tasks referred to in Article 10(1), points (a) to (c), shall be certified in accordance with Article 10 and shall take precautionary measures to prevent leakage of fluorinated greenhouse gases listed in Annexes I and II.		6. Natural persons carrying out the tasks referred to in Article 10(1), points (a) to (c), shall be certified in accordance with Article 10 and shall take precautionary measures to prevent leakage of fluorinated greenhouse gases listed in Annexes I and II Annex I, Annex II and in Annex III when used in electrical switchgear.	Maintain Council's Mandate. Same in rows 191, 219 and 376.
Article 4(6), second subparagraph				
118	Undertakings carrying out the installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (f), shall be certified in accordance with Article 10 and shall take precautionary measures to prevent leakage of fluorinated greenhouse gases listed in Annexes I and II.		Undertakings carrying out the installation, servicing, maintenance maintenance or servicing , repair or decommissioning of the equipment listed in Article 5(2), points (a) to (f) (e) and Article 5(2a), points (a) and (b) , shall be certified in accordance with Article 10 and shall take precautionary measures to prevent leakage of fluorinated greenhouse gases listed in	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			Annexes Annex I and Annex II, Section 1H.	
Article 4(6), second subparagraph a				
118a			Natural persons carrying out the maintenance or servicing and repair of air-conditioning equipment with fluorinated greenhouse gases in motor vehicles falling within the scope of Directive 2006/40/EC and mobile equipment listed in Article 5(2a), point (c) shall hold at least a training attestation in accordance with Article 10(2).	Maintain Council's Mandate.
118b		<p><u>6a. Without prejudice to paragraphs (1) to (6), operators shall ensure that sulfuryl fluoride is captured and recovered after fumigation. Operators shall ensure that the recovery is carried out by appropriately qualified natural persons, so that the gases are recycled, reclaimed or destroyed.</u></p> <p><u>For the purpose of providing</u></p>		<p>EP amendment not acceptable.</p> <p>Discuss together with row 109a.</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p><u>evidence of destruction, operators shall draw up a declaration of conformity and join supporting documentation with information on the facility, the proof of availability and operation of the best available recovery technology at that facility, and proof of the measures adopted to recover emissions of sulfuryl fluoride. The effectiveness of the system shall be independently scientifically verified.</u></p> <p><u>Where recovery is not technically or economically feasible, operators shall use alternative treatment options, unless such alternative treatment options are not available. In such a case, the operator shall draw up documentation providing evidence of the impossibility of the recovery of sulfuryl fluoride and the absence of alternative treatment options.</u></p> <p><u>The operator shall retain the declaration of conformity and the documentation for five years and shall make them available, on request, to the competent authorities of a Member State and</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		to the Commission.		
Article 5				
119	Article 5 Leak checks		Article 5 Leak checks	
Article 5(1), first subparagraph				
120	1. Operators of equipment that contains 5 tonnes of CO ₂ equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks.	1. Manufacturers and operators of equipment that contains 5 tonnes of CO ₂ equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks, including during their manufacturing.	1. Operators of equipment that contains 5 tonnes of CO ₂ equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section-I 1, not contained in foams, shall ensure that the equipment is checked for leaks.	First part of the EP amendment may be acceptable.
Article 5(1), second subparagraph				
121	Hermetically sealed equipment that contains less than 10 tonnes of CO ₂ equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be checked	Hermetically sealed residential equipment that contains less than 10 tonnes of CO₂ CO2 equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be	Hermetically sealed equipment that contains less than 10 tonnes of CO ₂ equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section-I 1, shall not be	EP has clarified that they wish to see an additional general exemption for hermetically sealed residential equipment, on top of COM's proposed exemption, which may be acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.	checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.	checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.	Maintain Council's amendments regarding the exemption proposed by the Commission. Council's deletion (moved to row 79) expected to be accepted by the EP.
Article 5(1), third subparagraph				
122	Electrical switchgear shall not be checked for leaks provided it complies with one of the following conditions:		Electrical switchgear shall not be checked for leaks provided it complies with one of the following conditions:	
Article 5(1), third subparagraph, point (a)				
123	(a) it has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer and is labelled accordingly;		(a) it has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer and is labelled accordingly;	
Article 5(1), third subparagraph, point (b)				
124	(b) it is equipped with a pressure or density monitoring device;		(b) it is equipped with a pressure or density monitoring device with an automatic alert system ;	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 5(1), third subparagraph, point (c)				
125	(c) it contains less than 6 kilograms of fluorinated greenhouse gases listed in Annex I.	(c) it contains less than 6 kilograms of fluorinated greenhouse gases listed in Annex I. deleted	(c) it contains less than 6 kilograms of fluorinated greenhouse gases listed in Annex I.	EP amendment not acceptable.
Article 5, first subparagraph				
126	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 stationary equipment that contains fluorinated greenhouse gases listed in Annex I or in Annex II, Section I :	Maintain Council's Mandate.
Article 5, first subparagraph, point (a)				
127	(a) stationary refrigeration equipment;		(a) stationary refrigeration equipment;	Maintain Council's Mandate.
Article 5, first subparagraph, point (b)				
128	(b) stationary air-conditioning equipment;		(b) stationary air-conditioning equipment;	Maintain Council's Mandate.
Article 5, first subparagraph, point (c)				
129	(c) stationary heat pumps;		(c) stationary heat pumps;	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 5, first subparagraph, point (d)				
130	(d) stationary fire protection equipment;		(d) stationary fire protection equipment;	Maintain Council's Mandate.
Article 5, first subparagraph, point (e)				
131	(e) refrigeration units of refrigerated trucks and trailers;	(e) refrigeration units of refrigerated trucks and trailers, <u>vans and ships</u> ;	(e) refrigeration units of refrigerated trucks and trailers ;	Maintain Council's Mandate. For scope of mobile refrigeration, see row 133c. EP amendment on ships not acceptable.
131a		<u>(ea) air-conditioning equipment in metros, trains, ships, planes and in road transport vehicles with the exception of those within the scope of Directive 2006/40/EC of the European Parliament and of the Council*</u> ; <u>*Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006,</u>		Maintain Council's Mandate. For scope of mobile AC, see row 133d. EP amendment on ships not acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		p. 12).		
Article 5, first subparagraph, point (f)				
132	(f) organic Rankine cycles.		(f) (e) organic Rankine cycles.	Maintain Council's Mandate.
Article 5, first subparagraph, point (g)				
133	(g) electrical switchgear.		(g) (f) electrical switchgear.	Maintain Council's Mandate.
Article 5(2a), first subparagraph				
133a			2a. Paragraph 1 applies to operators of the following mobile equipment that contains fluorinated greenhouse gases listed in Annex I or in Annex II, Section 1:	Maintain Council's Mandate.
Article 5(2a), first subparagraph, point (a)				
133b			(a) refrigeration units of refrigerated trucks and trailers;	Maintain Council's Mandate.
Article 5(2a), first subparagraph, point (b)				
133c			(b) refrigeration units of refrigerated light-duty vehicles,	Maintain Council's Mandate, with some possible slight adjustments

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			vans, intermodal containers including reefers and train wagons;	for the categories of the mobile equipment, to be in line with existing terminology in e.g. type approval legislation. EP amendment in row 131 on ships not acceptable.
Article 5(2a), first subparagraph, point (c)				
133d			(c) air-conditioning equipment and heat pumps in trucks, vans, busses, non road mobile machinery used in agriculture, farming, mining and construction operations, tractors, trains, metros, trams and aircraft.	Maintain Council's Mandate, with some possible slight amendments for the categories of the mobile equipment, to be in line with existing terminology in e.g. type approval legislation and what is covered in MAC Directive. Maintain Council's mandate on aircraft.
Article 5(2a), second subparagraph				
134	As regards the equipment referred to in the first subparagraph, points (a) to (f), the checks shall be carried out by natural persons certified in accordance with the rules provided for in Article 10.		As regards the equipment referred to in the first subparagraph paragraph 2 , points (a) to (f) (e) and paragraph 2a, points (a) and (b), the checks shall be carried out by natural persons certified in accordance with the rules provided for in Article 10.	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 5(2a), third subparagraph				
134a			As regards the mobile equipment referred to in the first subparagraph, point (c), the checks shall be carried out by natural persons holding at least a training attestation in accordance with the rules provided for in Article 10(2).	Maintain Council's Mandate.
Article 5(2b)				
134b			2b. Paragraphs 1, 3 and 4 shall not apply to operators of mobile equipment under points (b) and (c) of paragraph 2a until [OP, please insert the date = three years following the entry into force of this Regulation].	Maintain Council's Mandate.
Article 5(3)				
135	3. The leak checks referred to in paragraph 1 shall be carried out with the following frequency:		3. The leak checks referred to in paragraph 1 shall be carried out with the following frequency:	
Article 5(3), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
136	(a) for equipment that contains less than 50 tonnes of CO ₂ equivalent of fluorinated greenhouse gases listed in Annex I or less than 10 kilograms of fluorinated greenhouse gases listed in Annex II, Section I: at least every 12 months; or where a leakage detection system is installed, at least every 24 months;		(a) for equipment that contains less than 50 tonnes of CO ₂ equivalent of fluorinated greenhouse gases listed in Annex I or less than 10 kilograms of fluorinated greenhouse gases listed in Annex II, Section I: at least every 12 months; or where a leakage detection system is installed, at least every 24 months;	EP expected to accept Council's amendment.
Article 5(3), point (b)				
137	(b) for equipment that contains 50 tonnes of CO ₂ equivalent or more, but less than 500 tonnes of CO ₂ equivalent of fluorinated greenhouse gases listed in Annex I or between 10 to 100 kilograms of fluorinated greenhouse gases listed in Annex II, Section I: at least every six months or, where a leakage detection system is installed, at least every 12 months;		(b) for equipment that contains 50 tonnes of CO ₂ equivalent or more, but less than 500 tonnes of CO ₂ equivalent of fluorinated greenhouse gases listed in Annex I or 10 kilograms or more, but less than between 10 to 100 kilograms of fluorinated greenhouse gases listed in Annex II, Section I: at least every six months or, where a leakage detection system is installed, at least every 12 months;	EP expected to accept Council's amendment.
Article 5(3), point (c)				
138	(c) for equipment that contains 500 tonnes of CO ₂ equivalent or		(c) for equipment that contains 500 tonnes of CO ₂ equivalent or	EP expected to accept Council's amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	more of fluorinated greenhouse gases listed in Annex I or more than 100 kilograms of fluorinated greenhouse gases listed in Annex II, Section I: at least every three months or, where a leakage detection system is installed, at least every six months.		more of fluorinated greenhouse gases listed in Annex I or more than 100 kilograms or more of fluorinated greenhouse gases listed in Annex II, Section I: at least every three months or, where a leakage detection system is installed, at least every six months.	
Article 5(4)				
139	4. The obligations set out in paragraph 1 for fire protection equipment as referred to in paragraph 2, point (d), shall be considered to be fulfilled provided the following two conditions are met:		4. The obligations set out in paragraph 1 for fire protection equipment as referred to in paragraph 2, point (d), shall be considered to be fulfilled provided the following two conditions are met:	
Article 5(4), point (a)				
140	(a) the existing inspection regime meets ISO 14520 or EN 15004 standards; and		(a) the existing inspection regime meets ISO 14520 or EN 15004 standards; and	
Article 5(4), point (b)				
141	(b) the fire protection equipment is inspected as often as is required under paragraph 3.		(b) the fire protection equipment is inspected as often as is required under paragraph 3.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 5(4a)				
141a			4a. The obligations set out in paragraph 1 for mobile air-conditioning equipment or heat pumps, as referred to in paragraph 2a point (c), shall be considered to be fulfilled provided the mobile air-conditioning equipment or the heat pumps are subject to a regular inspection regime that includes leak checks.	Maintain Council's Mandate.
Article 5(5)				
142	5. The Commission may, by means of implementing acts, specify requirements for the leak checks to be carried out in accordance with paragraph 1 for each type of equipment referred to in paragraph 2 and identify those parts of the equipment most likely to leak. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		5. The Commission may, by means of implementing acts, specify requirements for the leak checks to be carried out in accordance with paragraph 1 for each type of equipment referred to in paragraph 2 and identify those parts of the equipment most likely to leak. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
Article 6				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
143	Article 6 Leakage detection systems		Article 6 Leakage detection systems	
Article 6(1)				
144	1. Operators of the equipment listed in Article 5(2), points (a) to (d), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO ₂ equivalent or more, shall ensure that the equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage.		1. Operators of the equipment listed in Article 5(2), points (a) to (d), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO ₂ equivalent or more or 100 kilograms or more of gases listed in Annex II, Section 1 , shall ensure that the equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage.	Maintain Council's Mandate.
Article 6(2)				
145	2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO ₂ equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service	2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO ₂ equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service	2. Operators of the equipment listed in Article 5(2), points (f) and (g) (e) and (f) , and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO ₂ equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or	EP amendment may be acceptable, provided it only applies to equipment put into operation or placed on the market after this revised regulation comes into force.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	company of any leakage.	company of any leakage. <u>For the purposes of Article 5(2), point (g), the leakage detection system shall have a higher sensitivity than a pressure- or density-monitoring device.</u>	a service company of any leakage.	
Article 6(3)				
146	3. Operators of the equipment listed in Article 5(2), points (a) to (d) and (f), that is subject to paragraphs 1 or 2 shall ensure that leakage detection systems are checked at least once every twelve months to ensure their proper functioning.		3. Operators of the equipment listed in Article 5(2), points (a) to (d) and (f) (e) , that is subject to paragraphs 1 or 2 shall ensure that leakage detection systems are checked at least once every twelve months to ensure their proper functioning.	Maintain Council's Mandate.
Article 6(4)				
147	4. Operators of the equipment listed in Article 5(2), point (g), that is subject to paragraph 2 shall ensure that leakage detection systems are checked at least once every six years to ensure their proper functioning.		4. Operators of the equipment listed in Article 5(2), point (g) , that is (f), that are subject to paragraph 2 shall ensure that leakage detection systems are checked at least once every six years to ensure their proper functioning.	Maintain Council's Mandate.
Article 6(4a)				
147a				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			<p>5. Operators of the mobile refrigeration equipment or mobile air-conditioning equipment and heat pumps listed in Article 5(2a) containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO2 equivalent or more and installed from [OP, please insert the date = three years following the entry into force of this Regulation], shall ensure that the equipment is provided with a leakage detection system which alerts the operator or the service personnel of any leakage, as far as the system is housed or operated in a machinery room. The leakage detection systems shall be checked as regularly as the installed equipment.</p>	<p>Maintain Council's Mandate.</p> <p>Language may be adjusted following final agreement regarding the scope of the mobile sector.</p>
Article 7				
148	Article 7 Record keeping		Article 7 Record keeping	
Article 7(1)				
149	1. Operators of equipment which		1. Operators of equipment which	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	is required to be checked for leaks pursuant to Article 5(1), shall establish and maintain records for each piece of such equipment specifying the following information:		is required to be checked for leaks pursuant to Article 5(1), shall establish and maintain records for each piece of such equipment specifying the following information:	
Article 7(1), point (a)				
150	(a) the quantity and type of gases installed;		(a) the quantity and type of gases installed, indicating separately, if applicable, quantity added during installation;	EP expected to accept Council's amendment.
Article 7(1), point (b)				
151	(b) the quantities of gases added during installation, maintenance or servicing or due to leakage;	(b) the quantities of gases added during installation, maintenance or servicing or due to leakage, <u>including the exact timing of such addition;</u>	(b) the quantities of gases added during installation , maintenance or servicing or due to leakage;	EP expected to accept Council's deletion. EP amendment may be acceptable, with some slight change of wording so that "exact timing" is replaced by "date".
Article 7(1), point (c)				
152	(c) whether the quantities of gases have been recycled or reclaimed, including the name and address in the Union of the recycling or	(c) whether the quantities of recovered gases have been recycled or reclaimed, <u>and in which quantity</u> , including the	(c) whether the quantities of gases have been recycled or reclaimed, including the name and address in the Union of the recycling or	EP amendment may be acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	reclamation facility and, where applicable, the certificate number;	name and address in the Union of the recycling or reclamation facility and, where applicable, the certificate number;	reclamation facility and, where applicable, the certificate number;	
Article 7(1), point (d)				
153	(d) the quantity of gases recovered;		(d) the quantity of gases recovered;	This row may be moved before 152 for clarity.
Article 7(1), point (e)				
154	(e) the identity of the undertaking which installed, serviced, maintained and where applicable repaired or decommissioned the equipment, including, where applicable, the number of its certificate;		(e) the identity of the undertaking person which installed, serviced, maintained and where applicable repaired or decommissioned the equipment, including, where applicable, the number of its certificate, and, in case a legal person is responsible for carrying out these operations, both its identifying details and those of the natural person performing the operations;	Maintain Council's Mandate.
Article 7(1), point (f)				
155	(f) the dates and results of the checks carried out under Article 5(1), (2) and (3), as well as the		(f) the dates and results of the checks carried out under Article 5(1), (2) and (3), as well as the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	dates and results of any leak repairs;		dates and results of any leak repairs;	
Article 7(1), point (g)				
156	(g) if the equipment was decommissioned, the measures taken to recover and dispose of the gases.		(g) if the equipment was decommissioned, the measures taken to recover and dispose of the gases.	
Article 7(2), first subparagraph				
157	2. 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:		2. 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:	
Article 7(2), first subparagraph, point (a)				
158	(a) the operators referred to in paragraph 1 shall keep the records referred to in that paragraph for at least five years;		(a) the operators referred to in paragraph 1 shall keep the records referred to in that paragraph for at least five years;	
Article 7(2), first subparagraph, point (b)				
159	(b) undertakings carrying out the activities referred to in paragraph		(b) undertakings carrying out the activities referred to in paragraph	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	1, point (e), for operators shall keep copies of the records referred to in paragraph 1 for at least five years.		1, point (e), for operators shall keep copies of the records referred to in paragraph 1 for at least five years.	
Article 7(2), second subparagraph				
160	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.		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.	
Article 7(3), first subparagraph				
161	3. For the purpose of Article 11(5), undertakings supplying fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, shall establish records of relevant information on the purchasers of these fluorinated greenhouse gases including the following details:		3. For the purpose of Article 11(5), undertakings supplying fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, shall establish records of relevant information on the purchasers of these fluorinated greenhouse gases including the following details:	EP expected to accept Council's amendment.
Article 7(3), first subparagraph, point (a)				
162	(a) the numbers of certificates of the purchasers;		(a) the numbers of certificates of the purchasers;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 7(3), first subparagraph, point (b)				
163	(b) the respective quantities of those gases purchased.		(b) the respective quantities of those gases purchased.	
Article 7(3), second subparagraph				
164	The undertakings supplying those gases shall maintain those records for at least five years.		The undertakings supplying those gases shall maintain those records for at least five years.	
Article 7(3), third subparagraph				
165	The undertakings supplying these gases shall make such records available, on request, to the competent authority of the Member State concerned and to the Commission.		The undertakings supplying these gases shall make such records available, on request, to the competent authority of the Member State concerned and to the Commission.	
Article 7(3a)				
165a			3a. For the purpose of Article 11(6) the undertakings which sell non-hermetically sealed equipment charged with fluorinated greenhouse gases listed in Annex I and in Annex II,	Maintain Council's Mandate in rows 165a-165i and 166.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			Section 1 shall keep records of equipment sold and of the certified undertakings that will carry out the installation. The record shall be retained by the undertaking selling the equipment referred to in Article 11(6) for a period of at least five years and shall be made available, on request, to the competent authorities of Member States.	
Article 7(3b), first subparagraph				
165b			3b. Undertakings that produce, including as by-product, place on the market, supply or receive substances listed in Annex I, Section 1, intended for exempted uses referred to in Art. 16(2), shall keep records containing at least the following information, as applicable:	
Article 7(3b), first subparagraph, point (a)				
165c			(a) name of the substance or mixture;	
Article 7(3b), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
165d			(b) quantity produced, imported, exported, reclaimed or destroyed during the given calendar year;	
Article 7(3b), first subparagraph, point (c)				
165e			(c) quantity supplied and received during the given calendar year, per individual supplier or receiver;	
Article 7(3b), first subparagraph, point (d)				
165f			(d) names and contact details of the suppliers or receivers;	
Article 7(3b), first subparagraph, point (e)				
165g			(e) quantity used (specifying the actual use) during the given calendar year;	
Article 7(3b), first subparagraph, point (f)				
165h			(f) quantity stored on 1 January and 31 December of the given calendar year.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 7(3b), second subparagraph				
165i			The undertakings shall keep these records for at least 5 years after production, placing on the market, supply or receipt and shall make them available to the Commission or competent authorities of the Member States upon request. The Commission and the competent authorities of the Member States concerned shall ensure confidentiality of information contained in the records.	
Article 7(4)				
166	4. The Commission may, by means of an implementing act, determine the format of the records referred to in paragraphs 1 and 3 and specify how they should be established and maintained. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 34(2).		4. The Commission may, by means of an implementing act, determine the format of the records referred to in paragraphs 1, 3, 3a and 3b and 3 and specify how they should be established and maintained. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
Article 8				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
167	Article 8 Recovery and destruction		Article 8 Recovery and destruction	
Article 8(1), first subparagraph				
168	1. Operators of stationary equipment or of refrigeration units of refrigerated trucks and trailers that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so and that those gases are recycled, reclaimed or destroyed.	1. Operators of stationary equipment or of refrigeration units of refrigerated <u>vans</u> , trucks, <u>trailers</u> and ships and trailers that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so and that those gases are recycled, reclaimed or destroyed.	1. Operators of stationary equipment or of refrigeration units of refrigerated trucks and trailers that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 , not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so and that those gases are recycled, reclaimed or destroyed.	Maintain Council's Mandate. EP amendment on ships not acceptable.
Article 8(1), second subparagraph				
169	This obligation applies to operators of any of the following equipment:		This obligation applies to operators of any of the following stationary equipment:	Maintain Council's Mandate.
Article 8(1), second subparagraph, point (a)				
170	(a) the cooling circuits of stationary refrigeration, stationary		(a) the cooling circuits of stationary refrigeration, air-	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	air-conditioning and stationary heat pump equipment;		conditioning equipment and heat pumps stationary air-conditioning and stationary heat pump equipment;	
Article 8(1), second subparagraph, point (b)				
171	(b) the cooling circuits of refrigeration units of refrigerated trucks and trailers;	(b) the cooling circuits of refrigeration units of refrigerated <u>vans</u> , trucks, <u>trailers and ships</u> and trailers ;	<i>deleted</i>	Maintain Council's Mandate. Scope of the mobile refrigeration described in row 133c. EP amendment on ships not acceptable.
Article 8(1), second subparagraph, point (c)				
172	(c) stationary equipment that contains fluorinated greenhouse gas-based solvents;		(e) (b) stationary equipment that contains fluorinated greenhouse gas-based solvents;	Maintain Council's Mandate.
Article 8(1), second subparagraph, point (d)				
173	(d) stationary fire protection equipment;		(d) (c) stationary fire protection equipment;	Maintain Council's Mandate.
Article 8(1), second subparagraph, point (e)				
174	(e) stationary electrical switchgear.		(e) (d) stationary electrical switchgear.	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 8(1), second subparagraph a				
174a			This obligation also applies to operators of any of the following mobile equipment:	Maintain Council's Mandate.
Article 8(1), second subparagraph a, point (a)				
174b			(a) the cooling circuits of refrigeration units of refrigerated trucks and trailers;	Maintain Council's Mandate.
Article 8(1), second subparagraph a, point (b)				
174c			(b) the cooling circuits of refrigeration units of refrigerated light-duty vehicles, vans, intermodal containers including reefers and train wagons;	Maintain Council's Mandate. Scope of the mobile refrigeration as in row 133c.
Article 8(1), second subparagraph a, point (c)				
174d			(c) the cooling circuits of air-conditioning and heat pumps in trucks, vans, busses, non road mobile machinery used in agriculture, farming, mining and	Maintain Council's Mandate. Scope of the mobile AC and HP described in row 133d.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			construction operations, trains, metros, trams and aircraft.	
Article 8(1), second subparagraph b				
174e			For the recovery of fluorinated greenhouse gases from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC and mobile equipment listed in Article 8(1), third subparagraph, point (b) and (c), only natural persons holding at least a training attestation in accordance with Article 10(2) shall be considered appropriately qualified.	Maintain Council's Mandate, with the possible adjustment that exemption for mobile equipment listed in Article 8(1), third subparagraph, point (c) may be deleted so that certification may be required for all mobile refrigeration.
Article 8(1a)				
174f			1a. The obligation under paragraph 1 shall not apply to operators of the mobile equipment under Article 8(1), third subparagraph, points (b) and (c) until [OP, please insert the date = three years following the entry into force of this Regulation].	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 8(2)				
175	2. Any recovered fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, shall not be used for filling or refilling equipment unless the gas has been recycled or reclaimed.		2. Any recovered fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, shall not be used for filling or refilling equipment unless the gas has been recycled or reclaimed or when the fluorinated greenhouse gases are recovered during the repair of the equipment.	Council may accept deletion of the last amendment.
Article 8(3)				
176	3. The undertaking that uses a container with fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, shall immediately prior to its disposal arrange for the recovery of any residual gases to make sure they are recycled, reclaimed or destroyed.		3. The undertaking that uses a container with fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, shall immediately prior to its disposal arrange for the recovery of any residual gases to make sure they are recycled, reclaimed or destroyed.	EP expected to accept Council's amendment.
Article 8(4)				
177	4. As from 1 January 2024, building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of		4. As from 1 January 2024, building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of	EP expected to accept Council's amendment, with a minor clarification.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	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.		metal-faced foam panels that contain foams with fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, the emissions are avoided to the extent possible by recovery for reuse or handling the foams or the gases contained therein in a way that ensures the destruction of the foams and gases contained therein. The recovery of the gases contained therein. The recovery in the foams shall be carried out by appropriately qualified natural persons.	
Article 8(5), first subparagraph				
178	5. 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		5. 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 in Annex II, Section 1, the emissions are avoided to the extent possible by recovery for reuse or destruction of the foams and handling the foams in the boards or the gases	EP expected to accept Council's amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	carried out by appropriately qualified natural persons.		contained therein in a way that ensures the destruction of the gases contained therein. The recovery of the gases contained in the foam shall be carried out by appropriately qualified natural persons.	
Article 8(5), second subparagraph				
179	Where recovery of the foams referred to in the first subparagraph is not technically feasible, the building owner or contractor shall draw up documentation providing evidence for the infeasibility of the recovery in the specific case. Such documentation shall be retained for five years and shall be made available, on request, to the competent authorities of a Member State and to the Commission.		Where recovery of the foams referred to in the first subparagraph is not technically feasible, the building owner or contractor shall draw up documentation providing evidence for the infeasibility of the recovery in the specific case. Such documentation shall be retained for five years and shall be made available, on request, to the competent authorities of a Member State and to the Commission.	
Article 8(6), first subparagraph				
180	6. 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		6. Operators of products and equipment not listed in paragraphs 1, 6 and 7 4 and 5 that contain fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, shall arrange for the	EP expected to accept Council's amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	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.		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.	
Article 8(6), second subparagraph				
181	<p>The recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, from air-conditioning equipment in road vehicles outside the scope of Directive 2006/40/EC of the European Parliament and of the Council¹ shall be carried out by appropriately qualified natural persons.</p> <p><small>1. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).</small></p>		<p>The recovery of fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, from air-conditioning equipment in road vehicles outside the scope of Directive 2006/40/EC of the European Parliament and of the Council¹ shall be carried out by natural persons holding a training attestation in accordance with Article 10(1) appropriately qualified natural persons.</p> <p><small>1. [1] Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC</small></p>	EP expected to accept Council's amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			(OJ L 161, 14.6.2006, p. 12).	
Article 8(6), third subparagraph				
182	For the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC only natural persons holding at least a training attestation in accordance with Article 10(2) shall be considered appropriately qualified.		<i>deleted</i>	See row 174e.
Article 8(7), first subparagraph				
183	7. Fluorinated greenhouse gases listed in Annex I, Section 1, and products containing such gases shall only be destroyed by technologies approved by the Parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol') or by technologies not yet approved, but are environmentally equivalent and comply with Union and national legislation on waste and with additional requirements under such		7. Fluorinated greenhouse gases listed in Annex I, Section 1, and products containing such gases shall only be destroyed by technologies approved by the Parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol') or by technologies not yet approved, but are environmentally equivalent and comply with Union and national legislation on waste and with additional requirements under such	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	legislation.		legislation.	
Article 8(7), second subparagraph				
184	Other fluorinated greenhouse gases for which destruction technologies have not been approved, shall only be destroyed by the most environmentally acceptable destruction technology not entailing excessive costs, and that comply with Union and national legislation on waste and that additional requirements under such legislation are met.		Other fluorinated greenhouse gases for which destruction technologies have not been approved, shall only be destroyed by the most environmentally acceptable destruction technology not entailing excessive costs, and that comply with Union and national legislation on waste and that additional requirements under such legislation are met.	Maintain Council's Mandate.
Article 8(8)				
185	8. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing a list of products and equipment for which the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, or destruction of products and equipment containing such gases without prior recovery of these gases shall be considered technically and economically	8. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing a list of products and equipment for which the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 , or destruction of products and equipment containing such gases without prior recovery of these gases shall be considered technically and economically	8. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing a list of products and equipment for which the recovery of fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, or destruction of products and equipment containing such gases without prior recovery of these gases shall be considered technically and economically	EP amendment may be acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	feasible, specifying, if appropriate, the technologies to be applied.	feasible, specifying, if appropriate, the technologies to be applied.	feasible, specifying, if appropriate, the technologies to be applied.	
Article 8(9)				
186	9. Member States shall promote the recovery, recycling, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1.	9. Member States shall promote the recovery, recycling, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1.	9. Member States shall promote the recovery, recycling, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1.	EP amendment may be acceptable.
Article 9				
187	Article 9 Producer responsibility schemes	Article 9 <u>Extended</u> producer responsibility schemes	Article 9 Producer responsibility schemes	
Article 9, first paragraph				
188	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 encourage the development of <u>require that by 31 December 2027 extended</u> responsi-bility <u>responsibility</u> schemes <u>are established</u> for the recovery, <u>recycling, reclamation or destruction</u> of fluorinated greenhouse gases listed in Annexes	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 Annex I and in Annex II, Section 1 and for II and their recycling, reclamation or destruction.	Maintain Council's Mandate. EP amendment not acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		I and II, <u>taking into account already applicable producer responsibility schemes</u> and their recycling, reclamation or destruction.		
188a		<u>The Commission shall, by 31 December 2025, adopt delegated acts in accordance with Article 32 to supplement this Regulation by setting out minimum requirements for the producer responsibility schemes referred to in paragraph 1, including on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness raising.</u>		EP amendment not acceptable.
188b		<u>Member States shall ensure that producers and importers of the fluorinated greenhouse gases listed in Annexes I and II cover the costs pursuant to the extended producer responsibility provisions in Directive 2008/98/EC of the European Parliament and of the</u>		Possible flexibility on EP amendments in rows 188b-d provided that the Council's text in row 188 and the voluntary approach of the producer responsibility schemes are maintained, that compatibility with other pieces of relevant legislation

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p><u><i>Council* and, insofar as not already included, cover at least the following costs:</i></u></p> <p><u><i>* Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).</i></u></p>		<p>is ensured, and that no prejudice is made to existing producer responsibility schemes.</p> <p>Some legal clarifications may be needed in row 188b.</p>
188c		<p><u><i>(a) the costs of collection, including the provision of accessible collection points, storage and transport;</i></u></p>		
188d		<p><u><i>(b) the costs of recycling units for natural persons certified in accordance with Article 10 for the purposes of on-site recycling.</i></u></p>		
Article 9, second paragraph				
189	Member States shall inform the Commission on the actions undertaken.	<p><i>Member States shall inform the Commission on the actions undertaken.</i> <i>deleted</i></p>	Member States shall inform the Commission on the actions undertaken.	Maintain Council's Mandate.
Article 10				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
190	Article 10 Certification and training		Article 10 Certification and training	
Article 10(1)				
191	1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 and other relevant alternatives to fluorinated greenhouse gases:	1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 and other relevant alternatives to fluorinated greenhouse gases:	1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I and, in Annex II, Section 1, in Annex III when used in electrical switchgear and and other relevant alternatives to fluorinated greenhouse gases including natural refrigerants:	EP amendment not necessary. Some clarifications to the Council's amendment may be acceptable.
Article 10(1), point (a)				
192	(a) installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (g);		(a) installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (g) (f) and in Article 5(2a), points	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			(a) and (b);	
Article 10(1), point (b)				
193	(b) leak checks of the equipment referred to Article 5(2), points (a) to (f), as provided for in Article 5(1);		(b) leak checks of the equipment referred to Article 5(2), points (a) to (f) (e) and in Article 5(2a), points (a) and (b), as provided for in Article 5(1);	Maintain Council's Mandate.
Article 10(1), point (c)				
194	(c) recovery as provided for in Article 8(1).		(c) recovery as provided for in Article 8(1).	Maintain Council's Mandate.
Article 10(2)				
195	<p>2. Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and Annex II, Section I from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council¹ are available, pursuant to paragraph 5.</p> <p>¹. Directive 2006/40/EC of the European</p>	<p>2. Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and Annex II, Section I, <u>and other relevant alternatives to fluorinated greenhouse gases</u>, from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council¹ are available, pursuant to paragraph 5.</p>	<p>2. Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and in Annex II, Section I from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council¹ are available, pursuant to paragraph 5. This shall also apply to natural persons recovering fluorinated greenhouse gases</p>	<p>Maintain Council's Mandate, with the possible adjustment that exemption for mobile equipment listed in Article 8(1), third subparagraph, point (c) may be deleted so that certification may be required for all mobile refrigeration.</p> <p>EP's amendment may be acceptable, with some possible linguistic adjustment.</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).	1. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).	listed in Annex I and in Annex II, Section 1 from equipment listed in Article 8(1), third subparagraph, points (b) and (c) as well as natural persons carrying out maintenance or servicing, repair and checks of equipment listed in Article 5(2a), point (c). 1. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).	
Article 10(3)				
196	3. The certification programmes and training provided for in paragraphs 1 and 2 shall cover the following,	3. The certification programmes and training provided for in paragraphs 1 and 2 shall cover <u>at least</u> the following,	3. The certification programmes and training on skills and knowledge provided for in paragraphs paragraph 1 and 2 shall cover the following:	Maintain Council's Mandate. EP amendment may be acceptable.
Article 10(3), point (a)				
197	(a) applicable regulations and technical standards;		(a) applicable regulations and technical standards;	
Article 10(3), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
198	(b) emission prevention;		(b) emission prevention;	
Article 10(3), point (c)				
199	(c) recovery of fluorinated greenhouse gases listed in Annex I and Annex II, Section 1;		(c) recovery of fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1;	EP expected to accept Council's amendment.
Article 10(3), point (d)				
200	(d) safe handling of equipment of the type and size covered by the certificate; and		(d) safe handling of equipment of the type and size covered by the certificate; and	EP expected to accept Council's amendment.
Article 10(3), point (da)				
200a			(da) safe handling of equipment with flammable or toxic gases or operating under high-pressure;	Maintain Council's Mandate.
Article 10(3), point (e)				
201	(e) energy efficiency aspects.		(e) the measures of improving or maintaining the energy efficiency aspects of equipment during installation or maintenance.	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
201a		<u>(ea) certification for natural alternatives, including their characteristics and benefits compared to the use of fluorinated greenhouse gases, and their safe handling during installation, servicing, maintenance, repair and decommissioning.</u>		EP amendment may be combined with row 201.
Article 10(3a)				
201b			3a. The certification programmes and training under paragraph 3 concerning aircraft shall be reflected in the process of updating the certification specifications and other detailed specifications, acceptable means of compliance and guidance material by the European Aviation Safety Agency pursuant to Article 76(3) and Article 115 of Regulation (EU) 2018/1139 of the European Parliament and of the Council.	Maintain Council's Mandate, with some possible editorial changes.
Article 10(4)				
202	4. Certificates under the		4. Certificates under the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	certification programmes referred to in paragraph 1 shall be subject to the condition that the applicant has successfully completed an evaluation process established in accordance with paragraphs 1, 3 and 5.		certification programmes referred to in paragraph 1 shall be subject to the condition that the applicant has successfully completed an evaluation process established in accordance with paragraphs 1, 3 and 5.	
Article 10(5)				
203	5. The Commission shall, by means of implementing acts, establish the minimum requirements for certification programmes and training attestations. Those minimum requirements shall specify, for each type of equipment referred to in paragraphs 1 and 2, the required practical skills and theoretical knowledge, where appropriate, differentiating between different activities to be covered, the modalities of the certification or attestation as well as the conditions for mutual recognition of certificates and training attestations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		5. By [OP, please insert the date = 2 years following the entry into force of this Regulation], the Commission shall, by means of implementing acts, establish the minimum requirements for certification programmes and training attestations for the equipment referred to in paragraphs 1 and 2. Those minimum requirements shall specify, for each type of equipment referred to in paragraphs 1 and 2, the required practical skills and theoretical knowledge, where appropriate, differentiating between different activities to be covered, the modalities of the certification or attestation as well as the conditions for mutual recognition of certificates and training attestations. The	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			<p>Commission shall, by means of implementing acts, adapt, where necessary, the minimum requirements mentioned above.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).</p>	
Article 10(6)				
204	<p>6. Member States shall establish or adapt certification programmes on the basis of the minimum requirements referred to in paragraph 5 for undertakings carrying out installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (f), containing fluorinated greenhouse gases listed in Annex I and Annex II, Section I, and other relevant alternatives to fluorinated greenhouse gases for other parties.</p>		<p>6. By [OP, please insert the date = 1 year following the entry into force of the implementing act under paragraph 5], Member States shall establish or adapt certification programmes for the equipment referred to in paragraphs 1 and 2 on the basis of the minimum requirements referred to in paragraph 5 for undertakings carrying out installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 5(2), points (a) to (f)(e) and Article 5(2a), points (a) and (b), containing fluorinated greenhouse gases listed in Annex I and in Annex II, Section II, and other relevant alternatives to fluorinated greenhouse gases</p>	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			including natural refrigerants for other parties.	
204a		<u>6a. The Member States shall establish or adapt certification schemes and training programmes pursuant to paragraphs 1, 2, 3 and 6 within six months from the entry into force of this Regulation, where relevant.</u>		EP amendment not acceptable. Maintain row 204.
Article 10(7)				
205	7. Existing certificates and training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions under which they were originally issued.	7. Existing certificates and training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions under which they were originally issued. <u>The validity of existing certificates may be subject to additional requirements to reflect the extension of the certification scheme to other relevant alternatives to fluorinated greenhouse gases.</u>	7. Existing certificates and training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions under which they were originally issued. By [OP, please insert the date = three years following the entry into force of this Regulation] Member States shall ensure that certified natural persons are required to participate to refreshment training courses or complete an evaluation process referred to in paragraph 3, at least every seven years. Member	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			States shall ensure that natural persons who already hold a certificate or training attestation under Regulation (EU) No 517/2014 shall participate to such refreshment course or complete such evaluation process for the first time no later than [OP, please insert the date = five years following the entry into force of this Regulation].	
Article 10(8), first subparagraph				
206	8. 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.	8. 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 <u>and the number of certified and trained persons for fluorinated greenhouse gases and the relevant alternatives in each sector. Where certification and training for the relevant alternatives fall below a minimum threshold, Member States shall accompany the notification with a plan, compiled in consultation with the relevant stakeholders, including social partners, setting out actions to</u>	8. By 1 January [<i>OP, please insert the date = three years following the entry into force of this Regulation</i> 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.	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>increase certification and training on the relevant alternatives as from the following calendar year.</u>		
Article 10(8), second subparagraph				
207	Member States shall recognise certificates and training attestations issued in another Member State in accordance with this Article. They shall not restrict the freedom to provide services or the freedom of establishment because a certificate was issued in another Member State.		Member States shall recognise certificates and training attestations issued in another Member State in accordance with this Article. They shall not restrict the freedom to provide services or the freedom of establishment because a certificate was issued in another Member State.	
Article 10(9)				
208	9. The Commission may, by means of implementing acts, determine the format of the notification referred to in paragraph 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	9. The Commission may <u>shall</u> , by means of implementing acts, determine <u>the minimum threshold for actions to increase certification and training on relevant alternatives and</u> the format of the notification referred to in paragraph 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	9. The Commission may, by means of implementing acts, determine the format of the notification referred to in paragraph 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 10(10)				
209	10. Any undertaking which assigns a task referred to in paragraph 1 to another undertaking shall take reasonable steps to ascertain that the latter holds the necessary certificates for the required tasks referred to in paragraph 1.	10. Any <u>An</u> undertaking which assigns <u>may assign</u> a task referred to in paragraph 1 to another undertaking shall take reasonable steps to ascertain <u>only after verification</u> that the latter holds the necessary certificates for the required tasks referred to in paragraph 1.	10. Any undertaking which assigns a task referred to in paragraph 1 to another undertaking shall take reasonable steps to ascertain that the latter holds the necessary certificates for the required tasks referred to in paragraph 1.	EP amendment may be acceptable.
Article 10(11), first subparagraph				
210	11. Where the obligations under this Article relating to the provision of certification and training would impose disproportionate burdens on a Member State because of the small size of its population and the consequent lack of demand for such training and certification, compliance may be achieved through the recognition of certificates issued in other Member States.		11. Where the obligations under this Article relating to the provision of certification and training would impose disproportionate burdens on a Member State because of the small size of its population and the consequent lack of demand for such training and certification, compliance may be achieved through the recognition of certificates issued in other Member States.	
Article 10(11), second subparagraph				
211	Member States applying this		Member States applying this	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	paragraph shall inform the Commission who shall inform other Member States.		paragraph shall inform the Commission who shall inform other Member States.	
Article 10(12)				
212	12. This Article shall not prevent Member States from setting up further certification and training programmes in respect of equipment other than that referred to in paragraph 1.		12. This Article shall not prevent Member States from setting up further certification and training programmes in respect of equipment and activities other than that referred to in paragraph 1.	EP expected to accept Council's amendment.
CHAPTER III				
213	CHAPTER III RESTRICTIONS AND CONTROL OF USE		CHAPTER III RESTRICTIONS AND CONTROL OF USE	
Article 11				
214	Article 11 Restrictions on placing on the market and sale		Article 11 Restrictions on placing on the market and sale	
Article 11(1), first subparagraph				
215	1. The placing on the market of products and equipment, including		1. The placing on the market of products and equipment, including	EP expected to accept Council's amendment, with some slight

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	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.		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 parts of products and equipment required for repair and servicing of existing equipment listed in Annex IV is allowed provided that the repair or servicing does not result in an increase of the capacity of the product or equipment, an increase of the amount of fluorinated greenhouse gas contained in the product or equipment, and there is no change of the type of fluorinated greenhouse gas used that leads to an increase of the global warming potential of the fluorinated greenhouse gas used.	redrafting.
215a		<u>By way of derogation from the first subparagraph, the placing on the market of parts of equipment required for repairs and servicing</u>		EP expected to drop this amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>of existing equipment shall be allowed provided that the repair or servicing does not result in an increase in the capacity of the equipment or an increase in the amount of fluorinated gases contained in the equipment or of the fluorinated gases used.</u>		
Article 11(1), second subparagraph				
216	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.		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.– Re-export of such products and equipment is allowed in such cases when the non-compliance with the rules set out in this Regulation has been established prior to the release of goods for the purpose of import, in accordance with the measures referred to in Article 23(12). Such products and equipment may only be stored or transported for subsequent disposal and for the recovery of the gas prior to the	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			disposal pursuant to Article 8 or for their re-export.	
Article 11(1), third subparagraph				
217	Two years following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.	Two years <u>Six months</u> following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.	Two years following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.	EP's proposal to shorten this timeline to 6 months not acceptable. However, the Presidency proposes to show some openness so that this timeline can be shortened to 18 months.
Article 11(2)				
218	2. The prohibition set out in paragraph 1, first subparagraph, shall not apply to equipment for which it has been established in ecodesign requirements adopted under Directive 2009/125/EC that due to higher energy efficiency during its operation, its lifecycle CO ₂ equivalent emissions would be lower than those of equivalent		2. The prohibition set out in paragraph 1, first subparagraph, shall not apply to equipment for which it has been established in ecodesign requirements adopted under Directive 2009/125/EC that due to higher energy efficiency during its operation, its lifecycle CO ₂ equivalent emissions would be lower than those of equivalent	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	equipment which meets relevant ecodesign requirements.		equipment which meets relevant ecodesign requirements.	
Article 11(3), first subparagraph				
219	3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply, or making available to other persons within the Union for payment or free of charge, use or export of non-refillable containers for fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, empty or fully or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses.	3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply, or making available to other persons within the Union for payment or free of charge, use or export of non-refillable containers for fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 , empty or fully or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses.	3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply, or making available to other persons within the Union for payment or free of charge, use or export of non-refillable containers for fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, empty or fully or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses of fluorinated greenhouse gases .	Maintain Council's Mandate.
Article 11(3), second subparagraph				
220	The paragraph applies to:		The paragraph applies to:	
Article 11(3), second subparagraph, point (a)				
221				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	(a) containers which cannot be refilled without being adapted for that purpose (non-refillable); and		(a) containers which cannot be refilled without being adapted for that purpose (non-refillable); and	
Article 11(3), second subparagraph, point (b)				
222	(b) containers that could be refilled but are imported or placed on the market without provision having been made for their return for refilling.		(b) containers that could be refilled but are imported or placed on the market without provision having been made for their return for refilling.	
222a		<p><u>3a. Undertakings which place on the market refillable containers for fluorinated greenhouse gases shall produce a declaration of conformity that includes evidence confirming the arrangements in place for the return of that container for the purpose of refilling. Those arrangements shall contain binding obligations for the supplier of the containers to the end-user to comply with the arrangements.</u></p> <p><u>The undertakings referred to in the first subparagraph shall keep the declaration of conformity for a</u></p>		EP amendment may be acceptable, with some redrafting.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p><u>period of at least five years after the placing on the market of refillable containers and shall make it available, on request, to the competent authorities of Member States and the Commission. Suppliers of the containers to end-users shall keep evidence of the compliance with these arrangements for a period of at least five years after supply to the end-user and shall make it available, on request, to the competent authorities of Member States and the Commission.</u></p> <p><u>The Commission may, by means of implementing acts, supplement this Regulation by determining the details of the declaration of conformity. Such implementing acts shall be adopted in accordance with Article 34(2).</u></p>		
Article 11(4), first subparagraph				
223	4. 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	4. <u>Without prejudice to the derogation for spare parts referred to in subparagraph 1a</u> , following a substantiated request by a competent authority of a Member State and taking into account the	4. 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	Maintain Council's Mandate, with some possible rewording so that “including parts thereof” also clearly applies to products and equipment listed in Annex IV.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	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:	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:	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, or, in derogation to Article 13(5), putting into operation new or expanded electrical switchgear , including parts thereof, containing fluorinated greenhouse gases or whose functioning relies upon those gases, where it is demonstrated that:	
Article 11(4), first subparagraph, point (a)				
224	(a) for a specific product or a piece of equipment, or for a specific category of products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; or		(a) for a specific product or a piece of equipment, or for a specific category of products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; or	
Article 11(4), first subparagraph, point (b)				
225	(b) the use of technically feasible and safe alternatives would entail disproportionate costs.		(b) the use of technically feasible and safe alternatives would entail disproportionate costs.	
Article 11(4), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
226	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
Article 11(5), first subparagraph				
227	5. 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).		5. 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 required under Article 10(1), point (a) or a training attestation required under Article 10(2) shall be allowed to purchase fluorinated greenhouse gases listed in Annex I or in 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) (i) , and Article 10(2). Sellers shall sell or offer for sale, directly or indirectly, such gases exclusively to the undertakings referred to in this paragraph.	EP expected to accept Council's amendment, with some slight corrections of the references to Article 5(2) and Article 5(2a).

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 11(5), second subparagraph				
228	This paragraph shall not prevent non-certified undertakings, who do not carry out such activities, from collecting, transporting or delivering fluorinated greenhouse gases listed in Annex I and Annex II, Section 1.		This paragraph shall not prevent non-certified undertakings, who do not carry out such activities the activities referred to in the first subparagraph , from collecting, transporting or delivering fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1.	EP expected to accept Council's amendment.
Article 11(6)				
229	6. Non-hermetically sealed equipment charged with fluorinated greenhouse gases listed in Annex I and Annex II, Section 1 may only be sold to an end user where evidence is provided that the installation is to be carried out by an undertaking certified in accordance with Article 10.		6. Non-hermetically sealed equipment charged with fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1 may only be sold to an end user where evidence is provided that the installation is to be carried out by an undertaking certified in accordance with Article 10.	EP expected to accept Council's amendment.
229a		<u>6a. Undertakings shall only be allowed to place on the market and sell bulk fluorinated greenhouse gases where:</u>		Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p><u>(a) the undertakings either hold a certificate or training attestation required under Article 10 or employ persons holding such a certificate or a training attestation, and</u></p> <p><u>(b) the undertakings are established in the Union or have mandated an only representative established in the Union who assumes full responsibility of complying with this Regulation.</u></p> <p><u>The only representative may be the representative mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council.</u></p>		
229b		<p><u>Article 11a</u></p> <p><u>Restriction on the export of certain products and equipment containing fluorinated greenhouse gases</u></p> <p><u>The export of products and equipment, including parts thereof, listed in Annex IV, with</u></p>		Maintain Council's Mandate. See row 362b.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u><i>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.</i></u>		
Article 12				
230	Article 12 Labelling and product and equipment information		Article 12 Labelling and product and equipment information	
Article 12(1)				
231	1. The following products and equipment that contain fluorinated greenhouse gases or whose functioning relies upon those gases listed in Annexes I and II, may only be placed on the market if they are labelled:		1. The following products and equipment that contain fluorinated greenhouse gases or whose functioning relies upon those fluorinated greenhouse gases listed in Annexes I and II , may only be placed on the market, subsequently supplied or made available to another person if they are labelled:	Maintain Council's Mandate, with a possible delayed implementation for Annex III-gases.
Article 12(1), point (a)				
232	(a) refrigeration equipment;		(a) refrigeration equipment;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 12(1), point (b)				
233	(b) air-conditioning equipment;		(b) air-conditioning equipment;	
Article 12(1), point (c)				
234	(c) heat pumps;		(c) heat pumps;	
Article 12(1), point (d)				
235	(d) fire protection equipment;		(d) fire protection equipment;	
Article 12(1), point (e)				
236	(e) electrical switchgear;		(e) electrical switchgear;	
Article 12(1), point (f)				
237	(f) aerosol dispenser that contain fluorinated greenhouse gases, including metered dose inhalers;		(f) aerosol dispenser that contain fluorinated greenhouse gases, including metered dose inhalers;	
Article 12(1), point (g)				
238	(g) all fluorinated greenhouse gas containers;		(g) all fluorinated greenhouse gas containers;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 12(1), point (h)				
239	(h) fluorinated greenhouse gas-based solvents;		(h) fluorinated greenhouse gas-based solvents;	
Article 12(1), point (i)				
240	(i) organic Rankine cycles.		(i) organic Rankine cycles.	
Article 12(2)				
241	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.	2. Products or equipment subject to an exemption as referred to in Article 11 (4) shall be labelled accordingly, <u>specifying the validity period of the exemption</u> , 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.	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.	EP amendment may be acceptable with some slight adjustment.
Article 12(3), first subparagraph				
242	3. The label required pursuant to paragraph 1 shall indicate the following information:		3. The label required pursuant to paragraph 1 shall indicate the following information:	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 12(3), first subparagraph, point (a)				
243	(a) an indication that the product or equipment contains fluorinated greenhouse gases or that its functioning relies upon those gases;		(a) an indication that the product or equipment contains fluorinated greenhouse gases or that its functioning relies upon those gases;	
Article 12(3), first subparagraph, point (b)				
244	(b) the accepted industry designation for the fluorinated greenhouse gases concerned or, if no such designation is available, the chemical name;		(b) the accepted industry designation for the fluorinated greenhouse gases concerned or, if no such designation is available, the chemical name;	
Article 12(3), first subparagraph, point (c)				
245	(c) from 1 January 2017, the quantity expressed in weight and in CO ₂ equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is designed, and the global warming potential of those gases.	(c) from 1 January 2017, the quantity expressed in weight and in CO₂ <u>CO₂</u> equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is designed, and the global warming potential of those gases, <u>both on a 100- and a 20-year timescale</u> .	(c) from 1 January 2017, the quantity expressed in weight and in CO ₂ equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is designed, and the global warming potential of those gases.	Maintain Council's Mandate.
Article 12(3), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
246	The label shall indicate the following information, where applicable:		The label shall indicate the following information, where applicable:	
Article 12(3), second subparagraph, point (a)				
247	(a) a reference that the fluorinated greenhouse gases are contained in hermetically sealed equipment;		(a) a reference that the fluorinated greenhouse gases are contained in hermetically sealed equipment;	
Article 12(3), second subparagraph, point (b)				
248	(b) a reference that the electrical switchgear has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer.		(b) a reference that the electrical switchgear has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer.	
248a		<u>Where relevant, retrofitted products or equipment containing fluorinated greenhouse gases shall be relabelled with updated information as referred to in this paragraph.</u>		EP amendment may be acceptable.
Article 12(4), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
249	4. The label required pursuant to paragraph 1 shall be clearly legible and indelible and shall be placed either:		4. The label required pursuant to paragraph 1 shall be clearly legible and indelible and shall be placed either:	
Article 12(4), first subparagraph, point (a)				
250	(a) adjacent to the service ports for charging or recovering the fluorinated greenhouse gas; or		(a) adjacent to the service ports for charging or recovering the fluorinated greenhouse gas; or	
Article 12(4), first subparagraph, point (b)				
251	(b) on that part of the product or equipment that contains the fluorinated greenhouse gas.		(b) on that part of the product or equipment that contains the fluorinated greenhouse gas.	
Article 12(4), second subparagraph				
252	The label shall be in the official languages of the Member State in which the good is to be placed on the market.		The label shall be written in the official languages of the Member State in which the good is to be placed on the market, made available or supplied .	Maintain Council's Mandate.
Article 12(5)				
253	5. Foams and pre-blended polyols		5. Foams and pre-blended polyols	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	that contain fluorinated greenhouse gases listed in Annexes I and II shall not be placed on the market unless the fluorinated greenhouse gases are identified with a label using the accepted industry designation or, if no such designation is available, the chemical name. The label shall clearly indicate that the foam or pre-blended polyol contains fluorinated greenhouse gases. In the case of foam boards, that information shall be clearly and indelibly stated on the boards.		that contain fluorinated greenhouse gases listed in Annexes I and II shall not be placed on the market, made available or supplied unless the fluorinated greenhouse gases are identified with a label using the accepted industry designation or, if no such designation is available, the chemical name. The label shall clearly indicate that the foam or pre-blended polyol contains fluorinated greenhouse gases. In the case of foam boards, that information shall be clearly and indelibly stated on the boards.	
253a		<u>5a. Where relevant, refilled containers of fluorinated greenhouse gases shall be relabelled with updated information as referred to in the first subparagraph of paragraph 3.</u>		EP amendment not acceptable.
Article 12(6)				
254	6. Reclaimed or recycled fluorinated greenhouse gases shall be labelled with an indication that		6. Reclaimed or recycled fluorinated greenhouse gases listed in Annexes I and II shall be	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	the substance has been reclaimed or recycled, information on the batch number and the name and address of the reclamation or recycling facility in the Union.		labelled with an indication that the substance has been reclaimed or recycled. In the case of reclamation , information on the batch number and the name and address of the reclamation or recycling facility in the Union shall be included .	
Article 12(7)				
255	7. Fluorinated greenhouse gases listed in Annex I and placed on the market for destruction shall be labelled with an indication that the contents of the container may only be destroyed.		7. Fluorinated greenhouse gases listed in Annex I and placed on the market, made available or supplied for destruction shall be labelled with an indication that the contents of the container may only be destroyed.	Maintain Council's Mandate.
Article 12(8)				
256	8. Fluorinated greenhouse gases listed in Annex I and intended for direct export shall be labelled with an indication that the contents of the container may only be directly exported.		8. Fluorinated greenhouse gases listed in Annex I and intended for direct export shall be labelled with an indication that the contents of the container may only be directly exported.	
Article 12(9)				
257				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	9. Fluorinated greenhouse gases listed in Annex I and placed on the market for use in military equipment shall be labelled with an indication that the contents of the container may only be used for that purpose.		9. Fluorinated greenhouse gases listed in Annex I and placed on the market, made available or supplied for use in military equipment shall be labelled with an indication that the contents of the container may only be used for that purpose.	Maintain Council's Mandate.
Article 12(10)				
258	10. Fluorinated greenhouse gases listed in Annexes I and II placed on the market for etching of semiconductor material or cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector shall be labelled with an indication that the contents of the container may only be used for that purpose.	10. Fluorinated greenhouse gases listed in Annexes I and II placed on the market for etching of semiconductor material or cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector shall be labelled with an indication that the contents of the container may only be used for that purpose. <u>deleted</u>	10. Fluorinated greenhouse gases listed in Annexes I and II placed on the market, made available or supplied for etching of semiconductor material or cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector shall be labelled with an indication that the contents of the container may only be used for that purpose.	Maintain Council's Mandate. EP amendment not acceptable.
Article 12(11)				
259	11. Fluorinated greenhouse gases listed in Annex I and placed on the market for feedstock use shall be labelled with an indication that the contents of the container may only be used as feedstock.		11. Fluorinated greenhouse gases listed in Annex I and placed on the market, made available or supplied for feedstock use shall be labelled with an indication that the contents of the container may only	Maintain Council's Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			be used as feedstock.	
Article 12(12)				
260	12. Fluorinated greenhouse gases listed in Annex I and placed on the market for producing metered dose inhalers for the delivery of pharmaceutical ingredients shall be labelled with an indication that the contents of the container may only be used for that purpose.		12. Fluorinated greenhouse gases listed in Annex I, Section 1 and placed on the market, made available or supplied for producing metered dose inhalers for the delivery of pharmaceutical ingredients shall be labelled with an indication that the contents of the container may only be used for that purpose.	Maintain Council's Mandate.
Article 12(13), first subparagraph				
261	13. In case of hydrofluorocarbons, the label referred to in paragraphs 7 to 11 shall include the indication "exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation]".	13. In case of hydrofluorocarbons, the label referred to in paragraphs 7 to 9 and 11 shall include the indication "exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation]".	13. In case of hydrofluorocarbons fluorinated greenhouse gases listed in Annex I, Section 1 , the label referred to in paragraphs 7 to 11 shall include the indication "exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation] [OP: Please add reference to this Regulation] ".	Maintain Council's Mandate. EP amendment not acceptable.
Article 12(13), second subparagraph				
262				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	In the absence of the labelling requirements referred to in the first subparagraph and in paragraphs 7 to 11, the hydrofluorocarbons shall be subject to the quota requirements pursuant to Article 16(1).	In the absence of the labelling requirements referred to in the first subparagraph and in paragraphs 7 to <u>9 and</u> 11, the hydrofluorocarbons shall be subject to the quota requirements pursuant to Article 16(1).	In the absence of the labelling requirements referred to in the first subparagraph and in paragraphs 7 to 11, the hydrofluorocarbons shall be subject to the quota requirements pursuant to Article 16(1).	EP amendment not acceptable.
Article 12(14)				
263	14. In the cases referred to in Annex IV, points 3, 8, 18(b) and (c), 19 and 20, the product shall be labelled with an indication that it may be used only where required by the safety standard to be specified. In the case referred to in Annex IV, points 20 and 22, the product shall be labelled with an indication that the product may only be used where required by the medical application to be specified.		14. In the cases referred to in Annex IV, points 3, 8, 12, 16 , 18(b) and (c), 19 and 20, the product or equipment shall be labelled with an indication that it may be used only where required by the safety standard to be specified. In the cases referred to in Annex IV, points 20 and 22, the product or equipment shall be labelled with an indication that the product or equipment may only be used where required by the medical application to be specified.	Maintain Council's Mandate.
Article 12(15), first subparagraph				
264	15. The information referred to in paragraphs 3 and 5 shall be included in instruction manuals for the products and equipment		15. The information referred to in paragraphs 3 and 5 shall be included in instruction manuals for the products and equipment	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	concerned.		concerned.	
Article 12(15), second subparagraph				
265	In the case of products and equipment that contain fluorinated greenhouse gases in Annexes I and II with a global warming potential of 150 or more that information shall also be included in descriptions used for advertising.		In the case of products and equipment that contain fluorinated greenhouse gases in Annexes I and II with a global warming potential of 150 or more that information shall also be included in descriptions used for advertising.	
Article 12(16)				
266	16. The Commission may, by means of implementing acts, determine the format of the labels referred to in paragraph 1 and paragraphs 4 to 14. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		16. The Commission may, by means of implementing acts, determine the format of the labels referred to in paragraph 1 and paragraphs 4 to 14. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
Article 12(17)				
267	17. The Commission is empowered to adopt delegated acts in accordance with Article 32 amending the labelling		17. The Commission is empowered to adopt delegated acts in accordance with Article 32 amending the labelling	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	requirements set out in paragraphs 4 to 14 where appropriate in view of commercial or technological development.		requirements set out in paragraphs 4 to 14 where appropriate in view of commercial or technological development.	
Article 13				
268	Article 13 Control of use		Article 13 Control of use	
Article 13(1)				
269	1. The use of sulphur hexafluoride in magnesium die-casting and in the recycling of magnesium die-casting alloys is prohibited.		1. The use of sulphur hexafluoride in magnesium die-casting and in the recycling of magnesium die-casting alloys is prohibited.	
Article 13(2)				
270	2. The use of sulphur hexafluoride to fill vehicle tyres is prohibited.		2. The use of sulphur hexafluoride to fill vehicle tyres is prohibited.	
Article 13(3), first subparagraph				
271	3. 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	3. From 1 January 2024, the use of <u>following uses shall be prohibited: the servicing or maintenance of air conditioning and heat pump equipment, mobile and stationary</u>	3. The use of fluorinated greenhouse gases, with a global warming potential of 2 500 or more, to service or maintain refrigeration equipment with a	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	refrigeration equipment is prohibited.	<u>refrigeration equipment and chillers by</u> fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more. <u>From 1 January 2030, the following uses shall be prohibited:</u> for the servicing or maintenance of <u>stationary</u> refrigeration equipment, <u>with the exclusion of chillers, by fluorinated greenhouse gases listed in Annex I, with a global warming potential of 150 or more is prohibited.</u>	charge size of 40 tonnes of CO2 equivalent or more, is prohibited. From 1 January 2024 2025 , 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 all refrigeration equipment is prohibited.	
Article 13(3), second subparagraph				
272	This paragraph shall not apply to military equipment or equipment intended for applications designed to cool products to temperatures below - 50 °C.	This paragraph shall not apply to military equipment or equipment intended for applications designed to cool <u>medicinal</u> products to temperatures below - 50 °C <u>or equipment intended for applications designed to cool nuclear power stations.</u>	This paragraph shall not apply to military equipment or equipment intended for applications designed to cool products to temperatures below - 50 °C.	EP's first amendment not acceptable. EP's second amendment may be acceptable.
Article 13(3), third subparagraph				
273	The prohibition referred to in the		The prohibition referred to in the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	first subparagraph shall not apply to the following categories of fluorinated greenhouse gases until 1 January 2030:		first subparagraph shall not apply to the following categories of fluorinated greenhouse gases until 1 January 2030:	
Article 13(3), third subparagraph, point (a)				
274	(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);	(a) reclaimed fluorinated greenhouse gases listed in Annex I with a global warming potential of 2 500 150 or more used for the maintenance or servicing of existing <u>stationary</u> refrigeration equipment, <u>with the exclusion of chillers</u> , provided that they have been labelled in accordance with Article 12(6);	(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);	See row 271
274a		<u>(aa) 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 air conditioning and heat pump equipment, mobile refrigeration and chillers, provided that they have been labelled in accordance with Article 12(6);</u>		See row 271

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 13(3), third subparagraph, point (b)				
275	(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.	(b) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of 2 500 150 or more used for the maintenance or servicing of existing <u>stationary</u> refrigeration equipment <u>with the exclusion of chillers</u> 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-;	(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.	See row 271
275a		<u>(ba) 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 air conditioning and heat pump equipment, mobile refrigeration and chillers, provided they have been recovered from such equipment; such recycled gases may only be used</u>		See row 271

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>by the undertaking which carried out their recovery as part of maintenance or servicing or by the undertaking for which the recovery was carried out as part of maintenance or servicing.</u>		
Article 13(3), third subparagraph, first paragraph				
276	The prohibition referred to in the first subparagraph shall not apply to refrigeration equipment for which an exemption has been authorised in accordance with Article 11(4).		The prohibition referred to in the first subparagraph shall not apply to refrigeration equipment for which an exemption has been authorised in accordance with Article 11(4).	
Article 13(3a), first subparagraph				
276a			3a. From 1 January 2035, the use of fluorinated greenhouse gases listed in Annex I, Section 3 for the servicing or maintenance of electrical switchgear equipment shall be prohibited unless it is reclaimed or recycled, except if it is proved that reclaimed or recycled fluorinated greenhouse gases listed in Annex I, Section 3:	Maintain Council's Mandate in rows 276a-276e.
Article 13(3a), first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
276b			(a) cannot be used on the basis of technical grounds; or	
Article 13(3a), first subparagraph, point (b)				
276c			(b) are not available in case of an emergency repair situation.	
Article 13(3a), second subparagraph				
276d			In such cases, the user shall provide evidence, upon request, on the justification for use to the competent authority of the Member State and the Commission.	
Article 13(3a), third subparagraph				
276e			This paragraph shall not apply to military equipment.	
Article 13(4)				
277	4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January 2026, except when such use is strictly required	4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January 2026, except and <u>shall only be permitted</u> when such	4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January 2026, except when such use is strictly required	Maintain Council's Mandate on capture system. Provision in row 109a is sufficient.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	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.	use is strictly required and no other anaesthetic can be used on medical grounds <u>or when ensured that it is used in combination with a capture system. The healthcare institution.</u> The user shall provide <u>keep</u> evidence, upon request, on the medical justification, <u>and provide it, upon request,</u> to the competent authority of the Member State and the Commission.	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.	EP amendment on evidence-keeping in the last sentence, may be acceptable.
277a		<u>4a. From 1 January 2030, the use of sulfuryl fluoride for post-harvest fumigation and treatment of wood and wooden products against pest infestation is prohibited, except where such use is strictly required for a phytosanitary certificate and no other treatment can be used.</u>		EP amendment not acceptable.
Article 13(4a)				
277b			5. Putting into operation of the following new or expanded electrical switchgear with fluorinated greenhouse gases is	Maintain Council's Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			prohibited as follows:	
Article 13(4a), point (a)				
277c			(a) as of 1 January 2026 medium voltage switchgear for primary and secondary distribution up to 24 kV, with insulating or breaking medium with GWP of 10 or more;	Maintain Council's Mandate
Article 13(4a), point (b)				
277d			(b) as of 1 January 2030 medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to 52 kV, with insulating or breaking medium with GWP of 10 or more;	Maintain Council's Mandate
Article 13(4a), point (c)				
277e			(c) as of 1 January 2028 high voltage switchgear from 52 and up to 145 kV and up to 50 kA short circuit current with insulating or breaking medium with GWP of 10 or more;	Maintain Council's Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 13(4a), point (d)				
277f			(d) as of 1 January 2032 high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium with GWP of 10 or more.	Maintain Council's Mandate
Article 13(4b)				
277g			5a. By derogation to paragraph 5, switchgear with insulating or breaking medium with GWP lower than 2000 are allowed if, following an open call for tender, given the needs and the specificities of the equipment required for the specific use concerned:	Maintain Council's Mandate.
Article 13(4b), point (a)				
277h			(i) during the two years after the respective dates under paragraph 5, points (a) to (d), only one or no bidder submitted a tender for switchgear with insulating or breaking medium with a GWP of less than 10; or	Maintain Council's Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 13(4b), point (b)				
277i			(ii) after the two-year period mentioned under (i) above, no bidder submitted a tender for switchgear with insulating or breaking medium with a GWP of less than 10.	Maintain Council's Mandate
Article 13(4c)				
277j			5b. By derogation to paragraph 5a, switchgear with insulating or breaking medium with a GWP of 2000 or more is allowed if, following an open call for tender, given the needs and the specificities of the equipment required for the specific use concerned, no bidder submitted a tender for switchgear with insulating or breaking medium with a GWP of less than 2000.	Maintain Council's Mandate.
Article 13(4d)				
277k			5c. The documentation establishing the evidence for the derogations listed in paragraphs 5a and 5b shall be kept by the operator for at least five years	Maintain Council's Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			after the respective dates specified under paragraph 5 and shall be made available to the competent authority of the Member State and to the Commission, upon request.	
Article 13(4e)				
277l			5d. Paragraph 5 shall not apply to equipment for which it has been established in ecodesign requirements adopted under Directive 2009/125/EC that, due to higher energy efficiency during operation, its life cycle CO2 emissions would be lower than those of equivalent equipment which meets the relevant ecodesign requirements.	Maintain Council's Mandate
Article 13(4f), first subparagraph				
277m			6. The placing on the market of parts of equipment required for repair, expansion and servicing of existing electrical switchgear is allowed provided there is no change of the type of fluorinated greenhouse gas used that leads to an increase of the global	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			warming potential of the fluorinated greenhouse gas used.	
Article 13(4f), second subparagraph				
277n			7. Putting into operation any equipment listed in Annex IV points 3(c), 12, 16(b), 16(c), 18(b), 18(ba), 18(c) and 18(d) after the respective prohibition date specified in these points is prohibited unless:	Maintain Council's Mandate in rows 277n-q.
Article 13(4f), second subparagraph, point (a)				
277o			(a) the relevant safety requirements at the particular location do not permit the installation of equipment using fluorinated greenhouse gases below the GWP value specified in the respective prohibitions; or	
Article 13(4f), second subparagraph, point (b)				
277p			(b) evidence is provided that the equipment was placed on the market before the relevant prohibition date listed in Annex IV.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 13(4f), third subparagraph				
277q			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.	
CHAPTER IV				
278	CHAPTER IV PRODUCTION SCHEDULE AND REDUCTION OF THE QUANTITY OF HYDROFLUOROCARBONS PLACED ON THE MARKET		CHAPTER IV PRODUCTION SCHEDULE AND REDUCTION OF THE QUANTITY OF HYDROFLUOROCARBONS PLACED ON THE MARKET	
Article 14				
279	Article 14 Production of hydrofluorocarbons		Article 14 Production of hydrofluorocarbons	
Article 14(-1)				
279a			-1. For the purpose of this Article, Article 15 and Annex V,	EP expected to accept Council's amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			<p>the production of hydrofluorocarbons is the amount of hydrofluorocarbons produced minus the amount destroyed by technologies approved by the Parties to the Protocol, and minus the amount entirely used as feedstock in the manufacture of other chemicals, but including hydrofluorocarbons generated as a by-product, unless not captured or unless that by-product is destroyed as part of or after the manufacturing process by the producer or handed over to another undertaking for destruction. No amount reclaimed shall be considered in the calculation of the production of hydrofluorocarbons.</p>	
Article 14(1)				
280	<p>1. The production of hydrofluorocarbons is allowed to the extent that producers have been allocated productions rights by the Commission as set out in this Article.</p>		<p>1. The production of hydrofluorocarbons is allowed to the extent that producers have been allocated productions rights by the Commission as set out in this Article.</p>	
Article 14(2)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
281	2. The Commission shall, by means of implementing acts, allocate production rights on the basis of Annex V for producers that produced hydrofluorocarbons in 2022, based on data reported under Article 19 of Regulation (EU) No 517/2014. Such implementing acts shall be adopted in accordance with Article 34(2).		2. The Commission shall, by means of implementing acts, allocate production rights on the basis of Annex V for producers that produced hydrofluorocarbons in 2022, based on data reported under Article 19 of Regulation (EU) No 517/2014. Such implementing acts shall be adopted in accordance with Article 34(2).	
Article 14(3)				
282	3. The Commission may, by means of implementing acts, at the request of the competent authority of a Member State, amend the implementing acts referred to in paragraph 2 in order to allocate additional production rights to the producers referred to in paragraph 2 or any other undertakings established in the Union, while respecting the production limits of the Member State under the Protocol. Such implementing acts shall be adopted in accordance with Article 34(2).		3. The Commission may, by means of implementing acts, at the request of the competent authority of a Member State, amend the implementing acts referred to in paragraph 2 in order to allocate additional production rights to the producers referred to in paragraph 2 or any other undertakings established in the Union, while respecting unless the production limits of the Member State under the Protocol are exceeded . Such implementing acts shall be adopted in accordance with Article 34(2).	EP expected to accept Council's amendment.
Article 14(3a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
282a			3a. In absence of an implementing act being effective by the date specified in Article 38 second subparagraph, producers may continue to produce without production rights being allocated. The hydrofluorocarbons produced during such period will count towards the allocation of production rights once issued.	EP expected to accept Council's amendment.
Article 14(4)				
283	4. Three years following the adoption of the implementing acts referred to in paragraph 2, and every three years thereafter, the Commission shall review and amend if needed these implementing acts, taking into account the changes to the production rights pursuant to Article 15 during the preceding three years period. Such implementing acts shall be adopted in accordance with Article 34(2).		4. Three years following the adoption of the implementing acts referred to in paragraph 2, and every three years thereafter, the Commission shall review and amend if needed these implementing acts, taking into account the changes to the production rights pursuant to Article 15 during the preceding three years period. Such implementing acts shall be adopted in accordance with Article 34(2).	
Article 15				
284				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	Article 15 Transfer and authorisation of production rights for industrial rationalisation		Article 15 Transfer and authorisation of production rights for industrial rationalisation	
Article 15(1)				
285	1. For the purpose of industrial rationalisation within a Member State, producers may transfer totally or partially their production rights to any other undertaking in that Member State, as long as the production limits of Parties under the Protocol are respected. Transfers shall be approved by the Commission and the relevant competent authorities and carried out via the F-gas Portal.		1. For the purpose of industrial rationalisation within a Member State, producers may transfer totally or partially their production rights to any other undertaking in that Member State, as long as the production limits calculated levels of production of Parties under the Protocol are respected. Transfers shall be approved by the Commission and the relevant competent authorities and carried out via the F-gas Portal.	EP expected to accept Council's amendment.
Article 15(2)				
286	2. For the purpose of industrial rationalisation between Member States, the Commission may, in agreement with both the competent authority of the Member State in which a producer's relevant production is situated, and the competent authority of the Member		2. For the purpose of industrial rationalisation between Member States, the Commission may, in agreement with both the competent authority of the Member State in which a producer's relevant production is situated, and the competent authority of the Member	EP expected to accept Council's amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	State in which excess production rights are available, authorise via the F-gas Portal that producer to exceed its production referred to in Article 14(2) by a specified amount, considering conditions set out in the Protocol.		State in which excess calculated levels of production under the Montreal Protocol rights are available, authorise via the F-gas Portal that producer to exceed its production rights referred to in Article 14(2) by a specified amount, considering the conditions set out in the Protocol.	
Article 15(3)				
287	3. The Commission may, in agreement with both the competent authority of the Member State in which a producer's relevant production is situated and the competent authority of the third country Party concerned, authorise a producer to combine the calculated levels of production referred to in Article 14(2) with the calculated levels of production allowed to a producer in a third country Party under the Protocol and that producer's national legislation for the purpose of industrial rationalisation with a third country Party, provided that the combined calculated levels of production by the two producers do not lead to an exceedance of		3. The Commission may, in agreement with both the competent authority of the Member State in which a producer's relevant production is situated and the competent authority of the third country Party concerned, authorise a producer to combine the calculated levels of production rights referred to in Article 14(2) 14 with the calculated levels of production allowed to a producer in a third country Party under the Protocol and that producer's national legislation for the purpose of industrial rationalisation with a third country Party, provided that the combined calculated levels of production by the two producers do not lead to an	EP expected to accept Council's amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	production rights under the Montreal Protocol and any relevant national legislation is respected.		exceedance of calculated levels of production of the two Parties rights under the Montreal Protocol and any relevant national legislation is respected.	
Article 16				
288	Article 16 Reduction of the quantity of hydrofluorocarbons placed on the market		Article 16 Reduction of the quantity of hydrofluorocarbons placed on the market	
Article 16(1), first subparagraph				
289	1. The placing on the market of hydrofluorocarbons is only allowed to the extent that producers and importers have been allocated quotas by the Commission as set out in Article 17.		1. The placing on the market of hydrofluorocarbons is only allowed to the extent that producers and importers have been allocated quotas by the Commission as set out in Article 17.	
Article 16(1), second subparagraph				
290	Producers and importers shall ensure that the quantities of hydrofluorocarbons they place on the market do not exceed their respective quota available to them at the moment of placing on the		Producers and importers shall ensure that the quantities of placing hydrofluorocarbons they place on the market do shall not exceed their respective quota available to them at the moment of placing on the	EP expected to accept Council's amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	market.		market .	
Article 16(2)				
291	2. Paragraph 1 shall not apply to hydrofluorocarbons that are:		2. Paragraph 1 shall not apply to hydrofluorocarbons that are:	
Article 16(2), point (a)				
292	(a) imported into the Union for destruction;		(a) imported into the Union for destruction;	
Article 16(2), point (b)				
293	(b) used by a producer in feedstock applications or supplied directly by a producer or an importer to undertakings for use in feedstock applications;		(b) used by a producer in feedstock applications or supplied directly by a producer or an importer to undertakings for use in feedstock applications;	
Article 16(2), point (c)				
294	(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		(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	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	other party within the Union, prior to export;		other party within the Union, prior to export;	
Article 16(2), point (d)				
295	(d) supplied directly by a producer or an importer for use in military equipment;		(d) supplied directly by a producer or an importer for use in military equipment;	
Article 16(2), point (e)				
296	(e) supplied directly by a producer or an importer to an undertaking using it for the etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector.	(e) supplied directly by a producer or an importer to an undertaking using it for the etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector. <u>deleted</u>	(e) supplied directly by a producer or an importer to an undertaking using it for the etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector.	EP amendment not acceptable
Article 16(3)				
297	3. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 2 and exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons in accordance with decisions of the Parties to the		3. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 2 and exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons in accordance with decisions of the Parties to the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	Protocol.		Protocol.	
Article 16(3), new subparagraph 1 a				
297a		<p><u>The Commission shall continuously monitor the Union's semiconductor supply market. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 2 of this Article and exclude from the quota system laid down in paragraph 1 of this Article semiconductor materials or vapour deposition chambers within the semiconductor sector, where it identifies that, as a consequence of the inclusion of the semiconductor sector in the hydrofluorocarbon quota system, there are shortages or disruptions of supply to the Union's market of semiconductor materials or of vapour deposition chambers.</u></p>		EP amendment not acceptable
Article 16(4), first subparagraph				
298	4. Following a substantiated request by a competent authority of a Member State and taking into	4. Following a substantiated request by a competent authority of a Member State <u>or an EU Agency</u>	4. Following a substantiated request by a competent authority of a Member State and taking into	EP amendment not acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	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:	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:	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:	
Article 16(4), first subparagraph, point (a)				
299	(a) for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; and	(a) for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons <u>or risks to public health</u> ; and	(a) for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; and	EP amendment may be acceptable.
Article 16(4), first subparagraph, point (b)				
300	(b) a sufficient supply of hydrofluorocarbons cannot be ensured without entailing disproportionate costs.		(b) a sufficient supply of hydrofluorocarbons cannot be ensured without entailing disproportionate costs.	
Article 16(4), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
301	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
Article 16(5)				
302	5. The emission of hydrofluorocarbons during production shall be considered as being placed on the market the year in which they occur.		5. The emission of hydrofluorocarbons during production shall be considered as being placed on the market the year in which they occur.	
Article 16(6)				
303	6. This Article and Articles 17, 20 to 29 and 31 shall also apply to hydrofluorocarbons contained in pre-blended polyols.		6. This Article and Articles 17, 20 to 29 and 31 shall also apply to hydrofluorocarbons contained in pre-blended polyols.	
Article 17				
304	Article 17 Determination of reference values and allocation of quotas for placing hydrofluorocarbons on the market		Article 17 Determination of reference values and allocation of quotas for placing hydrofluorocarbons on the market	
Article 17(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
305	1. By 31 October [OP: Please insert the year of application of this Regulation] and every three years thereafter, the Commission shall determine reference values for producers and importers in accordance with Annex VII for the placing on the market of hydrofluorocarbons.		1. By 31 October [OP: Please insert the year of application of this Regulation] and every three years thereafter, the Commission shall determine reference values for producers and importers in accordance with Annex VII for the placing on the market of hydrofluorocarbons.	
Article 17(1), second subparagraph				
306	The Commission shall determine those reference values for all importers and producers that imported or produced hydrofluorocarbons during the previous three years, by means of an implementing act determining references values for all importers and producers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).		The Commission shall determine those reference values for all importers and producers that imported or produced hydrofluorocarbons during the previous three years, by means of an implementing act determining references values for all importers and producers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).	
Article 17(2), first subparagraph				
307	2. An importer or producer may notify the Commission of a permanent succession or		2. An importer or producer may notify the Commission of a permanent succession or	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	acquisition of the part of its business relevant to this Article, resulting in a change of the attribution of its and the legal successor's reference values.		acquisition of the part of its business relevant to this Article, resulting in a change of the attribution of its and the legal successor's reference values.	
Article 17(2), second subparagraph				
308	The Commission may request relevant documentation to this effect. The adjusted reference values shall be made accessible in the F-gas Portal.		The Commission may request relevant documentation to this effect. The adjusted reference values shall be made accessible in the F-gas Portal.	
Article 17(3)				
309	3. By 1 April [OP: Please insert the year of application of this Regulation] and every three years thereafter, producers and importers may make a declaration for receiving quotas from the reserve referred in Annex VIII via the F-gas Portal.		3. By 1 April [OP: Please insert the year of application of this Regulation] and every three years thereafter, producers and importers may make a declaration for receiving quotas from the reserve referred in Annex VIII via the F-gas Portal.	
Article 17(4)				
310	4. By 31 December [PO: Please insert the year of application of this Regulation], and every year		4. By 31 December [PO: Please insert the year of application of this Regulation], and every year	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	thereafter, the Commission shall allocate quotas for each importer and producer for placing hydrofluorocarbons on the market, pursuant to Annex VIII. Quotas shall be notified via the F-gas Portal to importers and producers.		thereafter, the Commission shall allocate quotas for each importer and producer for placing hydrofluorocarbons on the market, pursuant to Annex VIII. Quotas shall be notified via the F-gas Portal to importers and producers.	
Article 17(5), first subparagraph				
311	5. The allocation of quotas is subject to the payment of the amount due which equals to three euro for each tonne of CO ₂ equivalent of quota to be allocated. Importers and producers shall be notified 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).	5. The allocation of quotas is subject to the payment of the amount due which equals to three five euro for each tonne of CO₂ CO₂ equivalent of quota to be allocated <u>in the period 2024-2026 and shall increase every three years thereafter so as to ensure a constant revenue, in light of the quota phase-down set out in Annex VII</u> . Importers and producers shall be notified 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	5. The allocation of quotas is subject to the payment of the amount due which equals to three two euro for each tonne of CO ₂ equivalent of quota to be allocated. Importers and producers shall be notified via the F-gas Portal of the total amount due for its their 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).	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).		
Article 17(5), second subparagraph				
312	Importers and producers may pay only for a part of the calculated maximum quota allocation offered to them. In such a case, these importers and producers shall be allocated the quota corresponding to the payment made by the set deadline.		Importers and producers may pay only for a part of the calculated maximum quota allocation offered to them. In such a case, these importers and producers shall be allocated the quota corresponding to the payment made by the set deadline.	
Article 17(5), third subparagraph				
313	The Commission shall redistribute the quota for which a payment has not been made by the set deadline, free of charge, to only those importers and producers that have paid the total amount due for their calculated maximum quota allocation referred to in the first subparagraph and that have made a declaration referred to in paragraph 3. This distribution shall be made on the basis of each importer's or producer's share of the sum of all the maximum calculated quota		Until [OP please insert the year = 3 years following the date of entry into force of this Regulation], the Commission shall redistribute the quota for which a payment has not been made by the set deadline, free of charge, to only those importers and producers that have paid the total amount due for their calculated maximum quota allocation referred to in the first subparagraph and that have made a declaration referred to in paragraph 3. This distribution shall be made	Maintain Council's Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	offered to and paid for in full by those importers and producers.		on the basis of each importer's or producer's share of the sum of all the maximum calculated quota offered to and paid for in full by those importers and producers. From [OP please insert the year = 4 years following the date of entry into force of this Regulation], the quota for which a payment has not been made by the set deadline shall be cancelled.	
Article 17(5), fourth subparagraph				
314	The Commission shall be authorised not to fully allocate the maximum quantity referred to in Annex VII or allocate additional quotas, as contingency for implementation issues during the allocation period.		The Commission shall be authorised not to fully allocate the maximum quantity referred to in Annex VII or allocate additional quotas, as contingency for implementation issues during the allocation period.	
Article 17(6)				
315	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	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	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	EP amendment may be acceptable and moved to row 315b. Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	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.	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, <u>including on public health and the users of MDIs</u> .	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. in order to compensate for the inflation.	
315a		<p><u>6a. By ... [one year following the entry into force of this Regulation] and every year thereafter, the Commission shall assess, in consultation with relevant stakeholders, the impact of the HFC quota phase-down on the Union's heat pump market, and shall submit a report to the European Parliament and the Council.</u></p> <p><u>The Commission shall adopt delegated acts in accordance with Article 32 to amend Annex VII and allow a limited amount of additional quotas for placing on the Union market HFCs to be used in heat pumps until the year 2029, where the assessment</u></p>		Maintain Council's Mandate in row 315c.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p><u>referred to in the first subparagraph concludes that the HFC quota phase-down set out in Annex VII creates disruptions in the Union's heat pump market to an extent which would endanger the attainment of the RePowerEU heat pump deployment targets.</u></p> <p><u>In the report referred to in the first subparagraph the Commission shall provide a justification for its decision to adopt or not to adopt the delegated acts referred to in the second subparagraph.</u></p> <p><u>Where the Commission adopts a delegated acts as referred to in the second subparagraph, the additional quotas shall be distributed to producers and importers, following their requests, submitted to the F-gas Portal, accompanied by evidence, in the form of sales contracts, that the quotas are to be used for heat pumps.</u></p>	PUBLIC	
Article 17(6a)				
315b			6a. The Commission is	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 5 as regards 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.	
Article 17(6b)				
315c			6b. Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission shall assess the impact of the hydrofluorocarbons quota phase-down laid out in Annex VII on the Union's heat pump market. Where the assessment concludes that the hydrofluorocarbons phase-down creates verified cases of shortage of hydrofluorocarbons for specific uses, which may endanger the attainment of the heat pumps deployment rate target provided	Maintain Council's Mandate regarding the reserve's link to the RePowerEU-targets, an adequate ceiling for the number of quotas and the possible triggering through a substantiated request by a competent authority of a Member State.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			<p>under the Commission Communication of 18 May 2022 entitled "REPowerEU Plan"¹, the Commission may adopt delegated acts in accordance with Article 32 to amend Annex VII in order to allow the placing on the market of a quantity of hydrofluorocarbons in addition to the quotas under Annex VII, respectively up to 4 410 247 tons for the period 2024-2026 or up to 1 425 536 tons for the period 2027-2029.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU Plan (COM/2022/230 final).</p>	
Article 17(7)				
316	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	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	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	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>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.</p>	<p>multiannual financial framework (European Public Administration);</p> <p><u>(a) 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;</u></p> <p><u>(b) to cover the costs and for ensuring compliance with the Protocol;</u></p> <p><u>(c) to support capacity building at national level and Member States' implementation and enforcement of this Regulation, including in relation to the fight against online sales of illegal fluorinated gases and the destruction of seized illegal fluorinated gases; and</u></p> <p><u>(d) to accelerate the deployment of alternatives to fluorinated gases, particularly in sectors incurring high mitigation costs, and in the heat pump sector, including increasing production of necessary equipment, facilitating access to finance,</u></p>	<p>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. The revenue used to cover these costs shall not exceed the maximum annual amount of 3 million euros. Any revenue remaining after covering these costs shall be entered into the general budget of the Union.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p><u>reducing prices for consumers, training and certifying natural persons under Article 10 and reskilling gas boiler installers.</u></p> <p>Any revenue remaining after covering these costs shall be entered into the general budget of the Union.</p>		
Article 18				
317	Article 18 Conditions for registration and receiving quota allocations		Article 18 Conditions for registration and receiving quota allocations	
Article 18(1)				
318	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 ¹ .	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 <u>and with the requirements of Title II of Regulation (EC) No 1907/2006 of the European Parliament and of the Council.</u> The only representative may be the	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 ¹ .	EP amendment may be acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>1. 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).</p>	<p>same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council¹.</p> <p>1. 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).</p>	<p>1. 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).</p>	
Article 18(2)				
319	<p>2. Only importers and producers that have experience in trading activities of chemicals for three consecutive years prior to the quota allocation period, shall be allowed to submit a declaration referred to in Article 17(3) or receive a quota allocation on that basis pursuant to Article 17(4). The importers and producers shall submit evidence to this effect, on request, to the Commission.</p>		<p>2. Only importers and producers that have experience in trading activities of chemicals or in servicing refrigeration, air conditioning, heat pumps or fire protection equipment for three consecutive years prior to the quota allocation period, shall be allowed to submit a declaration referred to in Article 17(3) or receive a quota allocation on that basis pursuant to Article 17(4). The importers and</p>	<p>EP expected to accept Council's amendment.</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			producers shall submit evidence to this effect, on request, to the Commission.	
Article 18(3), first subparagraph				
320	3. For the purpose of registration in the F-gas Portal, importers and producers shall provide a physical address where the company is located and from where it conducts its business. Only one undertaking shall be registered under the same physical address.		3. For the purpose of registration in the F-gas Portal, importers and producers shall provide a physical address where the company is located and from where it conducts its business. Only one undertaking shall be registered under the same physical address.	
Article 18(3), second subparagraph				
321	For the purpose of submitting a quota declaration pursuant to Article 17(3) and receiving a quota allocation pursuant to Article 17(4) as well as for the purpose of determining reference values pursuant to Article 17(1), all undertakings that share the same beneficial owner, shall be considered as one single undertaking. Only that single undertaking, which is the one registered first in the registry unless indicated otherwise by the		For the purpose of submitting a quota declaration pursuant to Article 17(3) and receiving a quota allocation pursuant to Article 17(4) as well as for the purpose of determining reference values pursuant to Article 17(1), all undertakings that share the same beneficial owner, shall be considered as one single undertaking. Only that single undertaking, which is the one registered first in the registry unless indicated otherwise by the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	beneficial owner, shall be entitled to a reference value pursuant to Article 17(1) and a quota allocation pursuant to Article 17(4).		beneficial owner, shall be entitled to a reference value pursuant to Article 17(1) and a quota allocation pursuant to Article 17(4).	
Article 19				
322	Article 19 Pre-charging of equipment with hydrofluorocarbons		Article 19 Pre-charging of equipment with hydrofluorocarbons	This row may be adjusted in light of addition of “or products” in some of the following rows.
Article 19(1)				
323	1. Refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons shall not be placed on the market unless hydrofluorocarbons charged into the equipment are accounted for within the quota system referred to in this Chapter.	1. Refrigeration, air conditioning, <u>MDIs</u> and heat pump equipment charged with hydrofluorocarbons shall not be placed on the market unless hydrofluorocarbons charged into the equipment are accounted for within the quota system referred to in this Chapter.	1. Refrigeration, and air conditioning and heat pump equipment and metered dose inhalers charged with substances listed in Annex I, Section 1 hydrofluorocarbons shall not be placed on the market unless those substances hydrofluorocarbons charged into the equipment or products are accounted for within the quota system referred to in this Chapter.	Maintain Council’s Mandate, with some slight possible adjustments.
Article 19(2), first subparagraph				
324	2. When placing pre-charged	2. When placing pre-charged	2. When placing pre-charged	EP amendment may be acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	equipment as referred to in paragraph 1 on the market, manufacturers and importers of equipment shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect.	equipment <u>or products</u> as referred to in paragraph 1 on the market, manufacturers and importers of equipment <u>or products</u> shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect.	equipment or products as referred to in paragraph 1 on the market, manufacturers and importers of equipment shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect.	
Article 19(2), second subparagraph				
325	By drawing up the declaration of conformity, manufacturers and importers of equipment shall assume responsibility for compliance with this paragraph and paragraph 1.	By drawing up the declaration of conformity, manufacturers and importers of equipment <u>or products</u> shall assume responsibility for compliance with this paragraph and paragraph 1.	By drawing up the declaration of conformity, manufacturers and importers of equipment or products shall assume responsibility for compliance with this paragraph and paragraph 1.	EP amendment identical to Council's Mandate.
Article 19(2), third subparagraph				
326	Manufacturers and importers of equipment shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment and shall make it available, on request, to the competent authorities of Member States and the Commission.	Manufacturers and importers of equipment <u>or products</u> shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment <u>or products</u> and shall make it available, on request, to the competent authorities of Member States and the Commission.	Manufacturers and importers of equipment or products shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment or products and shall make it available, on request, to the competent authorities of Member States and the Commission.	EP amendment identical to Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 19(3), first subparagraph				
327	3. Where hydrofluorocarbons contained in the equipment referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment, importers of that equipment shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.	3. Where hydrofluorocarbons contained in the equipment <u>or products</u> referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment, importers of that equipment <u>or products</u> shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.	3. Where hydrofluorocarbons contained in the equipment or products referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment or products , importers of that equipment or products shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.	Maintain Council's Mandate.
Article 19(3), second subparagraph				
328	The independent auditor shall be either:		The independent auditor shall be either:	
Article 19(3), second subparagraph, point (a)				
329				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>(a) accredited pursuant to Directive 2003/87/EC of the European Parliament and of the Council¹; or,</p> <p>1. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p.32).</p>		<p>(a) accredited pursuant to Directive 2003/87/EC of the European Parliament and of the Council¹; or,</p> <p>1. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p.32).</p>	
Article 19(3), second subparagraph, point (b)				
330	<p>(b) accredited to verify financial statements in accordance with the legislation of the Member State concerned.</p>		<p>(b) accredited to verify financial statements in accordance with the legislation of the Member State concerned.</p>	
Article 19(4)				
331	<p>4. The Commission shall, by means of implementing acts, determine the detailed arrangements relating to the declaration of conformity referred to in paragraph 2, the verification by the independent auditor and of the accreditation of verifiers. Those implementing acts shall be adopted in accordance with the examination</p>		<p>4. The Commission shall, by means of implementing acts, determine the detailed arrangements relating to the declaration of conformity referred to in paragraph 2, the verification by the independent auditor and of the accreditation of verifiers. Those implementing acts shall be adopted in accordance with the examination</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	procedure referred to in Article 34(2).		procedure referred to in Article 34(2).	
Article 19(5)				
332	5. Importers of equipment referred to in paragraph 1, which has no establishment in the Union, shall mandate 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.	5. Importers of equipment <u>or products</u> referred to in paragraph 1, which has no establishment in the Union, shall mandate 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.	5. Importers of equipment referred to in paragraph 1, which has no establishment in the Union, shall mandate 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.	EP amendment may be acceptable.
Article 19(6)				
333	6. This Article shall not apply to undertakings that placed on the market less than 100 tonnes of CO ₂ equivalent of hydrofluorocarbons, per year, contained in the equipment referred to in paragraph 1.	6. This Article shall not apply to undertakings that placed on the market less than 100 tonnes of CO ₂ equivalent of hydrofluorocarbons, per year, contained in the equipment <u>or products</u> referred to in paragraph 1.	6. This Article shall not apply to undertakings that placed on the market less than 100 10 tonnes of CO ₂ equivalent of hydrofluorocarbons, per year, contained in the equipment or products referred to in paragraph 1.	Maintain Council's Mandate on the first part of paragraph 6. In the second part, EP and Council's amendment are identical.
Article 20				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
334	Article 20 The F-gas Portal		Article 20 The F-gas Portal	
Article 20(1)				
335	1. The Commission shall set up and ensure the operation of an electronic system for the management of the quota system, licensing of imports and exports and reporting ('the F-gas Portal').		1. The Commission shall set up and ensure the operation of an electronic system for the management of the quota system, licensing of imports and exports and reporting ('the F-gas Portal').	
Article 20(2)				
336	2. The Commission shall ensure the interconnection of the F-gas Portal with the European Union Single Window Environment for Customs through the European Union Customs Single Window - Certificate Exchange System established by Regulation (EU) No .../... [the full reference to be inserted once that Regulation has been adopted].		2. The Commission shall ensure the interconnection of the F-gas Portal with the European Union Single Window Environment for Customs through the European Union Customs Single Window - Certificate Exchange System established by Regulation (EU) No .../... [the full reference to be inserted once that Regulation has been adopted].	
Article 20(3)				
337	3. Member States shall ensure the		3. Member States shall ensure the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	interconnection of their national single window environments for customs with the European Union Customs Single Window - Certificate Exchange System for the purpose of exchanging information with the F-gas Portal.		interconnection of their national single window environments for customs with the European Union Customs Single Window - Certificate Exchange System for the purpose of exchanging information with the F-gas Portal.	
Article 20(4), first subparagraph				
338	4. 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:	4. 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:	4. 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:	Maintain Council's Mandate. EP amendment not acceptable.
Article 20(4), first subparagraph, point (-a)				
338a			(-a) the import or export of fluorinated greenhouse gases and products and equipment containing fluorinated greenhouse gases except in cases of temporary storage, pursuant to Article 5(17) of the Regulation (EU) No 952/2013;	Maintain Council's Mandate, with some slight adjustments in drafting.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 20(4), first subparagraph, point (a)				
339	(a) submitting a declaration pursuant to Article 17(3);		(a) submitting a declaration pursuant to Article 17(3);	
Article 20(4), first subparagraph, point (b)				
340	(b) receiving a quota allocation for the placing on the market of hydrofluorocarbons in accordance with Article 17(4) or making or receiving a quota transfer in accordance with Article 21(1) or making or receiving an authorisation to use quota in accordance with Article 21(2) or delegating that authorisation to use quota in accordance with Article 21(3);		(b) receiving a quota allocation for the placing on the market of hydrofluorocarbons in accordance with Article 17(4) or making or receiving a quota transfer in accordance with Article 21(1) or making or receiving an authorisation to use quota in accordance with Article 21(2) or delegating that authorisation to use quota in accordance with Article 21(3);	
Article 20(4), first subparagraph, point (c)				
341	(c) supplying, or receiving hydrofluorocarbons for the purposes listed in points (a) to (e) of Article 16(2);	(c) supplying, or receiving hydrofluorocarbons for the purposes listed in points (a) to (e) (d) of Article 16(2);	(c) supplying, or receiving hydrofluorocarbons for the purposes listed in points (a) to (e) of Article 16(2);	EP amendment not acceptable.
Article 20(4), first subparagraph, point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
342	(d) for carrying out the activities that require reporting under Article 26;		(d) for carrying out the all other activities that require reporting under Article 26;	EP expected to accept Council's amendment.
Article 20(4), first subparagraph, point (e)				
343	(e) for receiving production rights pursuant to Article 14 and for making or receiving a transfer and an authorisation of production rights referred to in Article 15;		(e) for receiving production rights pursuant to Article 14 and for making or receiving a transfer and an authorisation of production rights referred to in Article 15;	EP expected to accept Council's amendment.
Article 20(4), first subparagraph, point (f)				
344	(f) for verifying reports referred to in Articles 19(3) and 26(8).		(f) for verifying reports referred to in Articles 19(3) and 26(8).	EP expected to accept Council's amendment.
Article 20(4), second subparagraph				
345	Registration shall be valid only once the Commission validates it and for as long as it is not suspended or revoked by the Commission or withdrawn by the undertaking.		Registration shall be valid only once the Commission validates it and for as long as it is not suspended or revoked by the Commission or withdrawn by the undertaking.	
Article 20(5)				
346				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	5. A valid registration in the F-Gas Portal at the moment of import or export constitutes a licence required under Article 22.		5. A valid registration in the F-Gas Portal at the moment of import or export constitutes a licence required under Article 22.	
Article 20(6)				
347	6. The Commission shall, to the extent necessary, by means of implementing acts, ensure the smooth functioning of the F-gas Portal. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		6. The Commission shall, to the extent necessary, by means of implementing acts, clarify the rules of registration to ensure the smooth functioning of the F-gas Portal and compatibility with the European Union Single Window Environments for Customs . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	EP expected to accept Council's amendment.
Article 20(7), first subparagraph				
348	7. The competent authorities, including customs authorities, of the Member States shall have access to the F-gas Portal to enable the implementation of the relevant requirements and controls. Access to the F-gas Portal by customs authorities shall be ensured via the European Union Single Window		7. The competent authorities, including customs authorities, of the Member States shall have access to the F-gas Portal to enable the implementation of the relevant requirements and controls. Access to the F-gas Portal by customs authorities shall be ensured via the European Union Single Window	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	Environments for Customs.		Environments for Customs.	
Article 20(7), second subparagraph				
349	The Commission and competent authorities of the Member States shall ensure the confidentiality of the data included in the F-gas Portal.	The Commission and competent authorities of the Member States shall ensure the confidentiality of the <i>that the following</i> data included in the F-gas Portal <u>is publicly available:</u> <u>(a) regularly updated quota allocation and quota transfers;</u> <u>(b) a list of registered importers and producers;</u> <u>(c) data on imports, including points of entry and type of HFC;</u> <u>(d) temporary storage data;</u> <u>(e) facility-level chemical destruction data.</u>	The Commission and competent authorities of the Member States shall ensure the confidentiality of the data included in the F-gas Portal.	EP amendment not acceptable. Maintain Council's Mandate in row 351a.
Article 20(8), first subparagraph				
350	8. Any requests by importers and producers for corrections of the information recorded in the F-gas Portal, by themselves, concerning		8. Any requests by importers and producers for corrections of the information recorded in the F-gas Portal, by themselves, concerning	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	transfers of quota referred to in Article 21(1), authorisations to use quota referred to in Article 21(2) or delegations of authorisations referred to in Article 21(3), shall be communicated, with the consent of all undertakings involved in the transaction, to the Commission without undue delay and at the latest until 31 March of the year following the year of the recording of the transfer of quota or the authorisation to use quota and shall be substantiated with evidence establishing that it concerns a clerical error.		transfers of quota referred to in Article 21(1), authorisations to use quota referred to in Article 21(2) or delegations of authorisations referred to in Article 21(3), shall be communicated, with the consent of all undertakings involved in the transaction, to the Commission without undue delay and at the latest until 31 March of the year following the year of the recording of the transfer of quota or the authorisation to use quota and shall be substantiated with evidence establishing that it concerns a clerical error.	
Article 20(8), second subparagraph				
351	Notwithstanding the conditions set out in the first subparagraph, requests for corrections of data that negatively affect the entitlements of other importers and producers not involved in the underlying transaction shall be refused.		Notwithstanding the conditions set out in the first subparagraph, requests for corrections of data that negatively affect the entitlements of other importers and producers not involved in the underlying transaction shall be refused.	
Article 20(8), second subparagraph a				
351a			9. The Commission shall make publicly available a list of quota	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			holders no later than three months after the allocation is completed for a given year, subject to business confidentiality and protection of personal data.	Linked to row 349.
Article 21				
352	Article 21 Transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment		Article 21 Transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment	
Article 21(1), first subparagraph				
353	1. Any producer or importer for whom a reference value has been determined pursuant to Article 17(1) may transfer in the F-gas Portal its quota allocation on the basis of Article 17(4), for all or any quantities, to another producer or importer in the Union or to another producer or importer which is represented in the Union by an only representative referred to in Article 18(1).		1. Any producer or importer for whom a reference value has been determined pursuant to Article 17(1) may transfer in the F-gas Portal its quota allocation on the basis of Article 17(4), for all or any quantities, to another producer or importer in the Union or to another producer or importer which is represented in the Union by an only representative referred to in Article 18(1).	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 21(1), second subparagraph				
354	Transferred quota as referred to in the first subparagraph shall not be transferred a second time.		Transferred quota as referred to in the first subparagraph shall not be transferred a second time.	
Article 21(2), first subparagraph				
355	2. Any producer or importer for whom a reference value has been determined pursuant to Article 17(1), may authorize in the F-gas Portal an undertaking in the Union or represented in the Union by an only representative referred to in Article 19(5), to use all or part of its quota for the purpose of importing pre-charged equipment referred to in Article 19.		2. Any producer or importer for whom a reference value has been determined pursuant to Article 17(1), may authorize in the F-gas Portal an undertaking in the Union or represented in the Union by an only representative referred to in Article 19(5), to use all or part of its quota for the purpose of importing pre-charged equipment referred to in Article 19.	
Article 21(2), second subparagraph				
356	The respective quantities of hydrofluorocarbons shall be deemed to be placed on the market by the authorising producer or importer at the moment of the authorisation.		The respective quantities of hydrofluorocarbons shall be deemed to be placed on the market by the authorising producer or importer at the moment of the authorisation.	
Article 21(3)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
357	3. Any undertaking receiving authorisations may delegate that authorisation to use quota received in accordance with paragraph 2 in the F-gas Portal to an undertaking for the purpose of importing pre-charged equipment referred to in Article 19. A delegated authorisation shall not be delegated a second time.		3. Any undertaking receiving authorisations may delegate that authorisation to use quota received in accordance with paragraph 2 in the F-gas Portal to an undertaking for the purpose of importing pre-charged equipment referred to in Article 19. A delegated authorisation shall not be delegated a second time.	
Article 21(4)				
358	4. Transfers of quota, authorisations to use quota and delegations of authorisations carried out via the F-gas Portal shall only be valid if the receiving undertaking accepts it via the F-gas Portal.		4. Transfers of quota, authorisations to use quota and delegations of authorisations carried out via the F-gas Portal shall only be valid if the receiving undertaking accepts it via the F-gas Portal.	
CHAPTER V				
359	CHAPTER V TRADE		CHAPTER V TRADE	
Article 22				
360	Article 22		Article 22	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	Imports and exports		Imports and exports	
Article 22, first paragraph				
361	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).	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).	1. 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) and 20(5) .	Maintain Council's Mandate. EP amendment not acceptable.
361a		<u>By way of derogation from the first paragraph of this Article and from Article 20, the Commission shall, by means of implementing acts, establish simplified rules for registration in the F-gas Portal in the case of temporary storage as defined in Article 5(17) of Regulation (EU) No 952/2013. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34.</u>		EP amendment not acceptable

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 22, second paragraph				
362	Fluorinated greenhouse gases imported into the Union shall be considered as virgin gases.		Fluorinated greenhouse gases imported into the Union shall be considered as virgin gases.	
Article 22, second paragraph a				
362a			This paragraph does not apply to products and equipment that are personal effects.	Maintain Council's Mandate.
Article 22, second paragraph b				
362b			1a. The export of refrigeration and air conditioning equipment and heat pumps that are referred to in Annex IV that contain or whose functioning relies upon fluorinated greenhouse gases listed in Annex I, Section 1 with a GWP of 2000 or more shall be prohibited, unless such equipment can be placed on the market in the EU in accordance with Annex IV.	<p>Row 229b not acceptable, maintain row 362b instead.</p> <p>EP's proposal to introduce an exemption for military equipment may be acceptable.</p> <p>Maintain Council's Mandate and approach, with some limited flexibility regarding the scope of the ban in terms of GWP value, while ensuring the global competitiveness of the European industry.</p> <p>If the GWP value were to be lowered, the following derogation</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
				<p>may be needed:</p> <p><i>1c. By way of derogation from Article 22 (1a), the Commission may, by means of implementing acts, following a request by a competent authority of a Member State, authorise the export of refrigeration and air conditioning equipment and heat pumps where such export is in line with national legislation in the destination country. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).</i></p>
Article 22, second paragraph c				
362c			<p>Undertakings established in the Union shall take all necessary measures to ensure the export of refrigeration and air conditioning equipment, and heat pumps, does not violate import restrictions the importing country has notified under the Montreal Protocol.</p>	<p>Maintain Council's Mandate.</p>
Article 23				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
363	Article 23 Controls of trade		Article 23 Controls of trade	
Article 23(1)				
364	1. Customs authorities and market surveillance authorities shall enforce the prohibitions and other restrictions set out in this Regulation with regards to imports and exports.		1. Customs authorities and market surveillance authorities shall enforce the prohibitions and other restrictions set out in this Regulation with regards to imports and exports.	
Article 23(2), first subparagraph				
365	2. For the purpose of release for free circulation, the undertaking holding quota or authorisations to use quota as required under this Regulation and registered in the F-gas Portal pursuant to Article 20 shall be the importer indicated in the customs declaration.		2. For the purpose of release for free circulation, the undertaking holding quota or authorisations to use quota as required under this Regulation and registered in the F-gas Portal pursuant to Article 20 shall be the importer indicated in the customs declaration.	
Article 23(2), second subparagraph				
366	For the purpose of imports, other than release for free circulation, the undertaking registered in the F-gas Portal pursuant to Article 20 shall		For the purpose of imports, other than release for free circulation, the undertaking registered in the F-gas Portal pursuant to Article 20 shall	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	be the declarant indicated in the customs declaration.		be the declarant indicated in the customs declaration.	
Article 23(2), third subparagraph				
367	For the purpose of exports, the undertaking registered in the F-gas Portal pursuant to Article 20 shall be the exporter indicated in the customs declaration.		For the purpose of exports, the undertaking registered in the F-gas Portal pursuant to Article 20 shall be the exporter indicated in the customs declaration.	
Article 23(3)				
368	3. In cases of imports of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases the importer, or where not available the declarant, indicated in the customs declaration or in the temporary storage declaration, and in cases of exports the exporter indicated in the customs declaration, shall provide to customs authorities in the declaration the following, where relevant:		3. In cases of imports of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases the importer, or where not available the declarant, indicated in the customs declaration or in the temporary storage declaration , and in cases of exports the exporter indicated in the customs declaration, shall provide to customs authorities in the declaration the following, where relevant:	Presidency proposes to show openness towards Commission's proposal.
Article 23(3), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
369	(a) the F-gas Portal registration identification number;		(a) the F-gas Portal registration identification number;	
Article 23(3), point (b)				
370	(b) the Economic Operators Registration and Identification (EORI) number;		(b) the Economic Operators Registration and Identification (EORI) number;	
Article 23(3), point (c)				
371	(c) the net mass of bulk gases and of gases charged in products and equipment;		(c) the net mass of bulk gases and of gases charged in products and equipment;	
Article 23(3), point (d)				
372	(d) the commodity code under which the goods are classified;		(d) the commodity code under which the goods are classified;	
Article 23(3), point (e)				
373	(e) the tonnes of CO ₂ equivalent of bulk gases and of gases contained in products or equipment, and parts thereof.		(e) the tonnes of CO ₂ equivalent of bulk gases and of gases contained in products or equipment, and parts thereof.	
Article 23(4)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
374	4. Customs authorities shall verify, in particular, that in cases of release for free circulation, the importer indicated in the customs declaration has quota or authorisations to use quota as required by this Regulation before releasing the goods for free circulation. Customs authorities shall also ensure that in cases of imports the importer indicated in the customs declaration, or where not available the declarant, and in cases of exports the exporter, indicated in the customs declaration is registered in the F-gas Portal pursuant to Article 20.		4. Customs authorities shall verify, in particular, that in cases of release for free circulation, the importer indicated in the customs declaration has quota or authorisations to use quota as required by this Regulation before releasing the goods for free circulation. Customs authorities shall also ensure that in cases of imports the importer indicated in the customs declaration, or where not available the declarant, and in cases of exports the exporter, indicated in the customs declaration is registered in the F-gas Portal pursuant to Article 20.	
Article 23(5)				
375	5. Where relevant, customs authorities shall communicate information regarding the customs clearance of goods to the F-gas Portal via the European Union Single Window Environment for Customs.		5. Where relevant, customs authorities shall communicate information regarding the customs clearance of goods to the F-gas Portal via the European Union Single Window Environment for Customs.	
Article 23(6)				
376				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	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.	6. Importers of fluorinated greenhouse gases listed in Annex I and in Annex II, Section 1, in refillable containers as referred to in Article 11 (3) (b) 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.	Maintain Council's Mandate.
Article 23(7)				
377	7. Importers of fluorinated greenhouse gases shall make available to customs authorities, at the time the customs declaration related to the release for free circulation in the Union is submitted, the evidence referred to in Article 4(5).		7. Importers of fluorinated greenhouse gases shall make available to customs authorities, at the time the customs declaration related to the release for free circulation in the Union is submitted, the evidence referred to in Article 4(5).	
Article 23(8)				
378	8. The declaration of conformity and the documentation referred to in Article 19(2) shall be made		8. The declaration of conformity and the documentation referred to in Article 19(2) shall be made	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	available to customs authorities at the time the customs declaration related to the release for free circulation in the Union is submitted.		available to customs authorities at the time the customs declaration related to the release for free circulation in the Union is submitted.	
Article 23(9)				
379	9. Customs authorities shall verify compliance with the rules on imports and exports set out in this Regulation when carrying out the controls based on risk analysis in the context of Customs Risk Management Framework and in accordance with Article 46 of Regulation (EU) No 952/2013. The risk analysis shall take into account, in particular, any available information on the likelihood of illegal trade of fluorinated greenhouse gases, and the compliance history of the undertaking concerned.		9. Customs authorities shall verify compliance with the rules on imports and exports set out in this Regulation when carrying out the controls based on risk analysis in the context of Customs Risk Management Framework and in accordance with Article 46 of Regulation (EU) No 952/2013. The risk analysis shall take into account, in particular, any available information on the likelihood of illegal trade of fluorinated greenhouse gases, and the compliance history of the undertaking concerned.	
Article 23(10), first subparagraph				
380	10. Based on risk analysis, when carrying out physical customs controls of the gases and products covered under this Regulation, the		10. Based on risk analysis, when carrying out physical customs controls of the gases, products and equipment and products	EP expected to accept Council's amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	customs authority shall, in particular, verify the following on imports and exports:		covered under this Regulation, the customs authority shall, in particular, verify the following on imports and exports:	
Article 23(10), first subparagraph, point (a)				
381	(a) that the goods presented correspond to those described in the licence and in the customs declaration;		(a) that the goods presented correspond to those described in the licence and in the customs declaration;	
Article 23(10), first subparagraph, point (b)				
382	(b) that the product or equipment presented does not fall under the restrictions referred to in Article 11(1) and (3);		(b) that the product or equipment presented does not fall under the restrictions referred to in Article 11(1) and (3);	
Article 23(10), first subparagraph, point (c)				
383	(c) that the goods are appropriately labelled in accordance with Article 12 before releasing the goods for free circulation.		(c) that the goods are appropriately labelled in accordance with Article 12 before releasing the goods for free circulation.	
Article 23(10), second subparagraph				
384	The importer, or where not		The importer, or where not	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	available the declarant, or exporter shall make their licence available to customs authorities during controls in accordance with Article 15 of Regulation (EU) No 952/2013.		available the declarant, or exporter shall make their licence available to customs authorities during controls in accordance with Article 15 of Regulation (EU) No 952/2013.	
Article 23(11)				
385	11. Customs authorities or market surveillance authorities shall take all necessary measures to prevent attempts to import or export the substances and the products covered under this Regulation that were already not allowed to enter or exit the territory.		11. Customs authorities or market surveillance authorities shall take all necessary measures to prevent attempts to import or export the substances, products and equipment and the products covered under this Regulation that were already not allowed to enter or exit the territory.	EP expected to accept Council's amendment.
Article 23(12), first subparagraph				
386	12. Customs authorities shall confiscate or seize non-refillable containers prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) 952/2013. Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with Article 16 of	12. Customs authorities shall confiscate or seize non-refillable containers prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) 952/2013 <u>and destroy them</u> . Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with	12. Customs authorities shall confiscate or seize non-refillable containers as referred to in Article 11 (3) (a) prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) 952/2013 or shall inform the competent authorities for ensuring the confiscation and seizure of such	Maintain Council's Mandate. The intention of the EP's amendment may be acceptable, with some legal rewording ("disposal by destruction ").

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	<p>Regulation (EU) No 2019/1020 of the European Parliament and the Council¹.</p> <p>1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).</p>	<p>Article 16 of Regulation (EU) No 2019/1020 of the European Parliament and the Council¹.</p> <p>1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).</p>	<p>containers for disposal. Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with Article 16 of Regulation (EU) No 2019/1020 of the European Parliament and the Council¹.</p> <p>1. [1] Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).</p>	
Article 23(12), first subparagraph a				
386a			<p>In other cases, not referred to in the first subparagraph, of unlawful import, further supply, or export carried out in breach of this Regulation, in particular in cases of fluorinated greenhouse gases listed in Annex 1 Section 1 placed on the market in bulk or charged in products and equipment in violation of the quota and authorisation requirements set out in this Regulation, customs authorities or market surveillance authorities may take alternatives</p>	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			measures. Such measures may include auctioning provided that the subsequent placing on the market is in line with this Regulation.	
Article 23(12), second subparagraph				
387	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 Regulation.	For other substances and products and equipment covered by this Regulation, alternative measures may be taken <u>customs authorities shall seize and confiscate fluorinated greenhouse gases imported or exported in violation of this Regulation and in accordance with the [Environmental Crime Directive 2021/0422(COD)]</u> 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 Regulation.	<i>deleted</i>	The intention of the Parliament's amendment may be acceptable, with some possible legal rewording and clarifications. Possibly to be merged with 386a. The reference to ECD should be avoided, as the ECD is still under negotiations.
Article 23(12), third subparagraph				
388	The re-export of gases and		The re-export of fluorinated	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	products and equipment that do not comply with this Regulation is prohibited.		greenhouse gases and products and equipment that do not comply with this Regulation listed in Annex 1 Section 1 unlawfully placed on the market is prohibited.	
Article 23(13), first subparagraph				
389	<p>13. 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.</p>		<i>deleted</i>	<p>Council may consider dropping this proposed deletion, in view of the overall compromise. However, some possible legal rewording may be needed so that such physical controls can be performed by competent authorities.</p>
Article 23(13), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
390	Only the designated or approved places and customs offices referred to in the first subparagraph shall be authorised to open or end a transit procedure of the gases and products or equipment covered by this Regulation.		deleted	Council may consider dropping this proposed deletion, in view of the overall compromise.
Article 24				
391	Article 24 Measures to monitor illegal trade		Article 24 Measures to monitor illegal trade	
391a		<u>By 30 June 2025, the Commission shall publish a report evaluating the potential risks of illegal trade and identifying additional measures to reduce those risks linked to movements of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases when placed under temporary storage, or a customs procedure including customs warehousing or free zone procedure or in transit through</u>		EP amendment not acceptable as such. To be addressed in row 392 instead.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u><i>the customs territory of the Union, including tracing methodologies for gases placed on the market, such as quick response (QR) codes.</i></u>		
Article 24, first paragraph				
392	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		1. On the basis of an evaluation of the potential risks of illegal trade linked to the movements of fluorinated greenhouse gases, products and equipment containing those gases or whose functioning relies upon those gases, the Commission is empowered to adopt delegated acts in accordance with Article 32 to: (i) supplement this Regulation by establishing additional measures to those set out in this Article 29 by specifying the criteria to be taken into account by the competent authorities of Member States when carrying out checks to establish whether undertakings comply with their obligations under the Regulation; (ii) supplement Articles 23 by specifying the requirements to be checked when monitoring for the monitoring of fluorinated	Maintain Council's Mandate, with some possible adjustments.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	measures.		<p>greenhouse gases and of, products and equipment containing those gases or whose functioning relies upon those gases, placed under temporary storage; or under 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;</p> <p>(iii) to amend Article 22 by adding tracing methodologies for fluorinated greenhouse gases placed on the market for the monitoring of import and export of fluorinated greenhouse gases, products and equipment containing those gases placed on the market, taking into account the environmental benefits and socio-economic impacts of such measures or whose functioning relies upon those gases, placed under temporary storage or under a customs procedure.</p>	
Article 24, first paragraph a				
392a				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			1a. The Commission, when adopting a delegated act under paragraph 1, shall take into account the environmental benefits and socio-economic impacts of the methodology to be established under points (i), (ii) and (iii) of paragraph 1 .	Maintain Council's Mandate.
Article 25				
393	Article 25 Trade with states or regional economic integration organisations and territories not covered by the Protocol		Article 25 Trade with states or regional economic integration organisations and territories not covered by the Protocol	
Article 25(1)				
394	1. Import and export of hydrofluorocarbons and of products and equipment containing, hydrofluorocarbons or whose functioning relies upon those gases from and to any state or regional economic integration organisation that has not agreed to be bound by the provisions of the Protocol applicable to those gases shall be prohibited as from 1 January from 2028.		1. Import and export of hydrofluorocarbons and of products and equipment containing, hydrofluorocarbons or whose functioning relies upon those gases from and to any state or regional economic integration organisation that has not agreed to be bound by the provisions of the Protocol applicable to those gases shall be prohibited as from 1 January from 2028.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 25(2)				
395	<p>2. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing the rules applicable to the release for free circulation in the Union and export of products and equipment imported from and exported to any State or regional economic integration organisation subject to paragraph 1, which were produced using hydrofluorocarbons but do not contain gases which can be positively identified as hydrofluorocarbons, as well as rules on the identification of such products and equipment. When adopting those delegating acts the Commission shall take into account the relevant decisions taken by the Parties to the Protocol and, as regards the rules on the identification of such products and equipment, periodical technical advice given to the Parties to the Protocol.</p>		<p>2. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing the rules applicable to the release for free circulation in the Union and export of products and equipment imported from and exported to any State or regional economic integration organisation subject to paragraph 1, which were produced using hydrofluorocarbons but do not contain gases which can be positively identified as hydrofluorocarbons, as well as rules on the identification of such products and equipment. When adopting those delegating acts the Commission shall take into account the relevant decisions taken by the Parties to the Protocol and, as regards the rules on the identification of such products and equipment, periodical technical advice given to the Parties to the Protocol.</p>	
Article 25(3)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
396	3. By way of derogation from paragraph 1, trade with any state or regional economic integration organisation subject to paragraph 1 in hydrofluorocarbons and equipment containing hydrofluorocarbons or whose functioning relies upon those gases or which are produced by means of one or more such gases may be authorised by the Commission, by means of implementing acts, to the extent that the state or regional economic integration organisation is determined by a meeting of the Parties to the Protocol pursuant to Article 4(8) of the Protocol to be in full compliance with the Protocol and has submitted data to that effect as specified in Article 7 of the Protocol. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		3. By way of derogation from paragraph 1, trade with any state or regional economic integration organisation subject to paragraph 1 in hydrofluorocarbons and equipment containing hydrofluorocarbons or whose functioning relies upon those gases or which are produced by means of one or more such gases may be authorised by the Commission, by means of implementing acts, to the extent that the state or regional economic integration organisation is determined by a meeting of the Parties to the Protocol pursuant to Article 4(8) of the Protocol to be in full compliance with the Protocol and has submitted data to that effect as specified in Article 7 of the Protocol. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
Article 25(4)				
397	4. Subject to any decision taken under paragraph 2, paragraph 1 shall apply to any territory not		4. Subject to any decision taken under paragraph 2, paragraph 1 shall apply to any territory not	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	covered by the Protocol in the same way as such decisions apply to any state or regional economic integration organisation subject to paragraph 1.		covered by the Protocol in the same way as such decisions apply to any state or regional economic integration organisation subject to paragraph 1.	
Article 25(5)				
398	5. Where the authorities of a territory not covered by the Protocol are in full compliance with the Protocol and have submitted data to that effect as specified in Article 7 of the Protocol, the Commission may decide, by means of implementing acts, that some or all of the provisions of paragraph 1 of this Article shall not apply in respect of that territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		5. Where the authorities of a territory not covered by the Protocol are in full compliance with the Protocol and have submitted data to that effect as specified in Article 7 of the Protocol, the Commission may decide, by means of implementing acts, that some or all of the provisions of paragraph 1 of this Article shall not apply in respect of that territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
CHAPTER VI				
399	CHAPTER VI REPORTING AND COLLECTION OF EMISSION DATA		CHAPTER VI REPORTING AND COLLECTION OF EMISSION DATA	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 26				
400	Article 26 Reporting by undertakings		Article 26 Reporting by undertakings	
Article 26(1), first subparagraph				
401	1. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer, importer and exporter that produced, imported or exported hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO ₂ equivalent of other fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. This paragraph shall also apply to all undertakings receiving quotas pursuant to Article 21(1).	1. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer, importer and exporter that produced, imported or exported hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. This paragraph shall also apply to all undertakings receiving quotas pursuant to Article 21(1).	1. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer, importer and exporter that produced, imported or exported hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO ₂ equivalent of other fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. This paragraph shall also apply to all undertakings receiving quotas pursuant to Article 21(1).	Maintain Council's Mandate.
Article 26(1), second subparagraph				
402	By 31 March [OP: Please insert the year of application of this Regulation], and every year		By 31 March [OP: Please insert the year of application of this Regulation], and every year	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	thereafter, each importer or producer that has been allocated quota pursuant to Article 17(4), or has received quotas pursuant to Article 21(1) but has not placed any quantities of hydrofluorocarbons on the market during the preceding calendar year, shall report to the Commission by submitting a ‘nil-report’.		thereafter, each importer or producer that has been allocated quota pursuant to Article 17(4), or has received quotas pursuant to Article 21(1) but has not placed any quantities of hydrofluorocarbons on the market during the preceding calendar year, shall report to the Commission by submitting a ‘nil-report’.	
Article 26(2)				
403	2. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that destroyed hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO ₂ equivalent of other fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	2. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that destroyed hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	2. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that destroyed hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO ₂ equivalent of other fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	Maintain Council’s Mandate.
Article 26(3)				
404	3. By 31 March [[OP: Please insert	3. By 31 March [[OP: Please insert	3. By 31 March [[OP: Please insert	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	the year of application of this Regulation], each undertaking that used 1 000 tonnes of CO ₂ equivalent or more of fluorinated greenhouse gases listed in Annex I as feedstock during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	the year of application of this Regulation], each undertaking that used 1 000 tonnes of CO₂ <i>equivalent or more of</i> fluorinated greenhouse gases listed in Annex I as feedstock during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	the year of application of this Regulation], each undertaking that used 1 000 tonnes of CO ₂ equivalent or more of fluorinated greenhouse gases listed in Annex I as feedstock during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	Maintain Council's Mandate.
Article 26(4)				
405	4. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that placed 100 tonnes of CO ₂ equivalent or more of hydrofluorocarbons, or 500 tonnes of CO ₂ equivalent or more of other fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	4. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that placed 100 tonnes of CO₂ <i>equivalent or more of hydrofluorocarbons, or 500 tonnes of CO₂ equivalent or more of other</i> fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	4. By 31 March [OP: Please insert the year of application of this Regulation] OP: Please insert the year of application of this Regulation], each undertaking that placed 100 10 tonnes of CO ₂ equivalent or more of hydrofluorocarbons, or 500 100 tonnes of CO ₂ equivalent or more of other fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	Maintain Council's Mandate.
Article 26(5), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
406	5. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that received any quantities of hydrofluorocarbons referred to in Article 16(2) shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.		5. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that received any quantities of hydrofluorocarbons referred to in Article 16(2) shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	
Article 26(5), second subparagraph				
407	By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer or importer that placed on the market hydrofluorocarbons for the purpose of producing metered dose inhalers for the delivery of pharmaceutical ingredients shall report to the Commission the data specified in Annex IX. The manufactures of such metered dose inhalers shall report to the Commission the data specified in Annex IX on the hydrofluorocarbons received.		By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer or importer that placed on the market hydrofluorocarbons for the purpose of producing metered dose inhalers for the delivery of pharmaceutical ingredients shall report to the Commission the data specified in Annex IX. The manufactures of such metered dose inhalers shall report to the Commission the data specified in Annex IX on the hydrofluorocarbons received.	
Article 26(6)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
408	6. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that reclaimed quantities exceeding 1 metric tonne or 100 tonnes of CO ₂ equivalent of fluorinated greenhouse gases shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	6. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that reclaimed quantities exceeding 1 metric tonne or 100 tonnes of CO₂ equivalent of fluorinated greenhouse gases shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	6. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that reclaimed quantities exceeding 1 metric tonne or 100 tonnes of CO ₂ equivalent of fluorinated greenhouse gases shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.	Maintain Council's Mandate.
Article 26(7)				
409	7. By 30 April [OP: Please insert the year of application of this Regulation], each importer of equipment that placed on the market pre-charged equipment as referred to in Article 19 containing at least 1 000 tonnes of CO ₂ equivalent hydrofluorocarbons, and where those hydrofluorocarbons have not been placed on the market prior to the charging of the equipment, shall submit to the Commission a verification report issued pursuant to Article 19(3).	7. By 30 April [OP: Please insert the year of application of this Regulation], each importer of equipment that placed on the market pre-charged equipment as referred to in Article 19 containing at least 1 000 tonnes of CO₂ equivalent hydrofluorocarbons, and where those hydrofluorocarbons have not been placed on the market prior to the charging of the equipment, shall submit to the Commission a verification report issued pursuant to Article 19(3).	7. By 30 April [OP: Please insert the year of application of this Regulation], each importer of equipment that placed on the market pre-charged equipment as referred to in Article 19 containing at least 1 000 tonnes of CO ₂ equivalent hydrofluorocarbons, and where those hydrofluorocarbons have not been placed on the market prior to the charging of the equipment, shall submit to the Commission a verification report issued pursuant to Article 19(3).	Maintain Council's Mandate.
Article 26(8), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
410	8. By 30 April [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking which under paragraph 1 reports on the placing on the market of 1 000 tonnes of CO ₂ equivalent or more of hydrofluorocarbons during the preceding calendar year shall, in addition, ensure that the veracity of its report is confirmed, at a reasonable level of assurance, by an independent auditor. The auditor shall be registered in the F-gas Portal and shall be either:	8. By 30 April [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking which under paragraph 1 reports on the placing on the market of 1 000 tonnes of CO₂ equivalent or more of hydrofluorocarbons during the preceding calendar year shall, in addition, ensure that the veracity of its report is confirmed, at a reasonable level of assurance, by an independent auditor. The auditor shall be registered in the F-gas Portal and shall be either:	8. By 30 April [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking which under paragraph 1 reports on the placing on the market of 1 000 tonnes of CO ₂ equivalent or more of hydrofluorocarbons during the preceding calendar year shall, in addition, ensure that the veracity of its report is confirmed, at a reasonable level of assurance, by an independent auditor. The auditor shall be registered in the F-gas Portal and shall be either:	Maintain Council's Mandate.
Article 26(8), first subparagraph, point (a)				
411	(a) accredited pursuant to Directive 2003/87/EC; or		(a) accredited pursuant to Directive 2003/87/EC; or	
Article 26(8), first subparagraph, point (b)				
412	(b) accredited to verify financial statements in accordance with the legislation of the Member State concerned.		(b) accredited to verify financial statements in accordance with the legislation of the Member State concerned.	
Article 26(8), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
413	Transactions referred to in Article 16(2), point (c), of shall be verified regardless of the quantities involved.		Transactions referred to in Article 16(2), point (c), of shall be verified regardless of the quantities involved.	
Article 26(8), third subparagraph				
414	The Commission may request an undertaking to ensure that the veracity of its report is confirmed at a reasonable level of assurance, by an independent auditor, regardless of the quantities involved, where needed to confirm its compliance with the rules under this Regulation.		The Commission may request an undertaking to ensure that the veracity of its report is confirmed at a reasonable level of assurance, by an independent auditor, regardless of the quantities involved, where needed to confirm its compliance with the rules under this Regulation.	
Article 26(8), fourth subparagraph				
415	The Commission may, by means of implementing acts, specify the details of the verification of reports and of the accreditation of verifiers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		The Commission may, by means of implementing acts, specify the details of the verification of reports and of the accreditation of verifiers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
Article 26(9), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
416	9. All reporting and verification referred to in this Article shall be carried out via the F-gas Portal.		9. All reporting and verification referred to in this Article shall be carried out via the F-gas Portal.	
Article 26(9), second subparagraph				
417	The Commission may, by means of implementing acts, determine the format of submitting the reports referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		The Commission may, by means of implementing acts, determine the format of submitting the reports referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	
Article 27				
418	Article 27 Collection of emissions data		Article 27 Collection of emissions data	
Article 27, first paragraph				
419	Member States shall establish reporting systems for the relevant sectors referred to in this Regulation, with the objective of acquiring emissions data.		Member States shall establish reporting systems for the relevant sectors referred to in this Regulation, with the objective of acquiring emissions data.	
Article 27, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
420	Member States shall, where appropriate, enable the recording of the information collected in accordance with Article 7 via a centralised electronic system.		Member States shall, where appropriate, enable the recording of the information collected in accordance with Article 7 via a centralised electronic system.	
420a		<u>By 31 December 2024 the Commission shall adopt a delegated act on a common general framework that Member States shall use to design centralised electronic systems.</u>		EP amendment not acceptable.
CHAPTER VII				
421	CHAPTER VII ENFORCEMENT		CHAPTER VII ENFORCEMENT	
Article 28				
422	Article 28 Cooperation and exchange of information		Article 28 Cooperation and exchange of information	
Article 28(1), first subparagraph				
423				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	1. The competent authorities of Member States, including customs authorities, market surveillance authorities, environmental authorities and other authorities with inspection functions, shall cooperate with each other, with the competent authorities of other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation.		1. When required to ensure compliance with this Regulation, the competent authorities of Member States, including customs authorities, market surveillance authorities, environmental authorities and other authorities with inspection functions, shall cooperate with each other, with the competent authorities of other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation.	EP expected to accept Council's amendment.
Article 28(1), second subparagraph				
424	When cooperation with customs authorities is needed to ensure a proper implementation of the customs risk management framework, competent authorities shall provide all necessary information to customs in accordance with Article 47(2) of Regulation (EU) 952/2013.		When cooperation with customs authorities is needed to ensure a proper implementation of the customs risk management framework, competent authorities shall provide all necessary information to customs in accordance with Article 47(2) of Regulation (EU) 952/2013.	
Article 28(2)				
425	2. When customs authorities,		2. When customs authorities,	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	market surveillance authorities or any other competent authority of a Member State have detected an infringement of this Regulation, that competent authority shall notify the environmental authority or if not relevant any other authority responsible for the enforcement of penalties in accordance with Article 31.		market surveillance authorities or any other competent authority of a Member State have detected an infringement of this Regulation, that competent authority shall notify the environmental authority or if not relevant any other authority responsible for the enforcement of penalties in accordance with Article 31.	
Article 28(3), first subparagraph				
426	3. Member States shall ensure that their competent authorities are able to efficiently have access to and exchange between them any information necessary for the enforcement of this Regulation. Such information shall include customs related data, information on ownership and financial status, any environmental violations, as well as data recorded in the F-gas Portal.		3. Member States shall ensure that their competent authorities are able to efficiently have access to and exchange between them any information necessary for the enforcement of this Regulation. Such information shall include customs related data, information on ownership and financial status, any environmental violations, as well as data recorded in the F-gas Portal.	
Article 28(3), second subparagraph				
427	That information shall also be made available to competent authorities of other Member States		That information shall also be made available to competent authorities of other Member States	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	and to the Commission when needed to ensure the enforcement of this Regulation. Competent authorities shall immediately inform the Commission of infringements of Article 16(1).		and to the Commission when needed to ensure the enforcement of this Regulation. Competent authorities shall immediately inform the Commission of infringements of Article 16(1).	
Article 28(4), first subparagraph				
428	4. Competent authorities shall alert competent authorities of other Member States when they detect infringement of this Regulation that may affect more than one Member State. Competent authorities shall, in particular, inform competent authorities of other Member States when they detect a relevant product on the market that is not compliant with this Regulation, to enable that it is seized, confiscated, withdrawn or recalled from the market for disposal.		4. Competent authorities shall alert competent authorities of other Member States when they detect infringement of this Regulation that may affect more than one Member State. Competent authorities shall, in particular, inform competent authorities of other Member States when they detect a relevant product on the market that is not compliant with this Regulation, to enable that it is seized, confiscated, withdrawn or recalled from the market for disposal.	
Article 28(4), second subparagraph				
429	The Customs Risk Management System shall be used for the exchange of customs risk-related information.		The Customs Risk Management System shall be used for the exchange of customs risk-related information.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 28(4), third subparagraph				
430	<p>Customs authorities shall also exchange any relevant information related to infringement of the provisions of this Regulation in accordance with Regulation (EC) No 515/97 of the European Parliament and of the Council¹ and shall request assistance from the other Member States and the Commission where relevant.</p> <p>1. Regulation (EC) No 515/97 of the European Parliament and of the Council of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).</p>		<p>Customs authorities shall also exchange any relevant information related to infringement of the provisions of this Regulation in accordance with Council Regulation (EC) No 515/97 of the European Parliament and of the Council¹ and shall request assistance from the other Member States and the Commission where relevant.</p> <p>1. Council Regulation (EC) No 515/97 of the European Parliament and of the Council of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).</p>	EP expected to accept Council's amendment.
Article 29				
431	<p>Article 29</p> <p>Obligation to carry out checks</p>		<p>Article 29</p> <p>Obligation to carry out checks</p>	
Article 29(1)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
432	1. The competent authorities of Member States shall carry out checks to establish whether undertakings comply with their obligations under this Regulation.	1. The competent authorities of Member States shall carry out <u>regular</u> checks to establish whether undertakings comply with their obligations under this Regulation.	1. The competent authorities of Member States shall carry out checks to establish whether undertakings comply with their obligations under this Regulation.	EP expected to drop this amendment.
Article 29(2), first subparagraph				
433	2. The checks shall be carried out following a risk-based approach, which takes into consideration in particular, the history of compliance of undertakings, the risk of non-compliance of a specific product with this Regulation, and any other relevant information received from the Commission, national customs authorities, market surveillance authorities and environmental authorities or from competent authorities of third countries.		2. The checks shall be carried out following a risk-based approach, which takes into consideration in particular, the history of compliance of undertakings, the risk of non-compliance of a specific product with this Regulation, and any other relevant information received from the Commission, national customs authorities, market surveillance authorities and environmental authorities or from competent authorities of third countries.	
Article 29(2), second subparagraph				
434	Competent authorities shall also conduct checks when they are in possession of evidence or other relevant information, including based on substantiated concerns		Competent authorities shall also conduct checks when they are in possession of evidence or other relevant information, including based on substantiated concerns	Possible compromise: include the Commission among actors that can request the Member State authorities to conduct checks in row 434 and delete row 435.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	provided by third parties, concerning potential non-compliance with this Regulation.		provided by third parties, concerning potential non-compliance with this Regulation.	
Article 29(2), third subparagraph				
435	The competent authorities of the Member States shall also carry out the checks that the Commission considers necessary to ensure compliance with this Regulation.		<i>Deleted</i>	EP expected to accept Council's deletion. In combination with compromise in row 434.
Article 29(3), first subparagraph				
436	3. Checks referred to in paragraphs 1 and 2, shall include on-site visits of establishments with the appropriate frequency and verification of relevant documentation and equipment.	3. Checks referred to in paragraphs 1 and 2, shall include on-site visits of establishments with the appropriate frequency and verification of relevant documentation and equipment <u>as well as checks of online platforms selling bulk fluorinated gases or products and equipment that contain such gases.</u>	3. Checks referred to in paragraphs 1 and 2, shall include on-site visits of establishments with the appropriate frequency and verification of relevant documentation and equipment.	Redrafting needed. Council can be flexible towards the intention of the EP's amendment, provided the new text is in line with the Digital Service Act.
Article 29(3), second subparagraph				
437	Checks shall be carried out without prior warning of the undertaking, except where prior notification is		Checks shall be carried out without prior warning of the undertaking, except where prior notification is	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	necessary in order to ensure the effectiveness of the checks. Member States shall ensure that undertakings afford the competent authorities all necessary assistance to enable those authorities to carry out the checks provided for by this Article.		necessary in order to ensure the effectiveness of the checks. Member States shall ensure that undertakings afford the competent authorities all necessary assistance to enable those authorities to carry out the checks provided for by this Article.	
Article 29(4)				
438	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.		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.	
Article 29(5)				
439	5. At the request of another Member State, a Member State may conduct checks on undertakings suspected of being engaged in the illegal movement of the gases and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member	5. At the request of another Member State, a Member State may shall conduct checks on undertakings suspected of being engaged in the illegal movement of the gases and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member	5. At the request of another Member State, a Member State may conduct checks on undertakings suspected of being engaged in the illegal movement of the gases and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member	EP expected to drop this amendment.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	State shall be informed about the result of the check.	State shall be informed about the result of the check.	State shall be informed about the result of the check.	
Article 29(6)				
440	6. In carrying out the tasks assigned to it by this Regulation, the Commission may request all necessary information from the competent authorities of the Member States and from undertakings. When requesting information from an undertaking the Commission shall at the same time forward a copy of the request to the competent authority of the Member State within the territory of which the undertaking's seat is situated.		6. In carrying out the tasks assigned to it by this Regulation, the Commission may request all necessary information from the competent authorities of the Member States and from undertakings. When requesting information from an undertaking the Commission shall at the same time forward a copy of the request to the competent authority of the Member State within the territory of which the undertaking's seat is situated.	
Article 29(7)				
441	7. The Commission shall take appropriate steps to promote an adequate exchange of information and cooperation between competent authorities of the Member States and between competent authorities of the Member States and the Commission. The Commission		7. The Commission shall take appropriate steps to promote an adequate exchange of information and cooperation between competent authorities of the Member States and between competent authorities of the Member States and the Commission. The Commission	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	shall take appropriate steps to protect the confidentiality of information obtained under this Article.		shall take appropriate steps to protect the confidentiality of information obtained under this Article.	
441a		<u>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.</u>		EP amendment not acceptable.
Article 30				
442	Article 30 Reporting of breaches and protection of reporting persons		Article 30 Reporting of breaches and protection of reporting persons	
Article 30, first paragraph				
443	Directive (EU) 2019/1937 shall apply to the reporting of breaches of this Regulation and the protection of persons reporting such breaches.		Directive (EU) 2019/1937 shall apply to the reporting of breaches of this Regulation and the protection of persons reporting such breaches.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
CHAPTER VIII				
444	CHAPTER VIII PENALTIES, CONSULTATION FORUM, COMMITTEE PROCEDURE, AND EXERCISE OF DELEGATION		CHAPTER VIII PENALTIES, CONSULTATION FORUM, COMMITTEE PROCEDURE, AND EXERCISE OF DELEGATION	
Article 31				
445	Article 31 Penalties		Article 31 Penalties	
Article 31(1)				
446	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by 1 January [OP please insert the year = 1 year following the date of entry into force of this Regulation] notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.		1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council¹ of 19 November 2008 on the protection of the environment through criminal law , Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by 1 January	Maintain Council's Mandate. Penalties should be legally sound, implementable and accommodate specificities of national legal systems.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
			<p>[<i>OP please insert the year = 2 years following the date of entry into force of this Regulation</i>OP please insert the year = 1 year following the date of entry into force of this Regulation] notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.</p> <p>1. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28–37).</p>	
Article 31(2)				
447	2. Without prejudice to the obligations of Member States under Directive 2008/99/EC, Member States shall, in accordance with national law, provide for competent authorities to have the power to impose appropriate administrative penalties and take other administrative measures in relation to those infringements.		<i>deleted</i>	Maintain Council's Mandate.
Article 31(3)				
448				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	3. Member States shall ensure that level and type of penalties are appropriate and proportionate and are applied considering at least to the following criteria:		3. Member States shall ensure that the level and type of penalties are appropriate and proportionate and are applied considering at least that the penalties give due regard to the following, as applicable criteria:	Maintain Council's Mandate.
Article 31(3), point (a)				
449	(a) the nature and gravity of the infringement;		(a) the nature and gravity of the infringement;	
Article 31(3), point (b)				
450	(b) the intentional or negligent character of the infringement;		(b) the intentional or negligent character of the infringement human population or the environment affected by the infringement, taking into account the need to ensure a high level of protection of human health and the environment;	Maintain Council's Mandate.
Article 31(3), point (c)				
451	(c) any previous infringements of this Regulation by the undertaking held responsible;		(c) any previous infringements of this Regulation by the undertaking held responsible;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 31(3), point (d)				
452	(d) the financial situation of the undertaking held responsible;		(d) the financial situation of the undertaking held responsible;	
Article 31(3), point (e)				
453	(e) the economic benefits derived or expected to be derived from the infringement.		<i>deleted</i>	Maintain Council's Mandate.
Article 31(4)				
454	4. The Member States shall ensure that their competent authorities are able to at least impose the following penalties in case of infringements of this Regulation:		<i>deleted</i>	Maintain Council's Mandate.
Article 31(4), point (a)				
455	(a) fines;		<i>deleted</i>	Maintain Council's Mandate.
Article 31(4), point (b)				
456	(b) confiscation or seizure of illegally obtained goods or of revenues gained by the undertaking		<i>deleted</i>	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	from the infringement;			
<i>Article 31(4), point (c)</i>				
457	(c) suspension or revocation of the authorisation to carry out activities where those fall under the scope of this Regulation.		<i>deleted</i>	Maintain Council's Mandate.
<i>Article 31(5), first subparagraph</i>				
458	5. 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.	5. 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 <u>set out minimum administrative fines of at least four times the market value of the gases or products concerned and equipment concerned and maximum administrative fines of at least six times the market value of the</u> administrative fines of at least five times the market value of the concerned gases or products <u>concerned</u> and equipment concerned. In case of a repeated	<i>deleted</i>	Maintain Council's Mandate.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<p>infringement within a five-year period, the Member States shall envisage<u>set out minimum administrative fines of at least seven times the value of the gases or products concerned and equipment concerned and</u> maximum administrative fines of at least eight<u>ten</u> times the value of the gases or products and equipment concerned.</p>		
<i>Article 31(5), second subparagraph</i>				
459	<p>In cases of infringements of Article 4(1), the potential impact on the climate shall be reflected by taking into account the carbon price in the determination of an administrative fine.</p>		<i>deleted</i>	Maintain Council's Mandate.
<i>Article 31(6), first subparagraph</i>				
460	<p>6. In addition to the penalties referred to in paragraph 1, undertakings that have exceeded their quota for placing hydrofluorocarbons on the market, allocated in accordance with Article 17(4) or transferred to them in accordance with Article 21(1),</p>		<p>6. In addition to the penalties referred to in paragraph 1, undertakings that have exceeded their quota for placing hydrofluorocarbons on the market, allocated in accordance with Article 17(4) or transferred to them in accordance with Article 21(1),</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	may only be allocated a reduced quota allocation for the allocation period after the excess has been detected.		may only be allocated a reduced quota allocation for the allocation period after the excess has been detected.	
Article 31(6), second subparagraph				
461	The amount of reduction shall be calculated as 200 % of the amount by which the quota was exceeded. If the amount of the reduction is higher than the amount to be allocated in accordance with Article 17(4) as a quota for the allocation period after the excess has been detected, no quota shall be allocated for that allocation period and the quota for the following allocation periods shall be reduced likewise until the full amount has been deducted. The reduction(s) shall be recorded in the F-gas Portal.		The amount of reduction shall be calculated as 200 % of the amount by which the quota was exceeded. If the amount of the reduction is higher than the amount to be allocated in accordance with Article 17(4) as a quota for the allocation period after the excess has been detected, no quota shall be allocated for that allocation period and the quota for the following allocation periods shall be reduced likewise until the full amount has been deducted. The reduction(s) shall be recorded in the F-gas Portal.	
Article 32				
462	Article 32 Exercise of the delegation		Article 32 Exercise of the delegation	
Article 32(1)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
463	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 32(2)				
464	2. The power to adopt delegated acts referred to in Article 8(8), Article 12(17), Article 16(3), 17(6), Article 24, Article 25(2) and Article 35 shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation].	2. The power to adopt delegated acts referred to in Article 8(8), Article 9(1a) , Article 12(17), Article 16(3) first subparagraph, Article 16(3), second subparagraph, 17(6), Article 17(6a), 17(6), Article 24, Article 25(2) Article 27, third subparagraph, Article 35(1), Article 35(1a) and Article 35(1b) and Article 35 shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation].	2. The power to adopt delegated acts referred to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), 17(6a) and 17(6b), 17(6), Article 24(1), Article 25(2) and Article 35 shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation] from the date of application of the Regulation .	To be revisited at a later stage in view of the relevant provisions on delegated acts.
Article 32(3)				
465	3. The delegation of power referred to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25(2) and	3. The delegation of power referred to in Article 8(8), Article 9(1a) , Article 12(17), Article 16(3) first subparagraph, Article 16(3)	3. The delegation of power referred to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25(2) and	To be revisited at a later stage in view of the relevant provisions on delegated acts.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	Article 35 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	<u>second subparagraph, – Article 17(6), Article 17(6a), Article 24, Article 25(2), Article 27, third subparagraph, Article 35(1), Article 35(1a) and Article 35(1b)</u> Article 24, Article 25(2) and Article 35 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <u>Official Journal of the European Union</u> Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Article 35 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 32(4)				
466	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.	
Article 32(5)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
467	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 32(6)				
468	6. A delegated act adopted pursuant to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25(2) and Article 35 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to in Article 8(8), Article 9(1a) , Article 12(17), Article 16(3), first subparagraph, Article 16(3) , second subparagraph, Article 17(6) , Article 17(6a) , Article 24 , Article 25(2) , Article 27 , third subparagraph, Article 35(1) , Article 35(1a) and Article 35(1b) Article 24, Article 25(2) and Article 35 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European	6. A delegated act adopted pursuant to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25(2) and Article 35 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	To be revisited at a later stage in view of the relevant provisions on delegated acts.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		Parliament or of the Council.		
Article 33				
469	Article 33 Consultation Forum		Article 33 Consultation Forum	
Article 33, first paragraph				
470	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.	<p>The Commission shall establish a Consultation Forum for providing advice and expertise in relation to the implementation of this Regulation. The <u>Consultation Forum shall have a balanced participation of:</u></p> <p><u>(i) Member State representatives;</u></p> <p><u>(ii) representatives of all relevant stakeholders, including environmental organisations, patient associations and healthcare professional organisations, representatives of manufacturers and operators.</u></p> <p><u>The Consultation Forum shall closely cooperate with the relevant EU Agencies. The</u> rules of procedure of the Consultation</p>	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.	EP amendment not acceptable. Possible flexibility on EP's intention to ensure that the consultation forum should cooperate with European Medical Agency.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		Forum shall be established by the Commission and shall be published.		
Article 34				
471	Article 34 Committee procedure		Article 34 Committee procedure	
Article 34(1)				
472	1. The Commission shall be assisted by a committee on fluorinated greenhouse gases. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.		1. The Commission shall be assisted by a committee on fluorinated greenhouse gases. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
Article 34(2)				
473	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
CHAPTER IX				
474	CHAPTER IX TRANSITIONAL AND FINAL PROVISIONS		CHAPTER IX TRANSITIONAL AND FINAL PROVISIONS	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Article 35				
475	Article 35 Review		Article 35 Review	
Article 35, first paragraph				
476	The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annexes I, II III and VI as regards the global warming potential of the listed gases, where it is necessary in the light of new Assessment Reports adopted by the Intergovernmental Panel on Climate Change or new reports of the Scientific Assessment Panel (SAP) of the Montreal Protocol.		The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annexes I, II III and VI as regards the global warming potential of the listed gases, where it is necessary in the light of new Assessment Reports adopted by the Intergovernmental Panel on Climate Change or new reports of the Scientific Assessment Panel (SAP) of the Montreal Protocol.	
476a		<u><i>The Commission shall continuously monitor technological and market developments in relation to the use of fluorinated greenhouse gases and their natural alternatives in the Union. The</i></u>		EP amendment not acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u><i>Commission is empowered to adopt delegated acts in accordance with Article 32 to amend this Regulation, and strengthen the prohibitions on the placing on the market of high GWP fluorinated greenhouse gases in the products or equipment concerned, where it finds evidence of the emergence or acceleration of the use of low GWP fluorinated greenhouse gases or of natural alternatives in products and equipment placed on the Union market.</i></u>		
476b		<u><i>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 Annex I or II or by introducing fluorinated greenhouse gases in Annex 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 Annex I, II or III,</i></u>		EP amendment may be acceptable in part, depending on the outcome of the negotiations regarding Annex I, II and III and objective criteria for possible amendments to the Annexes, since the empowerment as it stands does not provide sufficient criteria. Some legal adjustments may also be necessary.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>respectively.</u>		
476c		<u>No later than three months following the adoption of the revised REACH Regulation, the Commission shall assess whether this Regulation is coherent with that Regulation. The Commission shall, where appropriate, accompany its assessment with a legislative proposal to amend this Regulation, if it concludes that this Regulation is not coherent with potential new restrictions of the use of PFAS laid down in that Regulation.</u>		EP amendment not acceptable.
Article 35, second paragraph				
477	By 1 January 2033, the Commission shall publish a report on the implementation of this Regulation.	By 1 January 2033 2027, the Commission shall publish a report on the implementation of this Regulation, <u>including in relation to the impact of this Regulation on the health sector, particularly the availability of MDIs for the delivery of pharmaceutical ingredients, as well as on the impact on the market of cooling</u>	By 1 January 2033 2030 the Commission shall publish a report on the implementation of this Regulation, including an evaluation of the risk of excessive reduction of competition in the market due to the bans and related exceptions in Article 13(5) and of the provisions of Article 13(5) relating to high	EP expected to accept 2030 as a review date. Maintain Council's Mandate. Further references to specific provisions have to be reviewed in light of the outcome of negotiations on those provisions.

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
		<u>equipment used in conjunction with batteries.</u>	voltage switchgear of more than 145 kV or more than 50 kA short circuit current. If appropriate, the report shall be accompanied by a corresponding legislative proposal.	
477a		<u>The European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 may, on its own initiative, provide scientific advice and issue reports on the coherence of this Regulation with the objectives of Regulation (EC) No 401/2009 and the Union's international commitments under the Paris Agreement.</u>		EP amendment may be acceptable.
Article 36				
478	Article 36 Repeal		Article 36 Repeal	
Article 36, first paragraph				
479	Regulation (EU) No 517/2014 is		Regulation (EU) No 517/2014 is	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	repealed.		repealed.	
Article 36, second paragraph				
480	References to Regulation (EU) No 517/2014 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex X.		References to Regulation (EU) No 517/2014 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex X.	
Article 37				
481	Article 37 Amendment to Directive (EU) No 2019/1937		Article 37 Amendment to Directive (EU) No 2019/1937	
Article 37, first paragraph				
482	In Part I, Section E, point 2, of the Annex to Directive (EU) No 2019/1937, the following point is added:		In Part I, Section E, point 2, of the Annex to Directive (EU) No 2019/1937, the following point is added:	
Article 37, second paragraph				
483	Regulation (EU) No [OP: please insert the number of this Regulation] of the European Parliament and of the Council on		Regulation (EU) No [OP: please insert the number of this Regulation] of the European Parliament and of the Council on	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014 [OP: please insert the OJ reference to this Regulation]’.		fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014 [OP: please insert the OJ reference to this Regulation]’.	
Article 38				
484	Article 38 Entry into force and application		Article 38 Entry into force and application	
Article 38, first paragraph				
485	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.		This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 38, second paragraph				
486	It shall apply from 1 January [OP: Please insert the year following the year of entry into force of this Regulation].		It shall apply from 1 January [OP: Please insert the year following the year of entry into force of this Regulation].	
Article 38, third paragraph				
487				

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	Articles 20(2), 20(3) and 23(5) shall apply from:		Articles 20(2), 20(3) and 23(5) shall apply from:	
Article 38, third paragraph, point (a)				
488	(a) [[1 March 2023] date = the application date specified in Regulation of the European Parliament and of the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 in the Annex for the part concerning fluorinated greenhouse gases] for release for free circulation referred to in Article 201 of Regulation (EU) 952/2013;		(a) [[1 March 2023 2025] date = the application date specified in Regulation of the European Parliament and of the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 in the Annex for the part concerning fluorinated greenhouse gases] for release for free circulation referred to in Article 201 of Regulation (EU) 952/2013;	Date to be adjusted in light of developments of Single Window.
Article 38, third paragraph, point (b)				
489	(b) [[1 March 2025] date = the application date specified in Regulation of the European Parliament and of the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 in the Annex for the part concerning fluorinated greenhouse gases] for import		(b) [[1 March 2025] date = the application date specified in Regulation of the European Parliament and of the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 in the Annex for the part concerning fluorinated greenhouse gases] for import	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
	procedures other than the one referred to in point (a), and export.		procedures other than the one referred to in point (a), and export.	
Article 38, fourth paragraph				
490	Article 17(5) shall apply from [OP: Please insert the year following the year of the application of this Regulation].		Article 17(5) shall apply from [OP: Please insert the year following the year of the application of this Regulation].	
Article 38, fifth paragraph				
491	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
492	Done at Strasbourg,		Done at Strasbourg,	
Formula				
493	For the European Parliament		For the European Parliament	
Formula				
494	The President		The President	

	Commission Proposal	EP Mandate	Council Mandate	Presidency comments/suggestions
Formula				
495	For the Council		For the Council	
Formula				
496	The President		The President	

**ANNEXES to 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**

2022/0099 (COD)

(Text with EEA relevance)

COMMISSION PROPOSAL:

ANNEX I

Fluorinated greenhouse gases referred to in Article 2(1)¹

Substance			GWP (²)	20 years-GWP(³) for information purposes only
Industrial designation	Chemical name (Common name)	Chemical formula		
Section 1: Hydrofluorocarbons (HFCs)				
HFC-23	trifluoromethane (fluoroform)	CHF₃	14 800	12 400
HFC-32	difluoromethane	CH₂F₂	675	2 690
HFC-41	Fluoromethane (methyl fluoride)	CH₃F	92	485
HFC-125	pentafluoroethane	CHF₂CF₃	3 500	6 740

¹ This Annex contains the gases listed therein, whether alone or in a mixture.

² Based on the Fourth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

³ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

HFC-134	1,1,2,2-tetrafluoroethane	CHF ₂ CHF ₂	1 100	3 900
HFC-134a	1,1,1,2-tetrafluoroethane	CH ₂ FCF ₃	1 430	4 140
HFC-143	1,1,2-trifluoroethane	CH ₂ FCHF ₂	353	1 300
HFC-143a	1,1,1 –trifluoroethane	CH ₃ CF ₃	4 470	7 840
HFC-152	1,2-difluoroethane	CH ₂ FCH ₂ F	53	77,6
HFC-152a	1,1 –difluoroethane	CH ₃ CHF ₂	124	591
HFC-161	Fluoroethane (ethyl fluoride)	CH ₃ CH ₂ F	12	17,4
HFC-227ea	1,1,1,2,3,3,3-heptafluoropropane	CF ₃ CHFCF ₃	3 220	5 850
HFC-236cb	1,1,1,2,2,3-hexafluoropropane	CH ₂ FCF ₂ CF ₃	1 340	3 750
HFC-236ea	1,1,1,2,3,3-hexafluoropropane	CHF ₂ CHFCF ₃	1 370	4 420
HFC-236fa	1,1,1,3,3,3-hexafluoropropane	CF ₃ CH ₂ CF ₃	9 810	7 450
HFC-245ca	1,1,2,2,3-pentafluoropropane	CH ₂ FCF ₂ CHF ₂	693	2 680
HFC-245fa	1,1,1,3,3-pentafluoropropane	CHF ₂ CH ₂ CF ₃	1 030	3 170
HFC-365mfc	1,1,1,3,3-pentafluorobutane	CF ₃ CH ₂ CF ₂ CH ₃	794	2 920
HFC-43-10mee	1,1,1,2,2,3,4,5,5,5 - decafluoropentane	CF ₃ CHFCHFCF ₂ CF ₃	1 640	3 960

Substance			GWP 100 ⁽³⁾	GWP 20 ⁽³⁾
Industrial designation	Chemical name (Common name)	Chemical formula		
Section 2: Perfluorocarbons (PFCs)				
PFC-14	tetrafluoromethane (perfluoromethane, carbon tetrafluoride)	CF ₄	7 380	5 300
PFC-116	Hexafluoroethane	C ₂ F ₆	12 400	8 940

	(perfluoroethane)			
PFC-218	octafluoropropane (perfluoropropane)	C ₃ F ₈	9 290	6 770
PFC-3-1-10 (R-31-10)	decafluorobutane (perfluorobutane)	C ₄ F ₁₀	10 000	7 300
PFC-4-1-12 (R-41-12)	dodecafluoropentane (perfluoropentane)	C ₅ F ₁₂	9 220	6 680
PFC-5-1-14 (R-51-14)	tetradecafluorohexane (perfluorohexane)	CF ₃ CF ₂ CF ₂ CF ₂ CF ₂ CF ₃	8 620	6 260
PFC-c-318	octafluorocyclobutane (perfluoro cyclobutane)	C-C ₄ F ₈	10 200	7 400
PFC-9-1-18 (R-91-18)	Perfluorodecalin	C ₁₀ F ₁₈	7 480	5 480
PFC-4-1-14 (R-41-14)	perfluoro-2- methylpentane	CF ₃ CF ₂ CF ₃ CF ₂ CF ₂ CF ₃ (I-C ₆ F ₁₄)	7 370 ⁽¹⁾	(*)
<i>Section 3: Other perfluorinated compounds</i>				
	sulphur hexafluoride	SF ₆	25 200	18 300

¹ Droste et al. (2019). Trends and Emissions of Six Perfluorocarbons in the Northern and Southern Hemisphere. Atmospheric Chemistry and Physics.
<https://acp.copernicus.org/preprints/acp-2019-873/acp-2019-873.pdf>

* Global warming potential not yet available.

EP MANDATE:**ANNEX I*****Fluorinated greenhouse gases referred to in Article 2(1)¹***

Substance			GWP ⁽²⁾	20 years- GWP ⁽³⁾ for information purposes only
Industrial designation	Chemical name (Common name)	Chemical formula		
Section 1: Hydrofluorocarbons (HFCs)				
HFC-23	trifluoromethane (fluoroform)	CHF ₃	14 800	12 400
HFC-32	difluoromethane	CH ₂ F ₂	675	2 690
HFC-41	Fluoromethane (methyl fluoride)	CH ₃ F	92	485
HFC-125	pentafluoroethane	CHF ₂ CF ₃	3 500	6 740
HFC-134	1,1,2,2-tetrafluoroethane	CHF ₂ CHF ₂	1 100	3 900
HFC-134a	1,1,1,2-tetrafluoroethane	CH ₂ FCF ₃	1 430	4 140
HFC-143	1,1,2-trifluoroethane	CH ₂ FCHF ₂	353	1 300
HFC-143a	1,1,1 –trifluoroethane	CH ₃ CF ₃	4 470	7 840
HFC-152	1,2-difluoroethane	CH ₂ FCH ₂ F	53	77,6
HFC-152a	1,1 –difluoroethane	CH ₃ CHF ₂	124	591
HFC-161	Fluoroethane (ethyl fluoride)	CH ₃ CH ₂ F	12	17,4
HFC-227ea	1,1,1,2,3,3,3-heptafluoropropane	CF ₃ CHFCF ₃	3 220	5 850

¹ This Annex contains the gases listed therein, whether alone or in a mixture.

² Based on the Fourth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

³ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

HFC-236cb	1,1,1,2,2,3-hexafluoropropane	CH ₂ FCF ₂ CF ₃	1 340	3 750
HFC-236ea	1,1,1,2,3,3-hexafluoropropane	CHF ₂ CHF ₂ CF ₃	1 370	4 420
HFC-236fa	1,1,1,3,3,3-hexafluoropropane	CF ₃ CH ₂ CF ₃	9 810	7 450
HFC-245ca	1,1,2,2,3-pentafluoropropane	CH ₂ FCF ₂ CHF ₂	693	2 680
HFC-245fa	1,1,1,3,3-pentafluoropropane	CHF ₂ CH ₂ CF ₃	1 030	3 170
HFC-365mfc	1,1,1,3,3-pentafluorobutane	CF ₃ CH ₂ CF ₂ CH ₃	794	2 920
HFC-43-10mee	1,1,1,2,2,3,4,5,5,5 - decafluoropentane	CF ₃ CHFCH ₂ CF ₂ CF ₃	1 640	3 960

Substance			GWP 100 ⁽³⁾	GWP 20 ⁽³⁾
Industrial designation	Chemical name (Common name)	Chemical formula		
Section 2: Perfluorocarbons (PFCs)				
PFC-14	tetrafluoromethane (perfluoromethane, carbon tetrafluoride)	CF ₄	7 380	5 300
PFC-116	Hexafluoroethane (perfluoroethane)	C ₂ F ₆	12 400	8 940
PFC-218	octafluoropropane (perfluoropropane)	C ₃ F ₈	9 290	6 770
PFC-3-1-10 (R-31-10)	decafluorobutane (perfluorobutane)	C ₄ F ₁₀	10 000	7 300
PFC-4-1-12 (R-41-12)	dodecafluoropentane (perfluoropentane)	C ₅ F ₁₂	9 220	6 680
PFC-5-1-14 (R-51-14)	tetradecafluorohexane (perfluorohexane)	CF ₃ CF ₂ CF ₂ CF ₂ CF ₂ CF ₃	8 620	6 260
PFC-c-318	octafluorocyclobutane (perfluoro cyclobutane)	c-C ₄ F ₈	10 200	7 400
PFC-9-1-18	Perfluorodecalin	C ₁₀ F ₁₈	7 480	5 480

(R-91-18)				
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PUBLIC

PFC-4-1-14 (R-41-14)	perfluoro-2-methylpentane	CF ₃ CF ₂ CF ₃ CF ₂ CF ₂ CF ₃ (I-C ₆ F ₁₄)	7 370 ⁽¹⁾	(*)
Section 3: Other (per)fluorinated compounds and fluorinated ketones* <i>(1) * EP amendment on fluoroketone not acceptable. Council may show some flexibility on fluoronitrile in view of the overall compromise. However, the scope of row 276a should be adapted so that it only applies to SF6.</i>				
	sulphur hexafluoride	SF ₆	25 200	18 300
	Heptafluoroisobutyronitrile (2,3,3,3-tetrafluoro-2-(trifluoromethyl)-propanenitrile)* <i>* Council may show some flexibility on fluoronitrile in view of the overall compromise. However, the scope of row 276a should be adapted so that it only applies to SF6.</i>	Iso-C₃F₇CN	2 750	4 580
	1,1,1,3,4,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one* <i>* EP amendment on fluoroketone not acceptable.</i>	CF₃C(O)CF(CF₃)₂	0,29⁽¹⁾	(*)

¹ Ren et al. (2019). Atmospheric Fate and Impact of Perfluorinated Butanone and Pentanone. *Environ. Sci. Technol.* 2019, 53, 15, 8862–8871

¹ Droste et al. (2019). Trends and Emissions of Six Perfluorocarbons in the Northern and Southern Hemisphere. *Atmospheric Chemistry and Physics*.
<https://acp.copernicus.org/preprints/acp-2019-873/acp-2019-873.pdf>

* Global warming potential not yet available.

COUNCIL MANDATE:

ANNEX I

Fluorinated greenhouse gases referred to in Article 2(1)² – hydrofluorocarbons, perfluorocarbons and other perfluorinated compounds*

** Maintain Council's Mandate.*

Substance			GWP ⁽³⁾	20 years-GWP ⁽⁴⁾ for information purposes only
Industrial designation	Chemical name (Common name)	Chemical formula		
Section 1: Hydrofluorocarbons (HFCs)				
HFC-23	trifluoromethane (fluoroform)	CHF ₃	14 800	12 400
HFC-32	difluoromethane	CH ₂ F ₂	675	2 690
HFC-41	Fluoromethane (methyl fluoride)	CH ₃ F	92	485
HFC-125	pentafluoroethane	CHF ₂ CF ₃	3 500	6 740
HFC-134	1,1,2,2-tetrafluoroethane	CHF ₂ CHF ₂	1 100	3 900
HFC-134a	1,1,1,2-tetrafluoroethane	CH ₂ FCF ₃	1 430	4 140
HFC-143	1,1,2-trifluoroethane	CH ₂ FCHF ₂	353	1 300
HFC-143a	1,1,1 –trifluoroethane	CH ₃ CF ₃	4 470	7 840

² **Mixtures containing the substances listed in this Annex are considered as fluorinated greenhouse gases covered by the rules of this Regulation (Article 2(1))**~~This Annex contains the gases listed therein, whether alone or in a mixture.*~~

** EP expected to accept Council's amendment*

³ Based on the Fourth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

⁴ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

HFC-152	1,2-difluoroethane	CH ₂ FCH ₂ F	53	77,6
HFC-152a	1,1 –difluoroethane	CH ₃ CHF ₂	124	591
HFC-161	Fluoroethane (ethyl fluoride)	CH ₃ CH ₂ F	12	17,4
HFC-227ea	1,1,1,2,3,3,3-heptafluoropropane	CF ₃ CHFCF ₃	3 220	5 850
HFC-236cb	1,1,1,2,2,3-hexafluoropropane	CH ₂ FCF ₂ CF ₃	1 340	3 750
HFC-236ea	1,1,1,2,3,3-hexafluoropropane	CHF ₂ CHFCF ₃	1 370	4 420
HFC-236fa	1,1,1,3,3,3-hexafluoropropane	CF ₃ CH ₂ CF ₃	9 810	7 450
HFC-245ca	1,1,2,2,3-pentafluoropropane	CH ₂ FCF ₂ CHF ₂	693	2 680
HFC-245fa	1,1,1,3,3-pentafluoropropane	CHF ₂ CH ₂ CF ₃	1 030	3 170
HFC-365mfc	1,1,1,3,3-pentafluorobutane	CF ₃ CH ₂ CF ₂ CH ₃	794	2 920
HFC-43-10mee	1,1,1,2,2,3,4,5,5,5-decafluoropentane	-CF ₃ CHFCHFCF ₂ CF ₃	1 640	3 960

Substance			GWP 100 (4)	GWP 20 (4)
Industrial designation	Chemical name (Common name)	Chemical formula		
Section 2: Perfluorocarbons (PFCs)				
PFC-14	1. tetrafluoromethane (perfluoromethane, carbon tetrafluoride)	CF ₄	7 380	5 300
PFC-116	Hexafluoroethane (perfluoroethane)	C ₂ F ₆	12 400	8 940
PFC-218	2. octafluoropropane (perfluoropropane)	C ₃ F ₈	9 290	6 770
PFC-3-1-10 (R-31-10)	3. decafluorobutane (perfluorobutane)	C ₄ F ₁₀	10 000	7 300
PFC-4-1-12	4. dodecafluoropentane	C ₅ F ₁₂	9 220	6 680

(R-41-12)	(perfluoropentane)			
PFC-5-1-14 (R-51-14)	5. tetradecafluorohexane (perfluorohexane)	$\text{CF}_3\text{CF}_2\text{CF}_2\text{CF}_2\text{CF}_2\text{CF}_3$	8 620	6 260
PFC-c-318	6. octafluorocyclobutane (perfluoro cyclobutane)	$\text{C-C}_4\text{F}_8$	10 200	7 400
PFC-9-1-18 (R-91-18)	Perfluorodecalin	$\text{C}_{10}\text{F}_{18}$	7 480	5 480
PFC-4-1-14 (R-41-14)	perfluoro-2-methylpentane	$\text{CF}_3\text{CFCF}_3\text{CF}_2\text{CF}_2\text{CF}_3$ (I- C_6F_{14})	7 370 ⁽⁵⁾	(*)
<i>Section 3: Other perfluorinated compounds</i>				
	sulphur hexafluoride	SF_6	25 200* (2) * Technical correction requested by COM: change 25 200 to 24 300 according to latest IPCC AR6.	18 300

⁵ Droste et al. (2019). Trends and Emissions of Six Perfluorocarbons in the Northern and Southern Hemisphere. Atmospheric Chemistry and Physics.
<https://acp.copernicus.org/preprints/acp-2019-873/acp-2019-873.pdf>

* Global warming potential not yet available.

COMMISSION PROPOSAL:

ANNEX II

Other fluorinated greenhouse substances referred to in Article 2(1)⁽⁶⁾

Substance		GWP ⁽⁷⁾	20 years-GWP ⁽²⁾ for information purposes only
Common name/industrial designation	Chemical formula		
Section 1: Unsaturated hydro(chloro)fluorocarbons			
HCFC-1224yd(Z)	CF ₃ CF=CHCl	0,06 ⁽⁸⁾	(*)
Cis/Trans-1,2-difluoroethylene (HFC-1132)	CHF=CF2	0,005	0,017
1,1-difluoroethylene (HFC-1132a)	CH ₂ =CF ₂	0,052	0,189
1,1,1,2,3,4,5,5,5(or1,1,1,3,4,4,5,5,5)-nonafluoro-4(or2)-(trifluoromethyl)pent-2-ene	CF ₃ CF=CFCFCF ₃ CF ₃ or CF ₃ CF ₃ C=CFCF ₂ CF ₃	1 ^{Fn (9)}	(*)
HFC-1234yf	CF ₃ CF = CH ₂	0,501	1,81
HFC-1234ze	trans — CHF = CHCF ₃	1,37	4,94
HFC-1336mzz	CF ₃ CH = CHCF ₃	17,9	64,3
HCFC-1233zd	CF ₃ CH = CHCl	3,88	14
HCFC-1233xf	CF ₃ CCl = CH ₂	1 ^{Fn (4)}	(*)
Section 2: fluorinated substances used as inhalation anaesthetics			

⁶ This Annex contains the gases listed therein, whether alone or in a mixture.

⁷ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

⁸ Tokuhashi, K., T. Uchimaru, K. Takizawa, & S. Kondo (2018): Rate Constants for the Reactions of OH Radical with the (E)/(Z) Isomers of $\text{CF}_3\text{CF}=\text{CHCl}$ and $\text{CHF}_2\text{CF}=\text{CHCl}$. The Journal of Physical Chemistry A 122:3120–3127.

* Global warming potential not yet available.

⁹ Default value, global warming potential not yet available.

HFE-347mmz1 (sevoflurane) and isomers	$(\text{CF}_3)_2\text{CHOCH}_2\text{F}$	195	702
HCFE-235ca2 (enflurane) and isomers	$\text{CHF}_2\text{OCF}_2\text{CHFCl}$	654	2 320
HCFE-235da2 (isoflurane) and isomers	$\text{CHF}_2\text{OCHClCF}_3$	539	1 930
HFE-236ea2 (desflurane) and isomers	$\text{CHF}_2\text{OCHFCF}_3$	2 590	7 020
<i>Section 3: other fluorinated substances</i>			
nitrogen trifluoride	NF_3	17 400	13 400
sulfurylfluoride	SO_2F_2	4 630	7 510

EP MANDATE:

(no amendments to Commission proposal)

COUNCIL MANDATE:

ANNEX II

Other fluorinated greenhouse gases substances referred to in Article 2(1)⁽¹⁰⁾ – unsaturated hydro(chloro)fluorocarbons, fluorinated substances used as inhalation anaesthetics and other fluorinated substances*

(3) *Maintain Council's Mandate.

Substance		GWP ⁽¹¹⁾	20 years-GWP ⁽⁷⁾ for information purposes only
Common name/industrial designation	Chemical formula		
Section 1: Unsaturated hydro(chloro)fluorocarbons			
HCFC-1224yd(Z)* * EP expected to accept Council's amendment.	CF ₃ CF=CHCl	0,06 ⁽¹²⁾	(*)
Cis/Trans-1,2-difluoroethylene (HFC-1132)	CHF=CF ₂	0,005	0,017
1,1-difluoroethylene (HFC-1132a)	CH ₂ =CF ₂	0,052	0,189
1,1,1,2,3,4,5,5,5(or1,1,1,3,4,4,5,5,5)-nonafluoro-4(or2)-(trifluoromethyl)pent-2-ene	CF ₃ CF=CFCFCF ₃ CF ₃ or CF ₃ CF ₃ C=CFCF ₂ CF ₃	1 F _n ⁽¹³⁾	(*)
HFC-1234yf	CF ₃ CF = CH ₂	0,501	1,81
HFC-1234ze	trans — *CHF = CHCF ₃ * EP expected to accept Council's amendment.	1,37	4,94

¹⁰ **Mixtures containing the substances listed in this Annex are considered as fluorinated greenhouse gases covered by the rules of this Regulation (Article 2(1)).**~~This Annex contains the gases listed therein, whether alone or in a mixture.*~~

* EP expected to accept Council's amendment.

¹¹ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

¹² Tokuhashi, K., T. Uchimaru, K. Takizawa, & S. Kondo (2018): Rate Constants for the Reactions of OH Radical with the (E)/(Z) Isomers of CF₃CF=CHCl and CHF₂CF=CHCl. The Journal of Physical Chemistry A 122:3120–3127.

* Global warming potential not yet available.

¹³ Default value, global warming potential not yet available.

HFC-1336mzz(E)	(E)-CF ₃ CH = CHCF ₃	17,9	64,3
HFC-1336mzz(Z) * EP expected to accept Council's amendment.	(Z)-CF₃CH = CHCF₃	2,08	7,48* (4)
HCFC-1233zd	CF ₃ CH = CHCl	3,88	14
HCFC-1233xf	CF ₃ CCl = CH ₂	1 Fn (9)	(*)Error! Bookmark not defined
<i>Section 2: fluorinated substances used as inhalation anaesthetics</i>			
HFE-347mmz1 (sevoflurane) and isomers	(CF ₃) ₂ CHOCH ₂ F	195	702
HCFE-235ca2 (enflurane) and isomers	CHF ₂ OCF ₂ CHFCl	654	2 320
HCFE-235da2 (isoflurane) and isomers	CHF ₂ OCHClCF ₃	539	1 930
HFE-236ea2 (desflurane) and isomers	CHF ₂ OCHF ₂ CF ₃	2 590	7 020
<i>Section 3: other fluorinated substances</i>			
nitrogen trifluoride	NF ₃	17 400	13 400
sulphuryl fluoride sulphuryl fluoride* (5) *EP expected to accept Council's	SO ₂ F ₂	4 630	7 510

COMMISSION PROPOSAL:

ANNEX III

Other fluorinated greenhouse gases referred to in Article 2(1)¹⁴

Substance		GWP ⁽¹⁵⁾	20 years–GWP ⁽²⁾ for information purposes only
Common name/industrial designation	Chemical formula		
Section 1: Fluorinated ethers, ketones and alcohols			
HFE-125	CHF ₂ OCF ₃	14 300	13 500
HFE-134 (HG-00)	CHF ₂ OCHF ₂	6 630	12 700
HFE-143a	CH ₃ OCF ₃	2 170	616
HFE-245cb2	CH ₃ OCF ₂ CF ₃	747	2 630
HFE-245fa2	CHF ₂ OCH ₂ CF ₃	3 060	878
HFE-254cb2	CH ₃ OCF ₂ CHF ₂	328	1 180
HFE-347 mcc3 (HFE-7000)	CH ₃ OCF ₂ CF ₂ CF ₃	576	2 020
HFE-347pcf2	CHF ₂ CF ₂ OCH ₂ CF ₃	980	3 370
HFE-356pcc3	CH ₃ OCF ₂ CF ₂ CHF ₂	277	995
HFE-449s1 (HFE-7100)	C ₄ F ₉ OCH ₃	460	1 620
HFE-569sf2 (HFE-7200)	C ₄ F ₉ OC ₂ H ₅	60,7	219
HFE-7300	(CF ₃) ₂ CFCFOC ₂ H ₅ CF ₂ CF ₂ CF ₃	405	1 420

¹⁴ This Annex contains the gases listed therein, whether alone or in a mixture.

¹⁵ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

n-HFE-7100	$\text{CF}_3\text{CF}_2\text{CF}_2\text{CF}_2\text{OCH}_3$	544	1 920
i-HFE-7100	$(\text{CF}_3)_2\text{CFCF}_2\text{OCH}_3$	437	1 540
i-HFE-7200	$(\text{CF}_3)_2\text{CFCF}_2\text{OCH}_2\text{CH}_3$	34,3	124
HFE-43-10pcccl24 (H-Galden 1040x) HG-11	$\text{CHF}_2\text{OCF}_2\text{OC}_2\text{F}_4\text{OCHF}_2$	3 220	8 720
HFE-236cal2 (HG-10)	$\text{CHF}_2\text{OCF}_2\text{OCHF}_2$	6 060	11 700
HFE-338pccl3 (HG-01)	$\text{CHF}_2\text{OCF}_2\text{CF}_2\text{OCHF}_2$	3 320	9 180
HFE-347mmyl	$(\text{CF}_3)_2\text{CFOCH}_3$	392	1 400
2,2,3,3,3-pentafluoropropan-1-ol	$\text{CF}_3\text{CF}_2\text{CH}_2\text{OH}$	34,3	123
1,1,1,3,3,3-Hexafluoropropan-2-ol	$(\text{CF}_3)_2\text{CHOH}$	206	742
HFE-227ea	$\text{CF}_3\text{CHFOCF}_3$	7 520	9 800
HFE-236fa	$\text{CF}_3\text{CH}_2\text{OCF}_3$	1 100	3 670
HFE-245fal	$\text{CHF}_2\text{CH}_2\text{OCF}_3$	934	3 170
HFE 263fb2	$\text{CF}_3\text{CH}_2\text{OCH}_3$	2,06	7,43
HFE-329 mcc2	$\text{CHF}_2\text{CF}_2\text{OCF}_2\text{CF}_3$	3 770	7 550
HFE-338 mcf2	$\text{CF}_3\text{CH}_2\text{OCF}_2\text{CF}_3$	1 040	3 460
HFE-338mmzl	$(\text{CF}_3)_2\text{CHOCHF}_2$	3 040	6 500
HFE-347 mcf2	$\text{CHF}_2\text{CH}_2\text{OCF}_2\text{CF}_3$	963	3 270
HFE-356 mec3	$\text{CH}_3\text{OCF}_2\text{CHFCF}_3$	264	949
HFE-356mm1	$(\text{CF}_3)_2\text{CHOCH}_3$	8,13	29,3
HFE-356pcf2	$\text{CHF}_2\text{CH}_2\text{OCF}_2\text{CHF}_2$	831	2 870

HFE-356pcf3	CHF ₂ OCH ₂ CF ₂ CHF ₂	484	1 730
HFE 365 mcf3	CF ₃ CF ₂ CH ₂ OCH ₃	1,6	5,77
HFE-374pc2	CHF ₂ CF ₂ OCH ₂ CH ₃	12,5	45
2,2,3,3,4,4,5,5- octafluorocyclopentan-1-ol	(CF ₂) ₄ CH (OH)-	13,6	49,1
1,1,1,3,4,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one	CF ₃ C(O)CF(CF ₃) ₂	0,29 ⁽¹⁶⁾	(*)
<i>Section 2: Other fluorinated compounds</i>			
perfluoropolymethylisopropyl-ether (PFPME)	CF ₃ OCF(CF ₃)CF ₂ OCF ₂ OCF ₃	10 300	7 750
trifluoromethylsulphurpentafluoride	SF ₅ CF ₃	18 500	13 900
Perfluorocyclopropane	c-C ₃ F ₆	9 200 ⁽¹⁷⁾	6 850 ⁽³⁾
Heptafluoroisobutyronitrile (2,3,3,3-tetrafluoro-2-(trifluoromethyl)-propanenitrile)	Iso-C ₃ F ₇ CN	2 750	4 580
perfluorotributylamine (PFTBA, FC43)	C ₁₂ F ₂₇ N	8 490	6 340
perfluoro-N-methylmorpholine	C ₅ F ₁₁ NO	8 800 ⁽¹⁸⁾	(*)
Perfluorotripropylamine	C ₉ F ₂₁ N	9 030	6 750

- ¹⁶ Ren et al. (2019). Atmospheric Fate and Impact of Perfluorinated Butanone and Pentanone. *Environ. Sci. Technol.* 2019, 53, 15, 8862–8871
- ¹⁷ WMO et al. (2018). Scientific Assessment of Ozone Depletion.
- ¹⁸ REACH registration dossier. <https://echa.europa.eu/registration-dossier/-/registered-dossier/10075/5/1>
- * Not yet available.

EP MANDATE:**ANNEX III*****Other fluorinated greenhouse gases referred to in Article 2(1)¹⁹***

Substance		GWP ⁽²⁰⁾	20 years–GWP ⁽²⁾ for information purposes only
Common name/industrial designation	Chemical formula		
Section 1: Fluorinated ethers, ketones and alcohols			
HFE-125	CHF ₂ OCF ₃	14 300	13 500
HFE-134 (HG-00)	CHF ₂ OCHF ₂	6 630	12 700
HFE-143a	CH ₃ OCF ₃	2 170	616
HFE-245cb2	CH ₃ OCF ₂ CF ₃	747	2 630
HFE-245fa2	CHF ₂ OCH ₂ CF ₃	3 060	878
HFE-254cb2	CH ₃ OCF ₂ CHF ₂	328	1 180
HFE-347 mcc3 (HFE-7000)	CH ₃ OCF ₂ CF ₂ CF ₃	576	2 020
HFE-347pcf2	CHF ₂ CF ₂ OCH ₂ CF ₃	980	3 370
HFE-356pcc3	CH ₃ OCF ₂ CF ₂ CHF ₂	277	995
HFE-449s1 (HFE-7100)	C ₄ F ₉ OCH ₃	460	1 620
HFE-569sf2 (HFE-7200)	C ₄ F ₉ OC ₂ H ₅	60,7	219
HFE-7300	(CF ₃) ₂ CFCFOC ₂ H ₅ CF ₂ CF ₂ CF ₃	405	1 420

¹⁹ This Annex contains the gases listed therein, whether alone or in a mixture.

²⁰ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

n-HFE-7100	CF ₃ CF ₂ CF ₂ CF ₂ OCH ₃	544	1 920
i-HFE-7100	(CF ₃) ₂ CFCF ₂ OCH ₃	437	1 540
i-HFE-7200	(CF ₃) ₂ CFCF ₂ OCH ₂ CH ₃	34,3	124
HFE-43-10pcccl24 (H-Galden 1040x) HG-11	CHF ₂ OCF ₂ OC ₂ F ₄ OCHF ₂	3 220	8 720
HFE-236cal2 (HG-10)	CHF ₂ OCF ₂ OCHF ₂	6 060	11 700
HFE-338pccl3 (HG-01)	CHF ₂ OCF ₂ CF ₂ OCHF ₂	3 320	9 180
HFE-347mmyl	(CF ₃) ₂ CFOCH ₃	392	1 400
2,2,3,3,3-pentafluoropropan-1-ol	CF ₃ CF ₂ CH ₂ OH	34,3	123
1,1,1,3,3,3-Hexafluoropropan-2-ol	(CF ₃) ₂ CHOH	206	742
HFE-227ea	CF ₃ CHFOCF ₃	7 520	9 800
HFE-236fa	CF ₃ CH ₂ OCF ₃	1 100	3 670
HFE-245fal	CHF ₂ CH ₂ OCF ₃	934	3 170
HFE 263fb2	CF ₃ CH ₂ OCH ₃	2,06	7,43
HFE-329 mcc2	CHF ₂ CF ₂ OCF ₂ CF ₃	3 770	7 550
HFE-338 mcf2	CF ₃ CH ₂ OCF ₂ CF ₃	1 040	3 460
HFE-338mmzl	(CF ₃) ₂ CHOCHF ₂	3 040	6 500
HFE-347 mcf2	CHF ₂ CH ₂ OCF ₂ CF ₃	963	3 270
HFE-356 mec3	CH ₃ OCF ₂ CHFCF ₃	264	949
HFE-356mm1	(CF ₃) ₂ CHOCH ₃	8,13	29,3
HFE-356pcf2	CHF ₂ CH ₂ OCF ₂ CHF ₂	831	2 870

HFE-356pcf3	CHF ₂ OCH ₂ CF ₂ CHF ₂	484	1 730
HFE 365 mcf3	CF ₃ CF ₂ CH ₂ OCH ₃	1,6	5,77
HFE-374pc2	CHF ₂ CF ₂ OCH ₂ CH ₃	12,5	45
2,2,3,3,4,4,5,5- octafluorocyclopentan-1-ol	-(CF ₂) ₄ CH (OH)-	13,6	49,1
Deleted*			
<i>Section 2: Other fluorinated compounds</i>			
perfluoropolymethylisopropyl-ether (PFPME)	CF ₃ OCF(CF ₃)CF ₂ OCF ₂ OCF ₃	10 300	7 750
trifluoromethylsulphurpentafluoride	SF ₅ CF ₃	18 500	13 900
Perfluorocyclopropane	c-C ₃ F ₆	9 200 ⁽²¹⁾	6 850 ⁽³⁾
Deleted*			
<i>*Maintain Council's Mandate</i>			
perfluorotributylamine (PFTBA, FC43)	C ₁₂ F ₂₇ N	8 490	6 340
perfluoro-N-methylmorpholine	C ₅ F ₁₁ NO	8 800 ⁽²²⁾	(*)
Perfluorotripropylamine	C ₉ F ₂₁ N	9 030	6 750

²¹ WMO et al. (2018). Scientific Assessment of Ozone Depletion.

²² REACH registration dossier. <https://echa.europa.eu/registration-dossier/-/registered-dossier/10075/5/1>

* Not yet available.

COUNCIL MANDATE:

ANNEX III

~~Other~~ **Fluorinated greenhouse gases referred to in Article 2(1)²³ – fluorinated ethers, ketones and alcohols and other fluorinated compounds***

**Maintain Council's Mandate*

Substance		GWP ⁽²⁴⁾	20 years–GWP ⁽²⁾ for information purposes only
Common name/industrial designation	Chemical formula		
Section 1: Fluorinated ethers, ketones and alcohols			
HFE-125	CHF ₂ OCF ₃	14 300	13 500
HFE-134 (HG-00)	CHF ₂ OCHF ₂	6 630	12 700
HFE-143a	CH ₃ OCF ₃	2 170	616
HFE-245cb2	CH ₃ OCF ₂ CF ₃	747	2 630
HFE-245fa2	CHF ₂ OCH ₂ CF ₃	3 060	878
HFE-254cb2	CH ₃ OCF ₂ CHF ₂	328	1 180
HFE-347 mcc3 (HFE-7000)	CH ₃ OCF ₂ CF ₂ CF ₃	576	2 020
HFE-347pcf2	CHF ₂ CF ₂ OCH ₂ CF ₃	980	3 370
HFE-356pcc3	CH ₃ OCF ₂ CF ₂ CHF ₂	277	995

²³ **Mixtures containing the substances listed in this Annex are considered as fluorinated greenhouse gases covered by the rules of this Regulation (Article 2(1))**~~This Annex contains the gases listed therein, whether alone or in a mixture.*~~

**EP expected to accept Council's amendment.*

²⁴ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

HFE-449s1 (HFE-7100)	C ₄ F ₉ OCH ₃	460	1 620
HFE-569sf2 (HFE-7200)	C ₄ F ₉ OC ₂ H ₅	60,7	219
HFE-7300	(CF ₃) ₂ CFCFOC ₂ H ₅ CF ₂ CF ₂ CF ₃	405	1 420
n-HFE-7100	CF ₃ CF ₂ CF ₂ CF ₂ OCH ₃	544	1 920
i-HFE-7100	(CF ₃) ₂ CFCF ₂ OCH ₃	437	1 540
i-HFE-7200	(CF ₃) ₂ CFCF ₂ OCH ₂ CH ₃	34,3	124
HFE-43-10pcccl24 (H-Galden 1040x) HG-11	CHF ₂ OCF ₂ OC ₂ F ₄ OCHF ₂	3 220	8 720
HFE-236cal2 (HG-10)	CHF ₂ OCF ₂ OCHF ₂	6 060	11 700
HFE-338pccl3 (HG-01)	CHF ₂ OCF ₂ CF ₂ OCHF ₂	3 320	9 180
HFE-347mmyl	(CF ₃) ₂ CFOCH ₃	392	1 400
2,2,3,3,3-pentafluoropropan-1-ol	CF ₃ CF ₂ CH ₂ OH	34,3	123
1,1,1,3,3,3-Hexafluoropropan-2-ol	(CF ₃) ₂ CHOH	206	742
HFE-227ea	CF ₃ CHFOCF ₃	7 520	9 800
HFE-236fa	CF ₃ CH ₂ OCF ₃	1 100	3 670
HFE-245fal	CHF ₂ CH ₂ OCF ₃	934	3 170
HFE 263fb2	CF ₃ CH ₂ OCH ₃	2,06	7,43
HFE-329 mcc2	CHF ₂ CF ₂ OCF ₂ CF ₃	3 770	7 550
HFE-338 mcf2	CF ₃ CH ₂ OCF ₂ CF ₃	1 040	3 460
HFE-338mmzl	(CF ₃) ₂ CHOCHF ₂	3 040	6 500
HFE-347 mcf2	CHF ₂ CH ₂ OCF ₂ CF ₃	963	3 270

HFE-356 mec3	CH ₃ OCF ₂ CHFCH ₃	264	949
HFE-356mm1	(CF ₃) ₂ CHOCH ₃	8,13	29,3
HFE-356pcf2	CHF ₂ CH ₂ OCF ₂ CHF ₂	831	2 870
HFE-356pcf3	CHF ₂ OCH ₂ CF ₂ CHF ₂	484	1 730
HFE 365 mcf3	CF ₃ CF ₂ CH ₂ OCH ₃	1,6	5,77
HFE-374pc2	CHF ₂ CF ₂ OCH ₂ CH ₃	12,5	45
2,2,3,3,4,4,5,5- octafluorocyclopentan-1-ol	-(CF ₂) ₄ CH (OH)-	13,6	49,1
1,1,1,3,4,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one	CF ₃ C(O)CF(CF ₃) ₂	0,29 ⁽²⁵⁾	(*)
perfluoropolymethylisopropyl-ether (PFPMIE)	CF₃OCF(CF₃)CF₂OCF₂OCF₃	10 300	7 750* <i>*EP expected to accept Council's amendment.</i>
Perfluoro(2-methyl-3-pentanone)* (7) (8) <i>*EP expected to accept Council's amendment. GWP values will be provided by COM.</i>	CF₃CF₂C(O)CF(CF₃)₂		
<i>Section 2: Other fluorinated compounds</i>			
perfluoropolymethylisopropyl-ether (PFPMIE)	CF₃OCF(CF₃)CF₂OCF₂OCF₃* <i>*EP expected to accept Council's amendment.</i>	10 300	7 750
trifluoromethylsulphurpentafluoride	SF ₅ CF ₃	18 500	13 900
Perfluorocyclopropane	c-C ₃ F ₆	9 200 ⁽²⁶⁾	6 850 ⁽¹⁷⁾
Heptafluoroisobutyronitrile (2,3,3,3-tetrafluoro-2-(trifluoromethyl)-propanenitrile)	Iso-C ₃ F ₇ CN	2 750	4 580

²⁵ Ren et al. (2019). Atmospheric Fate and Impact of Perfluorinated Butanone and Pentanone. *Environ. Sci. Technol.* 2019, 53, 15, 8862–8871

²⁶ WMO et al. (2018). Scientific Assessment of Ozone Depletion.

perfluorotributylamine (PFTBA, FC43)	C ₁₂ F ₂₇ N	8 490	6 340
perfluoro-N-methylmorpholine	C ₅ F ₁₁ NO	8 300380 ^{*(27)} <i>*EP expected to accept Council's amendment.</i>	(*)
Perfluorotripropylamine	C ₉ F ₂₁ N	9 030	6 750

COMMISSION PROPOSAL:

ANNEX IV

Placing on the market prohibitions referred to in Article 11(1)

Products and equipment Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)		Date of prohibition
1)	Non-refillable containers for fluorinated greenhouse gases listed in Annex I, empty, partially or fully filled, used to service, maintain or fill refrigeration, air-conditioning or heat-pump equipment, fire protection systems or switchgear, or for use as solvents.	4 July 2007
(2)	Non-confined direct evaporation systems that contain HFCs and PFCs as refrigerants.	4 July 2007
(3)	Fire protection equipment that contain PFCs	4 July 2007
	that contain HFC-23	1 January 2016

²⁷ REACH registration dossier. <https://echa.europa.eu/registration-dossier/-/registered-dossier/10075/5/1>

* Not yet available.

	that contain or rely on other fluorinated greenhouse gases listed in Annex I, except when required to meet safety standards	1 January 2024
(4)	Windows for domestic use that contain fluorinated greenhouse gases listed in Annex I.	4 July 2007
(5)	Other windows that contain fluorinated greenhouse gases listed in Annex I.	4 July 2008
(6)	Footwear that contains fluorinated greenhouse gases listed in Annex I.	4 July 2006
(7)	Tyres that contain fluorinated greenhouse gases listed in Annex I.	4 July 2007
(8)	One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases listed in Annex I with GWP of 150 or more.	4 July 2008
(9)	Aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes, as listed in point 40 of Annex XVII to Regulation (EC) No 1907/2006, and signal horns, that contain HFCs with GWP of 150 or more.	4 July 2009
(10)	Domestic refrigerators and freezers that contain HFCs with GWP of 150 or more.	1 January 2015
(11)	Refrigerators and freezers for commercial use (self-contained equipment)	-that contain HFCs with GWP of 2 500 or more.
		-that contain HFCs with GWP of 150 or more.
		-that contain other fluorinated greenhouse gases with GWP of 150 or more.
(12)	Any self-contained refrigeration equipment that contains fluorinated greenhouse gases with GWP of 150 or more.	1 January 2025
(13)	Stationary refrigeration equipment that contains, or whose functioning relies upon, HFCs with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C.	1 January 2020
(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.	1 January 2024

(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
(16)	Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more.	1 January 2020
(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
(18)	Stationary split air-conditioning and split heat pump equipment :	1 January 2025
	(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 2027
	(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;	
	(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.	
(19)	Foams that contain HFCs with GWP of 150 or more, except when required to meet national safety standards.	1 January 2020
	Extruded polystyrene (XPS) Other foams	1 January 2023
(20)	Technical aerosols that contain HFCs with GWP of 150 or more, except when required to meet national safety standards or when used for medical applications.	1 January 2018
(21)	Personal care products (i.e. mousse, creams, foams) containing fluorinated greenhouse gases.	1 January 2024
(22)	Equipment used for cooling the skin that contain, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more except when used for medical applications.	1 January 2024
(23)	Installation and replacement of the following electrical switchgear: (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	1 January 2026

	the lower GWP ranges referred to above;	
	(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
	(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 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 2028
	(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 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 2031

1. Point 1 applies to:

containers which cannot be refilled without being adapted for that purpose (non-refillable);

- (a) containers that could be refilled but are imported or placed on the market without provision having been made for their return for refilling.
- (b) containers that could be refilled but are imported or placed on the market without provision having been made for their return for refilling.

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.

EP MANDATE:**ANNEX IV*****Placing on the market prohibitions referred to in Article 11(1)***

Products and equipment Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)		Date of prohibition
(1) Non-refillable containers for fluorinated greenhouse gases listed in Annex I, empty, partially or fully filled, used to service, maintain or fill refrigeration, air-conditioning or heat-pump equipment, fire protection systems or switchgear, or for use as solvents.		4 July 2007
(2) Non-confined direct evaporation systems that contain HFCs and PFCs as refrigerants.		4 July 2007
(3) Fire protection equipment	that contain PFCs	4 July 2007
	that contain HFC-23	1 January 2016
	that contain or rely on other fluorinated greenhouse gases listed in Annex I, except when required to meet safety standards	1 January 2024
(4) Windows for domestic use that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(5) Other windows that contain fluorinated greenhouse gases listed in Annex I.		4 July 2008
(6) Footwear that contains fluorinated greenhouse gases listed in Annex I.		4 July 2006
(7) Tyres that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(8) One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases listed in Annex I with GWP of 150 or more.		4 July 2008
(9) Aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes, as listed in point 40 of Annex XVII to Regulation (EC) No 1907/2006, and signal horns, that contain HFCs with GWP of 150 or more.		4 July 2009

(10)	Domestic refrigerators and freezers that contain HFCs with GWP of 150 or more.	1 January 2015
(10a)	<i>Domestic refrigerators and freezers that contain fluorinated greenhouse gases.</i>	<i>1 January 2025</i>
(11)	Stationary refrigerators and freezers for commercial use (self-contained equipment)	-that contain HFCs with GWP of 2 500 or more.
		-that contain HFCs with GWP of 150 or more.
		-that contain fluorinated greenhouse gases.
(12)	Any self-contained stationary refrigeration equipment that contains fluorinated greenhouse gases.	1 January 2025
(13)	Stationary refrigeration equipment that contains, or whose functioning relies upon, HFCs with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C.	1 January 2020
(14)	Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases except equipment intended for application designed to cool products to temperatures below – 50 °C.	1 January 2025
(14a)	<i>Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases.</i>	<i>1 January 2027</i>
(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
(15a)	Transport refrigeration	<i>in vans and ships that contain, or whose functioning relies upon, fluorinated greenhouse gases.</i>
		<i>in trucks, trailers and reefer containers that contain, or whose functioning relies upon, fluorinated gases</i>
(16)	Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more.	1 January 2020

(17)	Plug-in room, monoblock and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse gases.	1 January 2026
(18)	Stationary split air-conditioning and split heat pump equipment: <ul style="list-style-type: none"> (a) Single split systems, including fixed double duct systems, containing less than 3 kg of fluorinated greenhouse gases listed in Annex I, that contain, or whose functioning relies upon, fluorinated greenhouse gases; (b) Split systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases except when required to meet safety standards; (c) Split systems of a rated capacity of more than 12 kW and up to 200 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards. (ca) Split systems of a rated capacity of more than 200 kW containing, or whose functioning relies upon, fluorinated greenhouse gases. 	1 January 2028
(19)	Foams that contain HFCs with GWP of 150 or more, except when required to meet national safety standards.	<div>-Extruded polystyrene (XPS)</div> <div>1 January 2020</div> <div>-Other foams</div> <div>1 January 2023</div>
(19a)	Foams that contain fluorinated greenhouse gases, except when required to meet national safety standards	1 January 2030
(20)	Technical aerosols that contain HFCs with GWP of 150 or more, except when required to meet national safety standards or when used for medical applications.	1 January 2018
(20a)	Technical aerosols that contain fluorinated greenhouse gases, except when required to meet national safety standards or when used for medical applications.	1 January 2030
(22)	Personal care products (i.e. mousse, creams, foams) containing	1 January 2024

	fluorinated greenhouse gases.	
(22)	Equipment used for cooling the skin that contain, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more except when used for medical applications.	1 January 2024
(23) Installation and replacement of the following electrical switchgear:	(a) medium voltage switchgear for primary and secondary distribution up to and including 24 kV, with insulating or breaking medium using, or whose functioning relies upon, fluorinated greenhouse gases;	1 January 2026
	(b) medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to and including 52 kV, with insulating or breaking medium using, or whose functioning relies upon fluorinated greenhouse gases;	1 January 2028
	(c) high voltage switchgear from 52 and up to and including 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon fluorinated greenhouse gases , unless evidence is provided that no suitable alternative is available, in which case gases with GWP of up to 1000 can be used ;	1 January 2028
	(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 fluorinated greenhouse gases, unless evidence is provided that no suitable alternative is available, in which case gases with GWP of up to 1000 can be used .	1 January 2031
(23a)	Mobile air conditioning in passenger and cargo ships, buses, trams, and trains that contain, or whose functioning relies upon, fluorinated greenhouse gases.	1 January 2029
(23b)	Mini, displacement and centrifugal chillers that contain, or whose functioning relies upon, fluorinated greenhouse gases.	1 January 2027

1. Point 1 applies to:

- containers which cannot be refilled without being adapted for that purpose (non-refillable);
- (a) containers that could be refilled but are imported or placed on the market without provision having been made for their return for refilling.

2. The *exception* referred to in point 23(c) and (d) may be authorised by the competent authority of a Member State following a substantiated request by an operator. The operator's request shall include documentation *providing* that following an open call for tender *with a deadline for bids after the dates referred to in point 23* no suitable alternative on technical grounds, given the demonstrated specificities of the application, *are* available that could meet the conditions set out in point 23(c) and (d), *or, until two years after the dates referred to in point 23(c) and (d), only one bid was placed for such switchgear with insulating or breaking medium not using, or whose functioning does not rely upon fluorinated greenhouse gases*. The competent authority *shall make the documentation available* to the Commission, upon request.

COUNCIL MANDATE:

ANNEX IV*

** Maintain Council's Mandate throughout whole Annex IV.*

Placing on the market prohibitions referred to in Article 11(1)

Products and equipment		Date of prohibition
Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)		
(1) Non-refillable containers for fluorinated greenhouse gases listed in Annex I, empty, partially or fully filled, used to service, maintain or fill refrigeration, air-conditioning or heat-pump equipment, fire protection systems or switchgear, or for use as solvents.		4 July 2007
(2) Non-confined direct evaporation systems that contain HFCs and PFCs as refrigerants.		4 July 2007
(3) Fire protection equipment	(a) that contain PFCs	4 July 2007
	(b) that contain HFC-23	1 January 2016
	(c) that contain or rely on other fluorinated greenhouse gases listed in Annex I, except when required to meet safety standards requirements	1 January 2024
(4) Windows for domestic use that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(5) Other windows that contain fluorinated greenhouse gases listed in Annex I.		4 July 2008
(6) Footwear that contains fluorinated greenhouse gases listed in Annex I.		4 July 2006
(7) Tyres that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(8) One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases listed in Annex I with GWP of 150 or more.		4 July 2008

(9) Aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes, as listed in point 40 of Annex XVII to Regulation (EC) No 1907/2006, and signal horns, that contain HFCs with GWP of 150 or more.		4 July 2009
(10) Domestic refrigerators and freezers that contain HFCs with GWP of 150 or more.		1 January 2015
(11) Refrigerators and freezers for commercial use (self-contained equipment)	(a) that contain HFCs with GWP of 2 500 or more.	1 January 2020
	(b) that contain HFCs with GWP of 150 or more.	1 January 2022
	(c) that contain other fluorinated greenhouse gases with GWP of 150 or more.	1 January 2024
(12) Any stationary self-contained refrigeration equipment that contains fluorinated greenhouse gases with GWP of 150 or more, except when required to meet safety requirements .		1 January 2025
(13) Stationary refrigeration equipment that contains, or whose functioning relies upon, HFCs with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C.		1 January 2020
(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.		1 January 2024
(13) Stationary refrigeration equipment that contains, or whose functioning relies upon, except equipment intended for applications designed to cool products to temperatures below – 50 °C	(a) HFCs with GWP of 2 500 or more.	1 January 2020
	(b) other fluorinated greenhouse gases with GWP of 2 500 or more.	1 January 2024

(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
(16) Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more.		1 January 2020
(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
(16) Self-contained room air-conditioning and heat pumps	(a) Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more.	1 January 2020
	(b) Plug-in room and other self-contained air-conditioning and heat pumps (including all heat pumps in monobloc construction) with a maximum rated capacity of 50 kW that contain fluorinated greenhouse gases with GWP of 150 or more except when required to meet safety requirements. When safety requirements would not allow using fluorinated greenhouse gases with GWP of 150 or less, the GWP limit is 750.	1 January 2027

	(c) Other self-contained air-conditioning and heat pumps that contain fluorinated greenhouse gases with GWP of 150 or more except when required to meet safety requirements. When safety requirements would not allow using fluorinated greenhouse gases with GWP of 150 or less, the GWP limit is 750.	1 January 2030
(18) Stationary split air-conditioning and split heat pumps equipment	(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
	(b) Split air-to-air systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 150 or more, except when required to meet safety requirements standards ;	1 January 2027 ⁹
	(ba) Split air-to-water systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 150 or more, except when required to meet safety requirements;	1 January 2027
	(c) Split systems of a rated capacity of more than 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 750 or more, except when required to meet safety requirements standards .	1 January 2027 ⁹
	(d) Split systems of a rated capacity of more than 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 150 or more, except when required to meet safety requirements.	1 January 2033

(19) Foams that contain HFCs with GWP of 150 or more, except when required to meet national safety standards	(a) Extruded polystyrene (XPS)	1 January 2020
	(b) Other foams	1 January 2023
(20) Technical aerosols that contain HFCs with GWP of 150 or more, except when required to meet national safety standards or when used for medical applications.		1 January 2018
(21) Personal care products (i.e. e.g. mousse, creams, foams, liquids, sprays) containing fluorinated greenhouse gases.		1 January 2024
(22) Equipment used for cooling the skin that contain, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more except when used for medical applications.		1 January 2024
(23) Installation and replacement of the following electrical switchgear:	(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
	(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
	(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 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 2028

	(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 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 2031
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1. Point 1 applies to:

- (a) containers which cannot be refilled without being adapted for that purpose (non-refillable);
- (b) containers that could be refilled but are imported or placed on the market without provision having been made for their return for refilling.

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.~~

COMMISSION PROPOSAL:

ANNEX V

Production rights for placing hydrofluorocarbons on the market

The calculated levels of production of hydrofluorocarbons, expressed in tonnes of CO₂ equivalents, referred to in Article 14 for each producer is:

- (a) for the period 1 January 2024 to 31 December 2028, 60 % of the annual average of its production in 2011-2013;
- (b) from the period 1 January 2029 to 31 December 2033, 30% of the annual average of its production in 2011-2013;
- (c) for the period 1 January 2034 to 31 December 2035, 20% of the annual average of its production in 2011-2013;
- (d) for the period 1 January 2036 and thereafter, 15% % of the annual average of its production in 2011-2013.

For the purpose of this Annex, production means the amount of hydrofluorocarbons produced minus the amount destroyed by technologies approved by the Parties to the Protocol, and minus the amount entirely used as feedstock in the manufacture of other chemicals, but including hydrofluorocarbons generated as a by-product, unless not captured or unless that by-product is destroyed as part of or after the manufacturing process by the producer or handed over to another undertaking for destruction. No amount reclaimed shall be considered as production.

EP MANDATE:

ANNEX V

Production rights for placing hydrofluorocarbons on the market

The calculated levels of production of hydrofluorocarbons, expressed in tonnes of CO₂ equivalents, referred to in Article 14 for each producer is:

- (a) for the period 1 January 2024 to 31 December 2028, 60 % of the annual average of its production in 2011-2013;
- (b) from the period 1 January 2029 to 31 December 2033, 30% of the annual average of its production in 2011-2013;
- (c) for the period 1 January 2034 to 31 December 2035, 20% of the annual average of its production in 2011-2013;
- (d) for the period 1 January 2036 **to 31 December 2049, 15%** of the annual average of its production in 2011-2013.*

**EP amendment not acceptable. Maintain Council's Mandate.*

- (da) for the period 1 January 2050 and thereafter, 0% of the annual average of its production in 2011-2013.***

**EP amendment not acceptable. Maintain Council's Mandate.*

For the purpose of this Annex, production means the amount of hydrofluorocarbons produced minus the amount destroyed by technologies approved by the Parties to the Protocol, and minus the amount entirely used as feedstock in the manufacture of other chemicals, but including hydrofluorocarbons generated as a by-product, unless not captured or unless that by-product is destroyed as part of or after the manufacturing process by the producer or handed over to another undertaking for destruction. No amount reclaimed shall be considered as production.

COUNCIL MANDATE:

ANNEX V

Production rights for placing hydrofluorocarbons on the market

The **production rights for calculated levels of production** of hydrofluorocarbons, expressed in tonnes of CO₂ equivalents, referred to in Article 14(2) for each producer **is are calculated as:***

**EP expected to accept Council's amendment.*

- (a) for the period 1 January 2024 to 31 December 2028, 60 % of the annual average of its production in 2011-2013;
- (b) from the period 1 January 2029 to 31 December 2033, 30% of the annual average of its production in 2011-2013;
- (c) for the period 1 January 2034 to 31 December 2035, 20% of the annual average of its production in 2011-2013;
- (d) for the period 1 January 2036 and thereafter, 15% % of the annual average of its production in 2011-2013.*

**Maintain Council's Mandate.*

~~For the purpose of this Annex, production means the amount of hydrofluorocarbons produced minus the amount destroyed by technologies approved by the Parties to the Protocol, and minus the amount entirely used as feedstock in the manufacture of other chemicals, but including hydrofluorocarbons generated as a by-product, unless not captured or unless that by-product is destroyed as part of or after the manufacturing process by the producer or handed over to another undertaking for destruction. No amount reclaimed shall be considered as production.*~~

**EP expected to accept Council's amendment.*

COMMISSION PROPOSAL:

ANNEX VI

Method of calculating the total GWP of a mixture referred to in Article 3(1)

The GWP of a mixture is calculated as a weighted average, derived from the sum of the weight fractions of the individual substances multiplied by their GWP, unless otherwise specified, including substances that are not fluorinated greenhouse gases.

$\Sigma (\text{Substance X } \%_x \text{ GWP}) + (\text{Substance Y } \%_x \text{ GWP}) + \dots (\text{Substance N } \%_x \text{ GWP})$, where % is the contribution by weight with a weight tolerance of +/- 1 %.

For example: applying the formula to a blend of gases consisting of 60 % dimethyl ether, 10 % HFC-152a and 30 % isobutane:

$$\Sigma (60 \%_x 1) + (10 \%_x 124) + (30 \%_x 3)$$

$$\text{Total GWP} = 13,9$$

The GWP of the following non-fluorinated substances are used to calculate the GWP of mixtures. For other substances not listed in this annex a default value of 0 applies.

Substance			GWP 100 ⁽²⁸⁾
Common name	Industrial designation	Chemical Formula	
methane		CH ₄	27,9
nitrous oxide		N ₂ O	273
dimethyl ether		CH ₃ OCH ₃	1 ⁽²⁹⁾
methylene chloride		CH ₂ Cl ₂	11,2
methyl chloride		CH ₃ Cl	5,54
chloroform		CHCl ₃	20,6
ethane	R-170	CH ₃ CH ₃	0,437
propane	R-290	CH ₃ CH ₂ CH ₃	0,02
butane	R-600	CH ₃ CH ₂ CH ₂ CH ₃	0,006
isobutane	R-600a	CH(CH ₃) ₂ CH ₃	0 ⁽³⁰⁾
pentane	R-601	CH ₃ CH ₂ CH ₂ CH ₂ CH ₃	0 ⁽¹⁶⁾
isopentane	R-601a	(CH ₃) ₂ CHCH ₂ CH ₃	0 ⁽¹⁶⁾
ethoxyethane (diethyl)	R-610	CH ₃ CH ₂ OCH ₂ CH ₃	4 ⁽¹⁵⁾
methyl formate	R-611	HCOOCH ₃	11 ⁽³¹⁾
hydrogen	R-702	H ₂	6 ⁽¹⁵⁾
ammonia	R-717	NH ₃	0
ethylene	R-1150	C ₂ H ₄	4 ⁽¹⁵⁾
propene	R-1270	C ₃ H ₆	0 ⁽¹⁶⁾
cyclopentane		C ₅ H ₁₀	0 ⁽¹⁶⁾

²⁸ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

²⁹ Based on the Fourth Assessment Report adopted by the Intergovernmental Panel on Climate Change

³⁰ WMO et al. (2018). Scientific Assessment of Ozone Depletion, where value is given as <<1

³¹ WMO et al. (2018). Scientific Assessment of Ozone Depletion.

EP MANDATE:

ANNEX VI

Method of calculating the total GWP of a mixture referred to in Article 3(2)*

**EP amendment may be acceptable*

The GWP of a mixture is calculated as a weighted average, derived from the sum of the weight fractions of the individual substances multiplied by their GWP, unless otherwise specified, including substances that are not fluorinated greenhouse gases.

$\Sigma (\text{Substance X } \%_x \text{ GWP}) + (\text{Substance Y } \%_x \text{ GWP}) + \dots (\text{Substance N } \%_x \text{ GWP})$, where % is the contribution by weight with a weight tolerance of +/- 1 %.

For example: applying the formula to a blend of gases consisting of 60 % dimethyl ether, 10 % HFC-152a and 30 % isobutane:

$$\Sigma (60 \%_x 1) + (10 \%_x 124) + (30 \%_x 3)$$

$$\text{Total GWP} = 13,9$$

The GWP of the following non-fluorinated substances are used to calculate the GWP of mixtures. For other substances not listed in this annex a default value of 0 applies.

Substance			GWP 100 ⁽³²⁾
Common name	Industrial designation	Chemical Formula	
methane		CH ₄	27,9
nitrous oxide		N ₂ O	273
dimethyl ether		CH ₃ OCH ₃	1 ⁽³³⁾
methylene chloride		CH ₂ Cl ₂	11,2
methyl chloride		CH ₃ Cl	5,54
chloroform		CHCl ₃	20,6
ethane	R-170	CH ₃ CH ₃	0,437
propane	R-290	CH ₃ CH ₂ CH ₃	0,02
butane	R-600	CH ₃ CH ₂ CH ₂ CH ₃	0,006
isobutane	R-600a	CH(CH ₃) ₂ CH ₃	0 ⁽³⁴⁾
pentane	R-601	CH ₃ CH ₂ CH ₂ CH ₂ CH ₃	0 ⁽¹⁶⁾
isopentane	R-601a	(CH ₃) ₂ CHCH ₂ CH ₃	0 ⁽¹⁶⁾
ethoxyethane (diethyl)	R-610	CH ₃ CH ₂ OCH ₂ CH ₃	4 ⁽¹⁵⁾
methyl formate	R-611	HCOOCH ₃	11 ⁽³⁵⁾
hydrogen	R-702	H ₂	6 ⁽¹⁵⁾
ammonia	R-717	NH ₃	0
ethylene	R-1150	C ₂ H ₄	4 ⁽¹⁵⁾
propene	R-1270	C ₃ H ₆	0 ⁽¹⁶⁾
cyclopentane		C ₅ H ₁₀	0 ⁽¹⁶⁾

³² Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

³³ Based on the Fourth Assessment Report adopted by the Intergovernmental Panel on Climate Change

³⁴ WMO et al. (2018). Scientific Assessment of Ozone Depletion, where value is given as <<1

³⁵ WMO et al. (2018). Scientific Assessment of Ozone Depletion.

COUNCIL MANDATE:

ANNEX VI

Method of calculating the total GWP of a mixture referred to in Article 3(1)

The GWP of a mixture is calculated as a weighted average, derived from the sum of the weight fractions of the individual substances multiplied by their GWP, unless otherwise specified, including substances that are not fluorinated greenhouse gases.

$\Sigma (\text{Substance X \%} \times \text{GWP}) + (\text{Substance Y \%} \times \text{GWP}) + \dots (\text{Substance N \%} \times \text{GWP})$, where % is the contribution by weight with a weight tolerance of ± 1 %.

For example: applying the formula to a blend of gases consisting of 60 % dimethyl ether, 10 % HFC-152a and 30 % isobutane:

$$\Sigma (60 \% \times 1) + (10 \% \times 124) + (30 \% \times 30)$$

$$\text{Total GWP} = 13,90$$

The GWP of the following non-fluorinated substances are used to calculate the GWP of mixtures. For other substances not listed in this annex a default value of 0 applies. **Only emissible components that fulfil broadly the same function are relevant for the calculation of the GWP.***

**EP expected to accept Council's amendment.*

Substance			GWP 100 ⁽³⁶⁾
Common name	Industrial designation	Chemical Formula	
methane		CH ₄	27,9
nitrous oxide		N ₂ O	273
dimethyl ether		CH ₃ OCH ₃	1 ⁽³⁷⁾
methylene chloride		CH ₂ Cl ₂	11,2
methyl chloride		CH ₃ Cl	5,54
chloroform		CHCl ₃	20,6
ethane	R-170	CH ₃ CH ₃	0,437
propane	R-290	CH ₃ CH ₂ CH ₃	0,02
butane	R-600	CH ₃ CH ₂ CH ₂ CH ₃	0,006
isobutane	R-600a	CH(CH ₃) ₂ CH ₃	0 ⁽³⁸⁾
pentane	R-601	CH ₃ CH ₂ CH ₂ CH ₂ CH ₃	0 ⁽¹⁶⁾
isopentane	R-601a	(CH ₃) ₂ CHCH ₂ CH ₃	0 ⁽¹⁶⁾
ethoxyethane (diethyl)	R-610	CH ₃ CH ₂ OCH ₂ CH ₃	4 ⁽¹⁵⁾
methyl formate	R-611	HCOOCH ₃	11 ⁽³⁹⁾
hydrogen	R-702	H ₂	6 ⁽¹⁵⁾
ammonia	R-717	NH ₃	0
ethylene	R-1150	C ₂ H ₄	4 ⁽¹⁵⁾
propene	R-1270	C ₃ H ₆	0 ⁽¹⁶⁾
cyclopentane		C ₅ H ₁₀	0 ⁽¹⁶⁾

³⁶ Based on the Sixth Assessment Report adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

³⁷ Based on the Fourth Assessment Report adopted by the Intergovernmental Panel on Climate Change

³⁸ WMO et al. (2018). Scientific Assessment of Ozone Depletion, where value is given as <<1

³⁹ WMO et al. (2018). Scientific Assessment of Ozone Depletion.

COMMISSION PROPOSAL:

ANNEX VII

MAXIMUM QUANTITIES AND CALCULATION OF REFERENCE VALUES AND QUOTAS FOR PLACING HYDROFLUOROCARBONS ON THE MARKET REFERRED TO IN ARTICLE 17

- (1) The maximum amount of HFCs allowed to be placed on the Union market in a given year is set to be the following:

Years	Maximum Quantity in tonnes CO₂ 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

- (2) The 2015 base-value for the maximum quantity is set to be: 176 700 479 tonnes CO₂ equivalent
- (3) Reference values and quotas for placing hydrofluorocarbons on the market referred to in Articles 16 and 17 shall be calculated as the aggregated quantities of all hydrofluorocarbons, expressed in tonne(s) of CO₂ equivalent rounded to the nearest tonne.
- (4) Each importer and producer shall receive reference values referred to in Article 17(1), calculated as follows:
- i) a reference value for placing hydrofluorocarbons on the market based on the annual average of the quantities of hydrofluorocarbons lawfully placed on the market from 1 January 2015 as reported under Article 19 of Regulation (EU) No 517/2014 and under Article 26 of this Regulation for the years available, not including quantities of hydrofluorocarbons for the usages referred to in Article 26(5) during the same period, on the basis of available data.

ii) in addition, for importers and producers that have reported the placing on the market of hydrofluorocarbons for the usage referred to in Article 26(5), second subparagraph, a reference value based on the annual average of the quantities of those hydrofluorocarbons for such usage lawfully placed on the market from 1 January 2020 as reported under Article 19 of Regulation (EU) No 517/2014 and of Article 26 of this Regulation for the years available, on the basis of available data.

EP MANDATE:

ANNEX VII

**MAXIMUM QUANTITIES AND CALCULATION OF REFERENCE VALUES AND
QUOTAS FOR PLACING
HYDROFLUOROCARBONS ON THE MARKET REFERRED TO IN ARTICLE 17**

- (1) The maximum amount of HFCs allowed to be placed on the Union market in a given year is set to be the following:

Years	Maximum Quantity in tonnes CO₂ equivalent
2024 – 2026	41 701 077
2027 – 2029	20 888 360
2030 – 2032	9 132 097
2033 – 2035	8 445 713
2036 – 2038	6 782 265
2039 – 2041	4 138 941
2042 – 2044	3 247 259
2045 – 2047	1 623 629
2048 - 2049	811 814
2050 onwards	0

- (2) The 2015 base-value for the maximum quantity is set to be: 176 700 479 tonnes CO₂ equivalent
- (3) Reference values and quotas for placing hydrofluorocarbons on the market referred to in Articles 16 and 17 shall be calculated as the aggregated quantities of all hydrofluorocarbons, expressed in tonne(s) of CO₂ equivalent rounded to the nearest tonne.

- (4) Each importer and producer shall receive reference values referred to in Article 17(1), calculated as follows:
- i) a reference value for placing hydrofluorocarbons on the market based on the annual average of the quantities of hydrofluorocarbons lawfully placed on the market from 1 January 2015 as reported under Article 19 of Regulation (EU) No 517/2014 and under Article 26 of this Regulation for the years available, not including quantities of hydrofluorocarbons for the usages referred to in Article 26(5) during the same period, on the basis of available data.
 - ii) in addition, for importers and producers that have reported the placing on the market of hydrofluorocarbons for the usage referred to in Article 26(5), second subparagraph, a reference value based on the annual average of the quantities of those hydrofluorocarbons for such usage lawfully placed on the market from 1 January 2020 as reported under Article 19 of Regulation (EU) No 517/2014 and of Article 26 of this Regulation for the years available, on the basis of available data.

COUNCIL MANDATE:

ANNEX VII

MAXIMUM QUANTITIES AND CALCULATION OF REFERENCE VALUES AND QUOTAS FOR PLACING HYDROFLUOROCARBONS ON THE MARKET REFERRED TO IN ARTICLE 17

- (1) The maximum amount of HFCs allowed to be placed on the Union market in a given year is set to be the following:*

Years	Maximum Quantity in tonnes CO₂ equivalent
2024 – 2026	42 874 410 41 701 077
2027 – 2029	21 665 691 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

** Maintain Council's Mandate on the quota phasedown schedule.*

- (2) The 2015 base-value for the maximum quantity is set to be: 176 700 479 tonnes CO₂ equivalent
- (3) Reference values and quotas for placing hydrofluorocarbons on the market referred to in Articles 16 and 17 shall be calculated as the aggregated quantities of all hydrofluorocarbons, expressed in tonne(s) of CO₂ equivalent rounded to the nearest tonne.
- (4) Each importer and producer shall receive reference values referred to in Article 17(1), calculated as follows:

i) a reference value for placing hydrofluorocarbons on the market based on the annual average of the quantities of hydrofluorocarbons lawfully placed on the market from 1 January 2015 as reported under Article 19 of Regulation (EU) No 517/2014 and under Article 26 of this Regulation for the years available, not including quantities of hydrofluorocarbons for the usages referred to in Article 26(5) during the same period, on the basis of available data.

ii) in addition, for importers and producers that have reported the placing on the market of hydrofluorocarbons for the usage referred to in Article 26(5), second subparagraph, a reference value based on the annual average of the quantities of those hydrofluorocarbons for such usage lawfully placed on the market from 1 January 2020 as reported under Article 19 of Regulation (EU) No 517/2014 and of Article 26 of this Regulation for the years available, on the basis of available data.

COMMISSION PROPOSAL:

ANNEX VIII

Allocation mechanism referred to in Article 17

- (5) Determination of the quantity to be allocated to undertakings for which reference values have been established under Article 17(1).

Each undertaking for which reference values have been established receives quota, which is calculated as follows:

- a quota corresponding to 89 % of the reference value referred to in Annex VII, point 4(i), multiplied by the maximum quantity for the year for which the quota is allocated divided by the base value of 176 700 479 tonnes CO₂ equivalent⁴⁰.
- in addition, where relevant, a quota corresponding to the reference value referred to in Annex VII, point 4(ii), multiplied by the maximum quantity for the year for which the quota is allocated divided by the maximum quantity for the year 2024.

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.

- (6) Determination of the quota to be allocated to undertakings that have submitted a declaration pursuant to Article 17(3).

The total sum of the quotas allocated under point 1 is subtracted from the maximum quantity for the given year set out in Annex VII to determine the reserve amount to be allocated to undertakings, which have submitted a declaration under Article 17(3).

Each undertaking receives an allocation corresponding to a pro-rata share of the reserve.

The pro-rata share is calculated by dividing 100 by the number of undertakings that have submitted a declaration.

- (7) Penalties established in accordance with Article 31 are taken into account in the calculations referred to above.

⁴⁰ This number is the maximum quantity established for 2015 at the beginning of the phase-down, taking into account BREXIT.

ANNEX VIII

Allocation mechanism referred to in Article 17

- (1) Determination of the quantity to be allocated to undertakings for which reference values have been established under Article 17(1).

Each undertaking for which reference values have been established receives quota, which is calculated as follows:

- a quota corresponding to 89 % of the reference value referred to in Annex VII, point 4(i), multiplied by the maximum quantity for the year for which the quota is allocated divided by the base value of 176 700 479 tonnes CO₂ equivalent⁴¹.
- in addition, where relevant, a quota corresponding to the reference value referred to in Annex VII, point 4(ii). ***From 2027, such a quota is obtained by multiplying the reference value with a factor of 0,7. From 2030, such a quota corresponds to the reference value multiplied by the maximum quantity for the year for which the quota is allocated divided by the maximum quantity for the year 2024.***

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.

- (2) Determination of the quota to be allocated to undertakings that have submitted a declaration pursuant to Article 17(3).

The total sum of the quotas allocated under point 1 is subtracted from the maximum quantity for the given year set out in Annex VII to determine the reserve amount to be allocated to undertakings, which have submitted a declaration under Article 17(3).

Each undertaking receives an allocation corresponding to a pro-rata share of the reserve.

The pro-rata share is calculated by dividing 100 by the number of undertakings that have submitted a declaration.

- (3) Penalties established in accordance with Article 31 are taken into account in the calculations referred to above.

⁴¹ This number is the maximum quantity established for 2015 at the beginning of the phase-down, taking into account BREXIT.

COUNCIL MANDATE:

ANNEX VIII

Allocation mechanism referred to in Article 17

- (1) Determination of the quantity to be allocated to undertakings for which reference values have been established under Article 17(1).

Each undertaking for which reference values have been established receives quota, which is calculated as follows:

- a quota corresponding to 89 % of the reference value referred to in Annex VII, point 4(i), multiplied by the maximum quantity for the year for which the quota is allocated divided by the base value of 176 700 479 tonnes CO₂ equivalent⁴².
- in addition, where relevant, a quota corresponding to the reference value referred to in Annex VII, point 4(ii), **From 2029 onwards, such a quota corresponds to the reference value*** multiplied by the maximum quantity for the year for which the quota is allocated divided by the maximum quantity for the year 2024.

** Maintain Council's Mandate.*

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.

- (2) Determination of the quota to be allocated to undertakings that have submitted a declaration pursuant to Article 17(3).

The total sum of the quotas allocated under point 1 is subtracted from the maximum quantity for the given year set out in Annex VII to determine the reserve amount to be allocated to undertakings, which have submitted a declaration under Article 17(3).

Each undertaking receives an allocation corresponding to a pro-rata share of the reserve.

The pro-rata share is calculated by dividing 100 by the number of undertakings that have submitted a declaration.

- (3) Penalties established in accordance with Article 31 are taken into account in the calculations referred to above.

⁴² This number is the maximum quantity established for 2015 at the beginning of the phase-down, taking into account BREXIT.

COMMISSION PROPOSAL:

ANNEX IX

DATA TO BE REPORTED PURSUANT TO ARTICLE 26

- (1) Each producer referred to in Article 26(1), first subparagraph, shall report on:
- (a) the total quantity of each substance listed in Annexes I, II and III it has produced in the Union, including by-production, differentiating between amounts captured and not captured, and identifying quantities destroyed, from such production or by-production, of amounts not captured, or if captured, quantities destroyed prior to their placing on the market, either in the facilities of the producer or handed over to other undertakings for destruction, as well as the undertaking that carried out the destruction;
 - (b) the main categories of application in which the substance is used;
 - (c) the quantities of each substance listed in Annex I, II and III it has placed on the market in the Union, specifying separately:
 - quantities placed on the market for feedstock uses, including, for HFC-23 only, if after prior capture or without prior capture;
 - direct exports;
 - producing metered dose inhalers for the delivery of pharmaceutical ingredients;
 - use in military equipment;
 - use in the etching of semiconductor material or the cleaning of chemical vapour deposition chambers within the semiconductor manufacturing sector;
- amounts of hydrofluorocarbons produced for uses within the Union exempted under the Montreal Protocol;
- (d) any stocks held at the beginning and the end of the reporting period, specifying if placed on the market or not.
- (2) Each importer referred to in Article 26(1), first subparagraph, shall report on:
- (a) the total quantity of each substance listed in Annex I, II and III it has imported into the Union, identifying the main categories of application in which the substance is used, specifying separately:
 - amounts imported, not released for free circulation, and re-exported contained in products or equipment by the reporting undertaking;
 - quantities for destruction, identifying the undertaking carrying out the destruction;
 - feedstock uses, specifying separately amounts of hydrofluorocarbons imported for feedstock uses, and identifying the feedstock using undertaking
 - direct exports, identifying the exporting undertaking;
 - producing metered dose inhalers for the delivery of pharmaceutical ingredients identifying the producer;
 - use in military equipment; identifying the undertaking receiving the quantities for this use;
 - use in the etching of semiconductor material or the cleaning of chemical vapour deposition chambers within the semiconductor manufacturing sector, identifying the receiving semiconductor manufacturer;
 - amounts of hydrofluorocarbons contained in pre-blended polyols;
 - amounts of used, recycled or reclaimed hydrofluorocarbons;

- amount of hydrofluorocarbons imported for uses exempted under the Montreal Protocol;

Quantities of hydrofluorocarbons shall be reported separately for each country of origin.

- (b) any stocks held at the beginning and the end of the reporting period, specifying if already placed on the market or not.
- (3) Each exporter referred to in Article 26(1), first subparagraph, shall report on the quantities of each substance listed in Annexes I, II and III that it has exported from the Union, specifying if from own production or import or if purchased from other undertakings within the Union.
- (4) Each undertaking referred to in Article 26(2) shall report on:
 - (a) the quantities of each substance listed in Annexes I, II and III destroyed, including the quantities of those substances contained in products or equipment;
 - (b) any stocks of each substance listed in Annexes I, II and III waiting to be destroyed, including the quantities of those substances contained in products or equipment;
 - (c) the technology used for the destruction of the substances listed in Annexes I, II and III.
- (5) Each undertaking referred to in Article 26(3) shall report on the quantities of each substance listed in Annex I used as feedstock.
- (6) Each undertaking referred to in Article 26(4) shall report on:
 - (a) the categories of the products or equipment containing substances listed in Annexes I, II and III;
 - (b) the number of units;
 - (c) any quantities of each substance listed in Annexes I, II and III contained in the products or equipment;
 - (d) the amount of hydrofluorocarbons charged into the imported equipment, released for free circulation, for which the hydrofluorocarbons had previously been exported from the Union and which had been subject to quota limitations for placing on the Union market. In such case, the report shall also specify the exporting undertaking and the year of export as well as the undertaking having placed the hydrofluorocarbons on the Union market for the first time and the year of that placing on the market.
- (7) Each undertaking referred to in Article 26(5) shall report on the quantities of each substance received from importers and producers for destruction, feedstock uses, direct exports, metered dose inhalers for the delivery of pharmaceutical ingredients use in military equipment and use in the etching of semiconductor material or the cleaning of chemical vapour deposition chambers within the semiconductor manufacturing sector;
The manufacturer of metered dose inhalers for the delivery of pharmaceutical ingredients shall report on the type of hydrofluorocarbons and the quantities used.
- (8) Each undertaking referred to in Article 26(6) shall report on:
 - (a) the quantities of each substance listed in Annexes I, II and III that it has reclaimed;
 - (b) any stocks of each substance listed in Annexes I, II and III waiting to be reclaimed.

EP MANDATE:

(no amendments to Commission proposal)

COUNCIL MANDATE:

ANNEX IX*

**EP expected to accept Council's amendments in Annex IX*

DATA TO BE REPORTED PURSUANT TO ARTICLE 26

- (1) Each producer referred to in Article 26(1), first subparagraph, shall report on:
- (a) the total quantity of each substance listed in Annexes I, II and III it has produced in the Union, including by-production, differentiating between amounts captured and not captured, and identifying quantities destroyed, from such production or by-production, of amounts not captured, or if captured, quantities destroyed prior to their placing on the market, either in the facilities of the producer or handed over to other undertakings for destruction, as well as the undertaking that carried out the destruction;
 - (b) the main categories of application in which the substance is used;
 - (c) the quantities of each substance listed in Annex I, II and III it has placed on the market in the Union, specifying separately:
 - quantities placed on the market for feedstock uses, including, for HFC-23 only, if after prior capture or without prior capture;
 - direct exports;
 - producing metered dose inhalers for the delivery of pharmaceutical ingredients;
 - use in military equipment;
 - use in the etching of semiconductor material or the cleaning of chemical vapour deposition chambers within the semiconductor manufacturing sector;
 - amounts of hydrofluorocarbons produced for uses within the Union exempted under the Montreal Protocol;
 - (d) any stocks held at the beginning and the end of the reporting period, specifying if placed on the market or not.

- (2) Each importer referred to in Article 26(1), first subparagraph, shall report on:
- (a) the total quantity of each substance listed in Annex I, II and III it has imported into the Union, identifying the main categories of application in which the substance is used, specifying separately:
- amounts imported, not released for free circulation, and re-exported contained in products or equipment by the reporting undertaking;
 - quantities for destruction, identifying the undertaking carrying out the destruction;
 - feedstock uses, specifying separately amounts of hydrofluorocarbons imported for feedstock uses, and identifying the feedstock using undertaking;
 - direct exports, identifying the exporting undertaking;
 - producing metered dose inhalers for the delivery of pharmaceutical ingredients identifying the producer;
 - use in military equipment; identifying the undertaking receiving the quantities for this use;
 - use in the etching of semiconductor material or the cleaning of chemical vapour deposition chambers within the semiconductor manufacturing sector, identifying the receiving semiconductor manufacturer;
 - amounts of hydrofluorocarbons contained in pre-blended polyols;
 - amounts of ~~used~~ **recovered**, recycled or reclaimed hydrofluorocarbons;
 - amount of hydrofluorocarbons imported for uses exempted under the Montreal Protocol;
 - Quantities of hydrofluorocarbons shall be reported separately for each country of origin.
- (b) any stocks held at the beginning and the end of the reporting period, specifying if already placed on the market or not.
- (3) Each exporter referred to in Article 26(1), first subparagraph, shall report on the quantities of each substance listed in Annexes I, II and III that it has exported from the Union, specifying if from own production or import or if purchased from other undertakings within the Union, **including the amounts of hydrofluorocarbons contained in pre-blended polyols.**(4) Each undertaking referred to in Article 26(2) shall report on:
- (a) the quantities of each substance listed in Annexes I, II and III destroyed, including, separately, the quantities of those substances contained in products or equipment;
- (b) any stocks **held at the beginning and the end of the reporting period** of each substance listed in Annexes I, II and III waiting to be destroyed, including, **separately**, the quantities of those substances contained in products or equipment;
- (c) the technology used for the destruction of the substances listed in Annexes I, II and III.
- (5) Each undertaking referred to in Article 26(3) shall report on the quantities of each substance listed in Annex I used as feedstock.

- (6) Each undertaking referred to in Article 26(4) shall report on:
- (a) the categories of the products or equipment containing substances listed in Annexes I, II and III;
 - (b) the number of units **with regard to products and equipment or mass with regard to non-countable products like foams**;
 - (c) any quantities of each substance listed in Annexes I, II and III contained in the products or equipment;
 - (d) the amount of hydrofluorocarbons charged into the imported equipment, released for free circulation, for which the hydrofluorocarbons had previously been exported from the Union and which had been subject to quota limitations for placing on the Union market. In such case, the report shall also specify the exporting undertaking and the year of export as well as the undertaking having placed the hydrofluorocarbons on the Union market for the first time and the year of that placing on the market.
- (7) Each undertaking referred to in Article 26(5) shall report on the quantities of each substance received from importers and producers for destruction, feedstock uses, direct exports, metered dose inhalers for the delivery of pharmaceutical ingredients use in military equipment and use in the etching of semiconductor material or the cleaning of chemical vapour deposition chambers within the semiconductor manufacturing sector;
- The manufacturer of metered dose inhalers for the delivery of pharmaceutical ingredients shall report on the type of hydrofluorocarbons and the quantities used.
- (8) Each undertaking referred to in Article 26(6) shall report on:
- (a) the quantities of each substance listed in Annexes I, II and III that it has reclaimed;
 - (b) any stocks **held at the beginning and the end of the reporting period** of each substance listed in Annexes I, II and III waiting to be reclaimed.

COMMISSION PROPOSAL:**ANNEX X*****Correlation Table***

Regulation (EU) No 517/2014	This Regulation
Article 1	Article 1
Article 2(1)	Article 2(1), point (a)
Article 2(2)	Article 3(4)
Article 2(3)-(4)	-
Article 2(5)	Article 3(2)
Article 2(6)	Article 3(1)
Article 2(7)	Article 3(3)
Article 2(8)	Article 3(5)
Article 2(9)	Article 3(36)
Article 2(10)	Article 3(6)
Article 2(11)	Article 3(9)
Article 2(12)	Article 3(10)
Article 2(13)	Article 11(3) and Annex IV, point 1
Article 2(14)	Article 3(11)
Article 2(15)	Article 3(12)
Article 2(16)	Article 3(13)
Article 2(17)	Article 3(14)
Article 2(18)	Article 3(15)
Article 2(19)	Article 3(16)
Article 2(20)	Article 3(17)
Article 2(21)	Article 3(18)
Article 2(22)	Article 3(19)
Article 2(23)	Article 3(20)
Article 2(24)	Article 3(21)
Article 2(25)	Article 3(22)
Article 2(26)	Article 3(23)
Article 2(27)	Article 3(24)
Article 2(28)	-
Article 2(29)	Article 3(25)
Article 2(30)	Article 3(26)
Article 2(31)	Article 3(27)
Article 2(32)	Article 3(28)
Article 2(33)	Article 3(29)
Article 2(34)	Article 3(30)
Article 2(35)	Article 3(31)
Article 2(36)	Article 3(32)
Article 2(37)	Article 3(33)
Article 2(38)	Article 3(34)
Article 2(39)	-
Article 3(1)-(2)	Article 4(1)-(2)
Article 3(3)	Article 4(4)

Article 3(4)	Article 4(6)
Article 4	Article 5
Article 5	Article 6
Article 6	Article 7
Article 7(1)	Article 4(3)
Article 7(2)	Article 4(5)
Article 8(1)	Article 8(1)
Article 8(2)	Article 8(3)
Article 8(3)	Article 8(4)
Article 9	Article 9
Article 10(1)-(4)	Article 10(1)-(4)
Article 10(5)	-
Article 10(6)	Article 10(6)
Article 10(7)	Article 10(7)
Article 10(8)	-
Article 10(9)	-
Article 10(10)	Article 10(8)
Article 10(11)	Article 10(10)
Article 10(12)	Article 10(5)
Article 10(13)	Article 10(9)
Article 10(14)	Article 10(11)
Article 10(15)	Article 10(12)
Article 11(1)	Article 11(1), first subparagraph
Article 11(2)	Article 11(2)
Article 11(3)	Article 11(4)
Article 11(4)	Article 11(5)
Article 11(5)	Article 11(6)
Article 11(6)	-
Article 12(1)-(12)	Article 12(1)-(12)
Article 12(13)	Article 12(15)
Article 12(14)	Article 12(16)
Article 12(15)	Article 12(17)
Article 13(1) first subparagraph	Article 13(1)
Article 13(1) second subparagraph	-
Article 13(2)	Article 13(2)
Article 13(3)	-
Article 14(1)	Article 19(1)
Article 14(2) , first subparagraph	Article 19(2), first subparagraph
Article 14(2), second subparagraph	Article 19(3)
Article 14(2) , third subparagraph	Article 19(2), third subparagraph
Article 14(3)	Article 19(2), second subparagraph
Article 14(4)	Article 19(4)
Article 15(1), first subparagraph	-
Article 15(1), second subparagraph	Article 16(1), first subparagraph
Article 15(2)	Article 16(2)
Article 15(3)	Article 16(6)
Article 15(4)	Article 16(4)
Article 16(1)	-
Article 16(2)	Article 17(3)

Article 16(3)	Article 17(1)
Article 16(4)	Article 17(3)
Article 16(5)	Article 17(4)
Article 17(1), first subparagraph	Article 20(1)
Article 17(1), second subparagraph	Article 20(4)
Article 17(1), third subparagraph	-
Article 17(2)	Article 20(6)
Article 17(3)	-
Article 17(4)	Article 20(7)
Article 18(1)	Article 21(1), first subparagraph
Article 18(2), first subparagraph	Article 21(2)
Article 18(2), second subparagraph	-
Article 18(2), third subparagraph	Article 21(3)
Article 19(1), first subparagraph	Article 26(1), first subparagraph
Article 19(2)	Article 26(2)
Article 19(3)	Article 26(3)
Article 19(4)	Article 26(4)
Article 19(5)	Article 26(7)
Article 19(6)	Article 26(8)
Article 19(7)	Article 26(9), second subparagraph
Article 19(8)	Article 20(7), second subparagraph
Article 20	Article 27
Article 21(1)	Article 35, first subparagraph
Article 21(2)-(6)	-
Article 22	Article 32
Article 23	Article 33
Article 24	Article 34
Article 25	Article 31
Article 26	Article 36
Article 27	Article 38
Annex I	Annex I
Annex II	Annex III
Annex III	Annex IV
Annex IV	Annex VI
Annex V	Annex VII
Annex VI	Annex VIII
Annex VII	Annex IX

EP MANDATE:

(no amendments to Commission proposal)

COUNCIL MANDATE:

ANNEX X*

** To be adjusted at later stage in view of the relevant amendments.*

Correlation Table

Regulation (EU) No 517/2014	This Regulation
Article 1	Article 1
Article 2(1)	Article 2(1), point (a)
Article 2(2)	Article 3(4)
Article 2(3)-(4)	-
Article 2(5)	Article 3(2)
Article 2(6)	Article 3(1)
Article 2(7)	Article 3(3)
Article 2(8)	Article 3(5)
Article 2(9)	Article 3(35 6)
Article 2(10)	Article 3(6)
Article 2(11)	Article 3(9)
Article 2(12)	Article 3(10)
Article 2(13)	Article 11(3) and Annex IV, point 1
Article 2(14)	Article 3(11)
Article 2(15)	Article 3(12)
Article 2(16)	Article 3(13)
Article 2(17)	Article 3(14)
Article 2(18)	Article 3(15)
Article 2(19)	Article 3(16)
Article 2(20)	Article 3(17)
Article 2(21)	Article 3(18)
Article 2(22)	Article 3(19)
Article 2(23)	Article 3(20)
Article 2(24)	Article 3(21)
Article 2(25)	Article 3(22)
Article 2(26)	Article 3(23)
Article 2(27)	Article 3(24)
Article 2(28)	-
Article 2(29)	Article 3(25)
Article 2(30)	Article 3(26)
Article 2(31)	Article 3(27)
Article 2(32)	Article 3(28)
Article 2(33)	Article 3(29)
Article 2(34)	Article 3(30)
Article 2(35)	Article 3(31)
Article 2(36)	Article 3(32)
Article 2(37)	Article 3(33)
Article 2(38)	Article 3(34)

Article 2(39)	-
Article 3(1)-(2)	Article 4(1)-(2)
Article 3(3)	Article 4(4)
Article 3(4)	Article 4(6)
Article 4	Article 5
Article 5	Article 6
Article 6	Article 7
Article 7(1)	Article 4(3)
Article 7(2)	Article 4(5)
Article 8(1)	Article 8(1)
Article 8(2)	Article 8(3)
Article 8(3)	Article 8(4)
Article 9	Article 9
Article 10(1)-(4)	Article 10(1)-(4)
Article 10(5)	-
Article 10(6)	Article 10(6)
Article 10(7)	Article 10(7)
Article 10(8)	-
Article 10(9)	-
Article 10(10)	Article 10(8)
Article 10(11)	Article 10(10)
Article 10(12)	Article 10(5)
Article 10(13)	Article 10(9)
Article 10(14)	Article 10(11)
Article 10(15)	Article 10(12)
Article 11(1)	Article 11(1), first subparagraph
Article 11(2)	Article 11(2)
Article 11(3)	Article 11(4)
Article 11(4)	Article 11(5)
Article 11(5)	Article 11(6)
Article 11(6)	-
Article 12(1)-(12)	Article 12(1)-(12)
Article 12(13)	Article 12(15)
Article 12(14)	Article 12(16)
Article 12(15)	Article 12(17)
Article 13(1) first subparagraph	Article 13(1)
Article 13(1) second subparagraph	-
Article 13(2)	Article 13(2)
Article 13(3)	-
Article 14(1)	Article 19(1)
Article 14(2) , first subparagraph	Article 19(2), first subparagraph
Article 14(2), second subparagraph	Article 19(3)
Article 14(2) , third subparagraph	Article 19(2), third subparagraph
Article 14(3)	Article 19(2), second subparagraph
Article 14(4)	Article 19(4)
Article 15(1), first subparagraph	-
Article 15(1), second subparagraph	Article 16(1), first subparagraph
Article 15(2)	Article 16(2)
Article 15(3)	Article 16(6)

Article 15(4)	Article 16(4)
Article 16(1)	-
Article 16(2)	Article 17(3)
Article 16(3)	Article 17(1)
Article 16(4)	Article 17(3)
Article 16(5)	Article 17(4)
Article 17(1), first subparagraph	Article 20(1)
Article 17(1), second subparagraph	Article 20(4)
Article 17(1), third subparagraph	-
Article 17(2)	Article 20(6)
Article 17(3)	-
Article 17(4)	Article 20(7)
Article 18(1)	Article 21(1), first subparagraph
Article 18(2), first subparagraph	Article 21(2)
Article 18(2), second subparagraph	-
Article 18(2), third subparagraph	Article 21(3)
Article 19(1), first subparagraph	Article 26(1), first subparagraph
Article 19(2)	Article 26(2)
Article 19(3)	Article 26(3)
Article 19(4)	Article 26(4)
Article 19(5)	Article 26(7)
Article 19(6)	Article 26(8)
Article 19(7)	Article 26(9), second subparagraph
Article 19(8)	Article 20(7), second subparagraph
Article 20	Article 27
Article 21(1)	Article 35, first subparagraph
Article 21(2)-(6)	-
Article 22	Article 32
Article 23	Article 33
Article 24	Article 34
Article 25	Article 31
Article 26	Article 36
Article 27	Article 38
Annex I	Annex I
Annex II	Annex III
Annex III	Annex IV
Annex IV	Annex VI
Annex V	Annex VII
Annex VI	Annex VIII
Annex VII	Annex IX