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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 delegations

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 BG, CZ, DK, EE, LV, NL, PL and SI.

DENMARK

Comments of the Danish delegation on the amendments from the EP to F-gas proposal

We thank the presidency for this opportunity to present our position in the relation to the amendments from the on EP to F-gas and ODS regulation proposals.

F-gas proposal

We believe generally speaking, that the proposal from the Parliament is quite close to the presidency mandate, and that it should be possible to reach a satisfactory agreement. There are however some elements that ought to be mentioned specifically either because they could create problems or on the other hand because they appear to have positive impacts.

EP amendment 48, 49, 53 and 54: Additional obligations regarding leak checks and recovery and destruction in ships and airplanes in international routes, may have unintended consequences for the obligation to keep records in accordance with article 7 and further for the obligation to collect emission data in article 27. Further, enforcement is difficult as many ships may never enter EU ports.
We have noted the overall emission reduction potential estimated for the maritime sector. However, we have also noted the reservations in the 2008 report: "Shipping is a global business and therefore it would be highly recommendable to discuss within the IMO possible activities which would then be valid for all ships on a global level." Additionally, we have noted the recommendation in the 2011 report not to include the maritime sector: "It is not recommended to include this (maritime, red.) sector in the F-gas Regulation, because the Regulation does not seem to be the most appropriate instrument to address F-gas emissions from this particular sector."

EP amendment 58 and 59: Producer responsibility schemes should remain under the competence of the member states.

EP amendment 84: Article 12 §10 – see comment on amendment 95.

EP amendment 95: article 16 §2 point e should not be deleted, as the small but important use of HFC in semiconductor etching can be exempted from the quota system.

EP amendment 99 and 102: Denmark can support a fee on allocation on quotas on 5 € pr. ton CO_2 eq. In this context, we would like to remind, that the reason for agreeing to a fee on 2 € in the council working group, was that a number of MS indicated that they expected flexibility from the presidency on this issue. We believe however that the revenue accrued should be part of the overall budget of the Union and it is important to defend the council compromise text on this.

EP amendment 112: See comment on amendment 95.

EP amendment 129: Denmark welcomes the European Parliament's recognition of the need to regulate online platforms in relation to the import of fluorinated gasses. As online platforms are not otherwise defined within the regulation, Denmark believes that it would be prudent to specify that online platforms established outside the Union are included within the scope of this regulation, when they facilitate the import of fluorinated gasses into the Union. At a minimum, these online platforms should be required to appoint an "only representative" established within the Union, whom is to be held responsible for compliance with the regulation, including compliance with import rules. An amendment of this nature would be in line with the broader approach to the regulation of online platforms as under discussion in the CLP Regulation, and as such amending the regulation to this effect would demonstrate a coherent approach to the regulation of the sale of chemicals via online platforms in Union legislation.

EP amendment 132: We can in general be flexible on the reintroduction of article 31, paragraph 5, subparagraph 1. However, we cannot be flexible on the reintroduction of the phrasing 'administrative fees' in this paragraph – it should simply be 'fees'.
In this respect, we note the EP amendment for Article 27a in the ODS regulation, which states:
"Article 27a
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."
We can be flexible on a similar wording in the F-gas proposal and although EP did not propose this amendment for the F-gas regulation, these articles on penalties are generally shared between the two regulations.

EP amendment 145, 153 and 157 (annex IV): we could support more ambitious rules in line with original proposal from the Commission, so we are flexible towards those elements in the parliament proposal the point that direction.

EP amendment 150 (Annex VII): We support keeping a level of ambition in the phase-down at a level at least as high as originally proposed by the Commission and therefore and could therefore support the EP amendment.

POLAND

Preliminary comments to the proposed PE Amendments to the revised F-gas Regulation
(in response to request by SE PRES contained in the document 5135/2023 dated 20 April 2023)

General Comment:

In our view the text of F-gas Regulation that is to be eventually agreed in the Trilogue negotiations should be ambitious, but in the same time should be possible for implementation by the industry. Taking this principle into account we believe that some amendments proposed by EP are not realistic enough and therefore cannot be accepted (e.g. strengthening of the use ban in Art. 13(3), bans in Annex IV extended to ALL F-gases no matter what their GWPs are, very restrictive HFC phase-down schedule, ban on the use of sulfuryl fluoride) while there are few other which in our view offer good solutions (e.g. elimination of the exemption concerning etching semiconductors with HFCs from the quota system). Below are our preliminary comments to PE Amendments related to articles only since in our view recitals should mainly reflect the text and therefore should preferably be discussed once the main provisions dealing with the relevant issues are agreed upon.

Detailed Comments:

	Amendment number		**PL preliminary comments to PE Amendments related to articles**
	Recitals	**Articles**	
Round 1			
Chapter I (general provisions), including Annexes I, II, and III (lists of f-gases) and Annex VI (method of calculation of GWP)	1, 2, 5, 17	37-41, 142-144, 149	• A 37 – Art. 2(1) ➔ not OK because the text agreed in the Council should absolutely remain – **a matter of principle** • A38 - Art. 2(2) ➔ OK • A39 – Art. 3(1) point 5 ➔ not OK – definition of Operator should not be changed • A40 – Art. 3 point 6 ➔ not OK – the Council approach to deal with the term "use" with regard to products or equipment is better. The Council proposed indicating in the definition of "use" that it applies only to substances or mixtures, not to products and equipment.

			• A41 – Art. 3 point 27 ➔ not OK because the EU cannot change feedstock definition contained in the Montreal Protocol • A142 – Fluoroketone and fluoronitrile to be moved from Annex III to Annex I, Section 3 ➔ not OK - in our view it is enough if these two compounds are included in Annex III as proposed by the Council, though we may be flexible in this matter
Chapter II (containment)	6-11, 15	42-72	• A42 – Art. 4(5) sub-para 2 - additional requirements for declaration of conformity concerning trifluoromethane – OK • A43 – Art. 4(5) sub-para 3 - Commission "shall" instead of "may" ➔ not OK if A142 is agreed upon since it already contains the requirements for declaration of conformity. OK if A142 is not agreed upon. • A44 – Art. 4 (6a) - additional requirements for fumigation treatments with sulfuryl fluoride ➔ not OK – according to our experts it is practically impossible to recapture sulfuryl fluoride in the fumigation processes and there are no technologies available for that. In many processes fumigation with sulfuryl fluoride is the only method available (and in the case of preshipment applications - often required by the destination countries). Other method of treatment – with PH_3 - cannot be used because the pests gain resistance to this chemical. If necessary, we may provide our expert's opinion on that issue. • A45 – Art. 5(1) sub-para 1 – leakage checks to be made by equipment manufacturers ➔ may be OK, but in our view it is obvious that the manufacturers conduct leakage checks of equipment before it is

			placed on the market, so we do not think this Amendment is needed. • A46 – Art. 5(1) sub-para 2 – only residential equipment containing less than 10 t CO_2 eq of F-gases to be released from leakage checking obligation ➔ not OK because it is not clear what is meant by "residential equipment" and why only that equipment is to be released from leakage checking obligation if it is hermetically sealed. • A47 – Art. 5(1) sub-para 3 point (c) – switchgears containing below 6 kg of SF_6 to be not released from leakage checking obligation ➔ not OK because it would change the established rule, though we may be flexible. • A48, A49 – Art. 5(2) - extending the scope of mandatory leakage checking ➔ not OK. We wish to stick to the Council proposal in that regard • A50 – Art. 6(2) - additional requirement for leakage detection system ➔ not OK because it would be difficult to compare sensitivity of pressure/density monitoring devices with sensitivity of leak detector • A51 – Art. 7(1) (b) – adding exact timing of addition ➔ generally OK since we understand the idea, but we suggest much better approach that is in line with Council proposal in that regard: - "installation" is included in point (a) as proposed by the Council - "maintenance or servicing" is added in point (f) which deals with the dates. • A52 – Art. 7(1)(c) – addition of "quantity" of recycled or reclaimed F-gas ➔ not OK because it is not needed – the quantities of ANY gas installed, added (whether recycled or reclaimed) have to be provided based on requirement in point (a) and (b)

			• A53, A54 – extending the recovery requirement to cover also ships ➔ OK – it was also our suggestion in the discussions at WPE meetings. Perhaps this can be a good item to exchange with the PE for e.g. less restrictive POM bans • A55, A56 – Art. 8(8) and 8(9) – extending the possible scope of delegated acts related to recovery from products and equipment and of promotion by the MS of 3R technologies ➔ OK • A57-A63 - Art. 9 – extending requirements for producer responsibility schemes ➔ no position of PL because we do not have producers of F-gases • A64, A65 – Art. 10(1)) - introductory part – extending certification to cover ALL F-gases from Annex II ➔ not OK since this is not necessary – the other gases than those listed in Section I of Annex II are not used as refrigerants and have very limited applications where certification would not help much • A65 – Art. 10(2) – extending certification regarding recovery from AC in motor vehicles falling under Directive 2006/40/EC to "other alternatives to F-gases" ➔ rather not OK since no other alternatives than HFC-1234yf can be seriously considered as replacements for HFCs in AC in these vehicles, but we may be flexible. • A66 – Art. 10(3) – introductory part – adding "at least" ➔ OK • A67 – Art. 10(3) – point ea – extending the scope of information to be included in trining and certification programmes to cover natural refrigerants ➔ idea is Ok, but it is much better phrased in Council's proposal where it where the

			alternatives to F-gases were added in a new point (da) • A68 – Art. 10(6a) – 6 months for MS to establish or adapt certification programmes ➔ not OK - absolutely impossible to do that in such short time. 2-3 years would be required for that. • A69 – conditions for extension of validity of certificates ➔ idea is OK, but the approach based on refreshment courses included in Council's proposal (para 7) seems much better • A70 – Art. 10(8) – sub-para 1 – additional requirements for MS regarding notification to the COM on certification programmes ➔ not OK because (1) in our view such additional information would not bring any added value and (2) it is unclear what would be the acceptable level of certification in MS • A71 – Art. 10(9) – replacing "may" by "shall" with regard to implementing acts ➔ OK, but extending the scope of these acts ➔ not OK – what is meant by "minimum threshold for actions to increase certification" – totally unclear. • A72 – Art. 10(1) – changing the wording on assigning the tasks to another entity ➔ possibly OK
Round 2		80-86	• A80 – Art. 12(2) – additional requirement for labelling of products and equipment exempted under Art. 11(4) ➔ OK • A81 – Art. 12(3) sub-para 1point c – addition of info on 10 years GWP to the text on the label ➔ not OK because we do not think it brings any additional value, but may be flexible. • A82 – Art. 12(3) sub-para 2a – additional requirement for labelling retrofitted equipment – OK, though we do not think such amendment is

			really needed since it is obvious that when F-gas contained in equipment is replaced with another one the labelling has to be also changed. • A83 – Art. 12(5a) – additional requirement for labelling refilled containers – OK, though we do not think such amendment is really needed since it is obvious that when F-gas in the container is replaced with another one the labelling has to be also changed. • A84 – Art. 12(1) - removal of requirement to label F-gases used for semi-conductors ➔ OK, <u>but only if A95</u> on removal of exemption related to F-gases used in etching of semiconductors is agreed upon (we strongly support A95). A84, A85, A86 and A95 are closely related and should only be considered together. • A85 – Art. 12(13) sub-para 1 – removal of requirement to add the text "exempted from quotas.." with regard to HFCs used for etching of semiconductors ➔ again – OK, <u>but only if A95</u> on removal of exemption related to F-gases used in etching of semiconductors is agreed upon (we strongly support A95). A84, A85, A86 and A95 are closely related and should only be considered together. • A86 – Art. 12(13) sub-para 2 – removal of HFC used for etching of semiconductors from the references in the text ➔ again - OK, <u>but only if A95</u> on removal of exemption related to F-gases used in etching of semiconductors is agreed upon (we strongly support A95). A84, A85, A86 and A95 are closely related and should only be considered together.

Chapter IV (production schedule and reduction of the quantity of HFCs placed on the market), excluding Article 17, Annexes VII and VIII	18, 27	95-98, 103-113	• A95 – Art. 16(2) point e – removal of exemption from quotas for HFCs used for etching the semiconductors ➔ OK, we strongly support this amendment since we do not see ANY reason for such exemption • A96 – Art. 16(3) sub-para 1a – COM to review the lack of exemption from quota for HFCs used for etching of semiconductors ➔ OK, if A95 is approved. If not, A96 is redundant. • A97 – Art. 16(4) sub-para 1 introductory part – allowing the EU Agencies to apply for derogations for quota requirement ➔ generally OK, but it is not clear what the term "EU Agencies" actually mean. In our view it has to be defined in Art. 3 if this Amendment is to be agreed upon. • A98 – Art. 16(4) sub-para 1 – addition of "risks to public health" ➔ OK • A103 – Art. 18(1) – addition of reference to Regulation 1907 ➔ OK • A104 – Art. 19(1) – including MDIs in the quota system ➔ OK taking into account that including MDIs in the quota system is also proposed by the Council, so it is rather impossible to exempt MDIs from quotas. If MDIs are finally included in the quota system the final text of Art. 19(1) proposed by the Council looks much better, so it should be selected, not the text in A104. Moreover – if MDIs are to be included in the quota system the title of Art. 19 must be changed to reflect that. • A105 – Art. 19(2) sub-para 1 – addition of "products" ➔ OK since it is connected with including MDIs in the quota system • A106 – Art. 19(2) – sub-para 2 ➔ as above

			• A107 – Art.19(2) sub-para 3 ➔ as above • A108 – Art. 19(3) sub-para 1 ➔ as above • A109 – Art. 19(5) ➔ as above • A110 – Art. 19(6) ➔ as above • A111 - • A112 – Art. 20(4) sub-para 1 introductory part – deleting reference to exemption regarding etching of semiconductors ➔ OK but only if A95 on removal of exemption related to F-gases used in etching of semiconductors is agreed upon • A113 – Art. 20(7) sub-para 2 – addition of the list of data from F-gas Portal that will be publicly available ➔ rather not OK – we will prefer limiting the data that will be publicly available to the list of importers (as proposed by the Council) since other data may be commercially sensitive like e.g. data on imports or data on destruction. However, we may be flexible.
Chapter V (trade), including new Article 11a on export ban	24, 28-30	114-119	• A114 – Art. 22(1) – requirement for license for temporary storage ➔ OK if it does not breach the EU Customs Law • A115 – Art. 22(1a) – COM to establish rules for registration in F-gas Portal in the case of temporary storage ➔ OK • A116 – Art. 23(6) – adding reference to Annex I and Annex II, Section 1 – OK in general, but the relevant text proposed by the Council is better • A117 – Art. 23(12) sub-para 1 – obligation for customs to destroy confiscated containers ➔ not OK because customs themselves cannot destroy anything. The text of Art. 23(12) proposed by the Council should be agreed upon, instead.

			• A118 – Art. 23(12) sub-para 2 – Customs to undertake measures according to Environmental Crime Directive ➔ OK • A119 – Art. 24(1) – COM to produce report in 2025 on ways to prevent illegal trade ➔ rather not OK because the text proposed by the Council in Art. 24 that contains concrete measures looks better. However, we may be flexible
Chapter VI (reporting and collection of emission data), including Annex IX		120-127	• A120 – Art. 26(1) sub-para 1 – deleting 100 t CO_2 eq limit for reporting on F-gases other than HFCs by importers, exporters and producers ➔ OK since in Poland we do not have such limit • A121 – Art. 26(2) - deleting 100 t CO2 eq limit for reporting on F-gases other than HFCs by entities that destroy them ➔ as above • A122 – Art.26(3) - deleting 1000 t CO_2 eq limit for reporting on ALL F-gases by entities that use them as feedstock ➔ as above • A123 – Art. 26(4) - deleting the limits for reporting on F-gases in products and equipment by importers, exporters and producers ➔ as above • A124 – Art. 26(6) - deleting the limit for reporting on reclaimed F-gases ➔ as above • A125 – Art.26(7) - deleting the limit for verification report for HFCs contained in products or equipment ➔ rather not OK since it is not rational to require verification reports for relatively small quantities of HFCs contained in products or equipment. However, we may be flexible – perhaps 100 t CO_2 eq (which is the current requirement in Regulation 517/2014) instead of 1000 $_t$ CO_2 eq would make a good compromise with PE. • A126 – Art. 26(8) - deleting the limit for verification report for HFCs in the bulk ➔ rather

			not OK since it is not rational to require verification reports for relatively small quantities of HFCs in the bulk. However, we may be flexible – perhaps 100 t CO_2 eq instead of 1000 t CO_2 eq would make a good compromise with PE. • A127 – Art. 27(2a) – requirement for the COM to develop a general framework the MS should use to design centralized electronic systems ➔ rather not OK since in Poland we already have such systems that work effectively so we do not want to change them. However, we may be flexible
Chapter VII (enforcement)		128-131	• A128 – Art. 29(1) – MS to undertake regular checks ➔ rather not OK since it is not clear what is meant by "regular", but we may be flexible • A129 – Art. 29(3) sub-para 1 – MS to undertake checks of on-line platforms ➔ rather not OK - we believe that such obligation should lie on the COM because the on-line platforms are usually of international nature, but we may be flexible to agree to request checks by MS if the main seat of the specific platform is in that MS. • A130 – Art. 29(5) – MS "shall undertake checks" instead of "may undertake checks" ➔ OK • A131 – Art. 29(7a) – MS to provide reports on data from logbooks to COM ➔ not OK because it is not clear what logbooks are referred to in this Amendment and moreover, in para 6 the MS are anyway obliged to provide information on checks on request of the COM
Chapter IX (transitional and final provisions)	21, 22	137-141	• A137 – Art. 35(1a) – COM to be empowered to strengthen the provisions related to products and equipment containing high GWP F-gases ➔ not OK, COM cannot be empowered to change the substantial provisions of the Regulation

			• A138 – Art. 35(1b) - COM to be empowered to introduce new F-gases in the Annexes or move F-gases between the Annexes ➔ OK, in our view this Amendment is necessary, specifically with regard to introducing new F-gases in the Annexes if needed • A139 – Art. 35(1c) – COM to amend the Regulation of not coherent with the revised REACH ➔ not OK because in our view the revised REACH should not contain any provisions which would not be coherent with the revised F-gas Regulation • A140 – Art. 35(2) – changing the year of publishing the review report by the COM and addition of some text on the contents of that report➔ not OK with regard to the year 2027 – the year 2030 proposed by the Council is more realistic. ➔ OK with regard to the added text that (in our view) should be combined with the one added by the Council. • A141 – Art. 35(2a) – reference to The European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 stating that it may issue reports on the coherence of Regulation with Paris Agreement ➔ not OK since it is not appropriate to delegate in the revised F-gas Regulation some work to be done by the body established under different Regulation
Round 3			
Chapter VIII (penalties, consultation forum, committee procedure, and exercise of delegation)	31-36	132-136	• A132 -Art. 31(5) sub-para 1 – fines depending on market value ➔ not OK since market value is not clear enough for the court. We suggested fines depending on number of tons of CO_2 eq. No support on both these proposals by the Council. • A133 – Art. 32(2) – references to provisions with delegated Acts ➔ no position on that since these

			references would depend on decisions related to the relevant provisions. • A134 – Art. 32(3) – again references ➔ as above • A135 – Art. 32(6) – again references ➔ as above • A136 – Art. 33(1) – proposed structure of Consultation Forum ➔ OK
Chapter III (restrictions and control of use), Article 11 (restriction on placing on the market and sale), Article 13 (control of use) and Chapter IV, Article 17 (determination of reference values and allocation of quotas for placing hydrofluorocarbons on the market), together with Annex IV (bans on placing on the market), Annex V (HFC production phase down), Annex VII (HFC consumption phase down) and Annex VIII (quota allocation mechanism, including changes for MDIs)	3, 4, 12-14, 16, 159, 19, 20, 23, 25, 26	160, 74-79, 152, 88-92, 99-102, 156, 94, 145, 153cp1, 157cp1, 153cp2, 153cp3, 153cp4, 146-148, 150, 151	• A160 – Art. 11(1)a derogation for parts of equipment ➔ not OK because derogation proposed by the Council is better (takes into account GWP of the refrigerant) • A74 – Art. 11(1) sub-para 3 – 6 months instead of two years after the POM bans will be allowed for placing on the market equipment lawfully placed on the market before the date of the ban. Later – only if evidence is provided ➔ not OK • A75 – Art. 11(3) sub-para 1 – extending the ban on non-refillable containers to cover all F-gases, not only gases from Annex I and Annex II, Section I. Rather not OK because we do not see any additional value here, but we may be flexible • A76 – Art. 11(3a) – requirement for declaration on conformity and agreement with supplier on return of refillable containers ➔ OK • A77 – Art. 11(4) sub-para 1 introductory part – reference to derogation regarding spare parts ➔ OK • A78 – Art. 11(6a) – selling of F-gases allowed only if undertaking has certificate or training attestation or employs person with certificate or training attestation ➔ not OK because it would mean that even importers or dealers would have to be certified or employ certified persons. However – we may be flexible

			• A79 – Art. 11a – bans on export of products and equipment banned under Annex IV ➔ OK for the general idea, but in our view such export bans may be introduced only if: - the dates of export bans with regard to specific products and equipment would be established and these dates would not be earlier than 5 years after the POM ban enters into force. Otherwise, the competitiveness of the EU manufacturing industry on the other markets would be strongly damaged - - it is clearly stated that the ban is not relevant if it is proved that the destination country refuses to accept the specific product or equipment containing alternatives - a compromise text must be agreed upon since similar ban is also contained in Council text, but not in Art. 11 that concerns POM and sales. • A152 (replaced A87) – changing the scope of use ban in Art. 13(3) (GWP 150 instead of 2 500 for refrigeration equipment with the new date – 2030 and adding AC and HP equipment with GWP 2500 ➔ absolutely not OK. A89-92 should be discussed together with A152 and would also be absolutely not acceptable • A88 – Art. 13(3) sub-para 2 –changing the scope of the -50°C derogation concerning the use ban ➔ not OK, though we may be flexible • A89 – Art. 13(3) sub-para 3a – narrowing the derogation from the use ban concerning the reclaimed refrigerants, so only reclaimed refrigerants with GWP of less than 150 would be allowed and in the same time narrowing the ban as such to stationary refrigeration equipment only with

			exclusion of chillers ➔ definitely not OK because it is continuation of A152 • A90-A92 – Art. 13(3) sub-para points 3aa, b, ba ➔ also changing derogation from the use ban ➔ as above – not OK • A99 – Art. 17(5) sub-para 1 – fee for quota 5 Euro/t CO_2 eq to be increased in the next years ➔ absolutely not acceptable – would damage businesses of SMEs and would favor the biggest players on the market • A100 – Art. 17(6) – clarifying the effect of quotas for MDIs -➔ OK • A101 – Art. 17(6a) – COM to provide additional quota for heat pumps ➔ OK, but since the relevant text was also included in the Council's proposal, a final text should be proposed and agreed upon. Here, the PE texts looks perhaps better since there is no "cap" on the additional quota. However, it would be much better to ensure higher quotas in the phase down schedule as we proposed in our Joint Non-Paper than creating such buffer for heat pumps which would be difficult to manage technically and logistically. Anyway – such buffer would be better than nothing. • A102 – Art. 17(7) – changing the text on the revenue from the fees for quotas ➔ we may be flexible • A156 – amendment available only in Greek, so it is not possible to make any comments • A94 – Art. 13(4a) – ban on the use of sulfuryl fluoride ➔ absolutely not OK. In many processes fumigation with sulfuryl fluoride is the only method available (and in the case of preshipment applications - often required by the destination

			countries). Other method of treatment – with PH_3 - cannot be used because the pests gain resistance to this chemical. If necessary, we may provide our expert's opinion on that issue. • A145, A153cp1-4 i A157cp1 – Annex IV - changes in dates of POM of products and equipment and extending the bans to ALL F-gases - 10a Domestic refrigerators and freezers that contain-gases - 1 January 2025 ➔ OK (this equipment is now manufactured solely with hydrocarbons) - 20a Technical aerosols that contain F-gases, except when required to meet national safety standards or when used for medical applications ➔ OK, but only if national safety standards are replaced with "national safety requirements" – this term has been defined in the Council proposal - **All other points with amendments where <u>NO F-GASES</u> would be allowed in products or equipment that are to be placed on the market ➔ definitely not OK – we cannot agree on TOTAL ban on POM of almost all products and equipment containing F-gases** - All amendments related to switchgears ➔ not OK because we agreed in the Council on moving switchgears to Art. 13(5) and on adding certain derogation clauses • A146 – Annex IV point 2 – relates to switchgears ➔ not relevant anymore since the issue of switchgears was dealt with differently by the Council (ban on putting into operation included in Art. 13, not in Annex IV). We may live with the final proposals by the Council on switchgears in

			Art. 13(5) provided all derogations associated with these provisions that were added in the recent phase of negotiations in the Council will be agreed upon in the final text. We do not support proposals by PE regarding switchgears. • A148 – Annex V, para 1, point da – total elimination of supply of HFCs by 2030 ➔ absolutely not OK • A150 – Annex VII – strengthening HFC phase down schedule ➔ absolutely not OK • A151 - Annex VIII – point 1 – paragraph 2 – indent 2 – further diminishing HFCs quota ➔ absolutely not OK

LATVIA

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

Examination of the EP amendments

Comments on behalf of Latvia in response to the Presidency's call for written comments received on 26 April 2023.

In general, we **wish to express our support for the Council's position, especially regarding the ban/restriction/implementation dates, quota price, the amount of quota and penalty clause**.

We would like to point out the PARL amendments which **are currently not be acceptable** to us:

- **Amendments 48, 49, 53, 54** *(Article 5, first subparagraph, point (e), (ea); lines 131-131a of the 4 column document; Article 8(1), first subparagraph and Article 8(1), second subparagraph, point (b); lines 168, 171)* – we would like to keep the text negotiated in the Council, and our position on the inclusion of ships in the scope of the regulation is negative.

- **Amendment 152** *(Article 13(3), first subparagraph; line 271)* – we support the Council's position on year 2025 instead of 2024. In addition, we are concerned about the new PARL edition on repair and maintenance from year 2030.

- **Amendment 99** *(Article 17(5), first subparagraph; line 311)* – we support the Council's position regarding quota price, and we do not want to see an increase the price of quota in the following years, taking into account that the amount of quota will be substantially reduced over time.

- **Amendment 132** *(Article 31(5), first subparagraph; line 458)* – we support the Council's position to harmonize the whole article on penalties with the one negotiated for Industrial Emissions Directive, otherwise there are several issues we have mentioned during the previous WPEs, especially regarding repetition.

- **Amendments 145, 153cp1, 157cp1, 153cp2, 153cp3 and 153cp4** *(Annex IV)* – we support the Council's position regarding ban dates. In addition, we are very concerned about all the new bans, also taking the short deadlines into account. In addition, we are cautious about prohibitions on ships, and we think that this should be discussed with the shipping industry first.

- **Amendments 147, 148, 150** *(Annexes V and VII)* – in addition the fact that we would like to see the phasedown targets achieved in the Council position, we are cautious about the post-2036 period and the complete phase-out of F-gases.

There are several PARL amendments which **concern** us:

- **Amendment 6** *(Recital 8; line 18)* – we are cautious about the installation of leakage detection systems on residential heat pumps, as we feel it would be an additional administrative burden not only on inhabitants, but control institutions as well.

- **Amendment 28** *(Recital 28 a; line 38a)* – although customs authorities already largely comply with monitoring of the undertakings making the transit as part of risk management, we are cautious about including such a requirement as it may create an additional administrative burden.

- **Amendment 42** *(Article 4, pt 5; line 115)* – we are cautious about the many requirements of proof that importers and producers shall provide as it would be an additional administrative and financial burden on the undertakings.

- **Amendment 46** *(Article 5, pt 1, second subparagraph; line 121)* – according to PARL proposal, all hermetically sealed equipment intended for commercial use would have to undergo leak checks. In our view, this may lead to unnecessary administrative and financial burden, especially taking into account that hermetically sealed equipment is not intended to have any leaks.

- **Amendment 47** *(Article 5, pt 1c; line 125)* – we are cautious that leak checks on electrical switchgear containing less than 6 kilograms of F-gases listed in Annex I would be an unnecessary administrative and financial burden on the undertakings.

- **Amendment 50** *(Article 6(2); line 145)* – we are concerned about how such a requirement on higher sensitivity leakage detection systems will be implemented in practice and we believe it might be a financial burden on undertakings.

- **Amendments 58, 60** *(Article 9, first paragraph; lines 188, 188b)* – we are cautious about the requirement for extended producer responsibility schemes, and more detailed information would be needed on how MS can implement requirements regarding covering the costs by F-gas producers or importers.

- **Amendment 68** *(Article 10(6); line 204a)* – in our view, six months for establishment or adaption of certification schemes and training programmes is too early for such schemes to be introduced qualitatively, and we would like to see twelve months as a minimum.

- **Amendment 70, 71** *(Article 10(7) and Article 10(8), first subparagraph; lines 206, 206)* – we are skeptical about PARL version of the text, because no clarity is provided about the number of certified and trained persons for F-gases and their alternatives, as well as no specific parameters are given on actions to be taken to increase certification and training on relevant alternatives.

- **Amendment 74** *(Article 11(1), third subparagraph; line 217)* – we are skeptical about the six-month period in which goods placed on the market in the European Union can be made available to another party in the Union, and would like to keep the COM proposal – 2 years.

- **Amendment 81** *(Article 12(3), first subparagraph, point (c); line 245)* – in our view, addition of a 20-year GWP to a 100-year GWP in the label can cause confusion for undertakings that already have problems with the different GWPs of F-gases, so we believe it is more helpful to follow the existing practice.

- **Amendments 89-91** *(Article 13(3), third subparagraph, points(a),(aa),(b); lines 274, 274a, 275)* – although we understand the willingness to limit the use of F-gases with high GWP, in our view it would be useful to allow installations containing F-gases with a relatively large GWP to operate their entire life cycle rather than being forcibly discarded in 2030.

- **Amendments 9, 44, 94** *(Recital 10a, Article 4(6a), Article 13(4a); lines 20a, 118b, 277b)* – we have concerns about insufficient impact assessment for sulfuryl fluoride and its alternatives.

- **Amendment 113** *(Article 20(7), second subparagraph; line 349)* – we have concerns whether publication of such data can't be considered as a business secret or restricted access information.

- **Amendment 117** *(Article 23(12), first subparagraph; line 386)* – in our opinion, if the additional wording "destroy them" will be kept, then it should also be stipulated who will pay for the destruction of confiscated or detained goods.

- **Amendments 120-126** *(Article 26; lines 401, 403-405, 408-410)* – we have concerns on removal of the reporting threshold altogether, as it would be a disproportionate administrative burden for both the undertakings and the control institutions.

- **Amendment 131** *(Article 29(7); line 441a)* – we are concerned about Member States providing an annual summary of the data collected from the logbooks, because it will be an unnecessary administrative burden for Member States, and it is not clear what kind of information (and the level of detail) should be collected and reported.

In the spirit of compromise, we can show **flexibility regarding the rest of PARL amendments**.

CZECH REPUBLIC

comments on European Parliament´s amendments on F-gases

1. F-gases regulation amendments

The Czech Republic has very little space to manoeuvre in terms of the overall level of ambition and the Annex IV restrictions. Given how fragile the Council compromise is, the level of ambition should not be increased.

Chapter I, Annex I, II, III a VI

As far as the amendments 1,2,5 and 17 are concerned, The Czech Republic is mostly neutral on them except for 17 which we would prefer not to include. We would also prefer not to include 38 and 39, because we think that the text would be slightly less clear. We look favourably on the amendment 40 even though the Council text has resolved this issue in a different manner. We would prefer the Council to have a negative position towards 142, 143 and 144 initially, but could be flexible on those.

Chapter II

The Czech Republic is against all amendments, which imply extending the producer responsibility schemes under the WEEE Directive or even creating a paralel ones. This includes amendment 10 and especially the entire cluster of amendments 57 to 63. Unlike the waste electric appliances, the fluorinated greenhouse gases are a valuable commodity, their re-use is fairly simple and they are going to become even more valuable as the progressive bans and restrictions are put into place, therefore the financial incentive to recover them will be already there. Any extended or parallel schemes to the WEEE Directive would be an administrative burden with questionable benefits.

The Czech Republic would prefer not to include amendment 45, because we believe that it does not make sense from the technical standpoint. It might be better to address this concern in a way, which would ensure a leak check immediately after the production, even though it is hard to imagine that such leak checks aren't in place already as a part of the QA/QC policies which the companies already have.

Amendments 43 and 44 seem unnecessary. We are flexible on those, but prefer not to include them.

In addition, The Czech Republic is against the amendments 47, 50, 68 and 70.

The Czech Republic looks somewhat favourably on the amendment 69, but it should read: „The validity of existing certificates may be subject to additional requirements on the national level to reflect…" This would underline that any provisions on limited validity remain to be a matter of a discretion of individual MS. Also, the original sentence about validity existing certificates must be kept as it is in the COM original proposal in order for the provision to make sense. First, the regulation need to state that existing certificates remain valid and then the sentence about additional requirements falls into place. Also, we believe that no new wording on validity of attestations is needed and it should not be included.

On the rest of amendments, we prefer to keep the Council text.

Chapter III

The Czech Republic does not agree with amendment 84 and we would prefer not to include amendments 80 and 82. The issue with the amendment 82 is that the labelling requirements are bound to the placing on the market and to the entities who are marketing the equipment, while retrofitting is mostly applied after the equipment had already been in operation. Such extension would create problems in terms of responsibility and the entire provision would have to be reconsidered and redrafted.

Chapter IV

The Czech Republic supports the Amendment 18 and we think it could also benefit from adding a reference to smaller market areas within the EU, meaning small MSs.

The Czech Republic disagrees with amendments 95, 96 and 112 as well as other amendments, which extend the quota system or introduce more restrictions. Similarly, the Czech Republic does not look favourably on the amendment 111. As far as amendment 113 is concerned we are flexible, but the Council text on this chapter seems much better in terms of clarity.

Chapter V

We would prefer not to include the amendment 116. As far as amendment 118 is concerned, we believe that the Council text gives much more clarity. Amendment 117 seems highly problematic on the practical level and unless a technically feasible solution is found to address the sentiment behind it, we believe it should be dropped.

Chapter VI

The Czech Republic disagrees with the entire cluster of amendments to article 26 (120-126). Amendment 127 is the most problematic one in this chapter. The Czech Republic generally does not favour extending the delegation of power of the COM. Also, similar to many other MS who have spoken on this matter, obligatory centralized systems and data collections on the COM level have questionable benefits and CZ cannot accept such provisions.

Chapter VII

The Czech Republic is flexible in this area, the only exception being the amendment 131 which we simply cannot accept for the reasons of very small added value of this provision and for extreme administrative burden associated with its implementation.

Chapter IX

The Czech Republic can support amendment 21, but we believe that all COM assessments and their associated recitals should be streamlined to the same date, which is 2030 according to the Council position.

The Czech Republic cannot accept amendment 137 and 138, otherwise we have no strong preferences in terms of this cluster.

Chapter VIII,

We would prefer not to include amendment 35 and we don't see reasons to include amendment 31. Amendment 32 seems unnecessary and potentially conflicting with the subsidiarity principle. Our position on the amendments 133 to 135 is bound to the individual operative articles. Generally we disagree with extending the delegation of power of the COM.

Chapter III, art. 11, 13, 17, annexes IV, V, VII a VIII

The Czech Republic strongly welcomes and supports the amendment 12, because it contains vital references to dramatic changes which occurred in relation to the Russia's invasion to Ukraine and which were not addressed in the original COM proposal, including the Impact Assessment. We believe that a strong reference to this situation and to the REPowerEU is needed.

We also agree with the amendment 14 and with the sentiments expressed there, because we still believe that the service ban on SF_6 is not a good decision. We see amendment 16 and 153 on technical aerosols as highly problematic and we disagree with them, as well as with the limitation of the exemptions expressed in the added text in the amendment 16. The Czech Republic would also prefer not to include the amendment 23, as it in our view does not add much except for an administrative burden.

We have flexibilities on amendment 159 as well as the amendment 25, which seems to go in the same direction as the last Council text.

In terms of the amendments of operative articles in this cluster there are many that we cannot accept, because they increase the level of ambition and they also add new elements or bans which were not analysed in the impact assessment and would be difficult to implement. These include 74, 76, 78, 89, 91, 152, 145, 147, 153 and 157. The Czech Republic is one of the countries, which requested decreasing the overall level of ambition, therefore we do not agree with additional bans. The text of Annex IV and the dates included in the Council mandate are very close to what we can agree on, while the EP text deviates from this considerably. We cannot accept the way the EP text handles the switchgear, because it goes against the EU competition policies and establishes a technology monopoly in the area. We think that the amendment 146 does not resolve this issue, because it does not prevent a technology monopoly. There can be one manufacturer represented by various entities selling the exactly same product. Any such provision must be supported by a recital clearly station that a technology monopoly is to be prevented.

We also believe that the bans in the mobile sector should be a subject to the COM assessment in 2030. After this assessment is available, the Czech Republic will be ready to re-evaluate its position on this matter.

We are positive towards amendment 156 on desflurane.

We would prefer not to include amendments 79, 90 and 92, since we believe that the Council text handles these issues better.

The same can be said on 150 and 151, which are directly linked to the overall level of ambition and we believe that the Council should stick to the phase-down values from the approved Council mandate.

CZ supports the amendment 88 and would like to see it included in the compromise for reasons related to the safety in the nuclear energy sector. CZ disagree with the explanation given by the COM at the last WPE that the original wording of the exemption under Article 13 para 3 subpara 2 could be applied to the nuclear power stations, because a nuclear power stations or reactors that are subject to the cooling can by no means be considered as „products". In addition, the cooling temperature is not below -50 °C. Nuclear power plants in the Czech Republic use equipment containing fluorinated gases (refrigerants and switchgear), which are part of the production technology itself, a key part for the production of electricity. Although there may be alternatives to the F-gases used, they are not suitable for use in nuclear power plant operations because they are, for example, much more flammable. All equipment in nuclear power plants have to go through a thorough qualification process and certification by the National Nuclear Safety Authority to meet the most stringent safety standards, including seismic resistance. Replacing technologies with low GWP have not been tested and there is no guarantee that they will meet those safety standards for nuclear facilities. In any case, it will take many years to go through the qualification process. Furthermore, replacement of these crucial parts of equipment in nuclear power plants is only feasible when the plant is shut down. It is necessary to ensure the functionality of nuclear power plants in the coming decades in order to comply with nuclear safety standards and procedures and to maintain electricity generation at nuclear power plants.

BULGARIA

Proposal for a Regulation on fluorinated greenhouse gases

Follow-up of the discussions in the WPE on 26.04.2023

We appreciate the efforts of the Presidency aimed at ensuring progress on the file, including in relation to the negotiations with the European Parliament. The written comments presented below are in accordance with the structure of the discussions during the WPE on 26.04.2023.

I. Round 1:

1. ***Chapter I*** *(general provisions), including* ***Annexes I, II*** *and* ***III*** *(lists of F-gases), and* ***Annex IV*** *(method of calculation of GWP)*

1.1. We support the introduction of new recital 13b and the proposed amendments in recitals 1, 3 and 7 *(amendments/ AM 1, 2, 5 and 17)*.

1.2. We support the amendments in Article 2, paragraph 2, Art.3, par. 1, p. 5, 6 and 27, as well as in the title of Annex VI *(AM 38 - 41 and 149)*.

1.3. We are still scrutinising the proposal to transfer two compounds from Annex III (section 1, line 37 and section 2, line 4) to Annex I, section 3, lines 2 and 3 *(AM 142 - 144)*.

2. ***Chapter II*** *(containment)*

2.1. We support the introduction of new recital 12a and the proposals for amendments in recitals 9, 10 and 11 *(AM 7, 8, 11 and 15)*.

2.2. We do not support the introduction of an obligation for the introduction of producer responsibility schemes – the proposed new recital 10b and amendments in Art.9 *(AM 10 and 57 - 63)*. There are member states, including Bulgaria, on whose territory there is no production activity and for which it will be much more difficult to establish such schemes, given that small and medium-sized businesses are concerned.

2.3. We support the amendments in Art.4, par.5, subpar. 2 and 3 *(AM 42 and 43)*.

2.4. We do not support the amendments proposed in Art.5 *(AM 45 - 49)* – we support sticking to the agreed Council position.

2.5. We can support the amendments in Art.6, par.2 and Art.7, par.1, letters „b“ and „c” *(AM 50 - 52)*.

2.6. We do not support the amendments proposed in Art.10, par.6a, which shorten the timeframe for the establishment adaptation of the certification schemes and training programs, as well as the amendments in Art.10, par.8, subpar.1 and par.9 *(AM 68, 70 and 71)*. We support sticking to the Council mandate in relation to Art.10.

3. ***Chapter III*** *(restrictions and control of use),* ***Article 12*** *(labelling and product and equipment information)*

3.1. We support the introduction of the new subparagraphs 2a and 5a in Art.12(3), as well as the amendment in paragraph 2 *(AM 80, 82 and 83)*.

3.2. We do not support the amendments proposed in Art.12, par.3, subpar.1, letter „c“, par.10, par.13, subparagraphs 1 and 2 *(AM 81, 84-86)*. We believe that the information on the labels should only contain the global warming potential of gases in a 100-year timeframe. Our reasons for not supporting the deletion of the exemptions for etching and cleaning activities in the production of semiconductor materials and, accordingly, the labelling requirements are presented below in item II, p.1.2.

II. Round 2:

1. ***Chapter IV*** *(production schedule and reduction of the quantity of HFC, placed on the market), excluding Article 17,* ***Annexes VII*** *and* ***VIII***

1.1. We support *amendments 18 and 27*, correspondingly the introduction of a new recital 13c and the clarification made in recital 25.

1.2. We do not support the deletion from the scope of the exemptions under Article 16, paragraph 2 regarding etching and cleaning activities in the production of semiconductor materials, as well as the inclusion of the new subparagraph 1a *(AM 95 and 96)*. There is no impact assessment of the proposal. We do not consider it an appropriate solution to rely on delegated acts to solve possible problems with disruption of supplies to the EU market of semiconductor manufacturing materials and/or equipment. Practically, this approach means that solution to an already identified problem will be sought through delegated acts, which is not in the interest of the economy and the citizens of the EU.

1.3. We can show certain flexibility towards the proposed amendments in Art.16, par.4 *(AM 97 and 98)*.

1.4. It is not clear for what reason the text of Article 18, paragraph 1 *(AM 103)* was supplemented with the requirement to allocate quotas to persons who comply with Regulation (EC) No. 1907/2006 (REACH). In our opinion, this addition is not necessary because it is implied that the persons to whom a quota is allocated need to ensure compliance with the rest of the EU legislation that imposes requirements in relation to hydrofluorocarbons.

1.5. We are still scrutinizing the proposal for inclusion of the metered dosed inhalers (MDIs) to the accounting requirement in the quota system of HFCs in pre-charged equipment when placed on the market – Art.19 *(AM 104 - 110)*.

1.6. We do not support the suggested deletion in Art.20, par.4, subpar.1 regarding the exemption *for cases of temporary storage (AM 111)*. The Council Mandate should be kept.

1.7. We do not support the suggested amendment in Art.20, par.4, subpar.1, letter „c“ *(AM 112)*. The motives are set out above (point 1.2 of Round 2).

1.8. We are still scrutinizing the proposed amendment of Art.20, par.7, subpar.2 *(AM 113)*. We prefer keeping the provision proposed by the Commission, as it guarantees the confidentiality of the information presented in the F-gas portal. In addition, with Article 20, paragraph 9 of the Council Mandate, the Commission is obliged to publish annually a list of the quota-holders.

2. ***Chapter V*** *(trade), including* ***new Article 11a*** *(export ban)*

2.1. We do not support the proposed export ban in new Article 11a of products and equipment from the dates in Annex IV *(AM 28 and 79)*. This ban will lead to the generation of a large amount of products and equipment that cannot be used within the EU, but at the same time cannot be exported, and thus will become waste, even though some of which will remain unused or will not have reached the middle of its life cycle. The export ban will harm the interests of small and medium-sized enterprises and EU citizens. The potential benefit of the measure in terms of GHG emission savings is also unclear, as there is no impact assessment.

2.2. We support the new recital 28a, as well as the proposed amendments in recitals 29 and 32 (AM 28 - 30).

2.3. We do not support the suggested deletion in Art.22, par.1 of the exemption for cases of temporary storage or the proposed new paragraph 1a *(AM 114 and 115)*. The temporary storage is not subject to regulations under the draft regulation, with the exception of requirements related to illegal trade. The inclusion of requirements for license/registration in the F-gas portal represents an additional burden for the enterprises that may not plan to place on the market the goods at all.

2.4. We are still scrutinizing amendments 116 - 119.

3. ***Chapter VI*** *(reporting and collection of emission data), including* ***Annex IX***

3.1. We do not support the proposed deletions of the thresholds for reporting in Art.26, paragraphs 1 - 4 and 6 - 8 (AM 120 - 126). We believe that dropping the thresholds will lead

to an additional administrative burden on individuals and/or small businesses, which is not proportional to their activity during the calendar year.

3.2. We do not support the proposed new paragraph 2a in Art.27, requesting the Commission to establish, by means of a delegated act, a common framework for the design of a centralized electronic system for the collection of emission data *(AM 127)*. In Bulgaria, as well as in other member states, such information systems are already in place and considerable funds have been spent on their establishment. The proposed common framework would lead to the need of changes in the established systems in order to ensure alignment with the new requirements.

4. ***Chapter VII*** *(enforcement)*

4.1. We support the proposals for amendments in Art.29, par. 1 and 3 (AM 128 and 129).

4.2. We do not support the proposal for replacing of "*may*" with „*shall*" in Art.29, par. 5 *(AM 130)*. This suggestion will oblige MS competent authorities to carry checks on suspects upon a request from another MS, which is not in line with the established norms and practices in the Member States, as well as with the fact that there is a possibility that the person for whom a signal has been received has already been checked, or a check is not needed because sufficient information is already available.

4.3. We do not support the proposed new paragraph 7a in Art.29 *(AM 131)*. It is not clear what information Member States are asked to summarize and report. Even now, reports to the Commission on possible illegal trade and violations of the requirements of the regulation are being worked on, and the results of the inspections are presented in a timely manner.

5. ***Chapter IX*** *(transitional and final provisions)*

5.1. We do not support the proposed new paragraphs 1a and 1b in Art.35 *(AM 137 u 138)*. We do not consider as appropriate the proposed approach for the introduction of changes in essential and controversial elements of the regulation through delegated acts. We find the requirements laid down in the draft regulation to be very ambitious and sufficient to ensure a rapid transition to alternative refrigerants.

III. **<u>Round 3</u>**:

1. ***Chapter VIII*** *(penalties, consultation forum, committee procedure, and exercise of delegation)*

1.1. We support the new recitals 34a and 37a, as well as the proposed amendments in recitals 37, 39 and 40 *(AM 31-35)*.

1.2. We do not support the proposed amendment of Art.31, par.5, subpar.1 *(AM 132)*. We support sticking to the Council mandate (deletion of par.5).

1.3. We support the proposal for amendment of Art.33, par.1 *(AM 136)*.

2. ***Chapter III*** *(restrictions and control of use),* ***Article 11*** *(restriction on placing on the market and sale),* ***Article 13*** *(control of use) and* ***Chapter IV, Article 17*** *(determination of reference values and allocation of quotas for placing hydrofluorocarbons on the market), together with* ***Annex IV*** *(bans on placing on the market),* ***Annex V*** *(HFC production phase down),* ***Annex VII*** *(HFC consumption phase down) and* ***Annex VIII*** *(quota allocation mechanism, including changes for MDIs)*

2.1. We support the new recitals 4a, 6b, 11a, 11b, 13a, 13d and 13e, as well as the proposed amendments in recitals 12, 13 and 15 *(AM 3, 4, 12-14, 16, 159, 19, 20, 23)*.

2.2. The proposed new subparagraph 1a in Art.11, par.1 *(AM 160)* overlaps to a large extent with the proposed amendment of par.1 in the Council Mandate. We still believe that the fulfillment of the requirement cannot be demonstrated at the time of placing of the spare parts on the market, assuming that it essentially concerns the control of subsequent (post-market) repair and service activities.

2.3. We do not support reducing of the deadline in Art.11, par.1, subpar.3 from two years to six months *(AM 74)*. The two-year period is necessary so that companies that have purchased goods (products/equipment) have enough time to free themselves from it, before the entry into force of the new regulation and the requirement for provision of evidence.

2.4. We do not support the proposed new paragraph 6a in Art.11 *(AM 78)*. We consider the amended Art.11 (5) in the Council Mandate as sufficient – importers and distributors of fluorinated greenhouse gases should not be required to hold a certificate.

2.5. We do not support the amendments proposed in Art.13, par.3, subpar. 1 and 3 *(AM 152, 88-92)*, related to the introduction of a ban on the use of fluorinated greenhouse gases with a global warming potential of 2500 or more in air conditioning and heat pump equipment from 01.01.2024, as well as a ban on the use in stationary refrigeration equipment (except chillers) of F-gases with a global warming potential of 150 or more as of 01.01.2030. We find these proposals risky and unfounded, and we stress that there is no impact assessment.

We reiterate, that Bulgaria does not have an installation for the regeneration of fluorinated greenhouse gases, and given that the draft regulation allows the use of only regenerated fluorinated greenhouse gases on the territory of the EU, for us this in practice translates to a complete ban from 01.01.2025. The additional costs refrigerant and equipment replacement, as well as the destruction of existing ones will lead to an increase in the cost of products.

We reiterate and maintain our position on Article 13, paragraph 3, regarding the need to extend the deadline from 01.01.2025 to 01.01.2027 for the entry into force of the ban for use of virgin fluorinated greenhouse gases with GWP of 2500 or more in commercial equipment.

2.6. We do not support the proposed quota fee of 5 euro per tonne of CO2 equivalent – the proposal for amendment of Art.17, par.5, subpar.1 *(AM 99)*. It will affect the supply/demand dynamics of the market – while being achievable for the large companies, it will be absolutely impossible for the small and medium-sized companies. The extremely high fee will also create strong pressure of illegal trade for the border-MS like Bulgaria.

We accept the introduction of a fee of 2 euros per tonne of CO2 equivalent. We believe that this fee, although difficult for small and medium-sized companies, will be bearable and will not lead to the restriction of competition in the market, and accordingly will not be a prerequisite for the emergence of illegal trade.

2.7. We are still scrutinizing the proposed new par.6a in Art.17 *(AM 101)*.

2.8. We are positively scrutinizing the proposed amendments in Art.17, par.7 *(AM 102).*

2.9. We support the proposed amendments in Art.13, par.4 *(AM 156)*.

2.10. We do not support placing a ban on the use of sulfuryl fluoride from 01.01.2030 – the proposed new paragraph 4a in Article 13 (AM 94). No impact assessment of the ban has been carried out. It is not clear whether sustainable alternatives are available for the specified activities in which its use is prohibited - post-harvest fumigation and wood treatment.

2.11. We are still scrutinizing the proposed amendments in Annex IV *(AM 145, 153cp1, 157cp1, 153cp2, 153cp3 u 153cp4)*.

2.12. We do not support the proposed amendments in Annex VII *(AM 150)*.

We maintain the position expressed so far, namely that the accelerated reduction of quotas contradicts the goal of accelerating the electrification of residential heating and putting millions of heat pumps into operation.

2.13. We are still scrutinizing the proposed amendments in Annex VIII *(AM 151)*.

THE NETHERLANDS

F-gas and ODS Regulations – EP amendments – written comments

F-gas Regulation

Chapter 1

We have a strong sympathy for amendment **5** (adjustment of the Montreal Protocol regarding GWP values of HFCs that are based on AR6, i.e. the latest science values).

Amendment **41** (feedstock) we consider problematic. We support an analysis through an Impact Assessment (preferably by TEAP, and/ or the European Commission); regulation of emissions however should be done through the Industrial Emissions Directive. We should prevent other negative environmental effects, and prevent industry moving out of the EU (as is motivated in the Impact Assessment regarding two specific feedstock processes).

Chapter 2

Amendment **6** (progressive leak detection) we also find problematic regarding enforceability within residential housing.

Amendment **68** (certification) we also regard as problematic: 6 months is a too short and unrealistic implementation period (one year after Regulation is in force is more realistic).

Amendment **72** (verification) is also problematic, reasonable steps should be enough. We fear the associated administrative burden and costs otherwise.

Chapter 4

Amendment **18** is problematic; too much focus on SMEs, creates unnecessary complexity for consideration of exemptions.

Amendments **95** & **96,** and also **112** (on semiconductors); this sector should be exempt from quota, together with military represents only 1% of total use, but very competitive and price sensitive market, crucial for EU.

Amendment **113** on public data; very high administrative burden, too strong rule drive.

Chapter 5

Amendments **28, 114** & **115** (temporary storage) problematic for customs, first report by EC on topic before consideration of any proposed measures.

Amendment **127** (on centralized electronic system); we prefer to leave flexibility to Member States.

Chapter 9

Amendment **137** (review); too many issues connected, normal review should be satisfactory.

Chapter 3

Amendment **26** (fee); should be based on a fixed fee, and connected ceiling for EC (Council compromise), without earmarking, EU budgetary rules should be followed.

Amendments **152, 89, 91** (on service); reasonable deadlines should be used.

Amendments **99** & **102** (fee and earmarking); same as 26. We support a fee somewhere between 3 and 5 euro as a compromise between Commission, Parliament and Council.

We strongly support the fixed ceiling for EC costs, no other earmarking. Rest of the budget should flow towards the general EU budget. Council compromise on the fixed ceiling is the desired final outcome.

Amendment **156** (on desflurane); we strongly support the Council position to limit use (alternatives are available). This formulation is stronger than the EP version.

Amendment **146** is problematic, it comes with high administrative costs.

Amendment **151** (reference value); is questionable, we are uncertain of the effects.

SLOVENIA

Comments following the WPE on 26.04.2023 on the EP amendments to the Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014

Following the Working Party on Environment on 26/04/2023 and the call for comments (WK 5555/2023 INIT) we are sending our written comments on certain EP amendments. Where we do not put forward any comments or signal any flexibilities, we firmly stand behind the Council's mandate of 5th April 2023.

	Amendment number	
	Recitals	**Articles**
Round 1		
Chapter I (general provisions), including Annexes I, II, and III (lists of f-gases) and Annex VI (method of calculation of GWP)	1, 2, 5, 17	37-41, 142-144, 149
No comments.		
Chapter II (containment)	6-11, 15	42-72
Comments by Slovenia: AM 57-63 on the extended producer responsibility in Art. 9: We do not want to have such detailed regulation and we do not want to set up a specific scheme, hence, we insist on maintaining Council's mandate. AM 67: We wonder about what the other alternatives are? Is a specific certification envisaged? We would welcome more information. AM 68: We are strongly opposed as we do not consider this implementable in such a short timeframe. AM 69: We are open to the Commission's initial proposal in Art. 10(7). AM 70: More information is needed on how this would work, who sets the threshold? In principle, we see it as out of scope. AM 71: Is out of scope of this regulation.		
Chapter III (restrictions and control of use), Article 12 (labelling and product and equipment information)		80-86
Comments by Slovenia: AM 81: We believe it would make more sense to only state 100-years GWP as a reference on the label. 20 years GWP is for information purposes only. AM 82, 83, 84: Flexible.		
Round 2		
Chapter IV (production schedule and reduction of the quantity of HFCs placed on the market), excluding Article 17, Annexes VII and VIII	18, 27	95-98, 103-113

Comments by Slovenia: AM 96: Flexible. AM 97: We would like to know more information about the role of the Agency. AM 98: Flexible. AM 113: We want to keep the data confidential.		
Chapter V (trade), including new Article 11a on export ban	24, 28-30	114-119
Comments by Slovenia: AM 117: This will be problematic for Member States with no capacities for destruction, additional costs that may incur will be significant, hence, we prefer Council position. AM 118: Maintain Council's mandate, also on art. 23(13) 1st&2nd subparagraphs are paragraphs, which were deleted in the mandate of the Council. AM 119: Flexible		
Chapter VI (reporting and collection of emission data), including Annex IX		120-127
Comments by Slovenia: AM 120, 121, 126: Flexible AM 127: We can in principle agree with a centralised electronic system. Nevertheless, we are still scrutinising any implications this may have on the Member States and their administrative burden.		
Chapter VII (enforcement)		128-131
Comments by Slovenia: AM 128: More information needed on how regular is ”regular”. AM 129: Flexible. AM 130: Prefer Council's position. AM 131: Is unnecessary.		
Chapter IX (transitional and final provisions)	21, 22	137-141
Comments by Slovenia: AM 137: Flexible AM 140: The year 2027 will be too soon to see some results, thus, Council position makes more sense. AM 141: Flexible.		
Round 3		
Chapter VIII (penalties, consultation forum, committee procedure, and exercise of delegation)	31-36	132-136
No comments.		
Chapter III (restrictions and control of use), Article 11 (restriction on placing on the market and sale), Article 13 (control of use) and Chapter IV, Article 17 (determination of reference values and allocation of quotas for placing hydrofluorocarbons on the market), together with Annex IV (bans on placing on the market), Annex V (HFC production phase down), Annex VII (HFC consumption phase down) and Annex VIII (quota allocation mechanism, including changes for MDIs)	3, 4, 12-14, 16, 159, 19, 20, 23, 25, 26	160, 74-79, 152, 88-92, 99-102, 156, 94, 145, 153cp1, 157cp1, 153cp2, 153cp3, 153cp4, 146-148, 150, 151

Comments by Slovenia:
AM 160: Flexible.
AM 74: No flexibility.
AM 76: Is unnecessary.
AM 78: We do not see any need to go further than the Council's mandate.
AM 79: We believe that the same dates for prohibition should apply for the exports as well.
Also on Article 17(5) on quota price, we cannot show any flexibilities, it is important that you stick to the Council's mandate, as we have no room for manoeuvre.
AM 100: Flexible
AM 101: EP's proposal does not seem reasonable, however, we can be flexible.
AM 102: Can agree with a purposeful spending, however, such mechanism will be difficult to devise.

Article 11, Article 13, Annex IV and Annex VII (general): It is very difficult to compare the two approaches taken by EP and the Council respectively. We have a clear preference for the Council's mandate (in line with the co-signed non-paper). We are still scrutinising EP's proposal, hence, more information and analysis in the further process of negotiations would be welcome.

ESTONIA

WP F-gases 26.04.2023

ROUND 1

Chapter I (general provisions), including Annexes I, II, and III (lists of f-gases) and Annex VI (method of calculation of GWP)- No Comments

Chapter II (containment)

Article 3, paragraph 1, point 5 (row 75, **EP amendment 39**) – what is the rationale why "owner" is proposed to be changed to "entity"?

Article 4, paragraph 6 (row 118b, **EP amendment 44**) – we have a reservation on all sulfuryl fluoride amendments. We are gathering information on the use of sulfuryl fluoride for post-harvest fumigation and treatment of wood and wooden products against pest infestation in Estonia and come back to that issue. We would like to emphasize that even if we ban the use of sulfuryl fluoride there should be a wording that would allow the substance to be used in the case of an emergency (like in ODS regulation and methyl bromide) and it would be more preferable to use sulfuryl fluoride instead of MB.

Article 5, paragraph 1, second subparagraph (row 121, **EP amendment 45**) – we support the current system, not to narrow the scope to only residential equipment, we don't see the added value in that.

Article 5 paragraph 1, third subparagraph, point c – (row 125, **EP amendment 47**) – we would like to keep the leak checks system for SF6 equipment as it is.

Article 5, paragraph 2, subparagraph 1, point e (row 131, **EP amendment 48**) – we still maintain a strong position that ships should be left outside of the scope of this regulation, due to the international nature of the equipment.

Article 5, paragraph 2, subparagraph 1, point e a (row 131a, **EP amendment 49**) – we still maintain a strong position that ships and planes should be left outside of the scope of this regulation, due to the international nature of the equipment.

Article 9, paragraph 1, 1a, 1b, 1b point a and point b (rows 187-189, **EP amendments 57-63**) – we are rather sceptical, administrative burden to member states which seems unproportionate.

Article 10, paragraph 6a (row 204a, **EP amendment 68**) – 6 months for setting up certification schemes and programs is not enough, more time is needed.

Article 10, paragraph 8, first subparagraph and article 10, paragraph 9 (rows 206 and 208, **EP amendments 70-71**)– red line - this proposal would give rise to administrative burden, and we cannot support it. It is hard to see the added value and the proportionality of these amendments.

Chapter III (restrictions and control of use), Article 12 (labelling and product and equipment information)

Article 11 paragraph 4, subparagraph 1, introductory part – for us, switchgear must be allowed for the exemption in this article, we should maintain the Council mandate – **very essential issue for us.**

Article 11, paragraph 6a (row 229a, **EP amendment 78**) – for us it is not understandable why the seller of bulk f-gases should hold a certificate or training attestation.

Article 12 (rows 241, 245, 248a, 253a, **EP amendments 80-83**) – proposals for the labelling seems to us unreasonable – added value versus the burden on stakeholders is not proportional.

Article 13, paragraph 3 (rows 271, 274, 274a, 275, 275a, **EP amendments 152, 89, 90-92**)– our strong position is that the GWP in the refrigeration equipment servicing, and maintenance ban cannot be lowered. It should stay at 2500 not less until 2030. It is necessary for existing equipment to live until the end of their lifetime. We should keep in line with the Council mandate on that issue.

Article 13, paragraph 4a (row 277a, **EP amendment 94**) – we have a reservation on all sulfuryl fluoride amendments. We are gathering information on the use of sulfuryl fluoride for post-harvest fumigation and treatment of wood and wooden products against pest infestation in Estonia and come back to that issue. We would like to emphasize that even if we ban the use of sulfuryl fluoride there should be a wording that would allow the substance to be used in the case of an emergency (like in ODS regulation and methyl bromide) and if SF works, it would be better for the environment to use it instead of MB.

ROUND 2

Chapter IV (production schedule and reduction of the quantity of HFCs placed on the market), excluding Article 17, Annexes VII and VIII

Article 27, paragraph 2a (row 420a, **EP amendment 127**) – we don't support the proposal. Electronic systems should be left to the member states competency.

Chapter V (trade), including new Article 11a on the export ban

Article 20, paragraph 7, subparagraph 2 (row 349, **EP amendment 113)** – We support the current system and think that we should follow the Council mandate here.

Article 23, paragraph 12, subparagraph 1 (row 386, **EP amendment 117**) – we think that the system of destroying the containers should be left for member states to decide.

Chapter VI (reporting and collection of emission data), including Annex IX

Article 26, paragraph 1, first subparagraph, 26, paragraph 2, 26 paragraph 4, 26 paragraph 6, 26 paragraph 7, Article 26 paragraph 8, first subparagraph (rows 401, 403, 404, 405, 408-410,

EP amendments 121-126)– we strongly support keeping the threshold for reporting in the text to avoid excessive administrative burden. Even Council text would cause an enormous administrative burden.

Chapter VII (enforcement)

Article 29, paragraph 7 a (row 441 a, **EP amendment 131)** – Again, it brings administrative burden to all which we would like to avoid. Can not support the proposal since it is not proportional.

Chapter IX (transitional and final provisions)

No comments

ROUND 3

Chapter VIII (penalties, consultation forum, committee procedure, and exercise of delegation)

Article 31, paragraph 5, first subparagraph (row 458, **EP amendment 132)**– strongly support the text in the Council mandate.

Article 35, paragraph 1a (row 476a, **EP amendment 137**)– we don`t support delegated act in this matter, member states should have a maximum say here.

Chapter III (restrictions and control of use), Article 11 (restriction on placing on the market and sale), Article 13 (control of use), and Chapter IV, Article 17 (determination of reference values and allocation of quotas for placing hydrofluorocarbons on the market), together with Annex IV (bans on placing on the market), Annex V (HFC production phase down), Annex VII (HFC consumption phase down) and Annex VIII (quota allocation mechanism, including changes for MDIs)

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Article 17, paragraph 5, first subparagraph (row 311, **EP amendment 99**) – strongly against the Parliaments' amendment proposal – 5 euros for a quota is not acceptable and increasing in time also. We are extremely worried about the price for end users.

ANNEX IV (EP amendments 145, 153cp1, 157cp1, 153cp2, 153cp3 and 153cp4)– we don't support placing on the market bans for the mobile sector. On the other stationary equipment bans – our views are presented in the Council mandate and no further flexibility on that, those dates are already red lines.

Switchgear (EP amendment 146) - it is very important to keep the text that we agreed in the Council: one bidder exemption and possibilities to use SF6 equipment if there is no technically feasible alternative, expanding etc.

We were also wondering is there any way to still add a separate paragraph for dealing with the grid projects in the pipeline that get delayed in spite of power companies' efforts and clash with the ban deadline (DE had a wording proposal).

Not providing solutions for these cases will postpone important electricity projects and cause trouble. The regulation should foresee solutions for such cases, as placing on the market bans were replaced with putting into operation bans.

Also, electricity providers have asked to specify what exactly can be considered as putting into operation – is it installation or the moment when energy is supplied to the system?

ANNEX VII – no further flexibility – our wish was to give more quota for the period 2027-2029 than it was agreed in the Council mandate. RED LINE

Furthermore, we would like to emphasize that it is important to maintain safety requirements exemptions in the bans in Annex IV, therefore some quota should be maintained for that use (it cannot be 0 in 2050 and onwards), there are also some other exceptions allowed, therefore the quota cannot be zero.

In addition, we do not support that the final deadline should be set for this now, because we do not know what future technical development will allow.