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## **CONTRIBUTION**

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° prev. doc.:	WK 5555/23 INIT
Subject:	F-gases Regulation: Follow-up to the WPE meeting on 26 April 2023: comments from a delegation

Following the above WPE meeting and the call for comments (WK 5555/23 INIT), delegations will find attached the comments on the EP amendments from MT.

**Malta's Written Comments on the Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014**

*Follow-up to the WPE held on 26 April 2023.*

**F-gases Regulation**

**Amendment 46**

**Article 5 – paragraph 1 – subparagraph 2**

MT opposes the inclusion of the term 'residential'. Hermetically sealed equipment with a less than 10 tonnes of CO<sub>2</sub> equivalent of F-gases does not need to be subject to leak checks, irrespective of where it is installed.

**Amendments 48 and 49**

**Article 5 – paragraph 1 – subparagraph 1 – point e and paragraph 2 – subparagraph 1 – point e a**

MT prefers the wording used in 8162/23 prepared at Council level, since it is more detailed and leaves less room for interpretation.

**Amendments 55 and 56**

**Article 8 – paragraph 8 and 9**

MT prefers the working used in 8162/23.

**Amendment 58**

**Article 9 – paragraph 1**

MT does not support the wording put forward by the EP amendment. MT is of the opinion that producer responsibility schemes should be at the discretion of the MS. Due to this, the wording used in the Council mandate text, is preferred.

**Amendment 59**

**Article 9 – paragraph 1a (new)**

MT does not support the adoption of Delegated Acts especially given that as per comment above, MT is of the opinion that producer responsibility schemes should be up to the MS.

### **Amendment 60**

#### Article 9 – paragraph 1b

Malta supports the text as provided in the mandate given to the Council.

### **Amendment 70**

#### Article 10 – paragraph 8 – subparagraph 1

MT disagrees with the addition of the text proposed by Parliament. The reported numbers of trained persons in a particular sector does not necessarily reflect the number of persons working in that country. Due to the high mobility of workers between MS, MT views such reporting futile.

### **Amendment 111**

#### Article 20 – paragraph 4 – subparagraph 1 – introductory part

MT opposes the removal of exemption for temporary storage handlers. This is very difficult to enforce and unduly burdensome for handlers to go through the process of registration. MT does not envisage any added benefits if this provision is in place.

### **Amendments 120 to 126**

#### Article 26

MT opposes the proposed text. Undertakings who produce, import or export hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO<sub>2</sub> equivalent should be exempted from reporting requirements. This will drive SMEs out of the market, due to excessively burdensome obligations related to the drawing up of a report for such small amounts.

### **Amendment 128**

#### Article 29 – paragraph 1

MT does not approve the addition of the term ‘regular’. The regularity of checks should be determined by market surveillance officials depending on the risks assessed.

### **Amendment 130**

#### Article 29 – paragraph 5

MT does not support the changes made through amendment 130. It is the prerogative of the receiving MS to decide whether to conduct checks when receiving a request from another MS.

### **Amendment 131**

#### Article 29 – paragraph 7a (new)

MT does not support this amendment as the administrative burden involved is not justified by the benefit of the requirement.

### **Amendment 132**

#### Article 31 paragraph 5 - subparagraph 1

MT cannot support this amendment.

### **Amendments 137 and 138**

#### Article 35 – paragraph 1 a and 1 b (new)

MT insists that any changes to prohibitions should be done through Implementing Acts. This suggestion is being put forward as market prohibitions are an essential element of the regulation.

### **Amendment 74**

#### Article 11 – paragraph 1 – subparagraph 3

MT prefers the text proposed by the Commission (and as per Council Mandate). Sufficient time needs to be allowed for stakeholders to adapt their operations to the new provisions of the Regulation.

### **Amendment 75**

#### Article 11 – paragraph 3 – subparagraph 1

MT opposes the change requested to include more F-gases in the prohibitions without market impact assessments in hand.

### **Amendment 78**

#### Article 11 – paragraph 6 a (new)

MT questions the rationale behind the proposed requirement for undertakings who sell or place on the market bulk F-gases to have training attestations. If the concerned undertakings solely import or place F-gases on the market, the course material is irrelevant to their operations. Due to this, MT does not support the EP amendment.

### **Amendments 89 and 91**

#### Article 13 – paragraph 3 – subparagraph 3 – point a and point b

MT prefers the text proposed by the Commission (and Council Mandate). Recycled or reclaimed F-gases should continue to be used, otherwise scarcity would severely affect the market.

### **Amendment 99**

#### Article 17 – paragraph 5 – subparagraph 1

MT strongly opposes the proposed fee of €5. MT is of the opinion that the proposed fee is burdensome for SMEs and may result in small enterprises being left out or pushed towards the margins of the system. MT's concerns also stem from foreseen difficulties for SMEs to effectively cover the costs in advance.

### **Amendment 152**

#### Article 13 – paragraph 3 – subparagraph 1

MT is concerned about the new changes proposed, as these will not allow servicing and maintenance on equipment which is already installed from the year 2030 onwards. In a small country like MT, equipment is normally used until its end-of-life. It is not feasible for companies to invest millions to change their equipment to newer technology when the return is low and will not cover the cost. We need to ensure that enough time is given for several suppliers to undergo these changes, so as to minimise market disruptions.

### **Amendments 145, 153cp1, 157cp1, 153cp2, 153cp3 and 153cp4**

MT is, in general, against introducing more restrictive prohibitions without taking into account the impact on the market.

