



Council of the European Union  
General Secretariat

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**Interinstitutional files:  
2022/0100 (COD)**

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**Brussels, 24 April 2023**

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## **MEETING DOCUMENT**

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° prev. doc.:	8156/23
Subject:	Ozone Regulation: WPE meetings on 26 and 27 April 2023: 4 column table

Delegations will find attached the 4-column table and the Annexes of the Regulation on ozone depleting substances with a view to the meetings of the Working Party on the Environment on 26 and 27 April 2023.

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009 (Text with EEA relevance)**

**2022/0100(COD)**

**Non-versioned [LATEST TEXT]**

**24-04-2023 at 15h41**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2022/0100 (COD)		2022/0100 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009 (Text with EEA relevance)		Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009 (Text with EEA relevance)	
Formula				
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		Having regard to the Treaty on the	

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	Functioning of the European Union, and in particular Article 192(1) thereof,		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 <sup>1</sup> ,  1. OJ C [...], [...], p. [...]		Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,  1. OJ C [...], [...], p. [...]	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions <sup>1</sup> ,  1. OJ C [...], [...], p. [...]		Having regard to the opinion of the Committee of the Regions <sup>1</sup> ,  1. OJ C [...], [...], p. [...]	
Citation 6				
9				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 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 Union is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.		(1) The European Green Deal launched a new growth strategy for the Union that aims to transform the Union into a fair and prosperous society with a modern, resource-efficient and competitive economy. It reaffirms the Commission's ambition to increase its climate targets and make Europe the first climate-neutral continent by 2050 and aims to protect the health and well-being of citizens from environment-related risks and impacts. Furthermore, the Union is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.	
Recital 2				
12	(2) The ozone layer protects humans and other living beings from harmful ultra-violet (UV) radiation from the sun. It is scientifically well established that continuous		(2) The ozone layer protects humans and other living beings from harmful ultra-violet (UV) radiation from the sun. It is scientifically well established that continuous	

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	emissions of ozone depleting substances cause significant damage to the ozone layer, leading to significant adverse impacts on human health and ecosystems, the biosphere as well as to large economic implications if left unaddressed.		emissions of ozone depleting substances cause significant damage to the ozone layer, leading to significant adverse impacts on human health and ecosystems, the biosphere as well as to large economic implications if left unaddressed.	
Recital 3				
13	<p>(3) Pursuant to Council Decision 88/540/EEC<sup>1</sup>, the Union became a Party to the 1985 Vienna Convention for the Protection of the Ozone Layer and to its Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol') adopted in 1987. The Protocol and subsequent decisions of its Parties constitute a set of globally binding control measures to address ozone depletion.</p> <p><sup>1</sup> Council Decision 88/540/EEC of 14 October 1988 concerning the conclusion of the Vienna Convention for the protection of the ozone layer and the Montreal Protocol on substances that deplete the ozone layer (OJ L 297, 31.10.1988, p. 8).</p>		<p>(3) Pursuant to Council Decision 88/540/EEC<sup>1</sup>, the Union became a Party to the 1985 Vienna Convention for the Protection of the Ozone Layer and to its Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol') adopted in 1987. The Protocol and subsequent decisions of its Parties constitute a set of globally binding control measures to address ozone depletion.</p> <p><sup>1</sup> Council Decision 88/540/EEC of 14 October 1988 concerning the conclusion of the Vienna Convention for the protection of the ozone layer and the Montreal Protocol on substances that deplete the ozone layer (OJ L 297, 31.10.1988, p. 8).</p>	
Recital 4				
14	(4) Regulation (EC) No 1005/2009 of the European Parliament and of the Council <sup>1</sup> ensures, inter alia, that	(4) Regulation (EC) No 1005/2009 of the European Parliament and of the Council <sup>1</sup> ensures, inter alia, that	(4) Regulation (EC) No 1005/2009 of the European Parliament and of the Council <sup>1</sup> ensures, inter alia, that	


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	<p>the Union complies with the Protocol. The Commission in its evaluation of Regulation (EC) No 1005/2009<sup>2</sup> concluded that the control measures established under that Regulation remain, in general, fit-for-purpose.</p> <p>1. Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 16.09.2009, p.1). 2. Evaluation of Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer, SWD(2019) 407 final of 26 November 2019.</p>	<p>the Union complies with the Protocol. The Commission in its evaluation of Regulation (EC) No 1005/2009<sup>2</sup> concluded that the control measures established under that Regulation remain, in general, fit-for-purpose, <u>are efficient and have significantly contributed to stratospheric ozone recovery and to reduce climate warming</u>.</p> <p>1. Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 16.09.2009, p.1). 2. Evaluation of Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer, SWD(2019) 407 final of 26 November 2019.</p>	<p>the Union complies with the Protocol. The Commission in its evaluation of Regulation (EC) No 1005/2009<sup>2</sup> concluded that the control measures established under that Regulation remain, in general, fit-for-purpose.</p> <p>1. Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 16.09.2009, p.1). 2. Evaluation of Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer, SWD(2019) 407 final of 26 November 2019.</p>	
Recital 5				
15	<p>(5) There is clear evidence of a decrease in the atmospheric burden of ozone depleting substances and of stratospheric ozone recovery. However, the recovery of the ozone layer to the concentrations level existing before 1980 is not projected to take place before the middle of the 21st century. Therefore, increased UV-radiation persists as a significant threat to health and the environment. Avoiding the risk of further delays in the recovery of the ozone layer remains dependent on</p>	<p>(5) There is clear evidence of a decrease in the atmospheric burden of ozone depleting substances and of stratospheric ozone recovery. However, <u>according to the European Environment Agency, the 2021 ozone hole was one of the larger and deeper ones of recent years and was larger than the average over the last 5 and 10 years</u>. The recovery of the ozone layer <u>is still very fragile, and recovery</u> to the concentrations level existing before 1980 is not projected</p>	<p>(5) There is clear evidence of a decrease in the atmospheric burden of ozone depleting substances and of stratospheric ozone recovery. However, the recovery of the ozone layer to the concentrations level existing before 1980 is not projected to take place before the middle of the 21st century. Therefore, increased UV-radiation persists as a significant threat to health and the environment. Avoiding the risk of further delays in the recovery of the ozone layer remains dependent on</p>	


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	ensuring that existing obligations are fully implemented, as well as that the necessary measures are in place to address any upcoming challenges swiftly and effectively.	to take place before the middle of the 21st century. Therefore, increased UV-radiation persists as a significant threat to health and the environment. Avoiding the risk of further delays in the recovery of the ozone layer remains dependent on ensuring that existing obligations are fully implemented, <del>as well as that</del> <u>more action is taken, and</u> that the necessary measures are in place to address any upcoming challenges swiftly and effectively.	ensuring that existing obligations are fully implemented, as well as that the necessary measures are in place to address any upcoming challenges swiftly and effectively.	
Recital 6				
16	(6) Most ozone depleting substances also have high global warming potential and are contributory factors towards increasing the temperature of the planet. Considering the significant findings of the Intergovernmental Panel on Climate Change (IPCC) Special Report, <sup>1</sup> this Regulation should ensure that all feasible efforts are taken to reduce emissions of ozone depleting substances. Reducing emissions contributes to reaching the objective of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change <sup>2</sup> of ‘keeping a global temperature rise in this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts		(6) Most ozone depleting substances also have high global warming potential and are contributory factors towards increasing the temperature of the planet. Considering the significant findings of the Intergovernmental Panel on Climate Change (IPCC) Special Report, <sup>1</sup> this Regulation should ensure that all feasible efforts are taken to reduce emissions of ozone depleting substances. Reducing emissions contributes to reaching the objective of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change <sup>2</sup> of ‘keeping a global temperature rise in this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts	

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	<p>to limit the temperature increase even further to 1.5 degrees Celsius’.</p> <p>1. IPCC Special Report. Global warming of 1.5 C (August 2021). 2. OJ L 282, 19.10.2016, p. 4.</p>		<p>to limit the temperature increase even further to 1.5 degrees Celsius’.</p> <p>1. IPCC Special Report. Global warming of 1.5 C (August 2021). 2. OJ L 282, 19.10.2016, p. 4.</p>	
Recital 7				
17	<p>(7) In order to increase awareness on the global warming potential of ozone depleting substances, in addition to the ozone depleting potential of the substances, their respective global warming potential should also be listed in this Regulation.</p>	<p>(7) In order to increase awareness on the global warming potential of ozone depleting substances, in addition to the ozone depleting potential of the substances, their respective global warming potential should also be listed <u>and addressed in this Regulation as well as on the labels of containers of ozone depleting substances. Where available, that information should include the global warming potential expressed both on a 100-year and 20-year timescale, to increase awareness about the short-term high global warming potential of some ozone depleting substances.</u></p>	<p>(7) In order to increase awareness on the global warming potential of ozone depleting substances, in addition to the ozone depleting potential of the substances, their respective global warming potential should also be listed in this Regulation.</p>	
17a		<p><u>(7a) Member States should establish binding action plans based on guidelines established by the Commission to reduce the risk of pyro-cumulonimbus formation from forest fires and their negative</u></p>		




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		<u><a href="#">impact on the stratosphere and the ozone layer.</a></u>		
Recital 8				
18	(8) Regulation (EC) No 1005/2009 and previous Union legislation, established more stringent control measures than required under the Protocol, requiring more restrictive rules on import and export.		(8) Regulation (EC) No 1005/2009 and previous Union legislation, established more stringent control measures than required under the Protocol, requiring more restrictive rules on import and export.	
Recital 9				
19	(9) Under Regulation (EC) No 1005/2009, the production and placing on the market of ozone depleting substances has been phased-out for almost all uses. The placing on the market of products and equipment containing or relying on ozone depleting substances has also been prohibited except for certain cases where the use of such substances is still allowed. Even after the phase-out of ozone depleting substances, under certain conditions, it is necessary to continue to allow for exemptions for certain uses, where alternatives are not yet available.		(9) Under Regulation (EC) No 1005/2009, the production and placing on the market of ozone depleting substances has been phased-out for almost all uses. The placing on the market of products and equipment containing or relying on ozone depleting substances has also been prohibited except for certain cases where the use of such substances is still allowed. Even after the phase-out of ozone depleting substances, under certain conditions, it is necessary to continue to allow for exemptions for certain uses, where alternatives are not yet available.	
19a				

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		<p><u>(9a) The Union's production of controlled ozone depleting substances in 2021 was higher than it had been during the previous 10 years, having increased by 27 % in 2021 compared to 2020. 90 % of that increase is due to feedstock use. Feedstock use increased by 11 % compared to 2020<sup>1a</sup>. While the derogation for ozone depleting substances used as feedstock in the chemical production of certain goods, including pharmaceuticals, has been justified in light of their low combined ozone-depleting potential (&gt;1tODP) and the lack of feasible alternative options, it is possible that the emissions from feedstock uses are being underestimated<sup>1b</sup>. The Commission should therefore establish a list of ozone depleting substances for which the use as feedstock is permitted and regularly assess the availability of their alternatives. In order to progressively phase out such uses where alternatives exist, the power to adopt delegated acts should be delegated to the Commission to propose lower caps over time.</u></p> <p><u><sup>1a</sup> Ozone Depleting Substances 2022, European Environment Agency.</u></p>		

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		<u><i>1b "Narrowing feedstock exemptions under the Montreal Protocol has multiple environmental benefits", Stephen O. Andersen, et al. 2021: <a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8665836/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8665836/</a> and "Unfinished business after five decades of ozone-layer science and policy", Susan Salomon et al. 2020.</i></u>		
Recital 10				
20	(10) Taking into account the small quantities of ozone depleting substances actually used for essential laboratory and analytical uses, a proportionate control measure needs to be established in this respect. The registration obligation under Regulation (EC) No 1005/2009 should be replaced with the requirement to retain records in order to allow controlling unlawful use and monitoring of developments of alternatives.		<i>deleted</i>	
Recital 11				
21	(11) The placing on the market and use of halons should only be allowed for critical uses, which should be determined taking into account the		(11) The placing on the market and use of halons should only be allowed for critical uses, which should be determined taking into account the	

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	availability of alternative substances or technologies and developments of international standards.		availability of alternative substances or technologies and developments of international standards.	
Recital 12				
22	(12) Halons Technical Options Committee (HTOC) established under the Protocol indicated that non-virgin halon stocks for critical uses might not be sufficient to meet the needs from 2030 onwards at global level. To avoid that new production of halons become necessary to meet future needs, it is important to take measures to increase the availability of stocks of halon recovered from equipment.	(12) Halons Technical Options Committee (HTOC) established under the Protocol indicated that non-virgin halon stocks for critical uses might not be sufficient to meet the needs from 2030 onwards at global level. To avoid that new production of halons become necessary to meet future needs, it is important to take measures to increase the availability <u>and to provide adequate monitoring</u> of stocks of halon recovered from equipment.	(12) Halons Technical Options Committee (HTOC) established under the Protocol indicated that non-virgin halon stocks for critical uses might not be sufficient to meet the needs from 2030 onwards at global level. To avoid that new production of halons become necessary to meet future needs, it is important to take measures to increase the availability of stocks of halon recovered from equipment.	
Recital 13				
23	(13) Under Regulation (EC) No 1005/2009, the exemption for critical uses of methyl bromide (for quarantine and pre-shipment purposes) ceased on 18 March 2010. The possibility to grant a derogation in emergency situations should, however, remain available, namely in the event of unexpected pests or disease outbreaks where such emergency use is to be permitted under Regulation (EC) No		(13) Under Regulation (EC) No 1005/2009, the exemption for <b>all</b> critical uses of methyl bromide ( <b>including</b> for quarantine and pre-shipment purposes) <b>have</b> ceased. <b>The Montreal Protocol contains provisions that governs emergency use. These provisions have so far only been applied at extremely few occasions globally and so far not within the Union on 18 March 2010. The possibility to grant a</b>	

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	<p>1107/2009 of the European Parliament and of the Council<sup>1</sup> and Regulation (EU) No 528/2012 of the European Parliament and of the Council<sup>2</sup>.</p> <p>1. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market (OJ L 309, 24.11.2009, p. 1). 2. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).</p>		<p><del>derogation in</del> <b>It is therefore less likely that any actor within the Union would need to make use of these provisions. However, as future emergency situations should, however, remain available could not be ruled out, and to align this Regulation to the Montreal Protocol, the possibility to grant a derogation in emergency situations</b>, namely in the event of unexpected pests or disease outbreaks, <b>should remain available</b> where such emergency use is to be permitted under Regulation (EC) No 1107/2009 of the European Parliament and of the Council<sup>1</sup> and Regulation (EU) No 528/2012 of the European Parliament and of the Council<sup>2</sup>. <b>In such cases measures to minimize emissions, such as the use of virtually impermeable films for soil mitigation, should be specified.</b></p> <p>1. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market (OJ L 309, 24.11.2009, p. 1). 2. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).</p>	
23a				

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		<p><u>(13a) There is growing concern over the impact on global emissions of some of the new substances listed in Annex II, including, for example, the rapid increase in atmospheric concentration of dichloromethane that could substantially delay, by more than a decade, the recovery of the ozone hole<sup>1a</sup>. In 2021, the production of new ozone depleting substances not covered by the Protocol, in metric tonnes, was about four times higher than the production of controlled substances<sup>1b</sup>. Further control and monitoring is therefore essential. The requirements applied to substances listed in Annex I in relation to leakages and registration in the licencing system should be extended to substances listed in Annex II. That approach not only reduces potential adverse environmental and health impacts but harmonises with the approach taken under Regulation (EU)2023/...of the European Parliament and of the Council on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014.</u></p> <p><u><sup>1a</sup> "The increasing threat to stratospheric ozone from dichloromethane" Hossaini et all, 2017:</u></p>		

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		<a href="https://doi.org/10.1038/s41467-019-13899-4">https://doi.org/10.1038/s41467-019-13899-4</a> <i><sup>1b</sup> "Ozone Depleting Substances 2022", European Environment Agency.</i>		
Recital 14				
24	(14) Restrictions set out in this Regulation regarding products and equipment containing ozone depleting substances should also cover products and equipment relying on those substances in order to prevent circumventions of those restrictions.		(14) Restrictions set out in this Regulation regarding products and equipment containing ozone depleting substances should also cover products and equipment relying on those substances in order to prevent circumventions of those restrictions.	
Recital 15				
25	(15) It is important to ensure that ozone depleting substances are allowed to be placed on the market for the purpose of reclamation in the Union. Ozone depleting substances and the products and equipment containing those substances or whose functioning relies upon those substances should also be allowed to be placed on the market for the purpose of destruction by technologies approved by the Parties or by technologies not yet approved but that are environmentally equivalent.		(15) It is important to ensure that ozone depleting substances are allowed to be placed on the market for the purpose of reclamation in the Union. Ozone depleting substances and the products and equipment containing those substances or whose functioning relies upon those substances should also be allowed to be placed on the market for the purpose of destruction by technologies approved by the Parties or by technologies not yet approved but that are environmentally equivalent.	

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Recital 16				
26	(16) Non-refillable containers for ozone depleting substances, should be banned, considering that an amount of substance inevitably remains in these containers when emptied, which is then released into the atmosphere. In this respect, it is necessary to prohibit their import, placing on the market, subsequent supply or making available on the market, use, except for laboratory and analytical uses, and their export.	(16) Non-refillable containers for ozone depleting substances, should be banned, considering that an amount of substance inevitably remains in these containers when emptied, which is then released into the atmosphere. In this respect, it is necessary to prohibit their import, placing on the market, subsequent supply or making available on the market, use, except for laboratory and analytical uses, and their export. <u>To ensure that refillable containers are refilled instead of being discarded, undertakings should be required, when placing such containers on the market, to produce evidence on the arrangements for return for the purpose of refilling.</u>	(16) Non-refillable containers for ozone depleting substances, should be banned, considering that an amount of substance inevitably remains in these containers when emptied, which is then released into the atmosphere. In this respect, it is necessary to prohibit their import, placing on the market, subsequent supply or making available on the market, use, except for laboratory and analytical uses, and their export.	
Recital 17				
27	(17) Regulation (EC) No 1272/2008 of the European Parliament and of the Council <sup>1</sup> provides for the labelling of substances classified as ozone depleting substances and the labelling of mixtures containing such substances. As it is allowed to release for free circulation in the Union market ozone depleting substances produced for feedstock, process agent, laboratory and	(17) Regulation (EC) No 1272/2008 of the European Parliament and of the Council <sup>1</sup> provides for the labelling of substances classified as ozone depleting substances and the labelling of mixtures containing such substances. As it is allowed to release for free circulation in the Union market <u>halon and methyl bromide and products and equipment containing those ozone</u>	(17) Regulation (EC) No 1272/2008 of the European Parliament and of the Council <sup>1</sup> provides for the labelling of substances classified as ozone depleting substances and the labelling of mixtures containing such substances. As it is allowed to release for free circulation in the Union market ozone depleting substances produced for feedstock, process agent, laboratory and	



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	<p>analytical uses, those substances should be distinguished from substances that are produced for other uses.</p> <p>1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).</p>	<p><u>depleting substances or whose functioning relies upon those substances, as well as other</u> ozone depleting substances produced for feedstock, process agent, laboratory and analytical uses <u>and for destruction within the Union</u>, those substances should be distinguished from substances that are produced for other uses.</p> <p>1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).</p>	<p>analytical uses, those substances should be distinguished from substances that are produced for other uses.</p> <p>1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).</p>	
Recital 18				
28	<p>(18) The export of products and equipment containing hydrochlorofluorocarbons may be exceptionally permitted in cases where it may be more beneficial to allow these products and equipment to end their natural life cycle in a third country than to be decommissioned and disposed of in the Union.</p>	<p>(18) The export of products and equipment containing hydrochlorofluorocarbons may be exceptionally permitted in cases where it may be more beneficial to allow these products and equipment to end their natural life cycle in a third country than to be decommissioned and disposed of in the Union, <u>provided that the required appropriate facilities, as well as the specialist staff to carry out such operations, are in place, so as to avoid any further environmental pollution</u>.</p>	<p>(18) The export of products and equipment containing hydrochlorofluorocarbons may be exceptionally permitted in cases where it may be more beneficial to allow these products and equipment to end their natural life cycle in a third country than to be decommissioned and disposed of in the Union.</p>	
Recital 19				

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29	(19) Given that the production process for some ozone depleting substances can result in emissions of the fluorinated greenhouse gas produced trifluoromethane as a by-product, such by-product emissions should be destroyed or recovered for subsequent use as a condition for the placing the ozone depleting substance on the market. Producers and importers should also be required to document measures adopted to prevent emissions of trifluoromethane during the production process.	(19) Given that the production process for some ozone depleting substances can result in emissions of the fluorinated greenhouse gas produced trifluoromethane as a by-product, such by-product emissions should be <u>rigorously monitored</u> , destroyed or recovered for subsequent use as a condition for the placing the ozone depleting substance on the market. Producers and importers should also be required to document measures adopted to prevent emissions of trifluoromethane during the production process <u>and to provide proof of the destruction and recovery in line with the best available techniques. They should also be required to report on compliance with this Regulation.</u>	(19) Given that the production process for some ozone depleting substances can result in emissions of the fluorinated greenhouse gas produced trifluoromethane as a by-product, such by-product emissions should be destroyed or recovered for subsequent use as a condition for the placing the ozone depleting substance on the market. Producers and importers should also be required to document measures adopted to prevent emissions of trifluoromethane during the production process.	
Recital 20				
30	(20) To avoid illegal trade of prohibited substances and products covered under this Regulation, the prohibitions established therein as well as the licensing requirements for trade should not only cover the entry of goods into the customs territory for release for free circulation in the Union, but also temporary storage and all other customs procedures established		(20) To avoid illegal trade of prohibited substances and products covered under this Regulation, the prohibitions established therein as well as the licensing requirements for trade should not only cover the entry of goods into the customs territory for release for free circulation in the Union, but also temporary storage and all other customs procedures established	


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	under Union customs law. Licensing facilitations should be allowed for goods under temporary storage, in order to avoid unnecessary burden on operators and customs authorities.		under Union customs law. Licensing facilitations should be allowed for goods under temporary storage, in order to avoid unnecessary burden on operators and customs authorities.	
Recital 21				
31	<p>(21) The licensing system on imports and exports of ozone depleting substances is an essential requirement under the Protocol for monitoring trade and preventing illegal activities in this respect. 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 substances and products and equipment covered by this Regulation presented to customs it is necessary to interconnect the electronic licensing system for ozone depleting substances with the European Union Single Window Environment for Customs established by Regulation (EU) No .../... of the European Parliament and of the Council [full reference to be inserted once that Regulation has been adopted].<sup>1</sup> Given this interconnection with the European Single Windows Environment for Customs it is disproportionate to provide for a shipment licencing</p>		<p>(21) The licensing system on imports and exports of ozone depleting substances is an essential requirement under the Protocol for monitoring trade and preventing illegal activities in this respect.  <b>Licenses should be time-limited to ensure that companies review the use of alternatives at regular intervals.</b> 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 substances and products and equipment covered by this Regulation presented to customs it is necessary to interconnect the electronic licensing system for ozone depleting substances with the European Union Single Window Environment for Customs established by Regulation (EU) No .../... of the European Parliament and of the Council [full reference to be inserted once that Regulation has been adopted].<sup>1</sup> Given this</p>	

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	<p>system in the Union.</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 added once that Regulation is adopted].</p>		<p>interconnection with the European Single Windows Environment for Customs it is disproportionate to provide for a shipment licencing system in the Union.</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 added once that Regulation is adopted].</p>	
Recital 22				
32	<p>(22) 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 substances and products covered by this Regulation, as well as the tasks for customs authorities, and market surveillance authorities where relevant, when implementing the prohibitions and restrictions to imports and exports of those substances and the products and equipment covered by this Regulation.</p>		<p>(22) 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 substances and products covered by this Regulation, as well as the tasks for customs authorities, and market surveillance authorities where relevant, when implementing the prohibitions and restrictions to imports and exports of those substances and the products and equipment covered by this Regulation.</p>	
Recital 23				
33	<p>(23) To ensure that substances as well as products and equipment</p>	<p>(23) To ensure that substances as well as products and equipment</p>	<p>(23) To ensure that substances as well as products and equipment</p>	

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	covered by this Regulation that have been imported illegally in the Union market does not re-enter the market, competent authorities should confiscate or seize these products for disposal. Re-export of products not compliant with this Regulation should be prohibited in any event.	covered by this Regulation that have been imported illegally in the Union market does not re-enter the market, competent authorities should confiscate or seize these products <del>for disposal</del> <u>and destroy them</u> . Re-export of products not compliant with this Regulation should be prohibited in any event.	covered by this Regulation that have been imported illegally in the Union market does not re-enter the market, competent authorities should confiscate or seize these products for disposal. Re-export of products not compliant with this Regulation should be prohibited in any event.	
Recital 24				
34	(24) 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 in the substances and products and equipment covered by this 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.		(24) 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 in the substances and products and equipment covered by this 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 25				
35	(25) Cooperation and exchange of the necessary information between all competent authorities involved in the implementation of this		(25) Cooperation and exchange of the necessary information between all competent authorities involved in the implementation of this	

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	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.		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 26				
36	(26) 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 ozone depleting substances, 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.		(26) 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 ozone depleting substances, 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 27				
37	(27) In order to ensure compliance		(27) In order to ensure compliance	

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	with the Protocol the import and export of ozone depleting substances as well as products and equipment containing those substances or relying on those substances from and to a State not party to the Protocol should be prohibited.		with the Protocol the import and export of ozone depleting substances as well as products and equipment containing those substances or relying on those substances from and to a State not party to the Protocol should be prohibited.	
Recital 28				
38	(28) The intentional release of ozone depleting substances into the atmosphere, where such release is unlawful, is a serious infringement of this Regulation and should be explicitly prohibited. All feasible measures should be taken by undertakings to reduce the unintentional release of ozone depleting substances into the atmosphere also considering their global warming potential. Thus, it is necessary to lay down provisions on the recovery of used ozone depleting substances from products and equipment and the prevention of leakages of such substances. Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings to maximise emissions reductions.		(28) The intentional release of ozone depleting substances into the atmosphere, where such release is unlawful, is a serious infringement of this Regulation and should be explicitly prohibited. All feasible measures should be taken by undertakings to reduce the unintentional release of ozone depleting substances into the atmosphere also considering their global warming potential. Thus, it is necessary to lay down provisions on the recovery of used ozone depleting substances from products and equipment and the prevention of leakages of such substances. Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings to maximise emissions reductions.	
38a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(28a) The requirement to recover foams containing ozone depleting substances from building material could spur innovation and research and development on demolition, reclamation and recycling technologies and could have positive effects on employment due to the labour-intensiveness of the decommissioning process and the need for more treatment capacity for those types of wastes. That requirement could nevertheless create some additional need for training specialised personnel in the relevant undertakings, which are often small and medium-sized enterprises. Member States should therefore establish minimum qualification requirements for the personnel involved and also increase the availability of training programmes for the upskilling of workers and the use of sustainable techniques.</u></p>		
38b		<p><u>(28b) The shift towards the use of alternatives to ozone depleting substances 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</u></p>		



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>undertakings which do not succeed in the transition to such alternatives.</i></u>		
Recital 29				
39	(29) It is necessary to lay down rules on new ozone depleting substances not yet covered by the Protocol (listed in Annex II), considering the quantities produced and used in the Union as well as the effect on stratospheric ozone from emissions of these substances.		(29) It is necessary to lay down rules on new ozone depleting substances not yet covered by the Protocol (listed in Annex II), considering the quantities produced and used in the Union as well as the effect on stratospheric ozone from emissions of these substances.	
Recital 30				
40	(30) Member States should report on cases of illegal trade detected by competent authorities to the Commission including on the penalties issued.		(30) Member States should report on cases of illegal trade detected by competent authorities to the Commission including on the penalties issued.	
Recital 31				
41	(31) The use of halons should only be allowed for critical uses established in this Regulation. Member States should report on the quantities of halons installed, used or stored from critical uses, as well as on containment measures to reduce emissions from these substances and on progress made in identifying		(31) The use of halons should only be allowed for critical uses established in this Regulation. Member States should report on the quantities of halons installed, used or stored from critical uses, as well as on containment measures to reduce emissions from these substances and on progress made in identifying	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	alternatives. This information is needed for knowing the halon quantities still available in the Union for critical uses, as well as for monitoring technological progress in this area which will signal that for certain uses, halon is no longer necessary.		alternatives. This information is needed for knowing the halon quantities still available in the Union for critical uses, as well as for monitoring technological progress in this area which will signal that for certain uses, halon is no longer necessary.	
Recital 32				
42	(32) The Protocol requires reporting on trade in ozone depleting substances. Producers, importers and exporters of ozone depleting substances should therefore report annually on trade in ozone depleting substances. Trade in ozone depleting substances not yet covered by the Protocol (listed in Annex II), should also be reported in order to be able to assess the need to extend some or all of the control measures applicable for the substances listed in Annex I to also cover those substances.	(32) The Protocol requires reporting on trade in ozone depleting substances. Producers, importers and exporters of ozone depleting substances should therefore report annually on trade in ozone depleting substances. Trade in ozone depleting substances not yet covered by the Protocol (listed in Annex II), should also be reported in order to <del>be able to assess the need to extend some or all of the control measures</del> <u>assess a future extension of the control measures for recovery, destruction, recycling or reclamation</u> , applicable for the substances listed in Annex I to also cover those substances.	(32) The Protocol requires reporting on trade in ozone depleting substances. Producers, importers and exporters of ozone depleting substances should therefore report annually on trade in ozone depleting substances. Trade in ozone depleting substances not yet covered by the Protocol (listed in Annex II), should also be reported in order to be able to assess the need to extend some or all of the control measures applicable for the substances listed in Annex I to also cover those substances.	
Recital 32a				
42a			<b>(32a) The Commission, on behalf of the Union, should compile the report of the consumption of ozone depleting substances</b>	

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			<p><b>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 the data to avoid inconsistencies.</b></p>	
Recital 33				
43	<p>(33) Competent authorities of the Member States, including their environmental authorities, market surveillance and customs authorities, should carry out checks, taking 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 ozone depleting substances into the atmosphere. In addition, competent authorities should carry out checks when in possession of evidence or other relevant information on potential</p>		<p>(33) Competent authorities of the Member States, including their environmental authorities, market surveillance and customs authorities, should carry out checks, taking 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 ozone depleting substances into the atmosphere. In addition, competent authorities should carry out checks when in possession of evidence or other relevant information on potential</p>	

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	<p>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) No 952/2013 of the European Parliament and of the Council<sup>1</sup>. It is important to ensure that competent authorities responsible for issuing penalties are informed of cases of infringements of this Regulation in order to be able to issue the appropriate penalty where needed.</p> <p><sup>1</sup>. 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>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) No 952/2013 of the European Parliament and of the Council<sup>1</sup>. It is important to ensure that competent authorities responsible for issuing penalties are informed of cases of infringements of this Regulation in order to be able to issue the appropriate penalty where needed.</p> <p><sup>1</sup>. 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>	
43a		<p><u>(33a) Whistle-blowers can bring new information to the attention of the competent authorities which could 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</u></p>		

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		<u>Regulation and to protect whistle-blowers from retaliation.</u>		
Recital 34				
44	(34) 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.		(34) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and <b>should</b> ensure that they are implemented. <del>Those</del> <b>The</b> penalties should be effective, proportionate and dissuasive.	
Recital 34a				
44a			<b>(34bis) Member States may lay down rules for administrative as well as criminal penalties 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 the same criminal offence (ne bis in idem), as interpreted by the Court of Justice.</b>	
Recital 35				
45	(35) It is also necessary to provide for administrative penalties of such a		<i>deleted</i>	

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	level and type that truly deter violations of this Regulations.			
<b>Recital 36</b>				
46	<p>(36) 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<sup>1</sup>.</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>(36) 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<sup>1</sup>.</p> <p><u><a href="#">Taking into account that while administrative and criminal offences are different in nature, they are not mutually exclusive, and therefore administrative penalties would be imposed by the competent authority in the framework of administrative proceedings and criminal penalties by the criminal court in a Member State in accordance with Directive 2008/99/EC.</a></u></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>	deleted	
<b>Recital 37</b>				
47	<p>(37) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the</p>		<p>(37) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>Commission as regards to the establishment of a list of undertakings that may use ozone depleting substances as process agents as well as the maximum quantities to be used for make-up or for consumption, and maximum emission levels for each undertaking; the determination of essential and analytical uses for which production and import is permitted within a certain period and the specification of authorised users, the granting of derogations from the end-dates and cut-off dates established in relation to critical uses of halons; the authorisation of the temporary production, placing on the market, further supply and use of methyl bromide in emergency cases; the authorisation of the export of products and equipment containing hydrochlorofluorocarbons; the detailed arrangements for the declaration of conformity for pre-charged equipment and verification; the evidence to be provided on the destruction or recovery of trifluoromethane by production during the manufacturing of ozone depleting substances; the form and content of labelling requirements; the authorisation of trade with entities not covered by the Protocol; and the format for the submission of information by Member States on critical uses of halons and illegal</p>		<p>Commission as regards to the establishment of a list of undertakings that may use ozone depleting substances as process agents as well as the maximum quantities to be used for make-up or for consumption, and maximum emission levels for each undertaking; the determination of essential and analytical uses for which production and import is permitted within a certain period and the specification of authorised users, the granting of derogations from the end-dates and cut-off dates established in relation to critical uses of halons; the authorisation of the temporary production, placing on the market, further supply and use of methyl bromide in emergency cases; the authorisation of the export of products and equipment containing hydrochlorofluorocarbons; the detailed arrangements for the declaration of conformity for pre-charged equipment and verification; the evidence to be provided on the destruction or recovery of trifluoromethane by production during the manufacturing of ozone depleting substances; the form and content of labelling requirements; the authorisation of trade with entities not covered by the Protocol; and the format for the submission of information by Member States on critical uses of halons and illegal</p>	


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	<p>trade, as well as the format and means of the information to be reported by undertakings in particular on production, import, export, feedstock uses and destruction. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup></p> <p><sup>1</sup> 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).</p>		<p>trade, as well as the format and means of the information to be reported by undertakings in particular on production, import, export, feedstock uses and destruction. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup></p> <p><sup>1</sup> 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).</p>	
Recital 38				
48	<p>(38) 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 as regards the processes for which ozone depleting substances may be used as process agents, and the maximum amount permitted for such uses including their emissions in the Union, the conditions for the placing on the market and further distribution of ozone depleting substances for essential laboratory</p>		<p>(38) 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 as regards the processes for which ozone depleting substances may be used as process agents, and the maximum amount permitted for such uses including their emissions in the Union, the conditions for the placing on the market and further distribution of ozone depleting substances for essential laboratory</p>	



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	<p>and analytical uses, the timeframes established in Annex V for critical uses of halons, the functioning of the licensing system for ozone depleting substances, 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 or exported to any entity not covered by the Protocol; the establishment of a list of products and equipment for which the recovery of ozone depleting substances and their destruction is technically and economically feasible, and the specification of the technologies to be applied; amendments of Annexes I and II listing ozone depleting substances; the update of global warming and ozone depleting potentials of listed substances; the reporting requirements for Member States on critical uses of halons and illegal trade and the reporting requirements by undertakings in particular on production, import, export, feedstock uses and destruction. 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</p>		<p>and analytical uses, the timeframes established in Annex V for critical uses of halons, the functioning of the licensing system for ozone depleting substances, 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 or exported to any entity not covered by the Protocol; the establishment of a list of products and equipment for which the recovery of ozone depleting substances and their destruction is technically and economically feasible, and the specification of the technologies to be applied; amendments of Annexes I and II listing ozone depleting substances; the update of global warming and ozone depleting potentials of listed substances; the reporting requirements for Member States on critical uses of halons and illegal trade and the reporting requirements by undertakings in particular on production, import, export, feedstock uses and destruction. 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</p>	

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	in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making. 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.		in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making. 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.	
Recital 39				
49	(39) The protection of individuals with regard to the processing of personal data by the Member States is governed by Regulation (EU) No 2016/679 of the European Parliament and of the Council <sup>1</sup> and the protection of individuals with regard to the processing of personal data by the Commission is governed by Regulation (EU) No 2018/1725 of the European Parliament and of the Council <sup>2</sup> in particular as regards the requirements of confidentiality and 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		(39) The protection of individuals with regard to the processing of personal data by the Member States is governed by Regulation (EU) No 2016/679 of the European Parliament and of the Council <sup>1</sup> and the protection of individuals with regard to the processing of personal data by the Commission is governed by Regulation (EU) No 2018/1725 of the European Parliament and of the Council <sup>2</sup> in particular as regards the requirements of confidentiality and 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	

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	<p>information, access to and rectification of their personal data.</p> <p>1. Regulation (EU) No 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).</p> <p>2. Regulation (EU) No 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>information, access to and rectification of their personal data.</p> <p>1. Regulation (EU) No 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).</p> <p>2. Regulation (EU) No 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 40				
50	<p>(40) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) No 2018/1725 and delivered an opinion [date of issuing of the opinion].</p>		<p>(40) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) No 2018/1725 and delivered an opinion [date of issuing of the opinion].</p>	
50a		<p><u>(40a) Nitrous oxide (N<sub>2</sub>O), which is mainly released in the air from excess nitrogen-based fertilisers in the soil, is proven to be an ozone depleting substance. Since the reductions of</u></p>		

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		<p><u>chlorofluorochemicals and other ozone-depleting halocarbons, N<sub>2</sub>O has been recognised as one of the most significant ozone-depleting substances and risks undermining the gains of the Protocol<sup>1a</sup>. In its Communication of 20 May 2020 entitled 'Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system', the Commission committed to act to reduce nutrient losses by at least 50%, which in turn should result in an at least 20% reduction of fertiliser use by 2030.</u></p> <p><u><sup>1a</sup> See for instance: "Drawing Down N<sub>2</sub>O To Protect Climate and the Ozone Layer", UNEP, 2013.</u></p>		
Recital 41				
51	<p>(41) 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</p>		<p>(41) 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</p>	

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	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.		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 42				
52	(42) A number of amendments are to be made to Regulation (EC) No 1005/2009. In the interests of clarity, that Regulation should be repealed and replaced,		(42) A number of amendments are to be made to Regulation (EC) No 1005/2009. In the interests of clarity, that Regulation should be repealed and replaced,	
Formula				
53	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	
Chapter I				
54	Chapter I General Provisions		Chapter I General Provisions	
Article 1				
55	Article 1 Subject matter		Article 1 Subject matter	
Article 1, first paragraph				
56				

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	This Regulation lays down rules on the production, import, export, placing on the market, further supply as well as use, recovery, recycling, reclamation and destruction of ozone depleting substances, on the reporting of information related to those substances and on the import, export, placing on the market, further supply and use of products and equipment containing ozone depleting substances or whose functioning relies upon on those substances.	This Regulation lays down rules on the production, import, export, placing on the market, <u>storage and</u> further supply as well as use, recovery, recycling, reclamation and destruction of ozone depleting substances, on the reporting of information related to those substances and on the import, export, placing on the market, further supply and <del>use</del> <u>utilisation</u> of products and equipment containing ozone depleting substances or whose functioning relies upon on those substances.	This Regulation lays down rules on the production, import, export, placing on the market, further supply as well as use, recovery, recycling, reclamation and destruction of ozone depleting substances, on the reporting of information related to those substances and on the import, export, placing on the market, further supply and <del>use</del> <u>utilization</u> of products and equipment containing ozone depleting substances or whose functioning relies upon on those substances.	
Article 2				
57	Article 2 Scope		Article 2 Scope	
Article 2(1)				
58	1. This Regulation applies to the ozone depleting substances listed in Annexes I and II and their isomers, whether alone or in a mixture.		1. This Regulation applies to the ozone depleting substances listed in Annexes I and II and their isomers, whether alone or in a mixture.	
Article 2(2)				
59	2. This Regulation also applies to products and equipment, and parts thereof, containing ozone depleting substances or whose functioning	2. This Regulation also applies to products and equipment, and parts thereof, containing ozone depleting substances or whose functioning	2. This Regulation also applies to products and equipment, and parts thereof, containing ozone depleting substances or whose functioning	

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	relies upon those substances.	relies <del>upon</del> <u>partly or entirely on</u> those substances.	relies upon those substances.	
Article 3				
60	Article 3 Definitions		Article 3 Definitions	
Article 3, first paragraph				
61	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)				
62	(1) ‘feedstock’ means any ozone depleting substance that undergoes chemical transformation in a process in which it is entirely converted from its original composition and emissions are insignificant;	(1) ‘feedstock’ means any ozone depleting substance that undergoes chemical transformation in a process in which it is entirely converted from its original composition <del>and emissions are insignificant</del> ;	(1) ‘feedstock’ means any ozone depleting substance that undergoes chemical transformation in a process in which it is entirely converted from its original composition and emissions are insignificant;	
Article 3, first paragraph, point (2)				
63	(2) ‘process agents’ means ozone depleting substances used as chemical process agents in the applications listed in Annex III;		(2) ‘process agents’ means ozone depleting substances used as chemical process agents in the applications listed in Annex III;	
Article 3, first paragraph, point (3)				
64	(3) ‘import’ means the entry of		(3) ‘import’ means the entry of	

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	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) No 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) No 952/2013;	
Article 3, first paragraph, point (4)				
65	(4) ‘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;		(4) ‘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 (5)				
66	(5) ‘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;	(5) ‘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 <del>use</del> <u>utilisation</u> of products or equipment manufactured for own <del>use</del> <u>utilisation</u> ;	(5) ‘placing on the market’ means the <b>customs release for free circulation in the Union or the</b> supplying or making available to another person within the Union, for the first time, for payment or free of charge, <del>the customs release for free circulation in the Union, and or</del> the use of substances produced or the use of products or equipment manufactured for own use;	



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Article 3, first paragraph, point (6)				
67	(6) ‘use’ means the utilisation of ozone depleting substances in the production, maintenance or servicing, including refilling, of products and equipment or in other activities referred to in this Regulation;		(6) ‘use’ means, <b>in relation to ozone depleting substances, their</b> <del>the</del> utilisation of ozone depleting substances in the production, maintenance or servicing, including refilling, of products and equipment or in other activities <b>and processes</b> referred to in this Regulation;	
67a		<u>(6a) ‘producer’ means any natural or legal person producing ozone depleting substances within the Union;</u>		
Article 3, first paragraph, point (7)				
68	(7) ‘recovery’ means the collection and the storage of ozone depleting substances from products and equipment or containers during maintenance or servicing, or prior to the disposal of the product, equipment or container;		(7) ‘recovery’ means the collection and the storage of ozone depleting substances from products and equipment or containers during maintenance or servicing, or prior to the disposal of the product, equipment or container;	
Article 3, first paragraph, point (8)				
69	(8) ‘recycling’ means the reuse of a recovered ozone depleting substance		(8) ‘recycling’ means the reuse of a recovered ozone depleting substance	

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	following a basic cleaning processes, including filtering and drying;		following a basic cleaning processes, including filtering and drying;	
Article 3, first paragraph, point (9)				
70	(9) ‘reclamation’ means the reprocessing of an ozone depleting substance in order to match the performance that is equivalent to that of a virgin substance, taking into account its intended use;		(9) ‘reclamation’ means the reprocessing of an ozone depleting substance in <b>authorized facilities</b> in order to match the performance that is equivalent to that of a virgin substance, taking into account its intended use;	
Article 3, first paragraph, point (10)				
71	(10) ‘undertaking’ means any natural or legal person which carries out an activity referred to in this Regulation;		(10) ‘undertaking’ means any natural or legal person which carries out an activity referred to in this Regulation;	
71a		<u>(10a) ‘container’ means a container as defined in Article [X] of Regulation xxxx/xxx [F-Gas Regulation];</u>		
Article 3, first paragraph, point (11)				
72	(11) ‘products and equipment’ means all products and equipment, including parts thereof, except containers, used for the	(11) ‘products and equipment’ means all products and equipment, including parts thereof, except containers, <del>used</del> <u>utilised</u> for the	(11) ‘products and equipment’ means all products and equipment, including parts thereof, except containers, used for the	


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	transportation or storage of ozone depleting substances;	transportation or storage of ozone depleting substances;	transportation or storage of ozone depleting substances;	
Article 3, first paragraph, point (12)				
73	(12) ‘ <b>virgin substances</b> ’ means substances which have not previously been used;		(12) ‘ <b>virgin substances</b> ’ means substances which have not previously been used;	
Article 3, first paragraph, point (13)				
74	(13) ‘decommissioning’ means the removal from operation or usage of a product or equipment, containing ozone depleting substances including the final shut-down of an installation;		(13) ‘decommissioning’ means the <b>permanent</b> removal from operation or usage of a product or equipment, containing ozone depleting substances including the final shut-down of an installation <b>a facility</b> ;	
Article 3, first paragraph, point (14)				
75	(14) ‘destruction’ means the process of permanently transforming or decomposing completely, to the extent possible, an ozone depleting substance into one or more stable substances that are not ozone depleting substances;		(14) ‘destruction’ means the process of permanently transforming or decomposing completely, to the extent possible, an ozone depleting substance into one or more stable substances that are not ozone depleting substances;	
Article 3, first paragraph, point (15)				
76	(15) ‘establishment within the Union’ means for a natural person to have his or her habitual residence in		(15) ‘establishment within the Union’ means for a natural person to have his or her habitual residence in	

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	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.		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 (15a)				
76a			<b>(16) ‘foam panel’ means a structure made of layers containing a foam and a rigid material, such as wood or metal, bound to one or both sides;</b>	
Article 3, first paragraph, point (15b)				
76b			<b>(17) ‘laminated board’ means a foam that is covered by a thin skin layer of a non-rigid material, such as plastic.</b>	
Chapter II				
77	Chapter II Prohibitions		Chapter II Prohibitions	
Article 4				
78	Article 4 Ozone depleting substances		Article 4 Ozone depleting substances	
Article 4(1)				


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79	1. The production, placing on the market, any subsequent supply or making available to another person within the Union for payment or free of charge and use of ozone depleting substances listed in Annex I are prohibited.		1. The production, placing on the market, any subsequent supply or making available to another person within the Union for payment or free of charge and use of ozone depleting substances listed in Annex I are prohibited.	
Article 4(2)				
80	2. Imports and exports of ozone depleting substances listed in Annex I are prohibited.		2. Imports and exports of ozone depleting substances listed in Annex I are prohibited.	
Article 5				
81	Article 5 Products and equipment containing ozone depleting substances or whose functioning relies upon those substances		Article 5 Products and equipment containing ozone depleting substances or whose functioning relies upon those substances	
Article 5(1)				
82	1. The placing on the market and any subsequent supply or making available to another person within the Union for payment or free of charge, of products and equipment containing ozone depleting substances listed in Annex I or whose functioning relies upon those substances are prohibited.		1. The placing on the market and any subsequent supply or making available to another person within the Union for payment or free of charge, of products and equipment containing ozone depleting substances listed in Annex I or whose functioning relies upon those substances are prohibited.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(2), first subparagraph				
83	2. Imports and exports of products and equipment containing ozone depleting substances listed in Annex I or whose functioning relies upon those substances are prohibited.		2. Imports and exports of products and equipment containing ozone depleting substances listed in Annex I or whose functioning relies upon those substances are prohibited.	
Article 5(2), second subparagraph				
84	This paragraph does not apply to personal effects.		This paragraph does not apply to personal effects.	
Chapter III				
85	Chapter III Exemptions to prohibitions		Chapter III Exemptions to prohibitions	
Article 6				
86	Article 6 Feedstock		Article 6 Feedstock	
Article 6, first paragraph				
87	By way of derogation from Article 4(1), ozone depleting substances listed in Annex I may be produced, placed on the market, and subsequently supplied or made available to another person within	By way of derogation from Article 4(1), ozone depleting substances listed in Annex I may be produced, placed on the market, and subsequently supplied or made available to another person within	By way of derogation from Article 4(1), ozone depleting substances listed in Annex I may be produced, placed on the market, and subsequently supplied or made available to another person within	

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	the Union for payment or free of charge to be used as feedstock.	the Union for payment or free of charge <u>only where they are permitted</u> to be used as feedstock.	the Union for payment or free of charge to be used as feedstock.	
87a		<u>The Commission shall by... [ 12 months after the date of entry into force of this Regulation], adopt delegated acts in accordance with Article 29 to supplement this Regulation by establishing a list of ozone depleting substances listed in Annex I for which the use as feedstock is permitted, the respective feedstock uses for each of those substances, and their emission level.</u>		
87b		<u>By 1 January 2025 and every 2,5 years thereafter, the Commission shall assess the current and future availability of alternatives to ozone depleting substances listed in Annex I for which the use as feedstock is permitted within the Union, taking into account scientific recommendations, the impacts in terms of ozone-depleting potential and the availability of more precise data on the greenhouse gas emissions from feedstock, technological</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>developments resulting in the availability of technically feasible alternatives, and the energy use, efficiency, economic feasibility and cost of those alternatives. The Commission shall submit the conclusions of those assessments to the European Parliament and to the Council.</u>		
87c		<u>Where the Commission concludes in its assessment that a feasible alternative to an ozone depleting substance is available for a particular use as feedstock, the Commission shall, within 3 months, adopt delegated acts in accordance with Article 29 supplementing this Regulation to set a maximum emission level and a schedule for phasing-out the quantitative limits of the use of the relevant ozone depleting substance on the list referred to in second paragraph of this Article.</u>		
87d		<u>Ozone depleting substances that are produced, placed on the market, and subsequently supplied or made available, whether in return for payment or free of charge, to</u>		



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		<u>another person within the Union for use as feedstock, may only be used for that purpose. Containers containing ozone depleting substances intended for such uses shall be labelled with a clear indication that the substance may only be used for the applicable purpose. Where such substances are subject to labelling requirements provided for in Regulation (EC) No 1272/2008, such indication shall be included in the labels referred to in that Regulation.</u>		
Article 7				
88	Article 7 Process agents		Article 7 Process agents	
Article 7(1)				
89	1. By way of derogation from Article 4(1), ozone depleting substances listed in Annex I may be produced, placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge to be used as process agents in the processes referred to in Annex III and subject to the conditions laid down pursuant to paragraphs 2 and 3 of this Article.		1. By way of derogation from Article 4(1), ozone depleting substances listed in Annex I may be produced, placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge to be used as process agents in the processes referred to in Annex III and subject to the conditions laid down pursuant to paragraphs 2 and 3 of this Article.	

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Article 7(2)				
90	2. Ozone depleting substances referred to in paragraph 1, may only be used as process agents in installations existing on 1 September 1997, provided that the emissions of ozone depleting substances from those installations are insignificant, subject to the conditions laid down pursuant to paragraph 3.		2. Ozone depleting substances referred to in paragraph 1, may only be used as process agents in installations existing on 1 September 1997, provided that the emissions of ozone depleting substances from those installations are insignificant, subject to the conditions laid down pursuant to paragraph 3.	
Article 7(3)				
91	3. The Commission may, by means of implementing acts, establish a list of undertakings for which the use of ozone depleting substances listed in Annex I, as process agents in the processes referred to in Annex III in the installations referred to in paragraph 2 is permitted, laying down the maximum quantities that may be used for make-up or for consumption as process agents and maximum emission levels for each of the undertakings concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		3. The Commission may, by means of implementing acts, establish a list of undertakings for which the use of ozone depleting substances listed in Annex I, as process agents in the processes referred to in Annex III in the installations referred to in paragraph 2 is permitted, laying down the maximum quantities that may be used for make-up or for consumption as process agents and maximum emission levels for each of the undertakings concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	
Article 7(4)				

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92	4. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex III where it is necessary due to technical developments or decisions taken by the Parties to 1987 Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol').		4. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex III where it is necessary due to technical developments or decisions taken by the Parties to 1987 Montreal Protocol on Substances that Deplete the Ozone Layer ('the Protocol').	
Article 8				
93	Article 8 Essential laboratory and analytical uses		Article 8 Essential laboratory and analytical uses	
Article 8(1)				
94	1. By way of derogation from Article 4(1), ozone depleting substances listed in Annex I may be produced, placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge to be used for essential laboratory and analytical uses, subject to the conditions laid down pursuant to paragraph 2 of this Article.		1. By way of derogation from Article 4(1), ozone depleting substances listed in Annex I may be produced, placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge to be used for essential laboratory and analytical uses, subject to the conditions laid down pursuant to paragraph 2 of this Article.	
Article 8(2)				
95				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. The Commission may, by means of implementing acts, determine any essential laboratory and analytical uses for which the production and import of ozone depleting substances may be permitted in the Union, the period for which the exemption is valid and those users which may take advantage of those essential laboratory and analytical uses. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		2. The Commission may, by means of implementing acts, determine any essential laboratory and analytical uses for which the production and import of ozone depleting substances <b>listed in Annex I</b> may be permitted in the Union, the period for which the exemption is valid and those users which may take advantage of those essential laboratory and analytical uses. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	
Article 8(3)				
96	3. The undertaking placing on the market or subsequently supplying or making available to another person within the Union for payment or free of charge ozone depleting substances for essential laboratory and analytical uses referred to in paragraph 1 shall retain records of the following information:		<i>deleted</i>	
Article 8(3), point (a)				
97	(a) name of the substances;		<i>deleted</i>	
Article 8(3), point (b)				
98				

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	(b) amount placed on the market or supplied;		<i>deleted</i>	
<i>Article 8(3), point (c)</i>				
99	(c) purpose of their use;		<i>deleted</i>	
<i>Article 8(3), point (d)</i>				
100	(d) list of the purchasers and suppliers.		<i>deleted</i>	
<i>Article 8(4)</i>				
101	4. The undertaking using ozone depleting substances for laboratory and analytical uses referred to in paragraph 1 shall retain records of the following information:		<i>deleted</i>	
<i>Article 8(4), point (a)</i>				
102	(a) name of the substances;		<i>deleted</i>	
<i>Article 8(4), point (b)</i>				
103	(b) amounts supplied or used;		<i>deleted</i>	
<i>Article 8(4), point (c)</i>				

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104	(c) purpose of their use;		deleted	
Article 8(4), point (d)				
105	(d) list of suppliers.		deleted	
Article 8(5)				
106	5. The records referred to in paragraphs 3 and 4 shall be retained for a minimum period of five years and shall be made available, upon request, to the competent authorities of the Member States and to the Commission.		deleted	
Article 8(6)				
107	6. Ozone depleting substances for essential laboratory and analytical uses referred to in paragraph 1 shall only be placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge under the conditions set out in Annex IV.		6. Ozone depleting substances for essential laboratory and analytical uses referred to in paragraph 1 shall only be placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge under the conditions set out in Annex IV.	
Article 8(7)				
108				

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	7. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex IV, where it is necessary due to technical developments or decisions taken by the Parties to the Protocol.		7. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex IV, where it is necessary due to technical developments or decisions taken by the Parties to the Protocol.	
Article 9				
109	Article 9 Critical uses of halon		Article 9 Critical uses of halon	
Article 9(1)				
110	1. By way of derogation from Article 4(1), halons may be placed on the market and used for critical uses in accordance with Annex V. Halons may only be placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge by undertakings authorised by the competent authority of the Member State concerned to store halons for critical uses.		1. By way of derogation from Article 4(1), halons may be placed on the market and used for critical uses in accordance with Annex V. Halons may only be placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge by undertakings authorised by the competent authority of the Member State concerned to store halons for critical uses.	
Article 9(2)				
111	2. Fire protection systems and fire extinguishers containing halons applied for uses referred to in paragraph 1 or whose functioning		2. Fire protection systems and fire extinguishers containing halons applied for uses referred to in paragraph 1 or whose functioning	

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	relies upon those halons shall be decommissioned by the end dates specified in Annex V. Halons contained therein shall be recovered in accordance with Article 20(5).		relies upon those halons shall be decommissioned by the end dates specified in Annex V. Halons contained therein shall be recovered in accordance with Article 20(5).	
Article 9(3)				
112	3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex V, where technically and economically feasible alternatives or technologies are not available for the uses listed in that Annex within the timeframes set out in Annex V or are not acceptable due to their impacts on environment or health, or where it is necessary to ensure compliance with the international commitments of the Union concerning critical uses of halons established in particular under the Protocol, the International Civil Aviation Organization (ICAO) or the International Convention for the Prevention of Pollution from Ships (MARPOL).	3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex V, where technically and economically feasible alternatives or technologies are <u>available for the uses listed in that Annex prior to one or more of the end dates specified in that Annex, or are</u> not available for the uses listed in that Annex within the timeframes set out in <del>Annex V</del> <u>that Annex</u> , or are not acceptable due to their impacts on environment or health, or where it is necessary to ensure compliance with the international commitments of the Union concerning critical uses of halons established in particular under the Protocol, the International Civil Aviation Organization (ICAO) or the International Convention for the Prevention of Pollution from Ships (MARPOL).	3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex V, where technically and economically feasible alternatives or technologies are not available for the uses listed in that Annex within the timeframes set out in Annex V or are not acceptable due to their impacts on environment or health, or where it is necessary to ensure compliance with the international commitments of the Union concerning critical uses of halons established in particular under the Protocol, the International Civil Aviation Organization (ICAO) or the International Convention for the Prevention of Pollution from Ships (MARPOL).	
Article 9(4)				
113	4. The Commission may, by means	4. The Commission may, by means	4. The Commission may, by means	



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	of implementing acts, and following a substantiated request of the competent authority of a Member State, grant time-limited derogations from the end dates or cut-off dates specified in Annex V for a specified case where it is demonstrated in the request that no technically and economically feasible alternative is available for that particular application. The Commission may include in those implementing acts reporting requirements, and may require submission of supporting evidence necessary for monitoring the use of the derogation, including evidence on amounts recovered for recycling or reclamation, results of leakage checks and amounts of unused halons in stocks. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	of implementing acts, and following a substantiated request of the competent authority of a Member State, grant time-limited derogations from the end dates or cut-off dates specified in Annex V for a specified case where it is demonstrated in the request that no technically and economically feasible alternative is available for that particular application. The Commission <del>may</del> <u>shall</u> include in those implementing acts reporting requirements, and <del>may</del> <u>shall</u> require submission of supporting evidence necessary for monitoring the use of the derogation, including evidence on amounts recovered for recycling or reclamation, results of leakage checks and amounts of unused halons in stocks. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	of implementing acts, and following a substantiated request of the competent authority of a Member State, grant time-limited derogations from the end dates or cut-off dates specified in Annex V for a specified case where it is demonstrated in the request that no technically and economically feasible alternative is available for that particular application. The Commission may include in those implementing acts reporting requirements, and may require submission of supporting evidence necessary for monitoring the use of the derogation, including evidence on amounts recovered for recycling or reclamation, results of leakage checks and amounts of unused halons in stocks. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	
Article 10				
114	Article 10 Emergency use of methyl bromide		Article 10 Emergency use of methyl bromide	
Article 10(1)				
115	1. In case of an emergency, where unexpected outbreaks of particular	1. <u>In</u> case of an emergency, where unexpected outbreaks of particular	1. In case of an emergency, where unexpected outbreaks of particular	

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	pests or diseases so require, the Commission may, at the request of the competent authority of a Member State, by means of implementing acts, authorise the temporary production, placing on the market, and use of methyl bromide, provided that the placing on the market and use of methyl bromide are allowed respectively under Regulation (EC) No 1107/2009 and Regulation (EU) No 528/2012. Any unused quantities of methyl bromide shall be destroyed.	pests or diseases so require, the Commission may, at the request of the competent authority of a Member State, by means of implementing acts, <u>and upon notification to the Ozone Secretariat in accordance with Decision IX/7 of the Parties to the Protocol</u> , authorise the temporary production, placing on the market, and use of methyl bromide, provided that the placing on the market and use of methyl bromide are allowed respectively under Regulation (EC) No 1107/2009 and Regulation (EU) No 528/2012. Any unused quantities of methyl bromide shall be destroyed.	pests or diseases so require, the Commission may, at the request of the competent authority of a Member State, by means of implementing acts, authorise the temporary production, placing on the market, and use of methyl bromide, provided that the placing on the market and use of methyl bromide are allowed respectively under Regulation (EC) No 1107/2009 and Regulation (EU) No 528/2012. Any unused quantities of methyl bromide shall be destroyed.	
Article 10(2)				
116	2. Implementing acts referred to in paragraph 1 shall specify measures to be taken to reduce emissions of methyl bromide during use and apply for a period not exceeding 120 days and to a quantity not exceeding 20 metric tonnes of methyl bromide. The Commission may include in those implementing acts reporting requirements and may require submission of supporting evidence necessary for monitoring the use of methyl bromide, including evidence on the destruction of substances following the end of the derogation.	2. Implementing acts referred to in paragraph 1 shall specify measures to be taken to reduce emissions of methyl bromide during use and apply for a period not exceeding 120 days and to a quantity not exceeding 20 metric tonnes of methyl bromide. The Commission <del>may</del> <u>shall</u> include in those implementing acts reporting requirements and <del>may</del> <u>shall</u> require submission of supporting evidence necessary for monitoring the use of methyl bromide, including evidence on the destruction of substances following the end of the derogation.	2. Implementing acts referred to in paragraph 1 shall specify measures to be taken to reduce emissions of methyl bromide during use and apply for a period not exceeding 120 days and to a quantity not exceeding 20 metric tonnes of methyl bromide. The Commission may include in those implementing acts reporting requirements and may require submission of supporting evidence necessary for monitoring the use of methyl bromide, including evidence on the destruction of substances following the end of the derogation.	

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	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	
Article 11				
117	Article 11 Products and equipment containing ozone depleting substances or whose functioning relies upon those substances		Article 11 Products and equipment containing ozone depleting substances or whose functioning relies upon those substances	
Article 11(1)				
118	1. By way of derogation from Article 5(1), products and equipment for which the use of the respective ozone depleting substance is authorised in accordance with Article 8 or Article 9 may be placed on the market, subsequently supplied or made available to another person within the Union for payment or free of charge.		1. By way of derogation from Article 5(1), products and equipment for which the use of the respective ozone depleting substance is authorised in accordance with Article 8 or Article 9 may be placed on the market, subsequently supplied or made available to another person within the Union for payment or free of charge.	
Article 11(2)				
119	2. Except for the critical uses referred to in Article 9, fire protection systems and fire extinguishers containing halons are prohibited and shall be decommissioned.		2. Except for the critical uses referred to in Article 9, fire protection systems and fire extinguishers containing halons are prohibited and shall be decommissioned.	

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Article 11(3)				
120	3. Products and equipment containing ozone depleting substances or whose functioning relies upon those substances shall be decommissioned when they reach the end of their life.		3. Products and equipment containing ozone depleting substances <b>listed in Annex I</b> or whose functioning relies upon those substances shall be decommissioned when they reach the end of their life.	
Article 12				
121	Article 12 Destruction and reclamation		Article 12 Destruction and reclamation	
Article 12, first paragraph				
122	By way of derogation from Articles 4(1) and 5(1), ozone depleting substances listed in Annex I and products and equipment containing ozone depleting substances or whose functioning relies upon those substances may be placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge for destruction within the Union pursuant to Article 20(7). Ozone depleting substances listed in Annex I may also be placed on the market for reclamation within the Union.		By way of derogation from Articles 4(1) and 5(1), ozone depleting substances listed in Annex I and products and equipment containing ozone depleting substances <b>listed in Annex I</b> or whose functioning relies upon those substances may be placed on the market and subsequently supplied or made available to another person within the Union for payment or free of charge for destruction within the Union pursuant to Article 20(7). Ozone depleting substances listed in Annex I may also be placed on the market for reclamation within the Union.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13				
123	Article 13 Imports		Article 13 Imports	
Article 13(1)				
124	1. By way of derogation from Article 4(2) and Article 5(2), the following imports are allowed:		1. By way of derogation from Article 4(2) and Article 5(2), the following imports are allowed:	
Article 13(1), point (a)				
125	(a) ozone depleting substances to be used as feedstock in accordance with Article 6;		(a) ozone depleting substances to be used as feedstock in accordance with Article 6;	
Article 13(1), point (b)				
126	(b) ozone depleting substances to be used as process agents in accordance with Article 7;		(b) ozone depleting substances to be used as process agents in accordance with Article 7;	
Article 13(1), point (c)				
127	(c) ozone depleting substances to be used for essential laboratory and analytical uses in accordance with Article 8;		(c) ozone depleting substances to be used for essential laboratory and analytical uses in accordance with Article 8;	
Article 13(1), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
128	(d) ozone depleting substances for destruction by technologies referred to in Article 20(7);		(d) ozone depleting substances for destruction by technologies referred to in Article 20(7);	
Article 13(1), point (e)				
129	(e) methyl bromide for emergency uses in accordance with Article 10;		(e) <del>methyl bromide for emergency uses in accordance with</del> <b>ozone depleting substances for reclamation referred to in</b> Article <del>10</del> <b>12</b> ;	
Article 13(1), point (ea)				
129a			<b>(e bis) methyl bromide for emergency uses in accordance with Article 10;</b>	
Article 13(1), point (f)				
130	(f) recovered, recycled or reclaimed halons, under the condition that they are only imported for critical uses referred to in Article 9(1), by undertakings authorised by the competent authority of the Member State concerned to store halons for critical uses;		(f) recovered, recycled or reclaimed halons, under the condition that they are only imported for critical uses referred to in Article 9(1), by undertakings authorised by the competent authority of the Member State concerned to store halons for critical uses;	
Article 13(1), point (g)				
131	(g) products and equipment		(g) products and equipment	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	containing halons or whose functioning relies upon halons to satisfy critical uses referred to in Article 9(1);		containing halons or whose functioning relies upon halons to satisfy critical uses referred to in Article 9(1);	
Article 13(1), point (h)				
132	(h) products and equipment containing ozone depleting substances or whose functioning relies upon those substances for destruction, where applicable by technologies referred to in Article 20(7);		(h) products and equipment containing ozone depleting substances or whose functioning relies upon those substances for destruction, where applicable by technologies referred to in Article 20(7);	
Article 13(1), point (i)				
133	(i) products and equipment containing ozone depleting substances or whose functioning relies upon those substances to satisfy essential laboratory and analytical uses referred to in Article 8.		(i) products and equipment containing ozone depleting substances or whose functioning relies upon those substances to satisfy essential laboratory and analytical uses referred to in Article 8.	
Article 13(2), first subparagraph				
134	2. Imports referred to in paragraph 1 shall be subject to the presentation of a licence to customs authorities issued by the Commission in accordance with Article 16.		2. Imports referred to in paragraph 1 shall be subject to the presentation of a licence to customs authorities issued by the Commission in accordance with Article 16.	
Article 13(2), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
135	The licence referred to in the first subparagraph shall not be required in cases of temporary storage.	<del>The licence referred to in</del> <u>By way of derogation from the first subparagraph of this paragraph and from Article 16, the Commission shall, by means of implementing acts, establish simplified rules for licencing in the case not be required in cases of temporary storage as defined in Article 5, point (17), of Regulation (EU) No 952/2013. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).</u>	The licence referred to in the first subparagraph shall not be required in cases of temporary storage.	
Article 14				
136	Article 14 Export		Article 14 Export	
Article 14(1)				
137	1. By way of derogation from Article 4(2) and Article 5(2), the following exports are allowed:		1. By way of derogation from Article 4(2) and Article 5(2), the following exports are allowed:	
Article 14(1), point (a)				
138	(a) ozone depleting substances to be used for essential laboratory and analytical uses referred to in Article 8;		(a) ozone depleting substances to be used for essential laboratory and analytical uses referred to in Article 8;	




	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14(1), point (b)				
139	(b) ozone depleting substances to be used as feedstock in accordance with Article 6;		(b) ozone depleting substances to be used as feedstock in accordance with Article 6;	
Article 14(1), point (c)				
140	(c) ozone depleting substances to be used as process agents in accordance with Article 7;		(c) ozone depleting substances to be used as process agents in accordance with Article 7;	
Article 14(1), point (d)				
141	(d) virgin or reclaimed hydrochlorofluorocarbons, for uses other than those referred to in points (a) and (b), except for destruction;		(d) virgin or reclaimed hydrochlorofluorocarbons, for uses other than those referred to in points (a) and (b), except for destruction;	
Article 14(1), point (e)				
142	(e) recovered, recycled or reclaimed halons stored for critical uses referred to in Article 9(1) by undertakings authorised by the competent authority of a Member State;		(e) recovered, recycled or reclaimed halons stored for critical uses referred to in Article 9(1) by undertakings authorised by the competent authority of a Member State;	
Article 14(1), point (f)				
143	(f) products and equipment containing halons or whose functioning relies upon halons to		(f) products and equipment containing halons or whose functioning relies upon halons to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	satisfy critical uses referred to in Article 9(1);		satisfy critical uses referred to in Article 9(1);	
Article 14(1), point (g)				
144	(g) products and equipment containing ozone depleting substances imported under Article 13(1), point (i) or whose functioning relies upon those substances.		(g) products and equipment containing ozone depleting substances imported under Article 13(1), point (i) or whose functioning relies upon those substances.	
Article 14(2), first subparagraph				
145	2. By way of derogation from Article 5(2), the Commission may, by means of implementing acts, following a request by a competent authority of a Member State, authorise the export of products and equipment containing hydrochlorofluorocarbons where it is demonstrated that in view of the economic value and the expected remaining lifetime of the specific good, the prohibition of export would impose a disproportionate burden on the exporter, and 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 28(2).	2. By way of derogation from Article 5(2), the Commission may, by means of implementing acts, following a request by a competent authority of a Member State, authorise the export of products and equipment containing hydrochlorofluorocarbons where it is demonstrated that in view of the economic value and the expected remaining lifetime of the specific good, the prohibition of export would impose a disproportionate burden on the exporter, <del>and</del> such export is in line with <del>national</del> <u>domestic</u> legislation in the destination country <u>and such products and equipment would, after the end of their life cycle and on the basis of domestic legislation, be handled by that destination country in such a way that would</u>	2. By way of derogation from Article 5(2), the Commission may, by means of implementing acts, following a request by a competent authority of a Member State, authorise the export of products and equipment containing hydrochlorofluorocarbons where it is demonstrated that in view of the economic value and the expected remaining lifetime of the specific good, the prohibition of export would impose a disproportionate burden on the exporter, and 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 28(2).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>not give rise to the release of ozone depleting substances into the external environment</u> . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		
Article 14(2), second subparagraph				
146	Prior to such export the Commission shall notify the destination country thereof.		Prior to such export the Commission shall notify the destination country thereof.	
Article 14(3), first subparagraph				
147	3. Exports referred to in paragraphs 1 and 2 shall be subject to the presentation of a licence to customs authorities issued by the Commission in accordance with Article 16.		3. Exports referred to in paragraphs 1 and 2 shall be subject to the presentation of a licence to customs authorities issued by the Commission in accordance with Article 16.	
Article 14(3), second subparagraph				
148	The licence referred to in the first subparagraph shall not be required in cases of re-export subsequent to temporary storage.	<del>The licence referred to in</del> <u>By way of derogation from the first subparagraph of this paragraph and from Article 16, the Commission shall, by means of implementing acts, establish simplified rules for licencing in case of temporary storage as defined in Article 5, point (17) of Regulation (EU) No</u>	The licence referred to in the first subparagraph shall not be required in cases of re-export subsequent to temporary storage.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>952/2013. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2)</u> <del>not be required in cases of re-export subsequent to temporary storage.</del>		
Article 15				
149	Article 15 Conditions for exemptions		Article 15 Conditions for exemptions	
Article 15(1), first subparagraph				
150	1. The import, placing on the market, any subsequent supply or making available to another person within the Union for payment or free of charge, utilisation, or export of non-refillable containers for ozone depleting substances, empty, or fully or partially filled, is prohibited, except for essential laboratory and analytical uses referred to in Article 8. Such containers may only be stored or transported for subsequent disposal.		1. The import, placing on the market, any subsequent supply or making available to another person within the Union for payment or free of charge, utilisation, or export of non-refillable containers for ozone depleting substances, empty, or fully or partially filled, is prohibited, except for essential laboratory and analytical uses referred to in Article 8. Such containers may only be stored or transported for subsequent disposal.	
Article 15(1), second subparagraph				
151	Any prohibited non-refillable containers referred to in the first subparagraph shall be confiscated, seized, withdrawn or recalled from	Any prohibited non-refillable containers referred to in the first subparagraph shall be confiscated, seized, withdrawn or recalled from	Any prohibited non-refillable containers referred to in the first subparagraph shall be confiscated, seized, withdrawn or recalled from	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the market by the customs authorities or the market surveillance authorities for disposal. The re-export of prohibited non-refillable containers is prohibited.	the market <u>and destroyed</u> by the customs authorities or the market surveillance authorities <del>for disposal</del> . The re-export of prohibited non-refillable containers is prohibited.	the market by the customs authorities or the market surveillance authorities for disposal. The re-export of prohibited non-refillable containers is prohibited.	
Article 15(1), third subparagraph				
152	The first and second subparagraph applies to:		The first and second subparagraph applies to:	
Article 15(1), third subparagraph, point (a)				
153	(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 15(1), third subparagraph, point (b)				
154	(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.	
154a		<u><i>1a. Undertakings which place on the market refillable containers for ozone depleting substances shall produce a declaration of conformity that includes evidence confirming the arrangements in place for the</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>return of that container for the purpose of refilling. Those arrangements shall contain binding obligations for compliance by the supplier of those containers to end-users.</u></p> <p><u>The undertakings referred to in the first subparagraph shall keep the declaration of conformity for a period of at least 5 years after the placing on the market of refillable containers and shall make it available, on request, to the competent authorities of the Member States. Suppliers of those containers to end-users shall keep evidence of compliance with those arrangements for a period of at least 5 years after supply to the end-user and shall make it available, on request, to the competent authorities of the Member States.</u></p> <p><u>The Commission may, by means of implementing acts, supplement this Regulation by determining the details of the declaration of conformity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).</u></p>		
Article 15(2), first subparagraph				
155	2. Ozone depleting substances shall		2. Ozone depleting substances shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	not be placed on the market 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.		not be placed on the market 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 15(2), second subparagraph				
156	For the purpose of submitting 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 to the Commission.	For the purpose of <del>submitting</del> <u>providing the evidence referred to in the first subparagraph of paragraph 1a</u> , importers and producers shall draw up a declaration of conformity, <u>verified by an accredited auditor</u> , 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 <del>and the</del> mitigation measures adopted to prevent emissions of trifluoromethane-, in line with best available techniques;</u>	For the purpose of submitting 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 to the Commission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<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 20(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 <del>national</del><u>the</u> competent authorities and to the Commission.</p>	PUBLIC	
Article 15(2), third subparagraph				
157	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 the examination procedure referred to in Article 28(2).	The Commission <del>may</del> <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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	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 the examination procedure referred to in Article 28(2).	
Article 15(3), first subparagraph				
158	3. Ozone depleting substances produced or placed on the market as	3. Ozone depleting substances produced or placed on the market <del>as</del>	3. Ozone depleting substances <b>listed in Annex I</b> produced or placed on	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	feedstock, as process agents, or for essential laboratory and analytical uses as referred to in Articles 6, 7 and 8 may only be used for those purposes.	<del>feedstock, as process agents, or for essential laboratory and analytical uses</del> <u>and products and equipment containing ozone depleting substances or whose functioning relies on those substances produced or placed on the market and subsequently supplied or made available</u> as referred to in Articles 6, 7, <del>8, 9 and 10</del> <u>and 8</u> may only be used for those purposes. <u>Ozone depleting substances, and products and equipment containing ozone depleting substances or whose functioning relies on those substances, placed on the market for destruction as referred to in Article 12 may only be used or utilised for that purpose.</u>	the market as feedstock, as process agents, <b>for destruction or reclamation</b> or for essential laboratory and analytical uses as referred to in Articles 6, 7, <b>8 and 12</b> <del>and 8</del> may only be used for those purposes.	
Article 15(3), second subparagraph				
159	Containers containing the substances intended for the uses referred to in Articles 6, 7 and 8 shall be labelled with a clear indication that the substance may only be used for the applicable purpose. Where such substances are subject to labelling requirements provided for in Regulation (EC) No 1272/2008, such indication shall be included in the labels referred to in that Regulation.	Containers containing the substances intended for the uses referred to in Articles 6, 7, <del>8, 9, 10, 11 and 12</del> <u>and 8</u> shall be labelled with a clear indication that the substance may only be used for the applicable purpose. <u>The label shall bear the accepted industry designation for the ozone depleting substance concerned or, if no such designation is available, the chemical name, the ozone depleting potential of the substance concerned, and, where available, its</u>	Containers containing the substances intended for the uses referred to in Articles 6, 7, <b>8 and 12</b> <del>and 8</del> shall be labelled with a clear indication that the substance may only be used for the applicable purpose. Where such substances are subject to labelling requirements provided for in Regulation (EC) No 1272/2008, such indication shall be included in the labels referred to in that Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>global warming potential expressed on a 100-year time-scale, and, where available, on a 20-year timescale. Where such substances have been reclaimed or recycled, the label shall include that information, the information on the batch number and the name and address of the reclamation or recycling facility.</u> Where such substances are subject to labelling requirements provided for in Regulation (EC) No 1272/2008, such indication shall be included in the labels referred to in that Regulation. <u>Where relevant, refilled containers shall be relabelled with updated information.</u></p>		
Article 15(3), third subparagraph				
160	<p>The Commission may, by means of implementing acts, determine the format and the indication to be used on the labels referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).</p>		<p>The Commission may, by means of implementing acts, determine the format and the indication to be used on the labels referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).</p>	
Article 15(3a), first subparagraph				
160a			<p><b>4. Undertakings that produce (including as by-production or</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			side-production), place on the market, supply to a third person in the Union or receive from a third person in the Union ozone depleting substances listed in Annex I intended for use as feedstock or process agents or intended to be destroyed or reclaimed as well as undertakings that destroy or reclaim these substances or use these substances as feedstock or as process agents shall keep records containing at least the following information, as applicable:	
Article 15(3a), first subparagraph, point (a)				
160b			(a) Name of the substance or mixture;	
Article 15(3a), first subparagraph, point (b)				
160c			(b) Quantity produced, imported, exported, reclaimed or destroyed during the given calendar year;	
Article 15(3a), first subparagraph, point (c)				
160d			(c) Quantity supplied and received during the given calendar year; per individual supplier or receiver;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(3a), first subparagraph, point (d)				
160e			(d) Names and contact details of the suppliers or receivers;	
Article 15(3a), first subparagraph, point (e)				
160f			(e) Quantity used (specifying the actual use) during the given calendar year; and	
Article 15(3a), first subparagraph, point (f)				
160g			(f) Quantity stored on 1 January and 31 December of the given calendar year.	
Article 15(3a), second subparagraph				
160h			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.	
Chapter IV				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
161	Chapter IV Trade		Chapter IV Trade	
Article 16				
162	Article 16 Licensing System		Article 16 Licensing System	
Article 16(1)				
163	1. The Commission shall set up and ensure the operation of the electronic licensing system for ozone depleting substances listed in Annex I and products and equipment containing those substances or whose functioning relies upon those substances ('the licensing system').	1. The Commission shall set up and ensure the operation of the electronic licensing system for ozone depleting substances listed in <del>Annex</del> <u>Annexes</u> I and <u>II and</u> products and equipment containing those substances or whose functioning relies upon those substances ('the licensing system').	1. The Commission shall set up and ensure the operation of the electronic licensing system for ozone depleting substances listed in Annex I and products and equipment containing those substances or whose functioning relies upon those substances ('the licensing system').	
Article 16(2), first subparagraph				
164	2. Undertakings that wish to obtain the licences respectively required in accordance with Article 13(2) and Article 14(3) shall submit applications using the licensing system. Before submitting such an application, undertakings shall have a valid registration in the licensing system. Undertakings shall also ensure that they have a valid registration in the licensing system before reporting pursuant to Article		2. Undertakings that wish to obtain the licences respectively required in accordance with Article 13(2) and Article 14(3) shall submit applications using the licensing system. Before submitting such an application, undertakings shall have a valid registration in the licensing system. Undertakings shall also ensure that they have a valid registration in the licensing system before reporting pursuant to Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	24.		24.	
Article 16(2), second subparagraph				
165	Applications for licences shall be processed within 30 days. Licences shall be issued in accordance with the rules and procedures laid down in Annex VII.		Applications for licences shall be processed within 30 days. Licences shall be issued in accordance with the rules and procedures laid down in Annex VII.	
Article 16(3), first subparagraph				
166	3. Licenses may be issued to undertakings established in the Union and to undertakings established outside the Union.		3. Licenses may be issued to undertakings established in the Union and to undertakings established outside the Union.	
Article 16(3), second subparagraph				
167	<p>Undertakings established outside the Union shall mandate an only representative with an establishment within the Union that assumes the full responsibility for complying with this Regulation. The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup>. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and</p>		<p>Undertakings established outside the Union shall mandate an only representative with an establishment within the Union that assumes the full responsibility for complying with this Regulation. The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup>. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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).		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).	
Article 16(4)				
168	4. Licenses may be time-limited. They shall remain valid until they expire, until they are suspended or revoked by the Commission pursuant to this Article, or until they are withdrawn by the undertaking.		4. Licenses <del>may</del> <b>shall</b> be time-limited. They shall remain valid until they expire, until they are suspended or revoked by the Commission pursuant to this Article, or until they are withdrawn by the undertaking. <b>In the case of imports or exports of recovered, recycled or reclaimed halon for the critical uses referred to in Article 9, the time limit shall be set not beyond the end date for the critical use as set out in Annex V.</b>	
Article 16(5)				
169	5. Each undertaking that holds a licence shall, during the period of validity of the license, notify the Commission of any changes which might occur during the period of validity of the licence in relation to the information submitted in accordance with Annex VII.	5. Each undertaking that holds a licence shall, during the period of validity of the license, notify the Commission <u>without undue delay</u> of any changes which might occur during the period of validity of the licence in relation to the information submitted in accordance with Annex	5. Each undertaking that holds a licence shall, during the period of validity of the license, notify the Commission of any changes which might occur during the period of validity of the licence in relation to the information submitted in accordance with Annex VII.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		VII.		
Article 16(6)				
170	6. The Commission may request additional information where needed to confirm the accuracy and completeness of the information provided by the undertakings in accordance with Annex VII.		6. The Commission may request additional information where needed to confirm the accuracy and completeness of the information provided by the undertakings in accordance with Annex VII.	
Article 16(7)				
171	7. Competent authorities of the Member States including the customs authorities, or the Commission, may require a certificate attesting the nature or composition of substances to be imported or exported and may request a copy of the licence issued by the country from which the import or to which the export takes place.		7. Competent authorities of the Member States including the customs authorities, or the Commission, may require a certificate attesting the nature or composition of substances to be imported or exported and may request a copy of the licence issued by the country from which the import or to which the export takes place.	
Article 16(8)				
172	8. The Commission may share the data submitted in the licensing system to the extent necessary in specific cases with competent authorities of the Parties to the Protocol concerned.		8. The Commission may share the data submitted in the licensing system to the extent necessary in specific cases with competent authorities of the Parties to the Protocol concerned.	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(9), first subparagraph				
173	9. A license shall be suspended where there is reasonable suspicion that any relevant obligations set out in this Regulation is not complied with. A license shall be revoked where there is evidence that any obligation set out in this Regulation is not complied with. The license application shall also be rejected or the license revoked where there is evidence of serious or repeated infringements of Union customs or environmental legislation by the undertaking related to its activities under this Regulation.		9. A license shall be suspended where there is reasonable suspicion that any relevant obligations set out in this Regulation is not complied with. A license shall be revoked where there is evidence that any obligation set out in this Regulation is not complied with. The license application shall also be rejected or the license revoked where there is evidence of serious or repeated infringements of Union customs or environmental legislation by the undertaking related to its activities under this Regulation.	
Article 16(9), second subparagraph				
174	Undertakings shall be informed, as soon as possible, of any licence application being rejected or of any licence being suspended or revoked, specifying the reasons for rejection, suspension or revocation. Member States shall also be informed of such cases.		Undertakings shall be informed, as soon as possible, of any licence application being rejected or of any licence being suspended or revoked, specifying the reasons for rejection, suspension or revocation. Member States shall also be informed of such cases.	
Article 16(10)				
175	10. Undertakings shall take all necessary measures to ensure that an export of ozone depleting substances does not:		10. Undertakings shall take all necessary measures to ensure that an export of ozone depleting substances does not:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(10), point (a)				
176	(a) constitute a case of illegal trade;		(a) constitute a case of illegal trade;	
Article 16(10), point (b)				
177	(b) impact adversely on the implementation of control measures of the destination country taken to comply with its obligations under the Protocol		(b) impact adversely on the implementation of control measures of the destination country taken to comply with its obligations under the Protocol	
Article 16(10), point (c)				
178	(c) lead to an excess of the quantitative limits under the Protocol for the country referred to in point (b).		(c) lead to an excess of the quantitative limits under the Protocol for the country referred to in point (b).	
Article 16(11)				
179	11. Competent authorities of the Member States, including customs authorities, shall have access to the licensing system for the purpose of enforcing this Regulation. Access to the licensing system by customs authorities shall be ensured via the European Union Single Window Environments for Customs referred to in paragraphs 14 and 15.		11. Competent authorities of the Member States, including customs authorities, shall have access to the licensing system for the purpose of enforcing this Regulation. Access to the licensing system by customs authorities shall be ensured via the European Union Single Window Environments for Customs referred to in paragraphs 14 and 15.	

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Article 16(12)				
180	12. The Commission and competent authorities of the Member States shall ensure the confidentiality of the information included in the licensing system.		12. The Commission and competent authorities of the Member States shall ensure the confidentiality of the information included in the licensing system.	
Article 16(13)				
181	13. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex VII where it is necessary to ensure the smooth functioning of the licensing system, to facilitate the enforcement of customs controls, or where it is necessary to comply with the Protocol.		13. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex VII where it is necessary to ensure the smooth functioning of the licensing system, to facilitate the enforcement of customs controls, or where it is necessary to comply with the Protocol.	
Article 16(14)				
182	14. The Commission shall ensure the interconnection of the licensing system with the European Union Single Window Environment for Customs through the European Union Customs Single Window - Certificate Exchange System established by Regulation (EU) No .../... [full reference to be inserted once that Regulation has been adopted]. <sup>1</sup>  <sup>1</sup> Regulation (EU) No .../... of the		14. The Commission shall ensure the interconnection of the licensing system with the European Union Single Window Environment for Customs through the European Union Customs Single Window - Certificate Exchange System established by Regulation (EU) No .../... [full reference to be inserted once that Regulation has been adopted]. <sup>1</sup>  <sup>1</sup> Regulation (EU) No .../... of the	

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	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 added once that Regulation is adopted].		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 added once that Regulation is adopted].	
Article 16(15)				
183	15. Member States shall ensure the 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 licensing system.		15. Member States shall ensure the 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 licensing system.	
Article 17				
184	Article 17 Controls of trade		Article 17 Controls of trade	
Article 17(1)				
185	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 17(2), first subparagraph				
186	2. For the purpose of imports, the		2. For the purpose of imports, the	

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	undertaking holding the license pursuant to Article 13(2) shall be the importer, or where not available the declarant, indicated in the customs declaration.		undertaking holding the license pursuant to Article 13(2) shall be the importer, or where not available the declarant, indicated in the customs declaration.	
Article 17(2), second subparagraph				
187	For the purpose of export, the undertaking holding the license pursuant to Article 14(3) shall be the exporter indicated in the customs declaration.		For the purpose of export, the undertaking holding the license pursuant to Article 14(3) shall be the exporter indicated in the customs declaration.	
Article 17(3)				
188	3. In cases of imports of ozone depleting substances listed in Annex I and of products and equipment containing those substances or whose functioning relies upon those substances 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 ozone depleting substances listed in Annex I and of products and equipment containing those substances or whose functioning relies <del>upon</del> <u>partly or entirely on</u> those substances 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 ozone depleting substances listed in Annex I and of products and equipment containing those substances or whose functioning relies upon those substances the importer, or where not available the declarant, indicated in the customs declaration <del>or in the temporary storage declaration</del> and in cases of exports the exporter indicated in the customs declaration, shall provide to customs authorities in the declaration the following, where relevant:	
Article 17(3), point (a)				
189				

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	(a) the number of the licence pursuant to Article 13(2) and Article 14(3);		(a) the number of the licence pursuant to Article 13(2) and Article 14(3);	
Article 17(3), point (b)				
190	(b) the Economic Operators Registration and Identification (EORI) number;		(b) the Economic Operators Registration and Identification (EORI) number;	
Article 17(3), point (c)				
191	(c) the net mass of ozone depleting substance(s), also when included in products and equipment;		(c) the net mass of ozone depleting substance(s), also when included in products and equipment;	
Article 17(3), point (d)				
192	(d) the net mass multiplied by the ozone depletion potential of the ozone depleting substance(s), also when included in products and equipment;		(d) the net mass multiplied by the ozone depletion potential of the ozone depleting substance(s), also when included in products and equipment;	
Article 17(3), point (e)				
193	(e) the commodity code under which the goods are classified.		(e) the commodity code under which the goods are classified.	
Article 17(4)				
194	4. Customs authorities shall verify,		4. Customs authorities shall verify,	

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	in particular, 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, has a valid license pursuant to Article 13(2) and Article 14(3).		in particular, 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, has a valid license pursuant to Article 13(2) and Article 14(3).	
Article 17(5)				
195	5. Where relevant, customs authorities shall communicate information regarding the customs clearance of goods to the licensing system 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 licensing system via the European Union Single Window Environment for Customs.	
Article 17(6)				
196	6. Importers of ozone depleting substances listed in Annex I 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 ozone depleting substances listed in Annex I 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.	
Article 17(7)				

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197	7. Importers of halons in accordance with Article 13(1), point (f), and exporters of halons in accordance with Article 14(1), point (e), shall make available to customs authorities at the time the customs declaration related to the release for free circulation or to the export is submitted a certificate confirming the nature of the substance as listed in Article 13(1), point (f) and Article 14(1), point (e).		7. Importers of halons in accordance with Article 13(1), point (f), and exporters of halons in accordance with Article 14(1), point (e), shall make available to customs authorities at the time the customs declaration related to the release for free circulation or to the export is submitted a certificate confirming the nature of the substance as listed in Article 13(1), point (f) and Article 14(1), point (e).	
Article 17(8)				
198	8. Importers of ozone depleting substances shall make available to customs authorities at the time the customs declaration related to the release for free circulation is submitted, the evidence referred to in Article 15(2).		8. Importers of ozone depleting substances shall make available to customs authorities at the time the customs declaration related to the release for free circulation is submitted, the evidence referred to in Article 15(2).	
Article 17(9)				
199	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		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	



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	risk analysis shall take into account in particular any available information on the likelihood of illegal trade of ozone depleting substances, and the compliance history of the undertaking concerned.		risk analysis shall take into account in particular any available information on the likelihood of illegal trade of ozone depleting substances, and the compliance history of the undertaking concerned.	
Article 17(10), first subparagraph				
200	10. Based on risk analysis, when carrying out physical customs controls of the substances and products and equipment covered by this Regulation, the customs authority shall, in particular, verify the following on imports and exports:		10. Based on risk analysis, when carrying out physical customs controls of the substances and products and equipment covered by this Regulation, the customs authority shall, in particular, verify the following on imports and exports:	
Article 17(10), first subparagraph, point (a)				
201	(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 17(10), first subparagraph, point (b)				
202	(b) that the goods are appropriately labelled in accordance with Article 15(3) before releasing the goods for free circulation.		(b) that the goods are appropriately labelled in accordance with Article 15(3) before releasing the goods for free circulation.	
Article 17(10), second subparagraph				

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203	The importer or exporter shall make its licence available to customs authorities during controls in accordance with Article 15 of Regulation (EU) No 952/2013.		The importer or exporter shall make its licence available to customs authorities during controls in accordance with Article 15 of Regulation (EU) No 952/2013.	
Article 17(11), first subparagraph				
204	<p>11. Customs authorities shall confiscate or seize substances, the substances and products and equipment that are prohibited by this Regulation is prohibited for their disposal in accordance with Articles 197 and 198 of Regulation (EU) No 952/2013. Market surveillance authorities shall also withdraw or recall from the market such substances and products and equipment in accordance with Article 16 of Regulation (EU) No 2019/1020 of the European Parliament and the Council<sup>1</sup>.</p> <p><sup>1</sup>. 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>11. Customs authorities shall confiscate or seize <del>substances</del>, the substances and products and equipment that are prohibited by this Regulation <del>is prohibited</del> for their disposal in accordance with Articles 197 and 198 of Regulation (EU) No 952/2013. Market surveillance authorities shall also withdraw or recall from the market such substances and products and equipment in accordance with Article 16 of Regulation (EU) No 2019/1020 of the European Parliament and the Council<sup>1</sup>.</p> <p><sup>1</sup>. 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>11. Customs authorities shall confiscate or seize substances, the substances and products and equipment that are prohibited by this Regulation is prohibited for their disposal in accordance with Articles 197 and 198 of Regulation (EU) No 952/2013 <b>or shall inform the competent authorities for ensuring the confiscation and seizure of such substances, the substances and products and equipment for disposal</b>. Market surveillance authorities shall also withdraw or recall from the market such substances and products and equipment in accordance with Article 16 of Regulation (EU) No 2019/1020 of the European Parliament and the Council<sup>1</sup>.</p> <p><sup>1</sup>. 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>	

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Article 17(11), second subparagraph				
205	The re-export of substances and products and equipment that do not comply with this Regulation is prohibited.		The re-export of substances and products and equipment that do not comply with this Regulation is prohibited.	
Article 17(12), first subparagraph				
206	12. 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 ozone depleting substances listed in Annex I and of products and equipment containing those substances or whose functioning relies upon those substances 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 under this Regulation.	12. 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 ozone depleting substances listed in Annex I and of products and equipment containing those substances or whose functioning relies upon those substances at their entry into or at their exit from the customs territory of the Union. Those customs offices or places shall be sufficiently equipped <u>with the necessary human and material resources</u> to carry out the relevant physical controls based on risk analysis, and shall be knowledgeable on matters related to the prevention of illegal activities under this Regulation.	<i>deleted</i>	

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<i>Article 17(12), second subparagraph</i>				
207	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 ozone depleting substances listed in Annex I and products and equipment containing, or whose functioning relies upon, such substances.		deleted	
<i>Article 18</i>				
208	Article 18 Measures to monitor illegal trade		Article 18 Measures to monitor illegal trade	
<i>Article 18, first paragraph</i>				
209	The Commission is empowered to adopt delegated acts in accordance with Article 29 to supplement this Regulation by establishing additional control measures to those set out in this Regulation for the monitoring of ozone depleting substances and of products and equipment containing those substances or whose functioning relies upon those substances 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		<b>1. On the basis of an evaluation of the potential risks of illegal trade linked to the movements of ozone depleting substances, products and equipment containing those substances or whose functioning relies upon those substances, the Commission is empowered to adopt delegated acts in accordance with Article 29 to:</b> <b>(i) Supplement this Regulation by establishing additional control measures to those set out in this Article 26 by specifying the criteria to be taken into account by the competent authorities of</b>	

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	<p>basis of an evaluation of the potential risks of illegal trade linked to such movements, including tracing methodologies for substances placed on the market, taking into account the environmental benefits and socio-economic impacts of such measures.</p>		<p><b>Member States when carrying out checks to establish whether undertakings comply with their obligations under the Regulation;</b>  <b>(ii) Supplement Article 17 by specifying the requirements to be checked when monitoring for the monitoring of ozone depleting substances and of, products and equipment containing those substances or whose functioning relies upon those- substances, 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;</b>  <b>(iii) Amend Articles 13 and 14 by adding tracing methodologies for ozone depleting substances placed on the market for the monitoring of import and export of ozone depleting substances, products and equipment containing those gases or whose functioning relies upon those substances, placed under temporary storage or under a customs procedure on the basis of an evaluation of the potential risks of illegal trade linked to such movements, including tracing methodologies for substances placed on the market, taking into account the environmental benefits and socio-economic impacts of such measures.</b></p>	

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Article 18, first paragraph a				
209a			<b>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.</b>	
Article 19				
210	Article 19 Trade with states or regional economic integration organisations and territories not covered by the Protocol		Article 19 Trade with states or regional economic integration organisations and territories not covered by the Protocol	
Article 19(1)				
211	1. Import and export of ozone depleting substances listed in Annex I and of products and equipment containing those substances or whose functioning relies upon those substances 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 a particular controlled substance shall be prohibited.		1. Import and export of ozone depleting substances listed in Annex I and of products and equipment containing those substances or whose functioning relies upon those substances 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 a particular controlled substance shall be prohibited.	

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Article 19(2)				
212	<p>2. The Commission is empowered to adopt delegated acts in accordance with Article 29 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 ozone depleting substances listed in Annex I, but do not contain substances which can be positively identified as ozone depleting substances listed in that Annex, 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 29 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 ozone depleting substances listed in Annex I, but do not contain substances which can be positively identified as ozone depleting substances listed in that Annex, 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 19(3)				
213	<p>3. By way of derogation from paragraph 1, trade with any state or</p>		<p>3. By way of derogation from paragraph 1, trade with any state or</p>	

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	regional economic integration organisation subject to paragraph 1 in ozone depleting substances listed in Annex I and equipment containing those substances or whose functioning relies upon those substances or which are produced by means of one or more such substances 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 28(2).		regional economic integration organisation subject to paragraph 1 in ozone depleting substances listed in Annex I and equipment containing those substances or whose functioning relies upon those substances or which are produced by means of one or more such substances 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 28(2).	
Article 19(4)				
214	4. Subject to any decision taken under paragraph 2, paragraph 1 shall apply to any territory not covered by the Protocol in the same way as such decisions apply to any state or regional economic integration organisation subject to paragraph 1.		4. Subject to any decision taken under paragraph 2, paragraph 1 shall apply to any territory not 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 19(5)				



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215	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 28(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 28(2).	
Chapter V				
216	Chapter V Emission Control		Chapter V Emission Control	
Article 20				
217	Article 20 Recovery and destruction of used ozone depleting substances		Article 20 Recovery and destruction of used ozone depleting substances	
Article 20(1)				
218	1. Ozone depleting substances listed in Annex I contained in refrigeration, air-conditioning and heat pump equipment, equipment containing solvents or fire protection	1. Ozone depleting substances listed in <del>Annex I</del> <u>Annexes I and II</u> contained in refrigeration, air-conditioning and heat pump equipment, equipment containing	1. Ozone depleting substances listed in Annex I contained in refrigeration, air-conditioning and heat pump equipment, equipment containing solvents or fire protection	

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	systems and fire extinguishers shall, during the maintenance or servicing of equipment or before the dismantling or disposal of equipment, be recovered for destruction, recycling or reclamation.	solvents or fire protection systems and fire extinguishers shall, during the maintenance or servicing of equipment or before the dismantling or disposal of equipment, be recovered for destruction, recycling or reclamation.	systems and fire extinguishers shall, during the maintenance or servicing of equipment or before the dismantling or disposal of equipment, be recovered for destruction, recycling or reclamation.	
Article 20(2)				
219	2. Building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of metal-faced panels that contain foams with ozone depleting substances listed in Annex I are avoided to the extent possible by recovery for reuse or destruction of the foams and the substances contained therein.		2. Building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of <del>metal-faced</del> <b>foam</b> panels that contain foams with ozone depleting substances listed in Annex I are avoided to the extent possible by <del>recovery for reuse or handling the foams or the substances contained therein in a way that ensures the</del> destruction of the foams and the substances therein. <b>The recovery of the substances contained in the foams shall be carried out by appropriately qualified natural persons therein.</b>	
Article 20(3)				
220	3. Building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of foams in laminated boards installed in cavities		3. Building owners and contractors shall ensure that during renovation, refurbishing or demolition activities implying the removal of foams in laminated boards installed in cavities	

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	or built-up structures that contain ozone depleting substances listed in Annex I are avoided to the extent possible by recovery for reuse or destruction of the foams and the substances contained therein.		or built-up structures that contain ozone depleting substances listed in Annex I are avoided to the extent possible by <b>handling the foams in the boards or the substances contained therein in a way that ensures the recovery for reuse or destruction of the foams and substances contained therein. The recovery of the substances contained therein in the foams shall be carried out by appropriately qualified natural persons.</b>	
Article 20(4)				
221	4. 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, upon request, to the competent authorities and the Commission.		4. 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, upon request, to the competent authorities and the Commission.	
Article 20(5), first subparagraph				
222	5. Halons contained in fire protection systems and fire extinguishers shall, during the maintenance or servicing of		5. Halons contained in fire protection systems and fire extinguishers shall, during the maintenance or servicing of	

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	equipment or before the dismantling or disposal of equipment, be recovered for recycling or reclamation.		equipment or before the dismantling or disposal of equipment, be recovered for recycling or reclamation.	
Article 20(5), second subparagraph				
223	Destruction of halon is prohibited unless there is documented evidence that the purity of the recovered or recycled substance does not technically allow its reclamation and subsequent re-use. Undertakings destroying halons in such cases shall retain this documentation for a minimum period of five years. Such documentation shall be made available, upon request, to competent authorities and the Commission.		Destruction of halon is prohibited unless there is documented evidence that the purity of the recovered or recycled substance does not technically allow its reclamation and subsequent re-use. Undertakings destroying halons in such cases shall retain this documentation for a minimum period of five years. Such documentation shall be made available, upon request, to competent authorities and the Commission.	
Article 20(6)				
224	6. Ozone depleting substances listed in Annex I contained in products and equipment other than those mentioned in paragraphs 1 to 5 shall, if technically and economically feasible, be recovered for destruction, recycling or reclamation, or shall be destroyed without prior recovery.	6. <del>Annex I</del> <u>Annexes I and II</u> Ozone depleting substances listed in <del>Annex I</del> <u>Annexes I and II</u> contained in products and equipment other than those mentioned in paragraphs 1 to 5 shall, if technically and economically feasible, be recovered for destruction, recycling or reclamation, or shall be destroyed without prior recovery.	6. Ozone depleting substances listed in Annex I contained in products and equipment other than those mentioned in paragraphs 1 to 5 shall, if technically and economically feasible, be recovered for destruction, recycling or reclamation, or shall be destroyed without prior recovery.	
Article 20(7)				


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225	7. Ozone depleting substances listed in Annex I and products and equipment containing such substances shall only be destroyed by technologies approved by the Parties to the Protocol or by destruction technologies that are not yet approved, but are environmentally equivalent and comply with Union and national legislation on waste and with additional requirements under such legislation.		7. Ozone depleting substances listed in Annex I and products and equipment containing such substances shall only be destroyed by technologies approved by the Parties to the Protocol or by destruction technologies that are not yet approved, but are environmentally equivalent and comply with Union and national legislation on waste and with additional requirements under such legislation.	
Article 20(8)				
226	8. The Commission is empowered to adopt delegated acts in accordance with Article 29 to supplement this Regulation by establishing a list of products and equipment for which the recovery of ozone depleting substances or destruction of products and equipment without prior recovery of ozone depleting substances shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied.		8. The Commission is empowered to adopt delegated acts in accordance with Article 29 to supplement this Regulation by establishing a list of products and equipment for which the recovery of ozone depleting substances or destruction of products and equipment without prior recovery of ozone depleting substances shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied.	
Article 20(9)				
227	9. Member States shall promote the	9. Member States shall promote the	9. Member States shall promote the	

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	recovery, recycling, reclamation and destruction of ozone depleting substances listed in Annex I and shall establish the minimum qualification requirements for the personnel involved.	recovery, recycling, reclamation and destruction of ozone depleting substances listed in Annex I and shall establish the minimum qualification requirements for the personnel involved. <u>Member States shall ensure that appropriate training programmes for natural persons carrying out those tasks are made available.</u>	recovery, recycling, reclamation and destruction of ozone depleting substances listed in Annex I and shall establish the minimum qualification requirements for the personnel involved.	
Article 21				
228	Article 21 Release of ozone depleting substances and leakage checks		Article 21 Release of ozone depleting substances and leakage checks	
Article 21(1)				
229	1. The intentional release of ozone depleting substances including when contained in products and equipment into the atmosphere shall be prohibited where the release is not technically necessary for the intended uses permitted under this Regulation.		1. The intentional release of ozone depleting substances including when contained in products and equipment into the atmosphere shall be prohibited where the release is not technically necessary for the intended uses permitted under this Regulation.	
Article 21(2)				
230	2. Undertakings shall take all necessary precautions to prevent and minimise any unintentional release of ozone depleting	2. Undertakings shall take all necessary precautions to prevent and minimise any unintentional release of ozone depleting	2. Undertakings shall take all necessary precautions to prevent and minimise any unintentional release of ozone depleting	

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	substances listed in Annex I during production, including inadvertently produced in the course of the manufacture of other chemicals, equipment manufacturing process, use, storage and transfer from one container or system to another or transport.	substances listed in <del>Annex I</del> <u>Annexes I and II</u> during production, including inadvertently produced in the course of the manufacture of other chemicals, equipment manufacturing process, use, storage and transfer from one container or system to another or transport.	substances listed in Annex I during production, including inadvertently produced in the course of the manufacture of other chemicals, equipment manufacturing process, use, storage and transfer from one container or system to another or transport.	
Article 21(2a)				
230a			<b>2a. Operators of refrigeration, air conditioning or heat pump equipment, or fire protection systems, including their circuits, which contain ozone depleting substances listed in Annex I shall ensure that the stationary equipment or systems:</b>	
Article 21(2a), point (a)				
230b			<b>(a) with a fluid charge of 3 kg or more but less than 30 kg of ozone depleting substances listed in Annex I are checked for leakage at least once every 12 months; this shall not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6 kg of controlled substances;</b>	
Article 21(2a), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
230c			(b) with a fluid charge of 30 kg or more but less than 300 kg of ozone depleting substances listed in Annex I are checked for leakage at least once every 6 months;	
Article 21(2a), point (c)				
230d			(c) with a fluid charge of 300 kg or more of controlled substances are checked for leakage at least once every 3 months;	
Article 21(3)				
231	3. Undertakings operating equipment containing ozone depleting substances listed in Annex I, shall ensure that any detected leakage is repaired without undue delay, without prejudice to the prohibition to use the ozone depleting substances.	3. Undertakings operating equipment containing ozone depleting substances listed in <del>Annex</del> <b><u>Annexes I and II</u></b> , shall ensure that any detected leakage is repaired without undue delay, without prejudice to the prohibition to use the ozone depleting substances.	3. Undertakings operating equipment containing ozone depleting substances listed in Annex I, shall ensure that any detected leakage is repaired without undue delay, without prejudice to the prohibition to use the ozone depleting substances.	
231a		<b><u>3a. Undertakings operating refrigeration, air conditioning or heat pump equipment, or fire protection systems, including their circuits, which contain ozone depleting substances shall ensure that the stationary equipment or</u></b>		



Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
		<p><u>systems with a fluid charge of:</u></p> <p><u>(a) 3 kg or more of ozone depleting substances are checked for leakage at least once every 12 months; this shall not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6 kg of controlled substances;</u></p> <p><u>(b) 30 kg or more of ozone depleting substances are checked for leakage at least once every 6 months;</u></p> <p><u>(c) 300 kg or more of ozone depleting substances are checked for leakage at least once every 3 months; and any detected leakage is repaired as soon as possible and in any event within 14 days; the equipment or system shall be checked for leakage within 1 month after a leak has been repaired to ensure that the repair has been effective.</u></p>		
Article 21(4)				
232	4. Undertakings referred to in paragraph 3 shall retain records on the quantity and type of ozone depleting substances added and the quantity recovered during maintenance, servicing and final		4. Undertakings referred to in paragraph 3 shall retain records on the quantity and type of <b>halons added and</b> ozone depleting substances <del>added and the</del> quantity <b>listed in Annex I</b> recovered	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	disposal of the equipment or system. They shall also retain records of other relevant information including the identification of the company or technician which performed the maintenance or servicing, as well as the dates and results of the leakage checks carried out. These records shall be retained for a minimum period of five years and shall be made available, upon request, to the competent authority of a Member State and to the Commission.		during maintenance, or servicing and final disposal of the equipment or system. They shall also retain records of other relevant information including the identification of the company or technician which performed the maintenance or servicing, as well as the dates and results of the leakage checks carried out. These records shall be retained for a minimum period of five years and shall be made available, upon request, to the competent authority of a Member State and to the Commission.	
Article 21(5)				
233	5. Member States shall establish the minimum qualification requirements for the personnel carrying out activities referred to in paragraph 3.	5. Member States shall establish the minimum qualification requirements for the personnel carrying out activities referred to in paragraph 3. <u>Member States shall ensure that appropriate training programmes for natural persons carrying out those activities are made available.</u>	5. Member States shall establish the minimum qualification requirements for the personnel carrying out activities referred to in paragraph 3.	
Chapter VI				
234	Chapter VI Lists of ozone depleting substances and reporting		Chapter VI Lists of ozone depleting substances and reporting	
Article 22				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
235	Article 22 Amendments to the lists of ozone depleting substances		Article 22 Amendments to the lists of ozone depleting substances	
Article 22(1)				
236	1. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex II to include in that Annex any substances that are not covered by this Regulation but have been found by the Scientific Assessment Panel ('SAP'), established under the Protocol, or by another recognised authority of equivalent stature to have a significant ozone-depleting potential.		1. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex II to include in that Annex any substances that are not covered by this Regulation but have been found by the Scientific Assessment Panel ('SAP'), established under the Protocol, or by another recognised authority of equivalent stature to have a significant ozone-depleting potential.	
Article 22(2)				
237	2. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex I to include in that Annex any substances that fulfil the conditions set out in paragraph 1, and are exported, imported, produced or placed on the market in significant quantities and, if appropriate, to determine possible exemptions from the restrictions set out in Chapters I, II, or IV.		2. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex I to include in that Annex any substances that fulfil the conditions set out in paragraph 1, and are exported, imported, produced or placed on the market in significant quantities and, if appropriate, to determine possible exemptions from the restrictions set out in Chapters I, II, or IV.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22(3)				
238	3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annexes I and II as regards the global warming potential and the ozone depleting potential of the listed substances, where it is necessary in the light of new Assessments Reports by the Intergovernmental Panel on Climate Change or new reports of the SAP, established under the Protocol.	3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annexes I and II <del>as regards to</del> <u>update</u> the global warming potential and the ozone depleting potential of the listed substances, where it is necessary in the light of new Assessments Reports by the Intergovernmental Panel on Climate Change or new reports of the SAP, established under the Protocol, <u>and to add the global warming potential of those substances on a 20-year timescale.</u>	3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annexes I and II as regards the global warming potential and the ozone depleting potential of the listed substances, where it is necessary in the light of new Assessments Reports by the Intergovernmental Panel on Climate Change or new reports of the SAP, established under the Protocol.	
Article 23				
239	Article 23 Reporting by the Member States		Article 23 Reporting by the Member States	
Article 23(1)				
240	1. Each year by 30 June [OP: Please insert the year of application of this Regulation] Please add year of application of the Regulation], Member States shall report the following information in an electronic format to the Commission, for the previous calendar year:		1. Each year by 30 June [OP: Please insert the year of application of this Regulation] Please add year of application of the Regulation], Member States shall report the following information in an electronic format to the Commission, for the previous calendar year:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 23(1), point (a)				
241	(a) the quantities of halons installed, used and stored for critical uses, pursuant to Article 9(1), the measures taken to reduce their emissions and an estimate of such emissions, and progress in evaluating and using adequate alternatives;		(a) the quantities of halons installed, used and stored for critical uses, pursuant to Article 9(1), the measures taken to reduce their emissions and an estimate of such emissions, and progress in evaluating and using adequate alternatives;	
Article 23(1), point (b)				
242	(b) cases of illegal trade, in particular those detected during the checks carried out pursuant to Article 26, including the imposition of penalties referred to in Article 27 where applicable.		(b) cases of illegal trade, in particular those detected during the checks carried out pursuant to Article 26, including the imposition of penalties referred to in Article 27 where applicable.	
Article 23(2)				
243	2. The Commission may, if appropriate, by means of implementing acts, determine the format for the submission of the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		2. The Commission may, if appropriate, by means of implementing acts, determine the format for the submission of the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	
Article 23(3)				
244				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend paragraph 1 of this Article where it is necessary in view of the decisions of the Parties to the Protocol.		3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend paragraph 1 of this Article where it is necessary in view of the decisions of the Parties to the Protocol.	
Article 24				
245	Article 24 Reporting by undertakings		Article 24 Reporting by undertakings	
Article 24(1), first subparagraph				
246	1. Each year by 31 March [OP: Please insert the year of application of this Regulation], each undertaking shall report, via an electronic reporting tool, to the Commission the data listed in Annex VI for each ozone depleting substance for the previous calendar year.		1. Each year by 31 March [OP: Please insert the year of application of this Regulation], each undertaking shall report, via an electronic reporting tool, to the Commission the data listed in Annex VI for each ozone depleting substance <b>listed in Annex I and II</b> for the previous calendar year.	
Article 24(1), second subparagraph				
247	Member States shall also have access to the electronic reporting tool of the undertakings falling under their jurisdiction.		Member States shall also have access to the electronic reporting tool of the undertakings falling under their jurisdiction.	
Article 24(1), third subparagraph				
248				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Prior to reporting, undertakings shall register in the licensing system.		Prior to reporting, undertakings shall register in the licensing system.	
248a		<u><i>Each year by 31 March ...[the year of application of this Regulation], and every year thereafter, each undertaking that has placed on the market ozone depleting substances shall submit to the Commission a report demonstrating compliance with Article 15(2).</i></u>		
Article 24(2)				
249	2. The Commission and the competent authorities of the Member States shall take appropriate measures to protect the confidentiality of the information submitted to it in accordance with this Article.	2. The Commission and the competent authorities of the Member States shall take appropriate measures to protect the confidentiality of the information submitted to it in accordance with this Article <u><i>and the conditions under which access to the data is granted.</i></u>	2. The Commission and the competent authorities of the Member States shall take appropriate measures to protect the confidentiality of the information submitted to it in accordance with this Article.	
Article 24(3)				
250	3. Where necessary, the Commission shall, by means of implementing acts, establish the format and means of the reporting referred to in Annex VI. Those implementing acts shall be adopted		3. Where necessary, the Commission shall, by means of implementing acts, establish the format and means of the reporting referred to in Annex VI. Those implementing acts shall be adopted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in accordance with the examination procedure referred to in Article 28(2).		in accordance with the examination procedure referred to in Article 28(2).	
Article 24(4)				
251	4. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex VI, where it is necessary in view of the decisions of the Parties to the Protocol.		4. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend Annex VI, where it is necessary in view of the decisions of the Parties to the Protocol.	
Chapter VII				
252	Chapter VII Enforcement		Chapter VII Enforcement	
Article 25				
253	Article 25 Cooperation and exchange of information		Article 25 Cooperation and exchange of information	
Article 25(1), first subparagraph				
254	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 authorities		1. <b>When required to ensure compliance with this Regulation,</b> the competent authorities of Member States, including customs authorities, market surveillance authorities, environmental authorities and other authorities with	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation.		inspection functions shall cooperate with each other, with authorities from other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation..	
Article 25(1), second subparagraph				
255	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) No 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) No 952/2013.	
Article 25(2)				
256	2. When customs authorities, 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 27.		2. When customs authorities, 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 27.	
Article 25(3), first subparagraph				

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257	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 licensing system.		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 licensing system.	
Article 25(3), second subparagraph				
258	That information shall also be made available to competent authorities of other Member States and to the Commission when needed to ensure the enforcement of this Regulation.		That information shall also be made available to competent authorities of other Member States and to the Commission when needed to ensure the enforcement of this Regulation.	
Article 25(4), first subparagraph				
259	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		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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	is seized, confiscated, withdrawn or recalled from the market for disposal.		is seized, confiscated, withdrawn or recalled from the market for disposal.	
Article 25(4), second subparagraph				
260	The Customs Risk Management System shall be used for the communication between the customs authorities.		The Customs Risk Management System shall be used for the communication between the customs authorities.	
Article 25(4), third subparagraph				
261	<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 Council<sup>1</sup> and shall request assistance from the other Member States and the Commission where necessary.</p> <p><sup>1</sup> 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 <b>Council</b> Regulation (EC) No 515/97 <del>of the European Parliament and of the Council</del><sup>1</sup> and shall request assistance from the other Member States and the Commission where necessary.</p> <p><sup>1</sup> 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>	
Article 26				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
262	Article 26 Obligation to carry out checks		Article 26 Obligation to carry out checks	
Article 26(1)				
263	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.	
Article 26(2), first subparagraph				
264	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, environmental authorities and other authorities with inspection functions 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, environmental authorities and other authorities with inspection functions or from competent authorities of third countries.	
Article 26(2), second subparagraph				
265	Competent authorities shall also conduct checks when they are in		Competent authorities shall also conduct checks when they are in	

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	possession of evidence or other relevant information, including based on substantiated concerns provided by third parties, concerning potential non-compliance with this Regulation.		possession of evidence or other relevant information, including based on substantiated concerns provided by third parties, concerning potential non-compliance with this Regulation.	
Article 26(2), third subparagraph				
266	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>	
Article 26(3), first subparagraph				
267	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.	
Article 26(3), second subparagraph				
268	Checks shall be carried out without prior warning of the undertaking, except where prior notification is 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		Checks shall be carried out without prior warning of the undertaking, except where prior notification is 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorities to carry out the checks provided for by this Article.		authorities to carry out the checks provided for by this Article.	
Article 26(4)				
269	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 26(5)				
270	5. At the request of another Member State, a Member State may conduct checks or other formal investigations of undertakings suspected of being engaged in the illegal movement of substances and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member State shall be informed about the result of the check.		5. At the request of another Member State, a Member State may conduct checks or other formal investigations of undertakings suspected of being engaged in the illegal movement of substances and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member State shall be informed about the result of the check.	
Article 26(6)				
271	6. In carrying out the tasks assigned to it by this Regulation, the Commission may request all necessary information from the		6. In carrying out the tasks assigned to it by this Regulation, the Commission may request all necessary information from the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.		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 26(7)				
272	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 shall take appropriate steps to protect the confidentiality of information obtained under this Article.		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 shall take appropriate steps to protect the confidentiality of information obtained under this Article.	
Chapter VII				
273	Chapter VII Penalties, committee procedure and exercise of delegation		Chapter VII Penalties, committee procedure and exercise of delegation	
Article 27				
274	Article 27 Penalties		Article 27 Penalties	


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 27(1)				
275	<p>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 = 1 year following the entry into force of this Regulation], notify the Commission of those rules and of those provisions and shall notify it, without delay, of any subsequent amendment affecting them.</p>		<p>1. <b>Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council<sup>1</sup> of 19 November 2008 on the protection of the environment through criminal law</b>, 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 =<del>1</del> 2 year following the entry into force of this Regulation], notify the Commission of those rules and of those provisions and shall notify it, without delay, of any subsequent amendment affecting them.</p> <p><b>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).</b></p>	
Article 27(2)				
276	<p>2. Without prejudice to the obligations of Member States under</p>		<p><i>deleted</i></p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 these infringements.			
Article 27(3)				
277	3. Member States shall ensure that the 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 <del>are applied considering at least</del> <b>that the penalties give due regard</b> to the following, <del>as applicable</del> <del>criteria</del> :	
Article 27(3), point (a)				
278	(a) the nature and gravity of the infringement;		(a) the nature and gravity of the infringement;	
Article 27(3), point (b)				
279	(b) the intentional or negligent character of the infringement;		<i>deleted</i>	
Article 27(3), point (ba)				
279a			<b>(bbis) the human population or the environment affected by the infringement, taking into account</b>	

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			the need to ensure a high level of protection of human health and the environment;	
Article 27(3), point (c)				
280	(c) any previous infringements of this Regulation by the undertaking held responsible;		(c) any previous infringements of this Regulation by the undertaking held responsible;	
Article 27(3), point (d)				
281	(d) the financial situation of the undertaking held responsible;		(d) the financial situation of the undertaking held responsible;	
Article 27(3), point (e)				
282	(e) the economic benefits derived or expected to be derived from the infringement.		<i>deleted</i>	
Article 27(4)				
283	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>	
Article 27(4), point (a)				
284	(a) fines;			

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			<i>deleted</i>	
<i>Article 27(4), point (b)</i>				
285	(b) confiscation or seizure of illegally obtained goods or of revenues gained by the undertaking from the infringement;		<i>deleted</i>	
<i>Article 27(4), point (c)</i>				
286	(c) suspension or revocation of the authorisation to carry out activities as these fall under the scope of this Regulation.	(c) <u>temporary</u> suspension or revocation of the authorisation to carry out activities as these fall under the scope of this Regulation.	<i>deleted</i>	
<i>Article 27(5), first subparagraph</i>				
287	5. In cases of unlawful production, import, export, placing on the market, or use of ozone depleting substances listed in Annex I or of products and equipment containing those substances or whose functioning relies upon those substances, Member States shall envisage maximum administrative fines of at least five times the market value of the concerned substances 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	5. In cases of unlawful production, import, export, placing on the market, or use of ozone depleting substances listed in Annex I or of products and equipment containing those substances or whose functioning relies upon those substances; Member States shall <del>envisage</del> <u>set out minimum administrative fines of at least four times the market value of the ozone depleting substances or products and equipment concerned and</u> maximum administrative fines of at least <del>five</del> <u>six</u> times the market value of the concerned substances or	<i>deleted</i>	

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	least eight times the market value of the concerned substances or products and equipment concerned.	products and equipment concerned. In case of a repeated infringement within a five-year period, the Member States shall <del>envisage</del> <u>set out minimum administrative fines of at least seven times the value of the ozone depleting substances or products and equipment concerned</u> and maximum administrative fines of at least <del>eight</del> <u>ten</u> times the market value of the concerned substances or products and equipment concerned.		
Article 27(5), second subparagraph				
288	In cases of infringements of Article 21(1), the potential impact on the climate shall be reflected by taking into account the carbon price in the determination of an administrative fine.		<i>deleted</i>	
288a		<u>Article 27a</u> <u>Member States shall ensure that where administrative fines are to be imposed pursuant to Article 27(5), the administrative fines may be imposed either by way of administrative procedures or by initiating proceedings for the imposition of fines, or both.</u>		
Article 28				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
289	Article 28 Committee procedure		Article 28 Committee procedure	
Article 28(1)				
290	1. The Commission shall be assisted by the Committee on ozone depleting substances. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.		1. The Commission shall be assisted by the Committee on ozone depleting substances. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
Article 28(2)				
291	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.	
Article 29				
292	Article 29 Exercise of the delegation		Article 29 Exercise of the delegation	
Article 29(1)				
293	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 29(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
294	2. The power to adopt delegated acts referred to in Article 7(4), Article 8(7), Article 9(3), Article 16(13), Article 18, Article 19(2), Article 20(8), Article 22, Article 23(3) and Article 24(4) 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 <a href="#">Article 6(1)</a> , Article 7(4), Article 8(7), Article 9(3), Article 16(13), Article 18, Article 19(2), Article 20(8), Article 22, Article 23(3) and Article 24(4) 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 7(4), Article 8(7), Article 9(3), Article 16(13), Article 18, Article 19(2), Article 20(8), Article 22, Article 23(3) and Article 24(4) shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation]	
Article 29(3)				
295	3. The delegation of power referred to in Article 7(4), Article 8(7), Article 9(3), Article 16(13), Article 18, Article 19(2), Article 20(8), Article 22, Article 23(3) and Article 24(4) 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.		3. The delegation of power referred to in Article 7(4), Article 8(7), Article 9(3), Article 16(13), Article 18, Article 19(2), Article 20(8), Article 22, Article 23(3) and Article 24(4) 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 29(4)				
296	4. Before adopting a delegated act,		4. Before adopting a delegated act,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.		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 29(5)				
297	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 29(6)				
298	6. A delegated act adopted pursuant to Article 7(4), Article 8(7), Article 9(3), Article 16(13), Article 18, Article 19(2), Article 20(8), Article 22, Article 23(3) and Article 24(4) 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 Article 7(4), Article 8(7), Article 9(3), Article 16(13), Article 18, Article 19(2), Article 20(8), Article 22, Article 23(3) and Article 24(4) 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Chapter VIII				
299	Chapter VIII Transitional and final provisions		Chapter VIII Transitional and final provisions	
Article 30				
300	Article 30 Review		Article 30 Review	
Article 30, first paragraph				
301	By 1 January 2033, the Commission shall publish a report on the implementation of this Regulation.	By 1 January <del>2033</del> 2030, the Commission shall <del>publish</del> present a report <u>to the European Parliament and to the Council</u> on the implementation <u>and effectiveness</u> of this Regulation. <u>The Commission shall assess in particular the availability of alternatives to ozone depleting substances for which a derogation is granted under Articles 6, 7, 8 and 9. The Commission shall also assess the impact of this Regulation on the fight against the illegal trade of ozone depleting substances. Following the presentation of that report and the assessments requested, the Commission may, if appropriate, submit a legislative proposal.</u>  <u>The European Scientific Advisory</u>	By 1 January <del>2033</del> 2030, the Commission shall publish a report on the implementation of this Regulation.	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 (the 'Advisory Board') may, on its own initiative, provide scientific advice and issue reports regarding this Regulation. The Commission shall take into account the relevant advice and reports of the Advisory Board, in particular as regards the coherence of this Regulation with the objectives of Regulation (EC) No 401/2009 and the Union's international commitments under the Paris Agreement.</i></u>		
Article 31				
302	Article 31 Repeal			
Article 31, first paragraph				
303	Regulation (EC) No 1005/2009 is repealed.		Regulation (EC) No 1005/2009 is repealed.	
Article 31, second paragraph				
304	References to the repealed Regulation shall be construed as references to this Regulation and read in accordance with the correlation table in Annex VIII.		References to the repealed Regulation shall be construed as references to this Regulation and read in accordance with the correlation table in Annex VIII.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32				
305	Article 32 Entry into force		Article 32 Entry into force	
Article 32, first paragraph				
306	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 32, second paragraph				
307	Articles 16(14), 16(15) and 17(5) of this Regulation shall apply from:		Articles 16(14), 16(15) and 17(5) of this Regulation shall apply from:	
Article 32, second paragraph, point (a)				
308	(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 ozone depleting substances] as regards the customs procedure release for free circulation as referred to in Article 201 of Regulation (EU) No 952/2013 and export;		(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 ozone depleting substances] as regards the customs procedure release for free circulation as referred to in Article 201 of Regulation (EU) No 952/2013 and export;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32, second paragraph, point (b)				
309	(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 ozone depleting substances] as regards import procedures other than the procedure referred to in point (a).		(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 ozone depleting substances] as regards import procedures other than the procedure referred to in point (a).	
Formula				
310	Done at Strasbourg,		Done at Strasbourg,	
Formula				
311	For the European Parliament		For the European Parliament	
Formula				
312	The President		The President	
Formula				
313	For the Council		For the Council	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
314	The President		The President	

PUBLIC

**ANNEXES to the Proposal for a Regulation of the European Parliament and of the Council  
on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009**

**2022/0100 (COD)**

(Text with EEA relevance)

**COMMISSION PROPOSAL:**

**ANNEX I**

*Ozone depleting substances referred to in Article 2(1) <sup>1</sup>*

Group	Substance			Ozone-depleting potential <sup>2</sup>	GWP <sup>3</sup>
Group I	CFCl <sub>3</sub>	CFC-11	Trichlorofluoromethane	1,0	5 560
	CF <sub>2</sub> Cl <sub>2</sub>	CFC-12	Dichlorodifluoromethane	1,0	11 200
	C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	CFC-113	Trichlorotrifluoroethane	0,8	6 520
	C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	CFC-114	Dichlorotetrafluoroethane	1,0	9 430
	C <sub>2</sub> F <sub>5</sub> Cl	CFC-115	Chloropentafluoroethane	0,6	9 600
Group II	CF <sub>3</sub> Cl	CFC-13	Chlorotrifluoromethane	1,0	16 200
	C <sub>2</sub> FCl <sub>5</sub>	CFC-111	Pentachlorofluoroethane	1,0	(*)
	C <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	CFC-112	Tetrachlorodifluoroethane	1,0	4 620

<sup>1</sup> The Annex includes the substances listed therein and their isomers, whether alone or in a mixture.

<sup>2</sup> The figures relating to ozone-depleting potential are estimates based on existing knowledge and will be reviewed and revised periodically in the light of decisions taken by the Parties.

<sup>3</sup> Based on the Sixth Assessment Report, Chapter 7: The Earth's energy budget, climate feedbacks, and climate sensitivity - Supplementary Material adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

\* Default value, global warming potential not yet available.

Group	Substance			Ozone-depleting potential <sup>2</sup>	GWP <sup>3</sup>
	C <sub>3</sub> FCI <sub>7</sub>	CFC-211	Heptachlorofluoropropane	1,0	(*)
	C <sub>3</sub> F <sub>2</sub> Cl <sub>6</sub>	CFC-212	Hexachlorodifluoropropane	1,0	(*)
	C <sub>3</sub> F <sub>3</sub> Cl <sub>5</sub>	CFC-213	Pentachlorotrifluoropropane	1,0	(*)
	C <sub>3</sub> F <sub>4</sub> Cl <sub>4</sub>	CFC-214	Tetrachlorotetrafluoropropane	1,0	(*)
	C <sub>3</sub> F <sub>5</sub> Cl <sub>3</sub>	CFC-215	Trichloropentafluoropropane	1,0	(*)
	C <sub>3</sub> F <sub>6</sub> Cl <sub>2</sub>	CFC-216	Dichlorohexafluoropropane	1,0	(*)
	C <sub>3</sub> F <sub>7</sub> Cl	CFC-217	Chloroheptafluoropropane	1,0	(*)
Group III	CF <sub>2</sub> BrCl	halon-1211	Bromochlorodifluoromethane	3,0	1 930
	CF <sub>3</sub> Br	halon-1301	Bromotrifluoromethane	10,0	7 200
	C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub>	halon-2402	Dibromotetrafluoroethane	6,0	2 170
	CBr <sub>2</sub> F <sub>2</sub>	halon-1202	Dibromodifluoromethane	1,25	216
Group IV	CCl <sub>4</sub>	CTC	Tetrachloromethane (carbon tetrachloride)	1,1	2 200
Group V	C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub> <sup>4</sup>	1,1,1-TCA	1,1,1-Trichloroethane (methylchloroform)	0,1	161
Group VI	CH <sub>3</sub> Br	methyl bromide	Bromomethane	0,6	2,43
Group VII	CHFB <sub>2</sub>	HBFC-21 B2	Dibromofluoromethane	1,00	(*)
	CHF <sub>2</sub> Br	HBFC-	Bromodifluoromethane	0,74	380

<sup>4</sup> This formula does not refer to 1,1,2-trichloroethane.

Group	Substance			Ozone-depleting potential <sub>2</sub>	GWP <sup>3</sup>
		22 B1			
	CH <sub>2</sub> FBr	HBFC-31 B1	Bromofluoromethane	0,73	(*)
	C <sub>2</sub> HFBr <sub>4</sub>	HBFC-121 B4	Tetrabromofluoroethane	0,8	(*)
	C <sub>2</sub> HF <sub>2</sub> Br <sub>3</sub>	HBFC-122 B3	Tribromodifluoroethane	1,8	(*)
	C <sub>2</sub> HF <sub>3</sub> Br <sub>2</sub>	HBFC-123 B2	Dibromotrifluoroethane	1,6	(*)
	C <sub>2</sub> HF <sub>4</sub> Br	HBFC-124 B1	Bromotetrafluoroethane	1,2	201
	C <sub>2</sub> H <sub>2</sub> FBr <sub>3</sub>	HBFC-131 B3	Tribromofluoroethane	1,1	(*)
	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub>	HBFC-132 B2	Dibromodifluoroethane	1,5	(*)
	C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br	HBFC-133 B1	Bromotrifluoroethane	1,6	177
	C <sub>2</sub> H <sub>3</sub> FBr <sub>2</sub>	HBFC-141 B2	Dibromofluoroethane	1,7	(*)
	C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Br	HBFC-142 B1	Bromodifluoroethane	1,1	(*)
	C <sub>2</sub> H <sub>4</sub> FBr	HBFC-151 B1	Bromofluoroethane	0,1	(*)
	C <sub>3</sub> HFBBr <sub>6</sub>	HBFC-221 B6	Hexabromofluoropropane	1,5	(*)
	C <sub>3</sub> HF <sub>2</sub> Br <sub>5</sub>	HBFC-222 B5	Pentabromodifluoropropane	1,9	(*)
	C <sub>3</sub> HF <sub>3</sub> Br <sub>4</sub>	HBFC-223 B4	Tetrabromotrifluoropropane	1,8	(*)
	C <sub>3</sub> HF <sub>4</sub> Br <sub>3</sub>	HBFC-224 B3	Tribromotetrafluoropropane	2,2	(*)
	C <sub>3</sub> HF <sub>5</sub> Br <sub>2</sub>	HBFC-	Dibromopentafluoropropane	2,0	(*)

Group	Substance			Ozone-depleting potential <sub>2</sub>	GWP <sup>3</sup>
		225 B2			
	C <sub>3</sub> HF <sub>6</sub> Br	HBFC-226 B1	Bromohexafluoropropane	3,3	(*)
	C <sub>3</sub> H <sub>2</sub> FBr <sub>5</sub>	HBFC-231 B5	Pentabromofluoropropane	1,9	(*)
	C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>4</sub>	HBFC-232 B4	Tetrabromodifluoropropane	2,1	(*)
	C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>3</sub>	HBFC-233 B3	Tribromotrifluoropropane	5,6	(*)
	C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Br <sub>2</sub>	HBFC-234 B2	Dibromotetrafluoropropane	7,5	(*)
	C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Br	HBFC-235 B1	Bromopentafluoropropane	1,4	(*)
	C <sub>3</sub> H <sub>3</sub> FBr <sub>4</sub>	HBFC-241 B4	Tetrabromofluoropropane	1,9	(*)
	C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Br <sub>3</sub>	HBFC-242 B3	Tribromodifluoropropane	3,1	(*)
	C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Br <sub>2</sub>	HBFC-243 B2	Dibromotrifluoropropane	2,5	(*)
	C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Br	HBFC-244 B1	Bromotetrafluoropropane	4,4	(*)
	C <sub>3</sub> H <sub>4</sub> FBr <sub>3</sub>	HBFC-251 B1	Tribromofluoropropane	0,3	(*)
	C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Br <sub>2</sub>	HBFC-252 B2	Dibromodifluoropropane	1,0	(*)
	C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Br	HBFC-253 B1	Bromotrifluoropropane	0,8	(*)
	C <sub>3</sub> H <sub>5</sub> FBr <sub>2</sub>	HBFC-261 B2	Dibromofluoropropane	0,4	(*)
	C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Br	HBFC-262 B1	Bromodifluoropropane	0,8	(*)
	C <sub>3</sub> H <sub>6</sub> FBr	HBFC-	Bromofluoropropane	0,7	(*)



Group	Substance			Ozone-depleting potential <sup>2</sup>	GWP <sup>3</sup>
		271 B1			
Group VIII	CHFC <sub>2</sub>	HCFC-21 <sup>5</sup>	Dichlorofluoromethane	0,040	160
	CHF <sub>2</sub> Cl	HCFC-22 <sup>4</sup>	Chlorodifluoromethane	0,055	1 960
	CH <sub>2</sub> FCI	HCFC-31	Chlorofluoromethane	0,020	79,4
	C <sub>2</sub> HFCl <sub>4</sub>	HCFC-121	Tetrachlorofluoroethane	0,040	58,3
	C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub>	HCFC-122	Trichlorodifluoroethane	0,080	56,4
	C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub>	HCFC-123 <sup>4</sup>	Dichlorotrifluoroethane	0,020	90,4
	C <sub>2</sub> HF <sub>4</sub> Cl	HCFC-124 <sup>4</sup>	Chlorotetrafluoroethane	0,022	597
	C <sub>2</sub> H <sub>2</sub> FCI <sub>3</sub>	HCFC-131	Trichlorofluoroethane	0,050	30 <sup>6</sup>
	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub>	HCFC-132	Dichlorodifluoroethane	0,050	122
	C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl	HCFC-133	Chlorotrifluoroethane	0,060	275 <sup>5</sup>
	C <sub>2</sub> H <sub>3</sub> FCI <sub>2</sub>	HCFC-141	Dichlorofluoroethane	0,070	46,6
	CH <sub>3</sub> CFCl <sub>2</sub>	HCFC-141b <sup>4</sup>	1,1-Dichloro-1-fluoroethane	0,110	860
	C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl	HCFC-142	Chlorodifluoroethane	0,070	175 <sup>5</sup>
	CH <sub>3</sub> CF <sub>2</sub> Cl	HCFC-142b <sup>4</sup>	1-Chloro-1,1-difluoroethane	0,065	2 300

<sup>5</sup> Identifies the most commercially viable substance as prescribed in the Protocol.

<sup>6</sup> Scientific Assessment of Ozone Depletion: 2018; Appendix A Summary of Abundances, Lifetimes, Ozone Depletion Potentials (ODPs), Radiative Efficiencies (REs), Global Warming Potentials (GWPs), and Global Temperature change Potentials (GTPs)

Group	Substance			Ozone-depleting potential <sup>2</sup>	GWP <sup>3</sup>
	C <sub>2</sub> H <sub>4</sub> FCI	HCFC-151	Chlorofluoroethane	0,005	10 <sup>5</sup>
	C <sub>3</sub> HFCI <sub>6</sub>	HCFC-221	Hexachlorofluoropropane	0,070	110 <sup>5</sup>
	C <sub>3</sub> HF <sub>2</sub> Cl <sub>5</sub>	HCFC-222	Pentachlorodifluoropropane	0,090	500 <sup>5</sup>
	C <sub>3</sub> HF <sub>3</sub> Cl <sub>4</sub>	HCFC-223	Tetrachlorotrifluoropropane	0,080	695 <sup>5</sup>
	C <sub>3</sub> HF <sub>4</sub> Cl <sub>3</sub>	HCFC-224	Trichlorotetrafluoropropane	0,090	1 090 <sup>5</sup>
	C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub>	HCFC-225	Dichloropentafluoropropane	0,070	1 560 <sup>5</sup>
	CF <sub>3</sub> CF <sub>2</sub> CHCl <sub>2</sub>	HCFC-225ca <sup>4</sup>	3,3-Dichloro-1,1,1,2,2-pentafluoropropane	0,025	137
	CF <sub>2</sub> ClCF <sub>2</sub> CHClF	HCFC-225cb <sup>4</sup>	1,3-Dichloro-1,1,2,2,3-pentafluoropropane	0,033	568
	C <sub>3</sub> HF <sub>6</sub> Cl	HCFC-226	Chlorohexafluoropropane	0,100	2 455 <sup>5</sup>
	C <sub>3</sub> H <sub>2</sub> FCI <sub>5</sub>	HCFC-231	Pentachlorofluoropropane	0,090	350 <sup>5</sup>
	C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	HCFC-232	Tetrachlorodifluoropropane	0,100	690 <sup>5</sup>
	C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	HCFC-233	Trichlorotrifluoropropane	0,230	1 495 <sup>5</sup>
	C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	HCFC-234	Dichlorotetrafluoropropane	0,280	3 490 <sup>5</sup>
	C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Cl	HCFC-235	Chloropentafluoropropane	0,520	5 320 <sup>5</sup>
	C <sub>3</sub> H <sub>3</sub> FCI <sub>4</sub>	HCFC-241	Tetrachlorofluoropropane	0,090	450 <sup>5</sup>
	C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl <sub>3</sub>	HCFC-242	Trichlorodifluoropropane	0,130	1 025 <sup>5</sup>

Group	Substance			Ozone-depleting potential <sup>2</sup>	GWP <sup>3</sup>
	C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub>	HCFC-243	Dichlorotrifluoropropane	0,120	2 060 <sup>5</sup>
	C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Cl	HCFC-244	Chlorotetrafluoropropane	0,140	3 360 <sup>5</sup>
	C <sub>3</sub> H <sub>4</sub> FCl <sub>3</sub>	HCFC-251	Trichlorofluoropropane	0,010	70 <sup>5</sup>
	C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Cl <sub>2</sub>	HCFC-252	Dichlorodifluoropropane	0,040	275 <sup>5</sup>
	C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Cl	HCFC-253	Chlorotrifluoropropane	0,030	665 <sup>5</sup>
	C <sub>3</sub> H <sub>5</sub> FCl <sub>2</sub>	HCFC-261	Dichlorofluoropropane	0,020	84 <sup>5</sup>
	C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Cl	HCFC-262	Chlorodifluoropropane	0,020	227 <sup>5</sup>
	C <sub>3</sub> H <sub>6</sub> FCl	HCFC-271	Chlorofluoropropane	0,030	340 <sup>5</sup>
Group IX	CH <sub>2</sub> BrCl	BCM	Bromochloromethane	0,12	4,74

## **ANNEX II**

### **Ozone depleting substances referred to in Article 2(1)<sup>7</sup>**

<b>Substance</b>		<b>Ozone-depleting potential<sup>8</sup></b>	<b>GWP<sup>9</sup></b>
C <sub>3</sub> H <sub>7</sub> Br	1-Bromopropane (n-propyl bromide)	0,02 — 0,10	0,052
C <sub>2</sub> H <sub>5</sub> Br	Bromoethane (ethyl bromide)	0,1 — 0,2	0,487
CF <sub>3</sub> I	Trifluoriodomethane (trifluoromethyl iodide)	0,01 — 0,02	(*)
CH <sub>3</sub> Cl	Chloromethane (methyl chloride)	0,02	5,54
C <sub>3</sub> H <sub>2</sub> BrF <sub>3</sub>	2-bromo-3,3,3-trifluoroprop-1-en (2-BTP)	<0,05 <sup>10</sup>	(*)
CH <sub>2</sub> Cl <sub>2</sub>	Dichloromethane (DCM)	non zero <sup>11</sup>	11,2
C <sub>2</sub> Cl <sub>4</sub>	Tetrachloroethene (Perchloroethylene (PCE))	0.006 — 0.007 <sup>4</sup>	(*)

<sup>7</sup> The Annex includes the substances listed therein and their isomers, whether alone or in a mixture.

<sup>8</sup> The figures relating to ozone-depleting potential are estimates based on existing knowledge and will be reviewed and revised periodically in the light of decisions taken by the Parties.

<sup>9</sup> Based on the Sixth Assessment Report, Chapter 7: The Earth's energy budget, climate feedbacks, and climate sensitivity - Supplementary Material adopted by the Intergovernmental Panel on Climate Change, unless otherwise indicated.

\* Default value, global warming potential not yet available.

<sup>10</sup> Scientific Assessment of Ozone Depletion: 2018; Appendix A Summary of Abundances, Lifetimes, Ozone Depletion Potentials (ODPs), Radiative Efficiencies (REs), Global Warming Potentials (GWPs), and Global Temperature change Potentials (GTPs)

<sup>11</sup> New Ozone-Depleting substances that have been reported by the Parties: Decisions XIII/5, X/8 and IX/24 (Updated May 2012). [https://ozone.unep.org/resources?term\\_node\\_tid\\_depth%5B883%5D=883](https://ozone.unep.org/resources?term_node_tid_depth%5B883%5D=883)

### **ANNEX III**

#### **Process agents**

Processes referred to in Article 7 shall be any of the following:

- (a) use of carbon tetrachloride for the elimination of nitrogen trichloride in the production of chlorine and caustic soda;
- (b) use of carbon tetrachloride in the manufacture of chlorinated rubber;
- (c) use of carbon tetrachloride in the manufacture of poly-phenylene-terephthalamide;
- (d) use of CFC-12 in the photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives;
- (e) use of carbon tetrachloride in production of cyclodime.

The maximum amount of ozone depleting substances that may be used as process agents within the Union shall not exceed 921 metric tonnes per year. The maximum amount of ozone depleting substances that may be released from process agent uses within the Union shall not exceed 15 metric tonnes per year.

#### **ANNEX IV**

##### **Conditions for the placing on the market and further distribution of ozone depleting substances for essential laboratory and analytical uses referred to in Article 8(6)**

1. Ozone depleting substances for essential laboratory and analytical uses shall be of the following purities:

<b>Substance</b>	<b>%</b>
CTC (reagent grade)	99,5
1,1,1-trichloroethane	99,0
CFC 11	99,5
CFC 13	99,5
CFC 12	99,5
CFC 113	99,5
CFC 114	99,5
Other ozone depleting substances with a boiling point > 20 °C	99,5
Other ozone depleting substances with a boiling point < 20 °C	99,0

These ozone depleting substances may be subsequently mixed by producers, agents, or distributors with other chemicals whether or not subject to control under the Protocol as is customary for laboratory and analytical uses.

2. Ozone depleting substances referred to in point 1 and mixtures containing those substances shall be supplied only in re-closable containers or high pressure cylinders smaller than three litres or in 10 millilitre or smaller glass ampoules, marked clearly as substances that deplete the ozone layer, restricted to laboratory and analytical uses and specifying that used or surplus substances are to be collected and recycled, if practical. The material shall be destroyed if recycling is not practical.
3. Used or surplus ozone depleted substances referred to in point 1 and mixtures containing those substances shall be collected and recycled if practical. Those substances and their mixtures shall be destroyed, if recycling is not practical.

#### **EP MANDATE:**

*(no amendments to Commission proposal)*

## **COUNCIL MANDATE:**

### **ANNEX IV**

#### **Conditions for the placing on the market and further distribution of ozone depleting substances for essential laboratory and analytical uses referred to in Article 8(6)**

1. Ozone depleting substances for essential laboratory and analytical uses shall be of the following purities:

<b>Substance</b>	<b>%</b>
CTC (reagent grade)	99,5
1,1,1-trichloroethane	99,0
CFC 11	99,5
CFC 13	99,5
CFC 12	99,5
CFC 113	99,5
CFC 114	99,5
Other ozone depleting substances with a boiling point > 20 °C	99,5
Other ozone depleting substances with a boiling point < 20 °C	99,0

These ozone depleting substances may be subsequently mixed by producers, agents, or distributors with other chemicals whether or not subject to control under the Protocol as is customary for laboratory and analytical uses.

2. Ozone depleting substances referred to in point 1 and mixtures containing those substances shall be supplied only in re-closable containers or high pressure cylinders smaller than three litres-dm<sup>3</sup> or in 10 millilitre cm<sup>3</sup> or smaller glass ampoules, marked clearly as substances that deplete the ozone layer, restricted to laboratory and analytical uses and specifying that used or surplus substances are to be collected and recycled, if practical. The material shall be destroyed if recycling is not practical.
3. Used or surplus ozone depleted substances referred to in point 1 and mixtures containing those substances shall be collected and recycled if practical. Those substances and their mixtures shall be destroyed, if recycling is not practical.

## **COMMISSION PROPOSAL:**

### **ANNEX V**

#### **Critical uses of halon referred to in Article 9(1)**

For the purposes of this Annex, the following definitions shall apply:

1. 'cut-off date' means the date after which halons shall not be used for fire extinguishers or fire protection systems in new equipment and new facilities for the application concerned;
2. 'new equipment' means equipment for which, by the cut-off date, neither of the following events has occurred:
  - (a) signature of the relevant procurement or development contract;
  - (b) submission of a request for type approval or type certification to the appropriate regulatory authority. For aircraft, submission of a request for type certification refers to a submission of a request for a new aircraft type certification;
3. 'new facilities' means facilities for which, by the cut-off date, neither of the following events has occurred:
  - (a) signature of the relevant development contract;
  - (b) submission of a request for planning consent to the appropriate regulatory authority;
4. 'end date' means the date after which halons shall not be used for the application concerned and by which date the fire extinguishers or fire protection systems containing halons shall be decommissioned;
5. 'inerting' means preventing the initiation of combustion of a flammable or explosive atmosphere by means of the addition of an inhibiting or diluting agent;
6. 'normally occupied space' means a protected space in which it is necessary for persons to be present most or all of the time in order for the equipment or facility to function effectively. For military applications, the occupancy status of the protected space would be that applicable during a combat situation;
7. 'normally unoccupied space' means a protected space that is occupied for limited periods only, in particular for undertaking maintenance, and where the continual presence of persons is not necessary for the effective functioning of the equipment or facility.



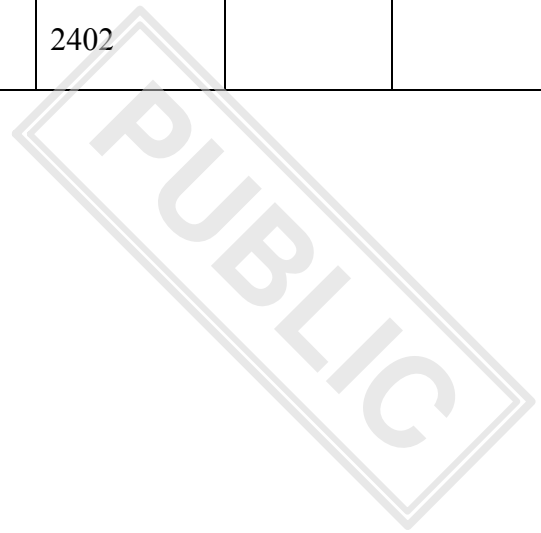
<b>CRITICAL USES OF HALONS</b>					
<b>Application</b>				<b>Cut-off date</b>	<b>End date</b>
<b>Category of equipment or facility</b>	<b>Purpose</b>	<b>Type of extinguisher</b>	<b>Type of halon</b>	<b>(31 December of the stated year)</b>	<b>(31 December of the stated year)</b>
1.On military ground vehicles	1.1. For the protection of engine compartments	Fixed system	1301 1211 2402	<b>2010</b>	<b>2035</b>
	1.2. For the protection of crew compartments	Fixed system	1301 2402	<b>2011</b>	<b>2040</b>
2.On military surface ships	2.1. For the protection of normally occupied machinery spaces	Fixed system	1301 2402	<b>2010</b>	<b>2040</b>
	2.2. For the protection of normally unoccupied engine spaces	Fixed system	1301 1211 2402	<b>2010</b>	<b>2035</b>
	2.3. For the protection of normally unoccupied electrical compartments	Fixed system	1301 1211	<b>2010</b>	<b>2030</b>
	2.4. For the protection of command centres	Fixed system	1301	<b>2010</b>	<b>2030</b>
	2.5. For the protection of fuel pump rooms	Fixed system	1301	<b>2010</b>	<b>2030</b>

	2.6. For the protection of flammable liquid storage compartments	Fixed system	1301 1211 2402	<b>2010</b>	<b>2030</b>
3.On military submarines	3.1. For the protection of machinery spaces	Fixed system	1301	<b>2010</b>	<b>2040</b>
	3.2. For the protection of command centres	Fixed system	1301	<b>2010</b>	<b>2040</b>
	3.3. For the protection of diesel generator spaces	Fixed system	1301	<b>2010</b>	<b>2040</b>
	3.4. For the protection of electrical compartments	Fixed system	1301	<b>2010</b>	<b>2040</b>
4.On aircraft	4.1. For the protection of normally unoccupied cargo compartments	Fixed system	1301 1211 2402	<b>2024</b>	<b>2040</b>
	4.2. For the protection of cabins and crew compartments	Portable extinguisher	1211 2402	<b>2014</b>	<b>2025</b>
	4.3. For the protection of engine nacelles and auxiliary power units	Fixed system	1301 1211 2402	<b>2014</b>	<b>2040</b>
	4.4. For the inerting of fuel tanks	Fixed system	1301 2402	<b>2011</b>	<b>2040</b>
	4.6. For the protection of	Fixed system	1301	<b>2011</b>	<b>2040</b>

	dry bays		1211		
			2402		

**EP MANDATE:**

*(no amendments to Commission proposal)*



## **COUNCIL MANDATE:**

### **ANNEX V**

#### **Critical uses of halon referred to in Article 9(1)**

For the purposes of this Annex, the following definitions shall apply:

1. 'cut-off date' means the date after which halons shall not be used for fire extinguishers or fire protection systems in new equipment and new facilities for the application concerned;
2. 'new equipment' means equipment for which, by the cut-off date, neither of the following events has occurred:
  - (a) signature of the relevant procurement or development contract;
  - (b) submission of a request for type approval or type certification to the appropriate regulatory authority. For aircraft, submission of a request for type certification refers to a submission of a request for a new aircraft type certification;
3. 'new facilities' means facilities for which, by the cut-off date, neither of the following events has occurred:
  - (a) signature of the relevant development contract;
  - (b) submission of a request for planning consent to the appropriate regulatory authority;
4. 'end date' means the date after which halons shall not be used for the application concerned and by which date the fire extinguishers or fire protection systems containing halons shall be decommissioned;
5. 'inerting' means preventing the initiation of combustion of a flammable or explosive atmosphere by means of the addition of an inhibiting or diluting agent;
6. 'normally occupied space' means a protected space in which it is necessary for persons to be present most or all of the time in order for the equipment or facility to function effectively. For military applications, the occupancy status of the protected space ~~would be~~ is that applicable during a combat situation;
7. 'normally unoccupied space' means a protected space that is occupied for limited periods only, in particular for undertaking maintenance, and where the continual presence of persons is not necessary for the effective functioning of the equipment or facility.

CRITICAL USES OF HALONS					
Application				Cut-off date	End date
Category of equipment or facility	Purpose	Type of extinguisher	Type of halon	(31 December of the stated year)	(31 December of the stated year)
1.On military ground vehicles	1.1. For the protection of engine compartments	Fixed system	1301 1211 2402	<b>2010</b>	<b>2035</b>
	1.2. For the protection of crew compartments	Fixed system	1301 2402	<b>2011</b>	<b>2040</b>
2.On military surface ships	2.1. For the protection of normally occupied machinery spaces	Fixed system	1301 2402	<b>2010</b>	<b>2040</b>
	2.2. For the protection of normally unoccupied engine spaces	Fixed system	1301 1211 2402	<b>2010</b>	<b>2035</b>
	2.3. For the protection of normally unoccupied electrical compartments	Fixed system	1301 1211	<b>2010</b>	<b>2030</b>
	2.4. For the protection of command centres	Fixed system	1301	<b>2010</b>	<b>2030</b>
	2.5. For the protection of fuel pump rooms	Fixed system	1301	<b>2010</b>	<b>2030</b>
	2.6. For the	Fixed system	1301	<b>2010</b>	<b>2030</b>

	protection of flammable liquid storage compartments		1211 2402		
3.On military submarines	3.1. For the protection of machinery spaces	Fixed system	1301	<b>2010</b>	<b>2040</b>
	3.2. For the protection of command centres	Fixed system	1301	<b>2010</b>	<b>2040</b>
	3.3. For the protection of diesel generator spaces	Fixed system	1301	<b>2010</b>	<b>2040</b>
	3.4. For the protection of electrical compartments	Fixed system	1301	<b>2010</b>	<b>2040</b>
4.On aircraft	4.1. For the protection of normally unoccupied cargo compartments	Fixed system	1301 1211 2402	<b>2024</b>	<b>2040</b>
	4.2. For the protection of cabins and crew compartments	Portable extinguisher	1211 2402	<b>2014</b>	<b>2025</b>
	4.3. For the protection of engine nacelles and auxiliary power units	Fixed system	1301 1211 2402	<b>2014</b>	<b>2040</b>
	4.4. For the inerting of fuel tanks	Fixed system	1301 2402	<b>2011</b>	<b>2040</b>
	4.6. For the protection of	Fixed system	1301	<b>2011</b>	<b>2040</b>

	dry bays		1211 2402		
<b>5. In land-based command and communications facilities essential to national security</b>	<b>For the protection of normally occupied spaces</b>	<b>Fixed system</b>	<b>1301 2402</b>	<b>2010</b>	<b>2025</b>

## **COMMISSION PROPOSAL:**

### **ANNEX VI**

#### **Reporting referred to in Article 24**

1. For the purpose of this Annex, production covers the amount of ozone depleting substances produced intentionally or inadvertently, including as a by-product unless that by-product is destroyed as part of the manufacturing process or following a documented procedure in compliance with this Regulation and Union and national legislation on waste, but not including the amounts recycled or reclaimed.
2. Each producer shall communicate the following data separately for each ozone depleting substance:
  - (a) its total production;
  - (b) any production placed on the market or used for the producer's own account within the Union, separately identifying production for feedstock, process agent and other uses;
  - (c) any production to meet the essential laboratory and analytical uses in the Union;
  - (d) any production to satisfy essential laboratory and analytical uses of another Party to the Protocol;
  - (e) any quantity recycled, reclaimed or destroyed and the technology used for the destruction, including amounts produced and destroyed as by-product as referred to in point 1;
  - (f) any stocks;
  - (g) any purchases from and sales to other undertakings in the Union;
  - (h) any emissions, including those related to production, by-production, storage and transport, including the transfer from one container to another.
3. Each importer shall communicate the following data separately for each ozone depleting substance:
  - (a) any quantities released for free circulation in the Union, separately identifying imports for feedstock and process agent uses, for essential laboratory and analytical uses and for destruction. Importers which imported controlled substances for destruction shall also communicate the actual final destination or destinations of each of the substances, providing separately for each destination the quantity of each of the substances and the name and address of destruction facility where the substance was delivered;
  - (b) any quantities imported under other customs procedures separately identifying the customs procedure and the designated uses;
  - (c) any quantities of used substances imported for recycling or reclamation;
  - (d) any stocks;
  - (e) any purchases from and sales to other undertakings in the Union;
  - (f) the origin country.
4. Each exporter shall communicate the following data separately for each ozone depleting substance:



- (a) any quantities of such substances exported, separately identifying quantities exported to each country of destination and quantities exported for feedstock and process agent uses, essential laboratory and analytical uses and critical uses;
- (b) any stocks;
- (c) any purchases from and sales to other undertakings in the Union;
- (d) the country of origin.

5. Each undertaking destroying ozone depleting substances and not covered by point 2(e) of this Annex, shall communicate the following data, separately for each substance:

- (a) any quantities destroyed, including quantities contained in products or equipment;
- (b) any stocks waiting to be destroyed, including quantities contained in products or equipment;
- (c) the technology used for the destruction;
- (d) any emissions, including those linked to destruction, transport and storage, including the transfer from one container to another.

Each undertaking destroying ozone depleting substances listed in Annex I and not covered by point 2(e) of this Annex shall also communicate data on any purchases from and sales to other undertakings in the Union.

6. Each undertaking using as feedstock or process agents ozone depleting substances, shall communicate the following data, separately for each substance:

- (a) any quantities used as feedstock or process agents;
- (b) any stocks;
- (c) the processes and any emissions, including those linked to transport and storage, including the transfer from one container to another.

Each undertaking using as feedstock or process agents ozone depleting substances listed in Annex I shall also communicate data on any purchases from and sales to other undertakings in the Union.

## **EP MANDATE:**

### **ANNEX VI**

#### **Reporting referred to in Article 24**

1. For the purpose of this Annex, production covers the amount of ozone depleting substances produced intentionally or inadvertently, including as a by-product unless that by-product is destroyed as part of the manufacturing process or following a documented procedure in compliance with this Regulation and Union and national legislation on waste, but not including the amounts recycled or reclaimed.
2. Each producer shall communicate the following data separately for each ozone depleting substance:
  - (a) its total production;
  - (b) any production placed on the market or used for the producer's own account within the Union, separately identifying production for feedstock, process agent and other uses;
  - (c) any production to meet the essential laboratory and analytical uses in the Union;
  - (d) any production to satisfy essential laboratory and analytical uses of another Party to the Protocol;
  - (e) any quantity recycled, reclaimed or destroyed and the technology used for the destruction, including amounts produced and destroyed as by-product as referred to in point 1;
  - (f) any stocks ***held at the beginning and the end of the reporting period***; (g) any purchases from and sales to other undertakings in the Union;
  - (h) any emissions, including those related to production, by-production, storage and transport, including the transfer from one container to another.
3. Each importer shall communicate the following data separately for each ozone depleting substance:
  - (b) any quantities released for free circulation in the Union, separately identifying imports for feedstock and process agent uses, for essential laboratory and analytical uses and for destruction. Importers which imported controlled substances for destruction shall also communicate the actual final destination or destinations of each of the substances, providing separately for each destination the quantity of each of the substances and the name and address of destruction facility where the substance was delivered;
  - (b) any quantities imported under other customs procedures separately identifying the customs procedure and the designated uses;
  - (c) any quantities of used substances imported for recycling or reclamation;
  - (d) any stocks ***held at the beginning and the end of the reporting period***;
  - (e) any purchases from and sales to other undertakings in the Union;
  - (f) the origin country.

4. Each exporter shall communicate the following data separately for each ozone depleting substance:
- (a) any quantities of such substances exported, separately identifying quantities exported to each country of destination and quantities exported for feedstock and process agent uses, essential laboratory and analytical uses and critical uses;
  - (b) any stocks ***held at the beginning and the end of the reporting period***;
  - (c) any purchases from and sales to other undertakings in the Union;
  - (d) the country of origin.
5. Each undertaking destroying ozone depleting substances and not covered by point 2(e) of this Annex, shall communicate the following data, separately for each substance:
- (a) any quantities destroyed, including quantities contained in products or equipment ***and quantities destroyed as by-products***;
  - (b) any stocks, ***held at the beginning and the end of the reporting period***, waiting to be destroyed, including quantities contained in products or equipment;;
  - (c) the technology used for the destruction;
  - (d) any emissions, including those linked to destruction, transport and storage, including the transfer from one container to another.

Each undertaking destroying ozone depleting substances and not covered by point 2(e) of this Annex shall also communicate data on any purchases from and sales to other undertakings in the Union.

6. Each undertaking using as feedstock or process agents ozone depleting substances, shall communicate the following data, separately for each substance:
- (a) any quantities used as feedstock or process agents;
  - (b) any stocks ***held at the beginning and the end of the reporting period***;
  - (c) the ***types of feedstock uses and*** processes and any emissions, including those linked to transport and storage, including the transfer from one container to another.

Each undertaking using as feedstock or process agents ozone depleting substances shall also communicate data on any purchases from and sales to other undertakings in the Union.

## **COUNCIL MANDATE:**

### **ANNEX VI**

#### **Reporting referred to in Article 24**

7. For the purpose of this Annex, production covers the amount of ozone depleting substances produced intentionally or inadvertently, including as a by-product unless that by-product is destroyed as part of the manufacturing process or following a documented procedure in compliance with this Regulation and Union and national legislation on waste, but not including the amounts recycled or reclaimed.
8. Each producer shall communicate the following data separately for each ozone depleting substance:
  - (a) its total production;
  - (b) any production placed on the market or used for the producer's own account within the Union, separately identifying production for feedstock, process agent and other uses;
  - (c) any production to meet the essential laboratory and analytical uses in the Union;
  - (d) any production to satisfy essential laboratory and analytical uses of another Party to the Protocol;
  - (e) any quantity recycled, reclaimed or destroyed and the technology used for the destruction, including amounts produced and destroyed as by-product as referred to in point 1;
  - (f) any stocks **held at the beginning and the end of the reporting period**;
  - (g) any purchases from and sales to other undertakings in the Union;
  - (h) any emissions, including those related to production, by-production, storage and transport, including the transfer from one container to another.
9. Each importer shall communicate the following data separately for each ozone depleting substance:
  - (c) any quantities released for free circulation in the Union, separately identifying imports for feedstock and process agent uses, for essential laboratory and analytical uses and for destruction. Importers which imported controlled substances for destruction shall also communicate the actual final destination or destinations of each of the substances, providing separately for each destination the quantity of each of the substances and the name and address of destruction facility where the substance was delivered;
  - (b) any quantities imported under other customs procedures separately identifying the customs procedure and the designated uses;
  - (c) any quantities of used substances imported for recycling or reclamation;
  - (d) any stocks **held at the beginning and the end of the reporting period**;

- (e) any purchases from and sales to other undertakings in the Union;
  - (f) the origin country.
10. Each exporter shall communicate the following data separately for each ozone depleting substance:
- (a) any quantities of such substances exported, separately identifying quantities exported to each country of destination and quantities exported for feedstock and process agent uses, essential laboratory and analytical uses and critical uses;
  - (b) any stocks **held at the beginning and the end of the reporting period;**
  - (c) any purchases from and sales to other undertakings in the Union;
  - (d) the country of origin.
11. Each undertaking destroying ozone depleting substances and not covered by point 2(e) of this Annex, shall communicate the following data, separately for each substance:
- (a) any quantities destroyed, ~~including~~ **specifying separately any** quantities contained in products or equipment;
  - (b) any stocks waiting to be destroyed, including quantities contained in products or equipment;
  - (c) the technology used for the destruction;
  - (d) any emissions, including those linked to destruction, transport and storage, including the transfer from one container to another.

Each undertaking destroying ozone depleting substances listed in Annex I and not covered by point 2(e) of this Annex shall also communicate data on any purchases from and sales to other undertakings in the Union.

12. Each undertaking using as feedstock or process agents ozone depleting substances, shall communicate the following data, separately for each substance:
- (a) any quantities used as feedstock or process agents;
  - (b) any stocks **held at the beginning and the end of the reporting period;**
  - (c) the processes and any emissions, including those linked to transport and storage, including the transfer from one container to another.

Each undertaking using as feedstock or process agents ozone depleting substances listed in Annex I shall also communicate data on any purchases from and sales to other undertakings in the Union.

## **COMMISSION PROPOSAL:**

### **ANNEX VII**

#### **Licensing System**

1. Undertakings shall provide the following information to the Commission for registration purposes in the licensing system referred to in Article 16:
  - (a) the undertaking's contact details, including a telephone number, name as it appears in relevant official documents and its full address including, where applicable, of the only representative referred to in Article 16(3);
  - (b) the Economic Operators Registration and Identification (EORI) number;
  - (c) the full name and electronic address of a contact person of the undertaking including where applicable, of the only representative referred to in Article 16(3);
  - (d) a description of the undertaking's business activities (including whether the undertaking is an importer of substances or exporter of substances);
  - (e) written confirmation of the undertaking's intention to register confirming the correctness and accuracy of the information provided in the licensing system, signed by a beneficial owner or employee of the undertaking who is authorised to make legally binding statements on behalf of the undertaking, and, where applicable, also by the undertaking's only representative referred to in Article 16(3);
  - (f) any other information necessary for the identification of the legal or financial format or business specifications of the undertaking.
2. Undertakings shall provide the following information to the Commission for the purpose of applying for a licence required under Article 13(2) and Article 14(3), via an electronic format provided by the licensing system:
  - (a) in the case of imports or exports of ozone depleting substances, a description of each of these substances, including:
    - (i) the name and intended use of the substance;
    - (ii) the tariff classification number of the goods in the integrated Tariff of the European Union 'TARIC';
    - (iii) whether the substance is in a mixture.
  - (b) In the case of imports or exports of products and equipment containing, or whose functioning relies upon, ozone depleting substances:
    - (i) the type and intended use of the products and equipment;
    - (ii) the name of the substance;
    - (iii) the tariff classification number of the goods in the integrated Tariff of the European Union 'TARIC'.
  - (c) in the case of imports of controlled substances or products and equipment for destruction, the name(s) and address(es) of the facility(ies) where they will be destroyed;
  - (d) any further information deemed necessary to ensure the correct implementation of the import and export rules under this Regulation and in accordance with international obligations.

## **ANNEX VIII**

### **Correlation table**

<b>Regulation (EC) No 1005/2009</b>	<b>This Regulation</b>
Article 1	Article 1
Article 2	Article 2
Article 3(1)	Article 3(1)
Article 3(2)	-
Article 3(3)	-
Article 3(4)	-
Article 3(5)	-
Article 3(6)	-
Article 3(7)	-
Article 3(8)	-
Article 3(9)	-
Article 3(10)	-
Article 3(11)	Article 3(1)
Article 3(12)	Article 3(2)
Article 3(13)	-
Article 3(14)	Annex VI, point (1)
Article 3(15)	-
Article 3(16)	-
Article 3(17)	-
Article 3(18)	Article 3(3)
Article 3(19)	Article 3(4)
Article 3(20)	Article 3(5)
Article 3(21)	Article 3(6)
Article 3(22)	-
Article 3(23)	Article 3(7)

<b>Regulation (EC) No 1005/2009</b>	<b>This Regulation</b>
Article 3(24)	Article 3(8)
Article 3(25)	Article 3(9)
Article 3(26)	Article 3(10)
Article 3(27)	-
Article 3(28)	-
Article 3(29)	-
Article 3(30)	Article 3(12)
Article 3(31)	Article 3(11)
Article 4	Article 4(1)
Article 5(1)	Article 4(1)
Article 5(2)	Article 15(1), first subparagraph
Article 5(3)	-
Article 6(1)	Article 5(1) and 11(1)
Article 6(2)	Article 11(2)
Article 7(1)	Article 6
Article 7(2)	Article 15(3)
Article 8(1)	Article 7(1)
Article 8(2)	Article 7(2)
Article 8(3)	Article 15(3)
Article 8(4) first subparagraph	Article 7(3)
Article 8(4) second and third subparagraphs	Annex III
Article 8(5)	Article 7(4)
Article 9	Article 12
Article 10(1)	Article 8(1)
Article 10(2)	Article 8(2)
Article 10(3) first and second	Article 15(3)



<b>Regulation (EC) No 1005/2009</b>	<b>This Regulation</b>
subparagraphs	
Article 10(3) third subparagraph	Article 8(6)
Article 10(4)-(8)	-
Article 11	-
Article 12(1)	-
Article 12(2)	-
Article 12(3)	Article 10(1) and (2)
Article 13(1)	Article 9(1)
Article 13(2)	Article 9(3)
Article 13(3)	Article 9(2)
Article 13(4)	Article 9(4)
Article 14	-
Article 15(1)	Article 4(2) and Article 5(2)
Article 15(2) points (a)-(d)	Article 13(1) points (a)-(d)
Article 15(2) point (e)	-
Article 15(2) point (f) first phrase	Article 13(e)
Article 15(2) point (f) second and third phrases	-
Article 15(2) point (g)	Article 13(1), point (f)
Article 15(2), point (h)	Article 13(1), point (h)
Article 15(2), point (i)	Article 13(1), point (i)
Article 15(2), point (j)	Article 13(1), point (g)
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Article 15(3)	Article 13(2)
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Article 17(1)	Article 4(2) and Article 5(2)
Article 17(2) points (a)-(c)	Article 14(1)(a)-(c)

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Article 17(2) point (e)	Article 14(1) point (e)
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