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Information and Notices

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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2023)0094

2022 Rule of Law Report — The Rule of Law situation in the European Union

European Parliament resolution of 30 March 2023 on the 2022 Rule of Law Report — the rule of law situation in the European Union (2022/2898(RSP))

(2023/C 341/01)

The European Parliament,

- having regard to the Treaty on European Union (TEU), in particular Articles 2, 3(1), 3(3), second subparagraph, 4(3) and Articles 5, 6, 7, 11, 19 and 49 thereof,
- having regard to the Treaty on the Functioning of the European Union, and in particular to the articles thereof relating to respect for, and the protection and promotion of, democracy, the rule of law and fundamental rights in the Union, including Articles 70, 258, 259, 260, 263, 265 and 267,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the case-law of the Court of Justice of the European Union,
- having regard to the Commission communication of 13 July 2022 on the 2022 Rule of Law Report — the rule of law situation in the European Union (COM(2022)0500),
- having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget ⁽¹⁾ (the Rule of Law Conditionality Regulation),
- having regard to Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021 establishing the Citizens, Equality, Rights and Values programme and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014 ⁽²⁾,
- having regard to the Universal Declaration of Human Rights,
- having regard to the UN instruments on the protection of human rights and fundamental freedoms, and the recommendations and reports of the UN Universal Periodic Review, as well as the case-law of the UN treaty bodies and the special procedures of the Human Rights Council,

⁽¹⁾ OJ L 433 I, 22.12.2020, p. 1.

⁽²⁾ OJ L 156, 5.5.2021, p. 1.

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- having regard to the recommendations and reports of the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, the Representative on Freedom of the Media and other bodies of the Organization for Security and Co-operation in Europe (OSCE),
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter, the case-law of the European Court of Human Rights and the European Committee of Social Rights, and the conventions, recommendations, resolutions, opinions and reports of the Parliamentary Assembly, the Committee of Ministers, the Human Rights Commissioner, the European Commission Against Racism and Intolerance, the Steering Committee on Anti-Discrimination, Diversity and Inclusion, the Venice Commission and other bodies of the Council of Europe,
- having regard to the Memorandum of Understanding between the Council of Europe and the European Union of 23 May 2007 and the Council conclusions of 8 July 2020 on EU priorities for cooperation with the Council of Europe 2020-2022,
- having regard to the Commission's reasoned proposal for a Council decision of 20 December 2017 on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law, issued in accordance with Article 7(1) TEU (COM(2017)0835),
- having regard to the reports of the European Union Agency for Fundamental Rights (FRA) of 19 July 2022 entitled 'Europe's civil society: still under pressure', of 8 June 2022 entitled 'Fundamental Rights Report 2022', of 19 August 2022 entitled 'Protecting civic space in the EU' and of 3 November 2022 entitled 'Antisemitism — Overview of antisemitic incidents recorded in the European Union 2011-2021', and its other reports, data and tools, in particular the European Union Fundamental Rights Information System (EFRIS),
- having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights ⁽³⁾,
- having regard to its resolution of 1 March 2018 on the Commission's decision to activate Article 7(1) TEU as regards the situation in Poland ⁽⁴⁾,
- having regard to its resolution of 19 April 2018 on the need to establish a European Values Instrument to support civil society organisations which promote fundamental values within the European Union at local and national level ⁽⁵⁾,
- having regard to its resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) TEU, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded ⁽⁶⁾,
- having regard to its resolution of 14 November 2018 on the need for a comprehensive EU mechanism for the protection of democracy, the rule of law and fundamental rights ⁽⁷⁾,
- having regard to its resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights ⁽⁸⁾,
- having regard to its resolution of 13 November 2020 on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights ⁽⁹⁾,

⁽³⁾ OJ C 215, 19.6.2018, p. 162.

⁽⁴⁾ OJ C 129, 5.4.2019, p. 13.

⁽⁵⁾ OJ C 390, 18.11.2019, p. 117.

⁽⁶⁾ OJ C 433, 23.12.2019, p. 66.

⁽⁷⁾ OJ C 363, 28.10.2020, p. 45.

⁽⁸⁾ OJ C 395, 29.9.2021, p. 2.

⁽⁹⁾ OJ C 415, 13.10.2021, p. 36.

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- having regard to its resolution of 10 June 2021 on the rule of law situation in the European Union and the application of the Conditionality Regulation (EU, Euratom) 2020/2092 ⁽¹⁰⁾,
- having regard to its resolution of 24 June 2021 on the Commission's 2020 Rule of Law Report ⁽¹¹⁾,
- having regard to its resolution of 8 July 2021 on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget ⁽¹²⁾,
- having regard to its resolution of 11 November 2021 on strengthening democracy and media freedom and pluralism in the EU: the undue use of actions under civil and criminal law to silence journalists, NGOs and civil society ⁽¹³⁾,
- having regard to its resolution of 15 December 2021 on the evaluation of preventive measures for avoiding corruption, irregular spending and misuse of EU and national funds in case of emergency funds and crisis-related spending areas ⁽¹⁴⁾,
- having regard to its resolution of 8 March 2022 on the shrinking space for civil society in Europe ⁽¹⁵⁾,
- having regard to its resolution of 10 March 2022 on the rule of law and the consequences of the ECJ ruling ⁽¹⁶⁾,
- having regard to its resolution of 19 May 2022 on the Commission's 2021 Rule of Law Report ⁽¹⁷⁾,
- having regard to its resolution of 9 June 2022 on the rule of law and the potential approval of the Polish national recovery plan (RRF) ⁽¹⁸⁾,
- having regard to its resolution of 15 September 2022 on the proposal for a Council decision determining, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded ⁽¹⁹⁾,
- having regard to its resolution of 15 September 2022 on the situation of fundamental rights in the European Union in 2020 and 2021 ⁽²⁰⁾,
- having regard to its resolution of 20 October 2022 on the rule of law in Malta, five years after the assassination of Daphne Caruana Galizia ⁽²¹⁾,
- having regard to its resolution of 20 October 2022 on growing hate crimes against LGBTIQ+ people across Europe in light of the recent homophobic murder in Slovakia ⁽²²⁾,
- having regard to its resolution of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU ⁽²³⁾,

⁽¹⁰⁾ OJ C 67, 8.2.2022, p. 86.

⁽¹¹⁾ OJ C 81, 18.2.2022, p. 27.

⁽¹²⁾ OJ C 99, 1.3.2022, p. 146.

⁽¹³⁾ OJ C 205, 20.5.2022, p. 2.

⁽¹⁴⁾ OJ C 251, 30.6.2022, p. 48.

⁽¹⁵⁾ OJ C 347, 9.9.2022, p. 2.

⁽¹⁶⁾ OJ C 347, 9.9.2022, p. 168.

⁽¹⁷⁾ OJ C 479, 16.12.2022, p. 18.

⁽¹⁸⁾ OJ C 493, 27.12.2022, p. 108.

⁽¹⁹⁾ Texts adopted, P9_TA(2022)0324.

⁽²⁰⁾ Texts adopted, P9_TA(2022)0325.

⁽²¹⁾ Texts adopted, P9_TA(2022)0371.

⁽²²⁾ Texts adopted, P9_TA(2022)0372.

⁽²³⁾ Texts adopted, P9_TA(2022)0389.

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- having regard to its resolution of 24 November 2022 on the assessment of Hungary's compliance with the rule of law conditions under the Conditionality Regulation and state of play of the Hungarian RRP ⁽²⁴⁾,
 - having regard to the Conference on the Future of Europe's report on the final outcome,
 - having regard to Rule 132(2) of its Rules of Procedure,
 - having regard to the motion for a resolution of the Committee on Civil Liberties, Justice and Home Affairs,
- A. whereas the Union is founded on the common values enshrined in Article 2 TEU of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities — values that are common to the EU Member States and to which candidate countries must adhere in order to join the Union as part of the Copenhagen criteria, which cannot be disregarded or reinterpreted after accession; whereas democracy, the rule of law and fundamental rights are mutually reinforcing values which, when undermined, may pose a systemic threat to the Union and the rights and freedoms of its citizens; whereas respect for the rule of law is binding on the Union as a whole and its Member States at all levels of governance, including subnational entities;
- B. whereas the Conference on the Future of Europe clearly expressed a desire for the EU to systematically uphold the rule of law across all Member States, to protect citizens' fundamental rights and to retain the EU's credibility when promoting its values within the EU and abroad;
- C. whereas the principle of sincere cooperation in Article 4(3) TEU places an obligation on the Union and the Member States to assist each other in carrying out obligations which arise from the Treaties in full mutual respect, and on Member States to take any appropriate measure, general or in particular, to ensure the fulfilment of the obligations arising from the Treaties or resulting from the acts of the institutions of the Union;
- D. whereas the addition of concrete and legally binding country-specific recommendations would help Member States to prevent, detect and address challenges and backsliding on the rule of law;
- E. whereas the Member States introduced emergency measures to respond to the COVID-19 pandemic; whereas, in order to be lawful, these needed to respect the principles of necessity and proportionality when restricting fundamental rights or basic freedoms; whereas some governments have used the extraordinary measures as an excuse to weaken democratic checks and balances;
- F. whereas it is necessary to strengthen and streamline existing mechanisms and to develop a single comprehensive EU mechanism to protect democracy, the rule of law and fundamental rights effectively and to ensure that Article 2 TEU values are upheld throughout the Union as well as promoted among candidate countries, albeit with different monitoring regimes, so that Member States are prevented from developing domestic law that runs counter to the protection of Article 2 TEU; whereas the Commission and the Council have continued to dismiss the need for an interinstitutional agreement on an EU mechanism on democracy, the rule of law and fundamental rights;
- G. whereas since May 2022, Parliament has also been addressing the rule of law situation in Hungary, Malta and Poland in its resolutions; whereas Parliament's Committee on Civil Liberties, Justice and Home Affairs' Democracy, Rule of Law and Fundamental Rights Monitoring Group has also addressed certain issues in Bulgaria, Greece, Slovakia, Slovenia and Spain;

Overall assessment of the report

1. Welcomes the Commission's third annual rule of law report as part of the Commission's rule of law toolbox; considers that the report represents a step towards a coherent mechanism to uphold the Union values enshrined in Article 2 TEU, and that the key challenge now is to make effective and consistent use of the existing toolbox in order to protect and enforce these values;

⁽²⁴⁾ Texts adopted, P9_TA(2022)0422.

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2. Notes improvements compared to previous annual reports, such as the addition of country-specific recommendations; welcomes also the special attention paid to the public service media and to measures to ensure the transparency of media ownership, including the Media Pluralism Monitor ranking, the assessment of the implementation of the rulings of the European Court of Human Rights by the Member States, the attention paid to political party financing, the focus on equality bodies, national human rights institutions and ombudspersons, the monitoring of high-level appointments in the justice system and the increased attention paid to the legal profession including judges, notaries and attorneys;
3. Encourages the Commission to deepen its participation in public debates at local, regional and national levels and to invest more in awareness-raising about the Union values and applicable tools, including the annual report, particularly in the countries where serious concerns exist; supports the Commission's efforts to upgrade the reporting methodology and considers that the expansion of scope of the report should go hand in hand with an increase in resources; believes that more time should be devoted to the Commission's country visits, including on site;
4. Regrets the worrying trends with respect to freedom of the press, media pluralism and the safety of journalists in several Member States and calls on the Commission to closely monitor the situation of the media in future editions of the report, including media ownership and the funding of public service media, as well as to provide recommendations and follow-up through adequate policy and legal measures; condemns disruptive political interference in editorial decisions, abusive lawsuits (SLAPPs) and the illegal surveillance of journalists, especially through the use of spyware, and affirms that journalists will continue to be at risk as long as institutions remain unable or unwilling to prosecute the corruption journalists expose;
5. Stresses the special role that the national councils for the judiciary play in protecting the independence of courts and judges against political interference; deplores the continued politicisation of these bodies in some countries, as well as the devastating effect this has on the independence and integrity of their justice systems;
6. Acknowledges the important role of the European Public Prosecutor's Office (EPPO) in safeguarding the rule of law and in combating corruption in the Union, and encourages the Commission to closely monitor Member States' level of cooperation with the EPPO in subsequent reports; calls on the Member States which have not yet done so to join the EPPO;
7. Deplores the fact that the Commission did not address in full the recommendations made by Parliament in its previous resolutions⁽²⁵⁾ and calls on the Commission to take steps to address them;
8. Is concerned about the lack of consistency between the horizontal report and the recommendations, in particular that the country-specific concerns expressed in the horizontal report do not fully correspond to the country-specific recommendations; asks for a clear link to be established between the concerns expressed and the recommendations put forward;
9. Highlights that the intentional targeting of minority groups' rights in some Member States has created and established momentum elsewhere, as can be evidenced by backtracking on the rights of women, including a deterioration in the situation in relation to sexual and reproductive health and rights, and of LGBTIQ+ persons, migrants and other minority groups; calls for a summary of the implementation of the EU anti-racism action plan in the report's country chapters and an analysis of how the backlash in the rule of law affects different minority groups;
10. Condemns the instructions given by the Italian Government to the City Council of Milan to stop registering the children of same-sex parents; believes that this decision will inevitably lead to discrimination against not only same-sex couples, but also primarily their children; considers this action to be a direct breach of children's rights, as listed in the 1989 UN Convention on the Rights of the Child; is concerned that this decision is part of a broader attack against the LGBTIQ+ community in Italy; calls on the Italian Government to immediately rescind its decision;

⁽²⁵⁾ Resolutions of 24 June 2021 on the Commission's 2020 Rule of Law Report and of 19 May 2022 on the Commission's 2021 Rule of Law Report.

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11. Calls on the Commission to use the relevant elements of the methodology applied in the annual rule of law reports in its evaluation of all candidate and potential candidate countries for EU accession;

Country-specific recommendations

12. Welcomes the addition of country-specific recommendations, as a follow-up to the reiterated calls from Parliament and civil society to this end; recalls that the annual reports serve as a basis for informed discussions on the rule of law situation in Member States and in EU institutions; acknowledges that these country-specific recommendations help to target specific issues with a view to achieving real improvements in Member States; deplors, however, the fact that the recommendations are not binding; calls on the Commission to develop the annual rule of law cycle further by assessing the implementation of the country-specific recommendations in the next annual report, with specific benchmarks and a clear timeline for implementation, clearly indicating progress and regression;

13. Regrets the fact that many of the recommendations are too vague and lack the specificity required to ensure effective implementation; reiterates the need to set out a timeline for the implementation of the recommendations and to detail the possible consequences in the event of non-compliance;

14. Urges the Commission to initiate the relevant procedures without hesitation or delay, especially when governments show no willingness to comply with the country-specific recommendations;

15. Commends the efforts by the Commission to engage better with national stakeholders; recognises civil society as an essential actor for the rule of law, with an important role to play in the follow-up to the annual report and its implementation; calls on the Commission to pursue the consistent and meaningful involvement of civil society in both the preparation of and the follow-up to the report at national level, in cooperation with the FRA, including by allowing sufficient time to contribute to the process and reaching out extensively to civil society organisations (CSOs) in country visits; calls on the Commission to secure a more inclusive, transparent and user-friendly approach to the cycle, in order to ensure meaningful stakeholder participation and accountability throughout the process; calls for a more systematic presentation of the contributions made by civil society and professional organisations, including from the judiciary, in order to supplement the information provided by the governments of the Member States;

16. Acknowledges the crucial role civil society and a healthy civic space play in upholding and protecting the rule of law, and reiterates its call for a separate chapter to be dedicated to the condition of civil society in Member States; stresses the links between civic space and rule of law issues; calls on the Commission to further invest, through dedicated funding, in building capacity for CSOs to monitor and report on the rule of law situation in the Member States, and to ensure adequate protection to civil society engaging in this process; is concerned that the biased distribution of funding in some countries impacts CSOs working on promoting the rights of vulnerable groups or working, more generally, for causes that governments do not support; encourages a thorough assessment of these issues in all countries covered by the report and stresses the need for country recommendations to address these issues; urges the Commission to consider direct management of EU funds, also in order to ensure that end beneficiaries, including CSOs working with vulnerable groups, receive the EU funding intended for them; calls on the Commission to monitor the impact of the Citizens, Equality, Rights and Values Programme on civil society in the Member States; calls on the Council and the Commission to provide adequate funding for independent and European-wide quality journalism at national, regional and local levels;

17. Stresses the need for country-specific recommendations on the national responses to the COVID-19 pandemic and their impact on democracy, the rule of law and fundamental rights within the Union; calls on the Commission to continue monitoring and reporting on these national processes, including best practices;

18. Regrets the absence of country-specific recommendations related to Member States' unlawful use of surveillance spyware technologies, such as Pegasus or Predator, in spite of the concrete revelations on, and increasing evidence of, their use against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors; is extremely concerned about the related risks to civil society, democracy, the rule of law and respect for

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fundamental rights posed by national governments' uncontrolled use of spyware; regrets the lack of cooperation by some Member States' authorities with Parliament's Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware;

Outstanding calls from Parliament on the annual rule of law report

19. Reiterates its call on the Commission to expand the scope of its reporting to cover all values enshrined in Article 2 TEU; reiterates the existence of an intrinsic link between the rule of law, democracy and fundamental rights; urges the Commission and the Council to immediately enter into negotiations with Parliament on an interinstitutional agreement on an EU mechanism on democracy, the rule of law and fundamental rights, which should cover the full scope of Article 2 TEU values; deplores the fact that the human rights violations against migrants which are taking place at the EU's external borders are not part of the assessment made by the Commission;

20. Calls for the inclusion in the annual report of important missing elements of the Venice Commission's 2016 Rule of Law Checklist, such as prevention of the abuse of powers, equality before the law and non-discrimination;

21. Welcomes the step taken by the Commission of including in its report the implementation of European Court of Human Rights decisions by Member States as an indicator of quality and respect for the rule of law; calls on the Commission to extend this analysis to include the proper implementation process of these rulings at national level;

22. Considers that cooperation with the Council of Europe and other international organisations is of particular relevance for advancing democracy, the rule of law and fundamental rights within the EU; calls on the Commission to analyse individual communications by UN Treaty Bodies;

23. Reiterates its call on the Commission to include a new separate chapter on the Union's institutions, which would assess the situation in relation to the separation of powers, the anti-corruption framework, accountability and checks and balances;

24. Strongly regrets the inability of the Council to make meaningful progress in the ongoing Article 7(1) TEU procedures; urges the Council to address all new developments affecting the rule of law, democracy and fundamental rights; reiterates its call on the Council to address recommendations in the framework of this procedure, underlining that any further delaying of such action would amount to a breach of the rule of law principle by the Council itself; insists that Parliament's role and competences be respected;

25. Strongly condemns Member States' authorities that refuse to engage in the Commission's annual Rule of Law Dialogue;

26. Regrets the fact that the report fails to clearly recognise the deliberate process of backsliding on the rule of law in several Member States; calls on the Commission to make clear that when the Article 2 TEU values are systematically, deliberately, gravely and permanently violated over a period of time, Member States could fail to meet all criteria that define a democracy; recalls that Parliament has already indicated that Hungary has turned into a hybrid regime of electoral autocracy, according to the relevant indices; reiterates the recommendations to the Commission to differentiate between systemic and individual breaches, to avoid the risk of trivialising the most serious breaches of the rule of law and to accompany the country-specific recommendations with deadlines for implementation, targets and concrete actions to be taken;

27. Recalls its position regarding the involvement of a panel of independent experts to advise the three institutions, in close cooperation with the FRA; repeats its call on the Commission to invite the FRA to provide methodological advice and conduct comparative research to add detail in key areas of the annual report, given the intrinsic links between fundamental rights and the rule of law; asks its Bureau, in light of the reluctance of the Commission and the Council, to organise a public procurement procedure in order to create such a panel under the auspices of Parliament, in line with the commitment undertaken in its previous resolutions⁽²⁶⁾, in order to advise Parliament on compliance with Article 2 TEU values in different Member States and to show by example how such a panel could work in practice;

⁽²⁶⁾ Resolutions of 24 June 2021 on the Commission's 2020 Rule of Law Report and of 19 May 2022 on the Commission's 2021 Rule of Law Report.

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28. Reiterates that the annual rule of law cycle should serve as input for the activation of other instruments to respond to threats or breaches of the rule of law at national level, such as Article 7 TEU, the Rule of Law Conditionality Regulation, the rule of law framework, infringement procedures, including expedited procedures, applications for interim procedures before the Court of Justice of the European Union (CJEU) and actions regarding non-implementation of CJEU judgments, or instruments under EU financial legislation; reiterates its call on the Commission to create a direct link between the annual rule of law reports, among other sources, and the Rule of Law Conditionality Mechanism;

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29. Instructs its President to forward this resolution to the Council, the Commission, the European Union Agency for Fundamental Rights, the Council of Europe, the Organization for Security and Co-operation in Europe, the United Nations and the governments and parliaments of the Member States.

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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P9_TA(2023)0087

Request for waiver of the immunity of Anna Júlia Donáth

European Parliament decision of 30 March 2023 on the request for waiver of the immunity of Anna Júlia Donáth (2022/2208(IMM))

(2023/C 341/02)

The European Parliament,

- having regard to the request dated 21 October 2022 of the District Court of Kecskemét in Hungary for the waiver of the immunity of Anna Júlia Donáth in connection with criminal proceedings brought against her by way of a private indictment pending before the District Court of Kecskemét, and announced in plenary on 24 November 2022,
 - having regard to the fact that Anna Júlia Donáth has renounced her right to be heard under Rule 9(6) of its Rules of Procedure,
 - having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to Article 4(2) of the Basic Law of Hungary, to Articles 10(2) and 12(1) of Act LVII of 2004 on the Legal Status of the Hungarian Members of the European Parliament and to Article 74 of Act XXXVI of 2012 on the Hungarian National Assembly,
 - having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 ⁽¹⁾,
 - having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A9-0071/2023),
- A. whereas on 21 October 2022, the District Court of Kecskemét, Hungary, submitted a request for waiver of the parliamentary immunity of Anna Júlia Donáth, Member of the European Parliament elected in Hungary, in the context of the criminal proceedings for defamation brought against her by way of private indictment; whereas the request includes a previous request for waiver of the immunity of Anna Júlia Donáth by the same District Court, dated 28 June 2022, which, however, appears never to have been received by the European Parliament;

⁽¹⁾ Judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C 200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C 163/10, ECLI: EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

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- B. whereas on 20 January 2022, a statement by the Executive Committee of the Momentum Mozgalom Párt (Momentum Movement party) referring to the suspension of the claimant's party membership, alleging that this suspension came after a series of ethical violations by the claimant, was published in the party's online newspaper and on its Facebook page; whereas it appears that, between 21 November 2021 and 29 May 2022, Anna Júlia Donáth was serving as president of the Momentum Mozgalom Párt's Executive Committee;
- C. whereas on 31 January 2022, the claimant brought a private action before the District Court of Kecskemét against Anna Júlia Donáth, in her capacity as president of the Momentum Mozgalom Párt's Executive Committee, claiming the statutory offence of defamation in public pursuant to Article 226(2)(b) of Act C of 2012 on the Hungarian Criminal Code; whereas pursuant to Article 231(2) of the Hungarian Criminal Code, that offence may be punished only in the context of a private action;
- D. whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
- E. whereas the alleged offence does not constitute an opinion expressed or a vote cast in the performance of Anna Júlia Donáth's duties as a Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union; whereas the alleged offence instead concerns activities of a national nature, carried out in her capacity as president of her national party;
- F. whereas, according to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of their parliament and, in the territory of any other Member State, immunity from any measure of detention and from legal proceedings; whereas immunity cannot be claimed when a Member is found in the act of committing an offence and does not prevent the European Parliament from exercising its right to waive the immunity of one of its Members;
- G. whereas according to Article 4(2) of the Fundamental Law of Hungary, members of the Hungarian Parliament shall be entitled to immunity; whereas according to Article 10(2) of Act LVII of 2004 on the Legal Status of the Hungarian Members of the European Parliament, Members of the European Parliament are entitled to immunity equal to the immunity of members of the Hungarian Parliament, and whereas according to Article 12(1) of the same act, the decision to suspend the immunity of a Member of the European Parliament shall fall within the competence of the European Parliament; whereas pursuant to Article 74(1) of Act XXXVI of 2012 on the Hungarian National Assembly, criminal proceedings can only be initiated against a member with the prior consent of the National Assembly;
- H. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, namely factual elements indicating that the intention underlying the legal proceeding may be to damage the Member's political activity in her capacity as a Member of the European Parliament;
- I. whereas it is for Parliament alone to decide, in a given case, whether or not to waive immunity; whereas Parliament may reasonably take account of the position of the Member in order to decide whether or not to waive his or her immunity⁽²⁾; whereas Anna Júlia Donáth has stated that she does not object to her parliamentary immunity being waived;
- J. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant⁽³⁾;
1. Decides to waive the immunity of Anna Júlia Donáth;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of Hungary and to Anna Júlia Donáth.

⁽²⁾ Judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440. paragraph 28.

⁽³⁾ Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.

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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P9_TA(2023)0088

Joint Investigation Teams collaboration platform

European Parliament legislative resolution of 30 March 2023 on the proposal for a regulation of the European Parliament and of the Council establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726 (COM(2021)0756 — C9-0448/2021 — 2021/0391(COD))

(Ordinary legislative procedure: first reading)

(2023/C 341/03)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0756),
 - having regard to Article 294(2) and Article 82(1), second subparagraph, point (d) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0448/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 December 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0245/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2021)0391

Position of the European Parliament adopted at first reading on 30 March 2023 with a view to the adoption of Regulation (EU) 2023/... of the European Parliament and of the Council establishing a collaboration platform to support the functioning of joint investigation teams and amending Regulation (EU) 2018/1726

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2023/969.)

Thursday 30 March 2023

P9_TA(2023)0089

European Year of Skills 2023**European Parliament legislative resolution of 30 March 2023 on the proposal for a decision of the European Parliament and of the Council on a European Year of Skills 2023 (COM(2022)0526 — C9-0344/2022 — 2022/0326(COD))****(Ordinary legislative procedure: first reading)**

(2023/C 341/04)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0526),
 - having regard to Article 294(2) and Article 149 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0344/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 15 December 2022 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 17 March 2023 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the letter from the Committee on Culture and Education,
 - having regard to the report of the Committee on Employment and Social Affairs (A9-0028/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2022)0326**Position of the European Parliament adopted at first reading on 30 March 2023 with a view to the adoption of Decision (EU) 2023/... of the European Parliament and of the Council on a European Year of Skills***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2023/936.)*

⁽¹⁾ OJ C 100, 16.3.2023, p. 123.

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P9_TA(2023)0090

General Product Safety Regulation

European Parliament legislative resolution of 30 March 2023 on the proposal for a regulation of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (COM(2021)0346 — C9-0245/2021 — 2021/0170(COD))

(Ordinary legislative procedure: first reading)

(2023/C 341/05)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0346),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0245/2021),
 - having regard to the opinion of the European Economic and Social Committee of 20 October 2021 ⁽¹⁾,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 21 December 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0191/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2021)0170

Position of the European Parliament adopted at first reading on 30 March 2023 with a view to the adoption of Regulation (EU) 2023/... of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2023/988.)

⁽¹⁾ OJ C 105, 4.3.2022, p. 99.

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P9_TA(2023)0091

Strengthening the application of the principle of equal pay for equal work or work of equal value between men and women

European Parliament legislative resolution of 30 March 2023 on the proposal for a directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (COM(2021)0093 — C9-0089/2021 — 2021/0050(COD))

(Ordinary legislative procedure: first reading)

(2023/C 341/06)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0093),
 - having regard to Article 294(2) and Article 157(3) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0089/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 9 June 2021 ⁽¹⁾,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 21 December 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Employment and Social Affairs and the Committee on Women's Rights and Gender Equality under Rule 58 of the Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the Committee on Women's Rights and Gender Equality (A9-0056/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Takes note of the statement by the Commission annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2021)0050

Position of the European Parliament adopted at first reading on 30 March 2023 with a view to the adoption of Directive (EU) 2023/... of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2023/970.)

⁽¹⁾ OJ C 341, 24.8.2021, p. 84.

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ANNEX TO THE LEGISLATIVE RESOLUTION

Commission statement

The Commission takes note of the compromise reached between the co-legislators on a transposition period of three years for the entry into application of the new rules on pay transparency. The Commission would like to point out that this deviation from the standard two-year transposition period should not be seen as a precedent. It only aims at ensuring that employers will have non-discriminatory pay structures in place so as to ensure full application of the new rules at the time of transposition.

Thursday 30 March 2023

P9_TA(2023)0092

Fluorinated gases regulation

Amendments adopted by the European Parliament on 30 March 2023 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 (COM(2022)0150 — C9-0142/2022 — 2022/0099(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2023/C 341/07)

Amendment 1**Proposal for a regulation****Recital 1**

Text proposed by the Commission

- (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 EU is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.

Amendment

- (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 make Europe the first climate-neutral **and zero-pollution** continent by 2050 and aims to protect the health and well-being of citizens from environment-related risks and impacts. Furthermore, the EU is committed to **Regulation (EU) 2021/1119 of the European Parliament and of the Council** ^(1a) ('**European Climate Law**'), **the 8th Environmental Action Programme, and the** 2030 Agenda for Sustainable Development and its Sustainable Development Goals.

^(1a) **Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).**

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0048/2023).

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Amendment 2
Proposal for a regulation

Recital 3

Text proposed by the Commission

- (3) Regulation (EU) No 517/2014 of the European Parliament and of the Council ⁽²⁶⁾ was adopted to reverse the increase in fluorinated greenhouse gas emissions. As concluded by an evaluation prepared by the Commission, Regulation (EU) No 517/2014 has led to a year-on-year decrease of fluorinated greenhouse gas emissions. The supply of hydrofluorocarbons ('HFCs') has declined by 37 % in metric tonnes and 47 % in terms of tonnes CO₂ equivalent from 2015 until 2019. There has also been a clear shift to the use of alternatives with lower global warming potential ('GWP') including natural alternatives (for example CO₂, ammonia, hydrocarbons, water) in many types of equipment that used fluorinated greenhouse gases traditionally.

⁽²⁶⁾ Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases (OJ L 150, 20.5.2014, p. 195).

Amendment

- (3) Regulation (EU) No 517/2014 of the European Parliament and of the Council ⁽²⁶⁾ was adopted to reverse the increase in fluorinated greenhouse gas emissions. As concluded by an evaluation prepared by the Commission, Regulation (EU) No 517/2014 has led to a year-on-year decrease of fluorinated greenhouse gas emissions. The supply of hydrofluorocarbons ('HFCs') has declined by 37 % in metric tonnes and 47 % in terms of tonnes CO₂ equivalent from 2015 until 2019. There has also been a clear shift to the use of alternatives with lower global warming potential ('GWP') including natural alternatives (for example **air**, CO₂, ammonia, hydrocarbons, water) in many types of equipment that used fluorinated greenhouse gases traditionally.

⁽²⁶⁾ Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases (OJ L 150, 20.5.2014, p. 195).

Amendment 3
Proposal for a regulation

Recital 4a (new)

Text proposed by the Commission

Amendment

- (4a) ***The RePowerEU Plan envisages an additional 20 million new heat pumps to be installed in the Union by 2026 and nearly 60 million by 2030. The full HFC phase-down by no later than 2050 should be in line with and complimentary to the Union's energy-efficiency ambitions as laid down in, inter alia, the European Green Deal, the Energy Efficiency Directive (2012/27/EU), the Energy Performance of Buildings Directive (Directive 2010/31/EU) and the RePowerEU Plan, including the uptake of low-climate impact waste-heat recovery applications, such as heat pumps, as well as investments in electrification, power grid expansions and the increased use of batteries in the energy and transport sector.***

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Amendment 4
Proposal for a regulation
Recital 6b (new)

Text proposed by the Commission

Amendment

- (6b) ***It is of great importance that the Commission takes the phasing out of HFCs into account in its upcoming legislative proposals, such as in the revision of Regulation (EC) No 1907/2006 on the Registration, Evaluation and Authorisation of Chemicals (the 'REACH Regulation') regarding the phase out of per- and polyfluoroalkyl substances (PFAS).***

Amendment 5
Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

- (7) To ensure coherence with the reporting requirements under the Protocol, global warming potentials of HFCs should be calculated in terms of the 100-year global warming potential of one kilogram of a gas relative to one kilogram of CO₂ based on the Fourth Assessment Report adopted by the IPCC. For other substances, the most recent IPCC Assessment Report should be used. Where available, the 20-year global warming potential should be provided to better inform about the climate impacts of the substances covered by this Regulation.
- (7) To ensure coherence with the reporting requirements under the Protocol, global warming potentials of HFCs should be calculated in terms of the 100-year global warming potential of one kilogram of a gas relative to one kilogram of CO₂ based on the Fourth Assessment Report adopted by the IPCC. For other substances, the most recent IPCC Assessment Report should be used. Where available, the 20-year global warming potential should be provided to better inform about the climate impacts of the substances covered by this Regulation. ***The Commission should advocate for an update at international level of the GWP values of fluorinated greenhouse gases in line with the Sixth Assessment Report adopted by the IPCC.***

Amendment 6
Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

- (8) The intentional release of fluorinated substances, where unlawful, is a serious infringement of this Regulation and should be explicitly prohibited; operators and manufacturers of equipment should be obliged to prevent leakage of such substances to the extent possible, including through leak checking of the most relevant equipment.
- (8) The intentional release of fluorinated substances, where unlawful, is a serious infringement of this Regulation and should be explicitly prohibited; operators and manufacturers of equipment should be obliged to prevent leakage of such substances to the extent possible, including through leak checking of the most relevant equipment ***and progressive installation of leakage detection systems, including on residential heat pumps, that would prevent the release of harmful refrigerants into the atmosphere, helping users to minimise their environmental impact, as well as to increase durability and energy efficiency of the appliances.***

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Amendment 7
Proposal for a regulation
Recital 9

Text proposed by the Commission

- (9) Given that the production process for some fluorinated compounds can result in significant emissions of other fluorinated greenhouse gases produced as by-products, such by-product emissions should be destroyed or recovered for subsequent use as a condition for the placing of fluorinated greenhouse gases on the market. Producers and importers should be required to document measures adopted to prevent emissions of trifluoromethane during the production process.

Amendment

- (9) Given that the production process for some fluorinated compounds can result in significant emissions of other fluorinated greenhouse gases produced as by-products, such by-product emissions should be destroyed or recovered for subsequent use as a condition for the placing of fluorinated greenhouse gases on the market **in accordance with the Protocol**. Producers and importers should be required to document **mitigation** measures adopted to prevent emissions of trifluoromethane during the production process **and proof of the destruction and recovery of those by-product emissions in line with the best available techniques**.

Amendment 8
Proposal for a regulation
Recital 10

Text proposed by the Commission

- (10) To prevent emissions of fluorinated substances, it is necessary to lay down provisions on the recovery of substances from products and equipment and the prevention of leakages of such substances. Foams containing fluorinated greenhouse gases should be treated in accordance with Directive 2012/19/EU of the European Parliament and of the Council⁽³⁰⁾. Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings, in order to maximise emissions reductions.

⁽³⁰⁾ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p. 38).

Amendment

- (10) To prevent emissions of fluorinated substances, it is necessary to lay down provisions on the recovery of substances from products and equipment and the prevention of leakages of such substances. Foams containing fluorinated greenhouse gases should be treated in accordance with Directive 2012/19/EU of the European Parliament and of the Council⁽³⁰⁾. Recovery obligations should also be extended to building owners and contractors when removing certain foams from buildings, in order to maximise emissions reductions. **Waste electrical and electronic equipment schemes in Member States need to be considerably improved to better facilitate the recovery, recycling and reclamation of refrigerants, including from residential heat pumps.**

⁽³⁰⁾ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p. 38).

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Amendment 9
Proposal for a regulation
Recital 10a (new)

Text proposed by the Commission

Amendment

- (10a) *Despite the high GWP and increasing use of sulfuranyl fluoride, the emissions of that fluorinated greenhouse gas have not been regulated or monitored and are also not covered by any reporting requirements under the Paris Agreement. From 2025, operators should ensure that, if technically feasible and not disproportionately costly, sulfuranyl fluoride is recovered after fumigation.*

Amendment 10
Proposal for a regulation
Recital 10b (new)

Text proposed by the Commission

Amendment

- (10b) *Member States should ensure that producer responsibility schemes are established for the treatment of end-of-life fluorinated greenhouse gases. The Commission should set out minimum requirements for those producer responsibility schemes, including on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness-raising.*

Amendment 11
Proposal for a regulation
Recital 11

Text proposed by the Commission

Amendment

- (11) To encourage the use of technologies with no impact or lower impact on the climate that may involve the use of substances that are toxic, flammable or highly pressurized, **the training** of natural persons who carry out activities involving fluorinated greenhouse gases **should cover** technologies replacing or reducing the use of fluorinated greenhouse gases, **including** information on energy efficiency aspects and applicable regulations and technical standards. Certification and training programmes established under Regulation (EU) No 517/2014, which may be integrated in national vocational training systems, should be reviewed or adapted enabling technicians to handle alternative technologies safely.

- (11) To encourage the use of technologies with no impact or lower impact on the climate that may involve the use of substances that are toxic, flammable or highly pressurized, **Member States should ensure that a high number** of natural persons who carry out activities involving fluorinated greenhouse gases **and** technologies replacing or reducing the use of fluorinated greenhouse gases **are trained and certified. Trainings should include** information on energy efficiency aspects and applicable regulations and technical standards. Certification and training programmes established under Regulation (EU) No 517/2014, which may be integrated in national vocational training systems, should be reviewed or adapted enabling technicians to handle alternative technologies safely.

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Amendment 12
Proposal for a regulation
Recital 11a (new)

Text proposed by the Commission

Amendment

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

Amendment 13
Proposal for a regulation
Recital 11b (new)

Text proposed by the Commission

Amendment

- (11b) *The shift towards the use of hydrofluorocarbon alternatives will lead to cost savings for undertakings as a result of avoided HFC quota purchase, and will spur green innovation and employment. Member States should however ensure a fair and just transition, leaving no one behind, for the personnel employed by undertakings which do not succeed in the transition to natural alternatives.*

Thursday 30 March 2023

Amendment 14
Proposal for a regulation
Recital 12

Text proposed by the Commission

- (12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution.

Amendment

- (12) The existing prohibitions on specific uses of sulphur hexafluoride, the most climate damaging substance known, should be retained and be complemented by additional restrictions on the use in the critical sector of power distribution. ***This Regulation does not require the replacement of switchgears that are already installed in the power grid on the dates indicated in Annex IV. Grid operators should only be required to install new switchgears fulfilling the requirements set out in that Annex when, as from the dates indicated therein, they decide to replace already installed switchgears or to install additional switchgears in the power grid.***

Amendment 15
Proposal for a regulation
Recital 12a (new)

Text proposed by the Commission

Amendment

- (12a) ***The acceleration in the market of air conditioning and heat pump equipment and the technological turnover in refrigeration reinforce the need for Member States to increase efforts to ensure certification programmes and training are sufficient to meet the Union's climate objectives.***

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Amendment 16
Proposal for a regulation
Recital 13

Text proposed by the Commission

- (13) Where suitable alternatives to the use of specific fluorinated greenhouse gases are available, bans should be introduced on the placing on the market of new equipment for refrigeration, air-conditioning and fire protection that contains fluorinated greenhouse gases or whose functioning relies upon those gases. Where alternatives are not available or cannot be used for technical or safety reasons, or where the use of such alternatives would entail disproportionate costs, it should be possible for the Commission to authorise an exemption to allow the placing on the market of such products and equipment for a **limited** period.

Amendment

- (13) Where suitable alternatives to the use of specific fluorinated greenhouse gases are available, bans should be introduced on the placing on the market of new equipment for refrigeration, air-conditioning and fire protection, **foams and technical aerosols** that contains fluorinated greenhouse gases or whose functioning relies upon those gases. Where alternatives are not available or cannot be used for technical or safety reasons, or where the use of such alternatives would entail disproportionate costs, it should be possible for the Commission to authorise an exemption to allow the placing on the market of such products and equipment for a period **of maximum 4 years. That exemption should be able to be renewed if, after assessment of a new substantiated exemption request, the Commission, through the committee procedure, concludes that alternatives are still not available.**

Amendment 159
Proposal for a regulation
Recital 13a (new)

Text proposed by the Commission

Amendment

- (13a) **The ban on the placing on the market of parts of equipment that is banned under this Regulation should not apply to parts required for repairs and servicing of existing equipment that has already been installed in order to ensure that such equipment remains repairable and maintainable for their full lifespan, thereby avoiding the need for the unwarranted replacement of existing energy equipment and infrastructure, which could have a negative effect on decarbonisation efforts. The repair or servicing for which such spare parts are used should not result in an increase in the capacity of the equipment or an increase in the amount of fluorinated gases contained in the equipment or of the fluorinated gases used.**

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Amendment 17
Proposal for a regulation
Recital 13b (new)

Text proposed by the Commission

Amendment

- (13b) *The Commission should request the European standardisation organisations to develop and update relevant harmonised standards to ensure the smooth implementation of the restrictions on placing on the market laid down in this Regulation. Member States should ensure that national standards and building codes are updated to reflect the allowable charge limits of flammable refrigerants, including IEC 60335-2-89 and IEC 60335-2-40 and should report on their efforts to that end and any exceptions to their update.*

Amendment 18
Proposal for a regulation
Recital 13c (new)

Text proposed by the Commission

Amendment

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

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Amendment 19
Proposal for a regulation
Recital 13d (new)

Text proposed by the Commission

Amendment

- (13d) *The production of metered dose inhalers (MDIs) for the delivery of pharmaceutical ingredients uses a non-negligible proportion of all HFCs consumed in the Union. However, MDIs using lower GWP fluorinated greenhouse gases and natural alternatives are being developed by the industry. This Regulation includes the MDI sector in the HFC quota system, thereby creating an incentive for the industry to pursue its path towards cleaner alternatives. To enable a smooth transition towards clean alternatives, Annex VII and VIII to this Regulation introduce a mechanism of reserved quotas for the MDI sector for the first two quota allocation periods. The MDI sector should be able to receive an amount of quotas corresponding to its entire current consumption during the first allocation period following the entry into force of this Regulation, and an amount of quotas corresponding to 70 % of its current consumption during the second allocation period.*

Amendment 20
Proposal for a regulation
Recital 13e (new)

Text proposed by the Commission

Amendment

- (13e) *MDIs are medical products subject to rigorous assessments including clinical studies to ensure patient safety. The Commission, Member States and their competent authorities, and the European Medicines Agency (EMA) should cooperate closely to ensure a smooth approval process of MDIs using low GWP fluorinated gases and alternatives to fluorinated gases, thereby ensuring the transition to clean solutions without affecting the accessibility, availability and affordability of essential medicines.*

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Amendment 21
Proposal for a regulation
Recital 13f (new)

Text proposed by the Commission

Amendment

- (13f) *Some cooling equipment used in conjunction with batteries needed for the Union's energy transition could contain fluorinated gases. However, this sector was not analysed in the Impact Assessment accompanying this Regulation. In its report on the implementation of this Regulation, due by 1 January 2027, the Commission should assess the impact of this Regulation on the Union's battery market.*

Amendment 22
Proposal for a regulation
Recital 13g (new)

Text proposed by the Commission

Amendment

- (13g) *In its communication of 14 October 2020 entitled 'Chemical Strategy for Sustainability Towards a Toxic-Free Environment', the Commission pointed out that PFAS require special attention, considering the large number of cases of contamination of soil and water — including drinking water — in the Union and globally, the number of people affected with a full spectrum of illnesses and the related societal and economic costs, and it set the objective to phase out PFAS in the Union, unless it is proven essential for society. In order to ensure coherence with Union policy and a high level of protection of health and the environment, and given the availability of non-toxic alternatives, this Regulation should not encourage substitution of HFCs with fluorinated greenhouse gases that are also PFAS, whose production produces PFAS or otherwise decomposes into PFAS. If the prohibitions in Annex IV allow for the placing on the market and export of products and equipment containing PFAS, it is important that Member States work with the industry to direct investments into alternatives. This will also prevent stranded assets, should the revision of the REACH Regulation introduce PFAS bans. Immediately after the adoption of the revised REACH Regulation, the Commission should assess the coherence between this Regulation and that Regulation.*

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Amendment 23
Proposal for a regulation
Recital 15

Text proposed by the Commission

- (15) Non-refillable containers **for ozone depleting substances**, should be banned, considering that an amount of refrigerant inevitably remains in these containers when emptied, which is then released into the atmosphere. In this respect, this Regulation should prohibit their import, placing on the market, subsequent supply or making available on the market, use unless for laboratory and analytical uses, and their export.

Amendment

- (15) Non-refillable containers **of fluorinated greenhouse gases**, should be banned, considering that an amount of refrigerant inevitably remains in these containers when emptied, which is then released into the atmosphere. In this respect, this Regulation should prohibit their import, placing on the market, subsequent supply or making available on the market, use unless for laboratory and analytical uses, and their export. **To prevent refillable containers from not being refilled and being discarded instead, undertakings should be required to produce a declaration of conformity including evidence of the arrangements for the return for the purpose of refilling when placing refillable containers on the market.**

Amendment 24
Proposal for a regulation
Recital 15a (new)

Text proposed by the Commission

Amendment

- (15a) **As third countries, particularly developing ones, might not have stringent recovery obligations for fluorinated greenhouse gases or not have the appropriate infrastructure to manage those gases at the end of life, exports to third countries of products and equipment containing those gases could result in the release of those gases in the atmosphere. In the framework of the Union's global efforts to mitigate climate change, the bans on products and equipment laid down in Annex IV should therefore apply to both their placing on the Union's market and their export from the Union to third countries.**

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Amendment 25
Proposal for a regulation

Recital 17

Text proposed by the Commission

- (17) To implement the Protocol, including the gradual reduction of the quantities of HFCs, the Commission should continue to allocate quotas to individual producers and importers for the placing of HFCs on the market, ensuring that the overall quantitative limit permitted under the Protocol is not exceeded. To protect the integrity of the gradual reduction of the quantities of HFCs placed on the market, HFCs contained in equipment should continue to be accounted for under the quota system.

Amendment

- (17) To implement the Protocol, including the gradual reduction of the quantities of HFCs, the Commission should continue to allocate quotas to individual producers and importers for the placing of HFCs on the market, ensuring that the overall quantitative limit permitted under the Protocol is not exceeded. ***The Commission should be able, exceptionally, to authorise an exemption for up to four years on the exclusion of hydrocarbons from the quota system for use in specific applications or specific categories of products or equipment. That exemption should be able to be renewed if, after assessment of a new substantiated exemption request, the Commission, through the committee procedure, concludes that alternatives are still not available.*** To protect the integrity of the gradual reduction of the quantities of HFCs placed on the market, HFCs contained in equipment should continue to be accounted for under the quota system.

Amendment 26
Proposal for a regulation

Recital 20

Text proposed by the Commission

- (20) Considering the market value of the allocated quota, it is appropriate to claim a price for its allocation. This avoids a further fragmentation of the market to the detriment of those undertakings that are in need of the HFC supply and already dependent on HFC trade in the declining market. It is assumed that undertakings that decide not to claim and pay any quota, for which they would be entitled in the year(s) prior to the calculation of reference values, have decided to leave the market and thus they do not get a new reference value. The revenue should be used to cover administrative costs.

Amendment

- (20) Considering the market value of the allocated quota, it is appropriate to claim a price for its allocation. This avoids a further fragmentation of the market to the detriment of those undertakings that are in need of the HFC supply and already dependent on HFC trade in the declining market. It is assumed that undertakings that decide not to claim and pay any quota, for which they would be entitled in the year(s) prior to the calculation of reference values, have decided to leave the market and thus they do not get a new reference value. The ***quota price should increase over time in order to provide a stable revenue stream. The revenue should be used to cover administrative costs, to support capacity building, implementation and enforcement, as well as to accelerate the deployment of alternatives to fluorinated greenhouse gases.***

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Amendment 27
Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) To ensure that reports on substantial quantities of substances are accurate and that the quantities of HFCs contained in pre-charged equipment are accounted for under the Union quota system, third party verification should be required.

Amendment

(25) To ensure that reports on substantial quantities of substances are accurate and that the quantities of HFCs contained in pre-charged equipment are accounted for under the Union quota system, **independent** third party verification should be required.

Amendment 28
Proposal for a regulation
Recital 28a (new)

Text proposed by the Commission

Amendment

(28a) **Custom authorities should monitor if products covered under this Regulation that are declared to be in transit have actually left the customs territory of the Union. For that purpose, custom authorities should keep records about the undertaking making the transit.**

Amendment 29
Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Member States should ensure that customs authorities carrying out controls under this Regulation have the appropriate resources and knowledge, for example via training made available to them, and are sufficiently equipped in view of addressing cases of illegal trade of the gases and products and equipment covered by this 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.**

Amendment

(29) Member States should ensure that customs authorities carrying out controls under this Regulation have the appropriate resources and knowledge, for example via training made available to them, and are sufficiently equipped in view of addressing cases of illegal trade of the gases and products and equipment covered by this Regulation.

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Amendment 30
Proposal for a regulation

Recital 32

Text proposed by the Commission

- (32) The import and export of HFCs as well as products and equipment containing HFCs or whose functioning relies upon those gases from and to a State not party to the Protocol should be prohibited as from 2028. The **parallel prohibition envisaged under the Protocol as from 2033 has thus been advanced**, to ensure that the global HFC reduction measures of the Kigali Amendment provide the envisaged benefit to the climate as soon as possible.

Amendment

- (32) The import and export of HFCs as well as products and equipment containing HFCs or whose functioning relies upon those gases from and to a State not party to the Protocol should be prohibited as from 2028. The **Protocol envisages that prohibition from 2033, and the purpose of its earlier application under this Regulation is** to ensure that the global HFC reduction measures of the Kigali Amendment provide the envisaged benefit to the climate as soon as possible.

Amendment 31
Proposal for a regulation

Recital 34a (new)

Text proposed by the Commission

- (34a) *[Text is identical to the Commission proposal and is not explicitly repeated in the amendment column]*

Amendment

- (34a) **Without prejudice to the competences and sovereignty of Member States, penalties should be as coherent as possible. The Commission should therefore map out the differences in penalties between Member States every four years and submit a report to the European Parliament and to the Council.**

Amendment 32
Proposal for a regulation

Recital 37

Text proposed by the Commission

- (37) Whistle-blowers can bring new information to the attention of competent authorities which may help the competent authorities detect infringements of this Regulation and enable them to impose penalties. It should be ensured that adequate arrangements are in place to enable whistle-blowers to alert the competent authorities to actual or potential infringements of this Regulation and to protect the whistle-blowers from retaliation. For that purpose, it should be provided in this Regulation that Directive (EU) 2019/1937 of the European Parliament and of the Council⁽³⁶⁾ is applicable to the reporting of breaches of this Regulation and to the protection of persons reporting such breaches.

Amendment

- (37) Whistle-blowers can bring new information to the attention of competent authorities which may help the competent authorities detect infringements of this Regulation and enable them to impose penalties. It should be ensured that adequate arrangements are in place to enable whistle-blowers to alert the competent authorities to actual or potential infringements of this Regulation and to **effectively** protect the whistle-blowers from retaliation. For that purpose, it should be provided in this Regulation that Directive (EU) 2019/1937 of the European Parliament and of the Council⁽³⁶⁾ is applicable to the reporting of breaches of this Regulation and to the protection of persons reporting such breaches.

⁽³⁶⁾ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

⁽³⁶⁾ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

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Amendment 33
Proposal for a regulation
Recital 37a (new)

Text proposed by the Commission

Amendment

- (37a) *The Commission's communication of 14 October 2020 on 'Improving access to justice in environmental matters in the EU and its Member States' underlined the need to include provisions on access to justice in EU legislative proposals for new or revised EU law concerning environmental matters. This Regulation includes provisions on access to justice to ensure equal conditions for access to justice in the Member States in line with the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the 'Aarhus Convention').*

Amendment 34
Proposal for a regulation
Recital 39

Text proposed by the Commission

Amendment

- (39) ***In implementing this Regulation***, the Commission should establish a so-called Consultation Forum to ensure a balanced participation of Member States' representatives and representatives of ***civil society, including*** environmental organisations, representatives of manufacturers, operators and certified persons.

- (39) The Commission should establish a so-called Consultation Forum to ***facilitate the implementation of this Regulation. The Consultation Forum should*** ensure a balanced participation of Member States' representatives and ***of all relevant stakeholders including*** representatives of environmental ***organisations, patient associations and healthcare professionals'*** organisations, representatives of manufacturers, operators and certified persons. ***The Consultation Forum should cooperate with the relevant EU Agencies, particularly the EMA.***

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Amendment 35
Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards evidence to be provided on the destruction or recovery of trifluoromethane by-production during the manufacturing of other fluorinated substances; requirements for leak checks; the format of the records, their establishment and maintenance; minimum requirements for certification programmes and training attestations; the format of the notification of certification and training programmes; exemptions for products and equipment falling under a placing on the market prohibition; the format of labels; the determination of production rights for producers of HFCs; exemptions from the quota requirement for HFCs for use in specific applications, or specific categories of products or equipment; the determination of reference values for producers and importers for the placing on the market of HFCs; the modalities and detailed arrangements for the payment of the amount due; the detailed arrangements for the declaration of conformity for pre-charged equipment and their verification as well as for the accreditation of verifiers; the smooth functioning of the registry; the authorisation of trade with entities not covered by the Protocol; the details of the verification of reporting and of the accreditation of verifiers and the format for submitting reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽³⁷⁾.

⁽³⁷⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment

(40) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards evidence to be provided on the destruction or recovery of trifluoromethane by-production during the manufacturing of other fluorinated substances; requirements for leak checks; the format of the records, their establishment and maintenance; minimum requirements for certification programmes and training attestations; the format of the notification of certification and training programmes; exemptions for products and equipment falling under a placing on the market prohibition; the format of labels; the determination of production rights for producers of HFCs; **the determination of details of the declaration of conformity for refillable containers for fluorinated greenhouse gases, including evidence confirming that arrangements are in place for the return of that container for the purpose of refilling**; exemptions from the quota requirement for HFCs for use in specific applications, or specific categories of products or equipment; the determination of reference values for producers and importers for the placing on the market of HFCs; the modalities and detailed arrangements for the payment of the amount due; the detailed arrangements for the declaration of conformity for pre-charged equipment and their verification as well as for the accreditation of verifiers; the smooth functioning of the registry; the authorisation of trade with entities not covered by the Protocol; the details of the verification of reporting and of the accreditation of verifiers and the format for submitting reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽³⁷⁾.

⁽³⁷⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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Amendment 36
Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) In order to amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be delegated to the Commission in respect of **the establishment of** a list of products and equipment for which the recovery of gases or their destruction is technically and economically feasible and the specification of the technologies to be applied; labelling requirements; the exclusion from quota requirements of HFCs in accordance with decisions of the Parties to the Protocol; **concerning** the amounts due for the allocation of quota and the mechanism to allocate remaining quotas; additional measures for the monitoring of substances and of products and equipment placed under temporary storage and customs procedures; the rules applicable to the release for free circulation of products and equipment imported from and exported to any entity not covered by the Protocol; the update of global warming potentials of listed substances. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making⁽³⁸⁾. 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.

Amendment

(41) In order to amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be delegated to the Commission in respect of establish a list of products and equipment for which the recovery of gases or their destruction is technically and economically feasible and the specification of the technologies to be applied; **setting out minimum requirements for producer responsibility schemes for the recovery, recycling, reclamation or destruction of certain fluorinated greenhouse gases, including on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness raising;** labelling requirements; the exclusion from quota requirements of HFCs in accordance with decisions of the Parties to the Protocol; **excluding from the quota system the placing on the market of hydrofluorocarbons semiconductor materials or vapour deposition chambers within the semiconductor sector, where, in certain cases, there are shortages or disruptions of supply to the Union's market of semiconductor materials or of vapour deposition chambers; increasing, in certain cases, the quotas for placing on the Union market hydrofluorocarbons to be used in heat pumps until the year 2029;** the amounts due for the allocation of quota and the mechanism to allocate remaining quotas; additional measures for the monitoring of substances and of products and equipment placed under temporary storage and customs procedures; the rules applicable to the release for free circulation of products and equipment imported from and exported

⁽³⁸⁾ OJ L 123, 12.5.2016, p. 1.

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Text proposed by the Commission

Amendment

to any entity not covered by the Protocol; **the adoption of a common general framework for the design of centralised electronic systems for the recording of the information collected in accordance with this Regulation; and** the update of global warming potentials of listed substances **and to strengthen the prohibitions on the placing on the market of such substances.** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, **in particular consultation with the Consultation Forum as set up according to Article 33 of this Regulation,** including at expert level and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making⁽³⁸⁾. 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.

⁽³⁸⁾ OJ L 123, 12.5.2016, p. 1.

Amendment 37

Proposal for a regulation

Article 2 — paragraph 1

Text proposed by the Commission

1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and **II**, whether alone or in a mixture.

Amendment

1. This Regulation applies to the fluorinated greenhouse gases listed in Annexes I, II and **III**, whether alone or in a mixture.

Amendment 38

Proposal for a regulation

Article 2 — paragraph 2

Text proposed by the Commission

2. This Regulation also applies to products and equipment, **and parts thereof**, containing fluorinated greenhouse gases or whose functioning relies **upon** those gases.

Amendment

2. This Regulation also applies to products and equipment, containing fluorinated greenhouse gases or whose functioning relies **partly or entirely on** those gases.

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Amendment 39**Proposal for a regulation****Article 3 — paragraph 1 — point 5***Text proposed by the Commission*

(5) ‘operator’ means the undertaking exercising actual power over the technical functioning of products and equipment covered by this Regulation or the **owner** where designated by a Member State as being responsible for the operator’s obligations in specific cases;

Amendment

(5) ‘operator’ means the undertaking exercising actual power over the technical functioning of products and equipment covered by this Regulation or the **entity** where designated by a Member State as being responsible for the operator’s obligations in specific cases;

Amendment 40**Proposal for a regulation****Article 3 — paragraph 1 — point 6***Text proposed by the Commission*

(6) ‘placing on the market’ means the supplying or making available to another person within the Union, for the first time, for payment or free of charge, the customs release for free circulation in the Union, and the use of substances produced or the **use** of products or equipment manufactured for own **use**;

Amendment

(6) ‘placing on the market’ means the supplying or making available to another person within the Union, for the first time, for payment or free of charge, the customs release for free circulation in the Union, and the use of substances produced or the **utilisation** of products or equipment manufactured for own **utilisation**;

Amendment 41**Proposal for a regulation****Article 3 — paragraph 1 — point 27***Text proposed by the Commission*

(27) ‘feedstock’ means any fluorinated greenhouse gas listed in Annexes I and II, that undergoes chemical transformation in a process in which it is entirely converted from its original composition **and emissions are insignificant**;

Amendment

(27) ‘feedstock’ means any fluorinated greenhouse gas listed in Annexes I and II, that undergoes chemical transformation in a process in which it is entirely converted from its original composition;

Amendment 42**Proposal for a regulation****Article 4 — paragraph 5 — subparagraph 2***Text proposed by the Commission*

For the purpose of providing that evidence, importers and producers shall draw up a declaration of conformity and join supporting documentation on the production facility **and the** mitigation measures adopted to prevent emissions of trifluoromethane. Producers and importers shall keep the declaration of conformity and supporting documentation for a period of at least five years after the placing on the market and make them available, upon request, to national competent authorities and to the Commission.

Amendment

For the purpose of providing that evidence, importers and producers shall draw up a declaration of conformity and join supporting documentation **with**:

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Text proposed by the Commission

Amendment

- (a) **information** on the production facility;
- (b) **the proof of availability and operation of the best available abatement technology at the production facility;**
- (c) **the proof of** mitigation measures adopted to prevent emissions of trifluoromethane, **in line with best available techniques;**
- (d) **the proof of destruction or recovery of any quantity of emitted trifluoromethane, in line with best available techniques and in accordance with the requirements laid down in Article 8(7).**

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.

Amendment 43

Proposal for a regulation

Article 4 — paragraph 5 — subparagraph 3

Text proposed by the Commission

The Commission **may**, by means of implementing acts, determine the detailed arrangements relating to the declaration of conformity and supporting documentation referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with Article 34(2).

Amendment

The Commission **shall**, by means of implementing acts, determine the detailed arrangements relating to **and the detailed elements of** the declaration of conformity and supporting documentation referred to in the second subparagraph. Those implementing acts shall be adopted in accordance with Article 34(2).

Amendment 44

Proposal for a regulation

Article 4 — paragraph 6a (new)

Text proposed by the Commission

Amendment

6a. Without prejudice to paragraphs (1) to (6), operators shall ensure that sulfuranyl fluoride is captured and recovered after fumigation. Operators shall ensure that the recovery is carried out by appropriately qualified natural persons, so that the gases are recycled, reclaimed or destroyed.

For the purpose of providing evidence of destruction, operators shall draw up a declaration of conformity and join supporting documentation with information on the facility, the proof of availability and operation of the best available recovery technology at that facility, and proof of the measures adopted to recover emissions of sulfuranyl fluoride. The effectiveness of the system shall be independently scientifically verified.

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Text proposed by the Commission

Amendment

Where recovery is not technically or economically feasible, operators shall use alternative treatment options, unless such alternative treatment options are not available. In such a case, the operator shall draw up documentation providing evidence of the impossibility of the recovery of suluryl fluoride and the absence of alternative treatment options.

The operator shall retain the declaration of conformity and the documentation for five years and shall make them available, on request, to the competent authorities of a Member State and to the Commission.

Amendment 45

Proposal for a regulation

Article 5 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Amendment

Operators of equipment that contains 5 tonnes of CO₂ equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks.

Manufacturers and operators of equipment that contains 5 tonnes of CO₂ equivalent or more of fluorinated greenhouse gases listed in Annex I or 1 kilogram or more of fluorinated greenhouse gases listed in Annex II, Section I, not contained in foams, shall ensure that the equipment is checked for leaks, **including during their manufacturing.**

Amendment 46

Proposal for a regulation

Article 5 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Amendment

Hermetically sealed equipment that contains less than 10 tonnes of CO₂ equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.

Hermetically sealed **residential** equipment that contains less than 10 tonnes of CO₂ equivalent of fluorinated greenhouse gases listed in Annex I or 2 kilograms of fluorinated greenhouse gases listed in Annex II, Section I, shall not be checked for leaks, provided the equipment is labelled as hermetically sealed and its connected parts have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure.

Amendment 47

Proposal for a regulation

Article 5 — paragraph 1 — subparagraph 3 — point c

Text proposed by the Commission

Amendment

(c) *it contains less than 6 kilograms of fluorinated greenhouse gases listed in Annex I.*

deleted

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Amendment 48**Proposal for a regulation****Article 5 — paragraph 2 — subparagraph 1 — point e***Text proposed by the Commission*

(e) refrigeration units of refrigerated trucks and trailers;

Amendment

(e) refrigeration units of refrigerated trucks and trailers, **vans and ships**;

Amendment 49**Proposal for a regulation****Article 5 — paragraph 2 — subparagraph 1 — point ea (new)***Text proposed by the Commission**Amendment*

(ea) air-conditioning equipment in metros, trains, ships, planes and in road transport vehicles with the exception of those within the scope of Directive 2006/40/EC of the European Parliament and of the Council (*) ;

(*) Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).

Amendment 50**Proposal for a regulation****Article 6 — paragraph 2***Text proposed by the Commission*

2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO₂ equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage.

Amendment

2. Operators of the equipment listed in Article 5(2), points (f) and (g), and containing fluorinated greenhouse gases listed in Annex I in quantities of 500 tonnes of CO₂ equivalent or more and installed from 1 January 2017, shall ensure that equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage. **For the purposes of Article 5(2), point (g), the leakage detection system shall have a higher sensitivity than a pressure- or density-monitoring device.**

Amendment 51**Proposal for a regulation****Article 7 — paragraph 1 — point b***Text proposed by the Commission*

(b) the quantities of gases added during installation, maintenance or servicing or due to leakage;

Amendment

(b) the quantities of gases added during installation, maintenance or servicing or due to leakage, **including the exact timing of such addition**;

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Amendment 52**Proposal for a regulation****Article 7 — paragraph 1 — point c***Text proposed by the Commission*

(c) whether the **quantities of** gases have been recycled or reclaimed, including the name and address in the Union of the recycling or reclamation facility and, where applicable, the certificate number;

Amendment

(c) whether the **recovered** gases have been recycled or reclaimed, **and in which quantity**, including the name and address in the Union of the recycling or reclamation facility and, where applicable, the certificate number;

Amendment 53**Proposal for a regulation****Article 8 — paragraph 1 — subparagraph 1***Text proposed by the Commission*

Operators of stationary equipment or of refrigeration units of refrigerated trucks **and** trailers that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so and that those gases are recycled, reclaimed or destroyed.

Amendment

Operators of stationary equipment or of refrigeration units of refrigerated **vans**, trucks, trailers **and ships** that contain fluorinated greenhouse gases listed in Annex I and Annex II, Section 1, not contained in foams, shall ensure that the recovery of those gases is carried out by natural persons that hold the relevant certificates provided for in Article 10, so and that those gases are recycled, reclaimed or destroyed.

Amendment 54**Proposal for a regulation****Article 8 — paragraph 1 — subparagraph 2 — point b***Text proposed by the Commission*

(b) the cooling circuits of refrigeration units of refrigerated trucks **and** trailers;

Amendment

(b) the cooling circuits of refrigeration units of refrigerated **vans**, trucks, trailers **and ships**;

Amendment 55**Proposal for a regulation****Article 8 — paragraph 8***Text proposed by the Commission*

8. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing a list of products and equipment for which the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, **Section 1**, or destruction of products and equipment containing such gases without prior recovery of these gases shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied.

Amendment

8. The Commission is empowered to adopt delegated acts in accordance with Article 32 to supplement this Regulation by establishing a list of products and equipment for which the recovery of fluorinated greenhouse gases listed in Annex I and Annex II, or destruction of products and equipment containing such gases without prior recovery of these gases shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied.

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Amendment 56
Proposal for a regulation
Article 8 — paragraph 9

Text proposed by the Commission

9. Member States shall promote the recovery, recycling, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and Annex II, **Section 1**.

Amendment

9. Member States shall promote the recovery, recycling, reclamation and destruction of fluorinated greenhouse gases listed in Annex I and Annex II.

Amendment 57
Proposal for a regulation
Article 9 — title

Text proposed by the Commission

Producer responsibility schemes

Amendment

Extended producer responsibility schemes

Amendment 58
Proposal for a regulation
Article 9 — paragraph 1

Text proposed by the Commission

Without prejudice to existing Union legislation, Member States shall **encourage the development of** producer responsibility schemes for the recovery of fluorinated greenhouse gases listed in Annexes I and II **and their recycling, reclamation or destruction**.

Amendment

Without prejudice to existing Union legislation, Member States shall **require that by 31 December 2027 extended** producer responsibility schemes **are established** for the recovery, **recycling, reclamation or destruction** of fluorinated greenhouse gases listed in Annexes I and II, **taking into account already applicable producer responsibility schemes**.

Amendment 59
Proposal for a regulation
Article 9 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall, by 31 December 2025, adopt delegated acts in accordance with Article 32 to supplement this Regulation by setting out minimum requirements for the producer responsibility schemes referred to in paragraph 1, including on collection, reclamation, recycling, disposal facilities, equipment provision to certified technicians, reporting and awareness raising.

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Amendment 60**Proposal for a regulation****Article 9 — paragraph 1 b (new)***Text proposed by the Commission**Amendment*

Member States shall ensure that producers and importers of the fluorinated greenhouse gases listed in Annexes I and II cover the costs pursuant to the extended producer responsibility provisions in Directive 2008/98/EC of the European Parliament and of the Council (*) and, insofar as not already included, cover at least the following costs:

(*) **Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).**

Amendment 61**Proposal for a regulation****Article 9 — paragraph 1 b — point a (new)***Text proposed by the Commission**Amendment*

(a) the costs of collection, including the provision of accessible collection points, storage and transport;

Amendment 62**Proposal for a regulation****Article 9 — paragraph 1 b — point b (new)***Text proposed by the Commission**Amendment*

(b) the costs of recycling units for natural persons certified in accordance with Article 10 for the purposes of on-site recycling.

Amendment 63**Proposal for a regulation****Article 9 — paragraph 2***Text proposed by the Commission**Amendment*

Member States shall inform the Commission on the actions undertaken.

deleted

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Amendment 64**Proposal for a regulation****Article 10 — paragraph 1 — introductory part***Text proposed by the Commission*

1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I and Annex II, **Section 1** and other relevant alternatives to fluorinated greenhouse gases:

Amendment

1. Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes, and ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the following tasks involving fluorinated greenhouse gases listed in Annex I and Annex II and other relevant alternatives to fluorinated greenhouse gases:

Amendment 65**Proposal for a regulation****Article 10 — paragraph 2***Text proposed by the Commission*

2. Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and Annex II, Section I from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council ⁽⁴²⁾ are available, pursuant to paragraph 5.

⁽⁴²⁾ Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).

Amendment

2. Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases listed in Annex I and Annex II, Section I, **and other relevant alternatives to fluorinated greenhouse gases**, from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC of the European Parliament and of the Council ⁽⁴²⁾ are available, pursuant to paragraph 5.

⁽⁴²⁾ Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).

Amendment 66**Proposal for a regulation****Article 10 — paragraph 3 — introductory part***Text proposed by the Commission*

3. The certification programmes and training provided for in paragraphs 1 and 2 shall cover the following,

Amendment

3. The certification programmes and training provided for in paragraphs 1 and 2 shall cover **at least** the following,

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Amendment 67**Proposal for a regulation****Article 10 — paragraph 3 — point e a (new)**

Text proposed by the Commission

Amendment

(ea) certification for natural alternatives, including their characteristics and benefits compared to the use of fluorinated greenhouse gases, and their safe handling during installation, servicing, maintenance, repair and decommissioning.

Amendment 68**Proposal for a regulation****Article 10 — paragraph 6a (new)**

Text proposed by the Commission

Amendment

6a. The Member States shall establish or adapt certification schemes and training programmes pursuant to paragraphs 1, 2, 3 and 6 within six months from the entry into force of this Regulation, where relevant.

Amendment 69**Proposal for a regulation****Article 10 — paragraph 7**

Text proposed by the Commission

Amendment

7. Existing **certificates and** training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions under which they were originally issued.

7. Existing training attestations issued in accordance with Regulation (EU) No 517/2014 shall remain valid, in accordance with the conditions under which they were originally issued. **The validity of existing certificates may be subject to additional requirements to reflect the extension of the certification scheme to other relevant alternatives to fluorinated greenhouse gases.**

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Amendment 70**Proposal for a regulation****Article 10 — paragraph 8 — subparagraph 1***Text proposed by the Commission*

By 1 January [OP, please insert the date = one year following the entry into force of this Regulation] Member States shall notify the Commission of certification and training programmes.

Amendment

By 1 January [OP, please insert the date = one year following the entry into force of this Regulation] Member States shall notify the Commission of certification and training programmes **and the number of certified and trained persons for fluorinated greenhouse gases and the relevant alternatives in each sector. Where certification and training for the relevant alternatives fall below a minimum threshold, Member States shall accompany the notification with a plan, compiled in consultation with the relevant stakeholders, including social partners, setting out actions to increase certification and training on the relevant alternatives as from the following calendar year.**

Amendment 71**Proposal for a regulation****Article 10 — paragraph 9***Text proposed by the Commission*

9. The Commission **may**, by means of implementing acts, determine the format of the notification referred to in paragraph 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Amendment

9. The Commission **shall**, by means of implementing acts, determine **the minimum threshold for actions to increase certification and training on relevant alternatives** and the format of the notification referred to in paragraph 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Amendment 72**Proposal for a regulation****Article 10 — paragraph 10***Text proposed by the Commission*

10. **Any** undertaking **which assigns** a task referred to in paragraph 1 to another undertaking **shall take reasonable steps to ascertain** that the latter holds the necessary certificates for the required tasks referred to in paragraph 1.

Amendment

10. **An** undertaking **may assign** a task referred to in paragraph 1 to another undertaking **only after verification** that the latter holds the necessary certificates for the required tasks referred to in paragraph 1.

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Amendment 160**Proposal for a regulation****Article 11 — paragraph 1 — subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

By way of derogation from the first subparagraph, the placing on the market of parts of equipment required for repairs and servicing of existing equipment shall be allowed provided that the repair or servicing does not result in an increase in the capacity of the equipment or an increase in the amount of fluorinated gases contained in the equipment or of the fluorinated gases used.

Amendment 74**Proposal for a regulation****Article 11 — paragraph 1 — subparagraph 3**

Text proposed by the Commission

Amendment

Two years following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.

Six months following the individual dates listed in Annex IV, the subsequent supply or making available to another party in the Union for payment or free of charge of products or equipment lawfully placed on the market prior to the date referred to in the first subparagraph shall be allowed only if evidence is provided that the product or equipment was placed lawfully on the market prior to the date.

Amendment 75**Proposal for a regulation****Article 11 — paragraph 3 — subparagraph 1**

Text proposed by the Commission

Amendment

3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply, or making available to other persons within the Union for payment or free of charge, use or export of non-refillable containers for fluorinated greenhouse gases ***listed in Annex I and Annex II, Section 1***, empty or fully or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses.

3. In addition to the placing on the market prohibition set out in Annex IV, point 1, the import, placing on the market, any subsequent supply, or making available to other persons within the Union for payment or free of charge, use or export of non-refillable containers for fluorinated greenhouse gases, empty or fully or partially filled shall be prohibited. Such containers may only be stored or transported for subsequent disposal. This prohibition does not apply to containers for laboratory or analytical uses.

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Amendment 76

Proposal for a regulation

Article 11 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Undertakings which place on the market refillable containers for fluorinated greenhouse gases shall produce a declaration of conformity that includes evidence confirming the arrangements in place for the return of that container for the purpose of refilling. Those arrangements shall contain binding obligations for the supplier of the containers to the end-user to comply with the arrangements.

The undertakings referred to in the first subparagraph shall keep the declaration of conformity for a period of at least five years after the placing on the market of refillable containers and shall make it available, on request, to the competent authorities of Member States and the Commission. Suppliers of the containers to end-users shall keep evidence of the compliance with these arrangements for a period of at least five years after supply to the end-user and shall make it available, on request, to the competent authorities of Member States and the Commission.

The Commission may, by means of implementing acts, supplement this Regulation by determining the details of the declaration of conformity. Such implementing acts shall be adopted in accordance with Article 34(2).

Amendment 77

Proposal for a regulation

Article 11 — paragraph 4 — subparagraph 1 — introductory part

Text proposed by the Commission

Amendment

Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally, by means of implementing acts, authorise an exemption for up to four years to allow the placing on the market of products and equipment listed in Annex IV, **including parts thereof**, containing fluorinated greenhouse gases or whose functioning relies upon those gases, where it is demonstrated that:

Without prejudice to the derogation for spare parts referred to in subparagraph 1a, following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally, by means of implementing acts, authorise an exemption for up to four years to allow the placing on the market of products and equipment listed in Annex IV, containing fluorinated greenhouse gases or whose functioning relies upon those gases, where it is demonstrated that:

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Amendment 78

Proposal for a regulation

Article 11 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Undertakings shall only be allowed to place on the market and sell bulk fluorinated greenhouse gases where:

- (a) the undertakings either hold a certificate or training attestation required under Article 10 or employ persons holding such a certificate or a training attestation, and**
- (b) the undertakings are established in the Union or have mandated an only representative established in the Union who assumes full responsibility of complying with this Regulation.**

The only representative may be the representative mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council.

Amendment 79

Proposal for a regulation

Article 11a (new)

Text proposed by the Commission

Amendment

Article 11a

Restriction on the export of certain products and equipment containing fluorinated greenhouse gases

The export of products and equipment, including parts thereof, listed in Annex IV, with an exemption for military equipment, shall be prohibited from the date specified in that Annex, differentiating, where applicable, according to the type or global warming potential of the gas contained.

Amendment 80

Proposal for a regulation

Article 12 — paragraph 2

Text proposed by the Commission

Amendment

2. Products or equipment subject to an exemption as referred to in Article 11 (4) shall be labelled accordingly and shall include a reference that those products or equipment may only be used for the purpose for which an exemption under that Article was granted.

2. Products or equipment subject to an exemption as referred to in Article 11 (4) shall be labelled accordingly, **specifying the validity period of the exemption**, and shall include a reference that those products or equipment may only be used for the purpose for which an exemption under that Article was granted.

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Amendment 81**Proposal for a regulation****Article 12 — paragraph 3 — subparagraph 1 — point c***Text proposed by the Commission*

(c) from 1 January 2017, the quantity expressed in weight and in CO₂ equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is designed, and the global warming potential of those gases.

Amendment

(c) from 1 January 2017, the quantity expressed in weight and in CO₂ equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is designed, and the global warming potential of those gases, **both on a 100- and a 20-year timescale.**

Amendment 82**Proposal for a regulation****Article 12 — paragraph 3 — subparagraph 2a (new)***Text proposed by the Commission**Amendment*

Where relevant, retrofitted products or equipment containing fluorinated greenhouse gases shall be relabelled with updated information as referred to in this paragraph.

Amendment 83**Proposal for a regulation****Article 12 — paragraph 5a (new)***Text proposed by the Commission**Amendment*

5a. Where relevant, refilled containers of fluorinated greenhouse gases shall be relabelled with updated information as referred to in the first subparagraph of paragraph 3.

Amendment 84**Proposal for a regulation****Article 12 — paragraph 10***Text proposed by the Commission**Amendment*

10. Fluorinated greenhouse gases listed in Annexes I and II placed on the market for etching of semiconductor material or cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector shall be labelled with an indication that the contents of the container may only be used for that purpose.

deleted

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Amendment 85**Proposal for a regulation****Article 12 — paragraph 13 — subparagraph 1***Text proposed by the Commission*

In case of hydrofluorocarbons, the label referred to in paragraphs 7 to **11 shall** include the indication ‘exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation]’.

Amendment

In case of hydrofluorocarbons, the label referred to in paragraphs 7 to **9 and 11 shall** include the indication ‘exempted from quota under Regulation (EU) No .../... [OP: Please add reference to this Regulation]’.

Amendment 86**Proposal for a regulation****Article 12 — paragraph 13 — subparagraph 2***Text proposed by the Commission*

In the absence of the labelling requirements referred to in the first subparagraph and in paragraphs 7 to 11, the hydrofluorocarbons shall be subject to the quota requirements pursuant to Article 16(1).

Amendment

In the absence of the labelling requirements referred to in the first subparagraph and in paragraphs 7 to **9 and** 11, the hydrofluorocarbons shall be subject to the quota requirements pursuant to Article 16(1).

Amendment 152**Proposal for a regulation****Article 13 — paragraph 3 — subparagraph 1***Text proposed by the Commission*

From 1 January 2024, the **use of** fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more, **for** the servicing or maintenance of refrigeration equipment **is prohibited**.

Amendment

From 1 January 2024, the **following uses shall be prohibited: the servicing or maintenance of air conditioning and heat pump equipment, mobile and stationary refrigeration equipment and chillers by** fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more.

From 1 January 2030, the following uses shall be prohibited: the servicing or maintenance of stationary refrigeration equipment, with the exclusion of chillers, by fluorinated greenhouse gases listed in Annex I, with a global warming potential of 150 or more.

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Amendment 88**Proposal for a regulation****Article 13 — paragraph 3 — subparagraph 2***Text proposed by the Commission*

This paragraph shall not apply to military equipment or equipment intended for applications designed to cool products to temperatures below – 50 °C.

Amendment

This paragraph shall not apply to military equipment or equipment intended for applications designed to cool **medicinal** products to temperatures below – 50 °C **or equipment intended for applications designed to cool nuclear power stations.**

Amendment 89**Proposal for a regulation****Article 13 — paragraph 3 — subparagraph 3 — point a***Text proposed by the Commission*

(a) reclaimed fluorinated greenhouse gases listed in Annex I with a global warming potential of **2 500** or more used for the maintenance or servicing of existing refrigeration equipment, provided that they have been labelled in accordance with Article 12(6);

Amendment

(a) reclaimed fluorinated greenhouse gases listed in Annex I with a global warming potential of **150** or more used for the maintenance or servicing of existing **stationary** refrigeration equipment, **with the exclusion of chillers**, provided that they have been labelled in accordance with Article 12(6);

Amendment 90**Proposal for a regulation****Article 13 — paragraph 3 — subparagraph 3 — point aa (new)***Text proposed by the Commission**Amendment*

(aa) reclaimed fluorinated greenhouse gases listed in Annex I, with a global warming potential of 2 500 or more, used for the maintenance or servicing of air conditioning and heat pump equipment, mobile refrigeration and chillers, provided that they have been labelled in accordance with Article 12(6);

Amendment 91**Proposal for a regulation****Article 13 — paragraph 3 — subparagraph 3 — point b***Text proposed by the Commission*

(b) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of **2 500** or more used for the maintenance or servicing of existing refrigeration equipment provided they have been recovered from such equipment. Such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or the undertaking for which the recovery was carried out as part of maintenance or servicing.

Amendment

(b) recycled fluorinated greenhouse gases listed in Annex I with a global warming potential of **150** or more used for the maintenance or servicing of existing **stationary** refrigeration equipment **with the exclusion of chillers** provided they have been recovered from such equipment. Such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or the undertaking for which the recovery was carried out as part of maintenance or servicing;

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Amendment 92

Proposal for a regulation

Article 13 — paragraph 3 — subparagraph 3 — point b a (new)

Text proposed by the Commission

Amendment

(ba) recycled fluorinated greenhouse gases listed in Annex 1 with a global warming potential of 2 500 or more used for the maintenance or servicing of existing air conditioning and heat pump equipment, mobile refrigeration and chillers, provided they have been recovered from such equipment; such recycled gases may only be used by the undertaking which carried out their recovery as part of maintenance or servicing or by the undertaking for which the recovery was carried out as part of maintenance or servicing.

Amendment 156

Proposal for a regulation

Article 13 — paragraph 4

Text proposed by the Commission

Amendment

4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January 2026, **except** when such use is strictly required and no other anaesthetic can be used on medical grounds. **The user** shall **provide** evidence, **upon request**, on the medical justification to the competent authority of the Member State and the Commission.

4. The use of desflurane as inhalation anaesthetic is prohibited as from 1 January 2026 **and shall only be permitted** when such use is strictly required and no other anaesthetic can be used on medical grounds **or when ensured that it is used in combination with a capture system**. **The healthcare institution** shall **keep** evidence on the medical justification, **and provide it, upon request**, to the competent authority of the Member State and the Commission.

Amendment 94

Proposal for a regulation

Article 13 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. From 1 January 2030, the use of sulfuryl fluoride for post-harvest fumigation and treatment of wood and wooden products against pest infestation is prohibited, except where such use is strictly required for a phytosanitary certificate and no other treatment can be used.

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Amendment 95

Proposal for a regulation

Article 16 — paragraph 2 — point e

Text proposed by the Commission

(e) *supplied directly by a producer or an importer to an undertaking using it for the etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector.*

Amendment

deleted

Amendment 96

Proposal for a regulation

Article 16 — paragraph 3 — subparagraph 1a (new)

Text proposed by the Commission

Amendment

The Commission shall continuously monitor the Union's semiconductor supply market. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 2 of this Article and exclude from the quota system laid down in paragraph 1 of this Article semiconductor materials or vapour deposition chambers within the semiconductor sector, where it identifies that, as a consequence of the inclusion of the semiconductor sector in the hydrofluorocarbon quota system, there are shortages or disruptions of supply to the Union's market of semiconductor materials or of vapour deposition chambers.

Amendment 97

Proposal for a regulation

Article 16 — paragraph 4 — subparagraph 1 — introductory part

Text proposed by the Commission

Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally by means of implementing acts, authorise an exemption for up to four years to exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons for use in specific applications, or specific categories of products or equipment, where it is demonstrated in the request that:

Amendment

Following a substantiated request by a competent authority of a Member State **or an EU Agency** and taking into account the objectives of this Regulation, the Commission may, exceptionally by means of implementing acts, authorise an exemption for up to four years to exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons for use in specific applications, or specific categories of products or equipment, where it is demonstrated in the request that:

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Amendment 98**Proposal for a regulation****Article 16 — paragraph 4 — subparagraph 1 — point a***Text proposed by the Commission*

(a) for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; and

Amendment

(a) for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons **or risks to public health**; and

Amendment 99**Proposal for a regulation****Article 17 — paragraph 5 — subparagraph 1***Text proposed by the Commission*

The allocation of quotas is subject to the payment of the amount due which equals to **three** euro for each tonne of CO₂ equivalent of quota to be allocated. Importers and producers shall be notified via the F-gas Portal of the total amount due for its calculated maximum quota allocation for the following calendar year and of the deadline for completing the payment. The Commission may, by means of implementing acts, determine the modalities and the detailed arrangements for the payment of the amount due. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).

Amendment

The allocation of quotas is subject to the payment of the amount due which equals to **five** euro for each tonne of CO₂ equivalent of quota to be allocated **in the period 2024-2026 and shall increase every three years thereafter so as to ensure a constant revenue, in light of the quota phase-down set out in Annex VII**. Importers and producers shall be notified via the F-gas Portal of the total amount due for its calculated maximum quota allocation for the following calendar year and of the deadline for completing the payment. The Commission may, by means of implementing acts, determine the modalities and the detailed arrangements for the payment of the amount due. Those implementing acts shall be adopted in accordance with the examination procedure referred to in 34(2).

Amendment 100**Proposal for a regulation****Article 17 — paragraph 6***Text proposed by the Commission*

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 5 as regards the amounts due for the allocation of quota and the mechanism to allocate remaining quotas, where necessary to prevent major disruptions of the market of hydrofluorocarbons, or where the mechanism is not fulfilling its purpose and is having undesirable or unintended effects.

Amendment

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend paragraph 5 as regards the amounts due for the allocation of quota and the mechanism to allocate remaining quotas, where necessary to prevent major disruptions of the market of hydrofluorocarbons, or where the mechanism is not fulfilling its purpose and is having undesirable or unintended effects, **including on public health and the users of MDIs**.

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Amendment 101**Proposal for a regulation****Article 17 — paragraph 6 a (new)***Text proposed by the Commission**Amendment*

6a. By ... [one year following the entry into force of this Regulation] and every year thereafter, the Commission shall assess, in consultation with relevant stakeholders, the impact of the HFC quota phase-down on the Union's heat pump market, and shall submit a report to the European Parliament and the Council.

The Commission shall adopt delegated acts in accordance with Article 32 to amend Annex VII and allow a limited amount of additional quotas for placing on the Union market HFCs to be used in heat pumps until the year 2029, where the assessment referred to in the first subparagraph concludes that the HFC quota phase-down set out in Annex VII creates disruptions in the Union's heat pump market to an extent which would endanger the attainment of the RePowerEU heat pump deployment targets.

In the report referred to in the first subparagraph the Commission shall provide a justification for its decision to adopt or not to adopt the delegated acts referred to in the second subparagraph.

Where the Commission adopts a delegated acts as referred to in the second subparagraph, the additional quotas shall be distributed to producers and importers, following their requests, submitted to the F-gas Portal, accompanied by evidence, in the form of sales contracts, that the quotas are to be used for heat pumps.

Amendment 102**Proposal for a regulation****Article 17 — paragraph 7***Text proposed by the Commission**Amendment*

7. The revenue generated from the quota allocation amount shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046. That revenue shall be assigned to the LIFE programme and to Heading 7 of the multiannual financial framework (European Public Administration), to cover the costs of external staff working on the management of the quota allocation, IT services, and licensing systems for the purpose of implementation of this Regulation **and** for ensuring compliance with the Protocol. Any revenue remaining after covering these costs shall be entered into the general budget of the Union.

7. The revenue generated from the quota allocation amount shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046. That revenue shall be assigned to the LIFE programme and to Heading 7 of the multiannual financial framework (European Public Administration):

(a) to cover the costs of external staff working on the management of the quota allocation, IT services, and licensing systems for the purpose of implementation of this Regulation;

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Text proposed by the Commission

Amendment

- (b) **to cover the costs** for ensuring compliance with the Protocol;
- (c) **to support capacity building at national level and Member States' implementation and enforcement of this Regulation, including in relation to the fight against online sales of illegal fluorinated gases and the destruction of seized illegal fluorinated gases; and**
- (d) **to accelerate the deployment of alternatives to fluorinated gases, particularly in sectors incurring high mitigation costs, and in the heat pump sector, including increasing production of necessary equipment, facilitating access to finance, reducing prices for consumers, training and certifying natural persons under Article 10 and reskilling gas boiler installers.**

Any revenue remaining after covering these costs shall be entered into the general budget of the Union.

Amendment 103

Proposal for a regulation

Article 18 — paragraph 1

Text proposed by the Commission

1. Quotas shall only be allocated to producers or importers that have an establishment within the Union, or which have mandated an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation. The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽⁴³⁾.

⁽⁴³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Amendment

1. Quotas shall only be allocated to producers or importers that have an establishment within the Union, or which have mandated an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation **and with the requirements of Title II of Regulation (EC) No 1907/2006 of the European Parliament and of the Council**. 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 ⁽⁴³⁾.

⁽⁴³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

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Amendment 104**Proposal for a regulation****Article 19 — paragraph 1***Text proposed by the Commission*

1. Refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons shall not be placed on the market unless hydrofluorocarbons charged into the equipment are accounted for within the quota system referred to in this Chapter.

Amendment

1. Refrigeration, air conditioning, **MDIs** and heat pump equipment charged with hydrofluorocarbons shall not be placed on the market unless hydrofluorocarbons charged into the equipment are accounted for within the quota system referred to in this Chapter.

Amendment 105**Proposal for a regulation****Article 19 — paragraph 2 — subparagraph 1***Text proposed by the Commission*

When placing pre-charged equipment as referred to in paragraph 1 on the market, manufacturers and importers of equipment shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect.

Amendment

When placing pre-charged equipment **or products** as referred to in paragraph 1 on the market, manufacturers and importers of equipment **or products** shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect.

Amendment 106**Proposal for a regulation****Article 19 — paragraph 2 — subparagraph 2***Text proposed by the Commission*

By drawing up the declaration of conformity, manufacturers and importers of equipment shall assume responsibility for compliance with this paragraph and paragraph 1.

Amendment

By drawing up the declaration of conformity, manufacturers and importers of equipment **or products** shall assume responsibility for compliance with this paragraph and paragraph 1.

Amendment 107**Proposal for a regulation****Article 19 — paragraph 2 — subparagraph 3***Text proposed by the Commission*

Manufacturers and importers of equipment shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment and shall make it available, on request, to the competent authorities of Member States and the Commission.

Amendment

Manufacturers and importers of equipment **or products** shall keep this documentation and the declaration of conformity for a period of at least five years after the placing on the market of that equipment **or products** and shall make it available, on request, to the competent authorities of Member States and the Commission.

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Amendment 108

Proposal for a regulation

Article 19 — paragraph 3 — subparagraph 1

Text proposed by the Commission

Where hydrofluorocarbons contained in the equipment referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment, importers of that equipment shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.

Amendment

Where hydrofluorocarbons contained in the equipment **or products** referred to in paragraph 1 have not been placed on the market prior to the charging of the equipment, importers of that equipment **or products** shall ensure that, by 30 April [OP: Please insert the year of application of this Regulation] and every year thereafter, the accuracy of the documentation, the declaration of conformity and the veracity of their report pursuant to Article 26 is confirmed, for the preceding calendar year, at a reasonable level of assurance by an independent auditor registered in the F-gas Portal.

Amendment 109

Proposal for a regulation

Article 19 — paragraph 5

Text proposed by the Commission

5. Importers of equipment referred to in paragraph 1, which has no establishment in the Union, shall mandate an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation. The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006.

Amendment

5. Importers of equipment **or products** referred to in paragraph 1, which has no establishment in the Union, shall mandate an only representative with an establishment within the Union that assumes the full responsibility of complying with this Regulation. The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006.

Amendment 110

Proposal for a regulation

Article 19 — paragraph 6

Text proposed by the Commission

6. This Article shall not apply to undertakings that placed on the market less than 100 tonnes of CO₂ equivalent of hydrofluorocarbons, per year, contained in the equipment referred to in paragraph 1.

Amendment

6. This Article shall not apply to undertakings that placed on the market less than 100 tonnes of CO₂ equivalent of hydrofluorocarbons, per year, contained in the equipment **or products** referred to in paragraph 1.

Thursday 30 March 2023

Amendment 111**Proposal for a regulation****Article 20 — paragraph 4 — subparagraph 1 — introductory part***Text proposed by the Commission*

Undertakings shall have a valid registration in the F-gas Portal prior to the import or export of fluorinated greenhouse gases and products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases except **in cases of temporary storage and** for the following activities:

Amendment

Undertakings shall have a valid registration in the F-gas Portal prior to the import or export of fluorinated greenhouse gases and products and equipment containing fluorinated greenhouse gases or whose functioning relies upon those gases except for the following activities:

Amendment 112**Proposal for a regulation****Article 20 — paragraph 4 — subparagraph 1 — point c***Text proposed by the Commission*

(c) supplying, or receiving hydrofluorocarbons for the purposes listed in points (a) to **(e)** of Article 16(2);

Amendment

(c) supplying, or receiving hydrofluorocarbons for the purposes listed in points (a) to **(d)** of Article 16(2);

Amendment 113**Proposal for a regulation****Article 20 — paragraph 7 — subparagraph 2***Text proposed by the Commission*

The Commission and competent authorities of the Member States shall ensure **the confidentiality of the** data included in the F-gas Portal.

Amendment

The Commission and competent authorities of the Member States shall ensure **that the following** data included in the F-gas Portal **is publicly available:**

- (a) regularly updated quota allocation and quota transfers;**
- (b) a list of registered importers and producers;**
- (c) data on imports, including points of entry and type of HFC;**
- (d) temporary storage data;**
- (e) facility-level chemical destruction data.**

Thursday 30 March 2023

Amendment 114

Proposal for a regulation

Article 22 — paragraph 1

Text proposed by the Commission

The import and export of fluorinated greenhouse gases and products and equipment containing those gases or whose functioning relies upon those gases **except in cases of temporary storage**, is subject to the presentation of a valid licence to customs authorities pursuant to Article 20(4).

Amendment

The import and export of fluorinated greenhouse gases and products and equipment containing those gases or whose functioning relies upon those gases is subject to the presentation of a valid licence to customs authorities pursuant to Article 20(4).

Amendment 115

Proposal for a regulation

Article 22 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the first paragraph of this Article and from Article 20, the Commission shall, by means of implementing acts, establish simplified rules for registration in the F-gas Portal in the case of temporary storage as defined in Article 5(17) of Regulation (EU) No 952/2013. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34.

Amendment 116

Proposal for a regulation

Article 23 — paragraph 6

Text proposed by the Commission

6. Importers of fluorinated greenhouse gases **listed in Annex I and Annex II, Section 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.

Amendment

6. Importers of fluorinated greenhouse gases 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.

Thursday 30 March 2023

Amendment 117**Proposal for a regulation****Article 23 — paragraph 12 — subparagraph 1***Text proposed by the Commission*

Customs authorities shall confiscate or seize non-refillable containers prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) No 952/2013. Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with Article 16 of Regulation (EU) 2019/1020 of the European Parliament and the Council ⁽⁴⁵⁾.

⁽⁴⁵⁾ 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).

Amendment

Customs authorities shall confiscate or seize non-refillable containers prohibited by this Regulation for disposal in accordance with Articles 197 and 198 of Regulation (EU) No 952/2013 **and destroy them**. Market surveillance authorities shall also withdraw or recall from the market such containers in accordance with Article 16 of Regulation (EU) 2019/1020 of the European Parliament and the Council ⁽⁴⁵⁾.

⁽⁴⁵⁾ 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).

Amendment 118**Proposal for a regulation****Article 23 — paragraph 12 — subparagraph 2***Text proposed by the Commission*

For other substances and products and equipment covered by this Regulation, **alternative measures may be taken** to prevent unlawful import, further supply, or export, in particular in cases of hydrofluorocarbons placed on the market in bulk or charged in products and equipment in violation of the quota and authorisation requirements set out in this Regulation.

Amendment

For other substances and products and equipment covered by this Regulation, **customs authorities shall seize and confiscate fluorinated greenhouse gases imported or exported in violation of this Regulation and in accordance with the [Environmental Crime Directive 2021/0422(COD)]** to prevent unlawful import, further supply, or export, in particular in cases of hydrofluorocarbons placed on the market in bulk or charged in products and equipment in violation of the quota and authorisation requirements set out in this Regulation.

Amendment 119**Proposal for a regulation****Article 24 — paragraph -1 (new)***Text proposed by the Commission**Amendment*

-1. By 30 June 2025, the Commission shall publish a report evaluating the potential risks of illegal trade and identifying additional measures to reduce those risks linked to movements of fluorinated greenhouse gases and of products and equipment containing those gases or whose functioning relies upon those gases when placed under temporary storage, or a customs procedure including customs warehousing or free zone procedure or in transit through the customs territory of the Union, including tracing methodologies for gases placed on the market, such as quick response (QR) codes.

Thursday 30 March 2023

Amendment 120

Proposal for a regulation

Article 26 — paragraph 1 — subparagraph 1

Text proposed by the Commission

By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer, importer and exporter that produced, imported or exported **hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other** fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. This paragraph shall also apply to all undertakings receiving quotas pursuant to Article 21(1).

Amendment

By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each producer, importer and exporter that produced, imported or exported fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year. This paragraph shall also apply to all undertakings receiving quotas pursuant to Article 21(1).

Amendment 121

Proposal for a regulation

Article 26 — paragraph 2

Text proposed by the Commission

2. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that destroyed **hydrofluorocarbons or quantities exceeding one metric tonne or 100 tonnes of CO₂ equivalent of other** fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment

2. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that destroyed fluorinated greenhouse gases during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment 122

Proposal for a regulation

Article 26 — paragraph 3

Text proposed by the Commission

3. By 31 March [[OP: Please insert the year of application of this Regulation], each undertaking that used **1 000 tonnes of CO₂ equivalent or more of** fluorinated greenhouse gases listed in Annex I as feedstock during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment

3. By 31 March [[OP: Please insert the year of application of this Regulation], each undertaking that used fluorinated greenhouse gases listed in Annex I as feedstock during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Thursday 30 March 2023

Amendment 123**Proposal for a regulation****Article 26 — paragraph 4***Text proposed by the Commission*

4. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that placed **100 tonnes of CO₂ equivalent or more of hydrofluorocarbons, or 500 tonnes of CO₂ equivalent or more of other** fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment

4. By 31 March [OP: Please insert the year of application of this Regulation], each undertaking that placed fluorinated greenhouse gases, contained in products or equipment on the market during the preceding calendar year shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment 124**Proposal for a regulation****Article 26 — paragraph 6***Text proposed by the Commission*

6. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that reclaimed **quantities exceeding 1 metric tonne or 100 tonnes of CO₂ equivalent of** fluorinated greenhouse gases shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment

6. By 31 March [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking that reclaimed fluorinated greenhouse gases shall report to the Commission the data specified in Annex IX on each of those substances for that calendar year.

Amendment 125**Proposal for a regulation****Article 26 — paragraph 7***Text proposed by the Commission*

7. By 30 April [OP: Please insert the year of application of this Regulation], each importer of equipment that placed on the market pre-charged equipment as referred to in Article 19 containing **at least 1 000 tonnes of CO₂ equivalent** hydrofluorocarbons, and where those hydrofluorocarbons have not been placed on the market prior to the charging of the equipment, shall submit to the Commission a verification report issued pursuant to Article 19(3).

Amendment

7. By 30 April [OP: Please insert the year of application of this Regulation], each importer of equipment that placed on the market pre-charged equipment as referred to in Article 19 containing hydrofluorocarbons, and where those hydrofluorocarbons have not been placed on the market prior to the charging of the equipment, shall submit to the Commission a verification report issued pursuant to Article 19(3).

Thursday 30 March 2023

Amendment 126**Proposal for a regulation****Article 26 — paragraph 8 — subparagraph 1 — introductory part***Text proposed by the Commission*

By 30 April [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking which under paragraph 1 reports on the placing on the market **of 1 000 tonnes of CO₂ equivalent or more** of hydrofluorocarbons during the preceding calendar year shall, in addition, ensure that the veracity of its report is confirmed, at a reasonable level of assurance, by an independent auditor. The auditor shall be registered in the F-gas Portal and shall be either:

Amendment

By 30 April [OP: Please insert the year of application of this Regulation], and every year thereafter, each undertaking which under paragraph 1 reports on the placing on the market of hydrofluorocarbons during the preceding calendar year shall, in addition, ensure that the veracity of its report is confirmed, at a reasonable level of assurance, by an independent auditor. The auditor shall be registered in the F-gas Portal and shall be either:

Amendment 127**Proposal for a regulation****Article 27 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

By 31 December 2024 the Commission shall adopt a delegated act on a common general framework that Member States shall use to design centralised electronic systems.

Amendment 128**Proposal for a regulation****Article 29 — paragraph 1***Text proposed by the Commission*

1. The competent authorities of Member States shall carry out checks to establish whether undertakings comply with their obligations under this Regulation.

Amendment

1. The competent authorities of Member States shall carry out **regular** checks to establish whether undertakings comply with their obligations under this Regulation.

Amendment 129**Proposal for a regulation****Article 29 — paragraph 3 — subparagraph 1***Text proposed by the Commission*

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.

Amendment

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 **as well as checks of online platforms selling bulk fluorinated gases or products and equipment that contain such gases.**

Thursday 30 March 2023

Amendment 130**Proposal for a regulation****Article 29 — paragraph 5***Text proposed by the Commission*

5. At the request of another Member State, a Member State **may** conduct checks on undertakings suspected of being engaged in the illegal movement of the gases and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member State shall be informed about the result of the check.

Amendment

5. At the request of another Member State, a Member State **shall** conduct checks on undertakings suspected of being engaged in the illegal movement of the gases and products and equipment covered by this Regulation and which are operating on the territory of that Member State. The requesting Member State shall be informed about the result of the check.

Amendment 131**Proposal for a regulation****Article 29 — paragraph 7a (new)***Text proposed by the Commission**Amendment*

7a. Member States shall provide an annual summary of the data collected from the logbooks to the Commission by 1 April of each year. The Commission shall publish an annual summary and assessment of the data received from Member States.

Amendment 132**Proposal for a regulation****Article 31 — paragraph 5 — subparagraph 1***Text proposed by the Commission*

In cases of unlawful production, import, export, placing on the market, or use of fluorinated greenhouse gases or of products and equipment containing those gases or whose functioning relies on those gases, Member States shall **envisage** maximum administrative fines of at least **five** times the market value of the concerned gases or products and equipment concerned. In case of a repeated infringement within a five-year period, the Member States shall **envisage** maximum administrative fines of at least **eight** times the value of the gases or products and equipment concerned.

Amendment

In cases of unlawful production, import, export, placing on the market, or use of fluorinated greenhouse gases or of products and equipment containing those gases or whose functioning relies on those gases, Member States shall **set out minimum administrative fines of at least four times the market value of the gases or products concerned and equipment concerned and** maximum administrative fines of at least **six** times the market value of the gases or products concerned and equipment concerned. In case of a repeated infringement within a five-year period, the Member States shall **set out minimum administrative fines of at least seven times the value of the gases or products concerned and equipment concerned and** maximum administrative fines of at least **ten** times the value of the gases or products and equipment concerned.

Thursday 30 March 2023

Amendment 133**Proposal for a regulation****Article 32 — paragraph 2***Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 8(8), Article 12(17), Article 16(3), 17(6), Article 24, Article 25(2) and Article 35 shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation].

Amendment

2. The power to adopt delegated acts referred to in Article 8(8), **Article 9(1a)**, Article 12(17), Article 16(3) **first subparagraph, Article 16(3), second subparagraph**, 17(6), **Article 17(6a)**, Article 24, Article 25(2) **Article 27, third subparagraph**, Article 35(1), **Article 35(1a) and Article 35(1b)** shall be conferred on the Commission for an indeterminate period of time [from the date of application of the Regulation].

Amendment 134**Proposal for a regulation****Article 32 — paragraph 3***Text proposed by the Commission*

3. The delegation of power referred to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25(2) **and** Article 35 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 8(8), **Article 9(1a)**, Article 12(17), Article 16(3) **first subparagraph, Article 16(3) second subparagraph**, Article 17(6), **Article 17(6a)**, Article 24, Article 25(2), **Article 27, third subparagraph**, Article 35(1), **Article 35(1a) and Article 35(1b)** 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.

Amendment 135**Proposal for a regulation****Article 32 — paragraph 6***Text proposed by the Commission*

6. A delegated act adopted pursuant to in Article 8(8), Article 12(17), Article 16(3), Article 17(6), Article 24, Article 25 (2) **and** Article 35 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to in Article 8(8), **Article 9(1a)**, Article 12(17), Article 16(3), **Article 16(3), second subparagraph**, Article 17(6), **Article 17(6a)**, Article 24, Article 25(2), **Article 27, third subparagraph**, Article 35(1), **Article 35(1a) and Article 35(1b)** 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.

Thursday 30 March 2023

Amendment 136**Proposal for a regulation****Article 33 — paragraph 1***Text proposed by the Commission*

The Commission shall establish a Consultation Forum for providing advice and expertise in relation to the implementation of this Regulation. The rules of procedure of the Consultation Forum shall be established by the Commission and shall be published.

Amendment

The Commission shall establish a Consultation Forum for providing advice and expertise in relation to the implementation of this Regulation. The **Consultation Forum shall have a balanced participation of:**

- (i) **Member State representatives;**
- (ii) **representatives of all relevant stakeholders, including environmental organisations, patient associations and healthcare professional organisations, representatives of manufacturers and operators.**

The Consultation Forum shall closely cooperate with the relevant EU Agencies. The rules of procedure of the Consultation Forum shall be established by the Commission and shall be published.

Amendment 137**Proposal for a regulation****Article 35 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

The Commission shall continuously monitor technological and market developments in relation to the use of fluorinated greenhouse gases and their natural alternatives in the Union. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend this Regulation, and strengthen the prohibitions on the placing on the market of high GWP fluorinated greenhouse gases in the products or equipment concerned, where it finds evidence of the emergence or acceleration of the use of low GWP fluorinated greenhouse gases or of natural alternatives in products and equipment placed on the Union market.

Amendment 138**Proposal for a regulation****Article 35 — paragraph 1 b (new)***Text proposed by the Commission**Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annexes I, II and III by moving fluorinated greenhouse gases from Annex III to Annex I or II or by introducing fluorinated greenhouse gases in Annex I or II, where it has evidence of the placing on the market of fluorinated greenhouse gases listed in Annex III or of fluorinated greenhouse gases not listed in Annex I, II or III, respectively.

Thursday 30 March 2023

Amendment 139

Proposal for a regulation

Article 35 — paragraph 1 c (new)

Text proposed by the Commission

Amendment

No later than three months following the adoption of the revised REACH Regulation, the Commission shall assess whether this Regulation is coherent with that Regulation. The Commission shall, where appropriate, accompany its assessment with a legislative proposal to amend this Regulation, if it concludes that this Regulation is not coherent with potential new restrictions of the use of PFAS laid down in that Regulation.

Amendment 140

Proposal for a regulation

Article 35 — paragraph 2

Text proposed by the Commission

Amendment

By 1 January **2033**, the Commission shall publish a report on the implementation of this Regulation.

By 1 January **2027**, the Commission shall publish a report on the implementation of this Regulation, **including in relation to the impact of this Regulation on the health sector, particularly the availability of MDIs for the delivery of pharmaceutical ingredients, as well as on the impact on the market of cooling equipment used in conjunction with batteries.**

Amendment 141

Proposal for a regulation

Article 35 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

The European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 may, on its own initiative, provide scientific advice and issue reports on the coherence of this Regulation with the objectives of Regulation (EC) No 401/2009 and the Union's international commitments under the Paris Agreement.

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Amendment 142
Proposal for a regulation
Annex I — section 3

Text proposed by the Commission

Section 3: Other **perfluorinated** compounds

	sulphur hexafluoride	SF ₆	25 200	18 300
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Amendment

Section 3: Other (**per**)fluorinated compounds **and fluorinated ketones**

	sulphur hexafluoride	SF ₆	25 200	18 300
	Heptafluoroisobutyronitrile (2,3,3,3-tetrafluoro-2-(trifluoromethyl)-propanenitrile)	Iso-C₃F₇CN	2 750	4 580
	1,1,1,3,4,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one	CF₃C(O)CF(CF₃)₂	0,29⁽¹⁾	(*)

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

Amendment 143

Proposal for a regulation
Annex III — section 1 — row 37

Text proposed by the Commission

1,1,1,3,4,4,4-Heptafluoro-3-(trifluoromethyl)butan-2-one	CF₃C(O)CF(CF₃)₂	0,29⁽¹⁾	(*)
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⁽¹⁾ Ren et al. (2019). Atmospheric Fate and Impact of Perfluorinated Butanone and Pentanone. *Environ. Sci. Technol.* 2019, 53, 15, 8862–8871

Amendment

Deleted

Amendment 144
Proposal for a regulation
Annex III — section 2 — row 4

Text proposed by the Commission

Heptafluoroisobutyronitrile (2,3,3,3-tetrafluoro-2-(trifluoromethyl)-propanenitrile)	Iso-C₃F₇CN	2 750	4 580
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Amendment

Deleted

Thursday 30 March 2023

Amendments 145, 153cp1, 157cp1, 153cp2, 153cp3 and 153cp4**Proposal for a regulation****Annex IV — table***Text proposed by the Commission*

Products and equipment		Date of prohibition
Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)		
(1) Non-refillable containers for fluorinated greenhouse gases listed in Annex I, empty, partially or fully filled, used to service, maintain or fill refrigeration, air-conditioning or heat-pump equipment, fire protection systems or switchgear, or for use as solvents.		4 July 2007
(2) Non-confined direct evaporation systems that contain HFCs and PFCs as refrigerants.		4 July 2007
(3) Fire protection equipment	that contain PFCs	4 July 2007
	that contain HFC-23	1 January 2016
	that contain or rely on other fluorinated greenhouse gases listed in Annex I, except when required to meet safety standards	1 January 2024
(4) Windows for domestic use that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(5) Other windows that contain fluorinated greenhouse gases listed in Annex I.		4 July 2008
(6) Footwear that contains fluorinated greenhouse gases listed in Annex I.		4 July 2006
(7) Tyres that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(8) One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases listed in Annex I with GWP of 150 or more.		4 July 2008
(9) Aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes, as listed in point 40 of Annex XVII to Regulation (EC) No 1907/2006, and signal horns, that contain HFCs with GWP of 150 or more.		4 July 2009
(10) Domestic refrigerators and freezers that contain HFCs with GWP of 150 or more.		1 January 2015

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Products and equipment		Date of prohibition
Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)		
(11) Refrigerators and freezers for commercial use (self-contained equipment)	— that contain HFCs with GWP of 2 500 or more.	1 January 2020
	— that contain HFCs with GWP of 150 or more.	1 January 2022
	— that contain other fluorinated greenhouse gases with GWP of 150 or more.	1 January 2024
(12) Any self-contained refrigeration equipment that contains fluorinated greenhouse gases with GWP of 150 or more.		1 January 2025
(13) Stationary refrigeration equipment that contains, or whose functioning relies upon, HFCs with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C.		1 January 2020
(14) Stationary refrigeration equipment, that contains, or whose functioning relies upon, with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C.		1 January 2024
(15) Multipack centralized refrigeration systems for commercial use with a rated capacity of 40 kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 150 or more, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1 500 may be used.		1 January 2022
(16) Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more.		1 January 2020
(17) Plug-in room, and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse gases with a GWP of 150 or more.		1 January 2025

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<p style="text-align: center;">Products and equipment</p> <p style="text-align: center;">Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)</p>	Date of prohibition	
<p>(18) Stationary split air-conditioning and split heat pump equipment:</p> <p>(a) Single split systems containing less than 3 kg of fluorinated greenhouse gases listed in Annex I, that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 750 or more;</p>	1 January 2025	
<p>(b) Split systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more, except when required to meet safety standards;</p> <p>(c) Split systems of a rated capacity of more than 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards.</p>	1 January 2027	
<p>(19) Foams that contain HFCs with GWP of 150 or more, except when required to meet national safety standards.</p>	— Extruded polystyrene (XPS)	1 January 2020
	— Other foams	1 January 2023
<p>(20) Technical aerosols that contain HFCs with GWP of 150 or more, except when required to meet national safety standards or when used for medical applications.</p>	1 January 2018	
<p>(21) Personal care products (i.e. mousse, creams, foams) containing fluorinated greenhouse gases.</p>	1 January 2024	
<p>(22) Equipment used for cooling the skin that contain, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more except when used for medical applications.</p>	1 January 2024	

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Products and equipment		Date of prohibition
Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)		
(23) Installation and replacement of the following electrical switchgear:	(a) medium voltage switchgear for primary and secondary distribution up to 24 kV, with insulating or breaking medium using, or whose functioning relies upon, gases with GWP of 10 or more, or with GWP of 2 000 or more, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above;	1 January 2026
	(b) medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to 52 kV, with insulating or breaking medium using, or whose functioning relies upon gases with GWP of 10 or more, or with GWP of more than 2 000, unless evidence is provided that no suitable alternative is available based on technical grounds within the lower GWP ranges referred to above;	1 January 2030
	(c) high voltage switchgear from 52 and up to 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon with GWP of 10 or more, or with GWP of more than 2 000, unless evidence is provided that no suitable alternative is available based on technical grounds; within the lower GWP ranges referred to above;	1 January 2028
	(d) high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon gases, with GWP of 10 or more, or with GWP of more than 2 000 unless evidence is provided that no suitable alternative is available based on technical grounds,	1 January 2031

Amendment

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

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Products and equipment		Date of prohibition
Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)		
(2) Non-confined direct evaporation systems that contain HFCs and PFCs as refrigerants.		4 July 2007
(3) Fire protection equipment	that contain PFCs	4 July 2007
	that contain HFC-23	1 January 2016
	that contain or rely on other fluorinated greenhouse gases listed in Annex I, except when required to meet safety standards	1 January 2024
(4) Windows for domestic use that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(5) Other windows that contain fluorinated greenhouse gases listed in Annex I.		4 July 2008
(6) Footwear that contains fluorinated greenhouse gases listed in Annex I.		4 July 2006
(7) Tyres that contain fluorinated greenhouse gases listed in Annex I.		4 July 2007
(8) One-component foams, except when required to meet national safety standards, that contain fluorinated greenhouse gases listed in Annex I with GWP of 150 or more.		4 July 2008
(9) Aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes, as listed in point 40 of Annex XVII to Regulation (EC) No 1907/2006, and signal horns, that contain HFCs with GWP of 150 or more.		4 July 2009
(10) Domestic refrigerators and freezers that contain HFCs with GWP of 150 or more.		1 January 2015
(10a) Domestic refrigerators and freezers that contain fluorinated greenhouse gases.		1 January 2025
(11) Stationary refrigerators and freezers for commercial use (self-contained equipment)	— that contain HFCs with GWP of 2 500 or more.	1 January 2020
	— that contain HFCs with GWP of 150 or more.	1 January 2022
	— that contain fluorinated greenhouse gases.	1 January 2024
(12) Any self-contained stationary refrigeration equipment that contains fluorinated greenhouse gases.		1 January 2025

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Products and equipment		Date of prohibition
Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)		
(13) Stationary refrigeration equipment that contains, or whose functioning relies upon, HFCs with GWP of 2 500 or more except equipment intended for application designed to cool products to temperatures below – 50 °C.		1 January 2020
(14) Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases except equipment intended for application designed to cool products to temperatures below – 50 °C.		1 January 2025
(14a) Stationary refrigeration equipment, that contains, or whose functioning relies upon, fluorinated greenhouse gases.		1 January 2027
(15) Multipack centralized refrigeration systems for commercial use with a rated capacity of 40 kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases listed in Annex I with GWP of 150 or more, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1 500 may be used.		1 January 2022
(15a) Transport refrigeration	in vans and ships that contain, or whose functioning relies upon, fluorinated greenhouse gases.	1 January 2027
	in trucks, trailers and reefer containers that contains, or whose functioning relies upon, fluorinated gases	1 January 2029
(16) Plug-in room air-conditioning equipment (self-contained equipment) which is movable between rooms by the end user that contain HFCs with GWP of 150 or more.		1 January 2020
(17) Plug-in room, monoblock and other self-contained air-conditioning and heat pump equipment that contain fluorinated greenhouse gases.		1 January 2026
(18) Stationary split air-conditioning and split heat pump equipment:		1 January 2028
(a) Single split systems, including fixed double duct systems , containing less than 3 kg of fluorinated greenhouse gases listed in Annex I, that contain, or whose functioning relies upon, fluorinated greenhouse gases;		
(b) Split systems of a rated capacity of up to and including 12 kW containing, or whose functioning relies upon, fluorinated greenhouse gases except when required to meet safety standards;		1 January 2028
(c) Split systems of a rated capacity of more than 12 kW and up to 200 kW containing, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 750 or more, except when required to meet safety standards.		
(ca) Split systems of a rated capacity of more than 200 kW containing, or whose functioning relies upon, fluorinated greenhouse gases.		

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Products and equipment		Date of prohibition
Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)		
(19) Foams that contain HFCs with GWP of 150 or more, except when required to meet national safety standards.	— Extruded polystyrene (XPS)	1 January 2020
	— Other foams	1 January 2023
(19a) Foams that contain fluorinated greenhouse gases, except when required to meet national safety standards		1 January 2030
(20) Technical aerosols that contain HFCs with GWP of 150 or more, except when required to meet national safety standards or when used for medical applications.		1 January 2018
(20a) Technical aerosols that contain fluorinated greenhouse gases, except when required to meet national safety standards or when used for medical applications.		1 January 2030
(22) Personal care products (i.e. mousse, creams, foams) containing fluorinated greenhouse gases.		1 January 2024
(22) Equipment used for cooling the skin that contain, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more except when used for medical applications.		1 January 2024
(23) Installation and replacement of the following electrical switchgear:	(a) medium voltage switchgear for primary and secondary distribution up to and including 24 kV, with insulating or breaking medium using, or whose functioning relies upon, fluorinated greenhouse gases;	1 January 2026
	(b) medium voltage switchgear for primary and secondary distribution from more than 24 kV and up to and including 52 kV, with insulating or breaking medium using, or whose functioning relies upon fluorinated greenhouse gases;	1 January 2028
	(c) high voltage switchgear from 52 and up to and including 145 kV and up to 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon fluorinated greenhouse gases , unless evidence is provided that no suitable alternative is available, in which case gases with GWP of up to 1 000 can be used;	1 January 2028
	(d) high voltage switchgear of more than 145 kV or more than 50 kA short circuit current with insulating or breaking medium using, or whose functioning relies upon fluorinated greenhouse gases, unless evidence is provided that no suitable alternative is available, in which case gases with GWP of up to 1 000 can be used.	1 January 2031

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Products and equipment Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex VI, as provided for in Article 3, point (1)	Date of prohibition
(23a) <i>Mobile air conditioning in passenger and cargo ships, buses, trams, and trains that contain, or whose functioning relies upon, fluorinated greenhouse gases.</i>	1 January 2029
(23b) <i>Mini, displacement and centrifugal chillers that contain, or whose functioning relies upon, fluorinated greenhouse gases.</i>	1 January 2027

Amendment 146

Proposal for a regulation

Annex IV — point 2

Text proposed by the Commission

2. The **evidence** referred to in point 23, shall include documentation **establishing** that following an open call for tender no suitable alternative on technical grounds, given the demonstrated specificities of the application, **was** available that could meet the conditions set out in point 23. **The documentation shall be kept by the operator for at least five years and shall be made available to the competent authority of the Member State and to the Commission, upon request.**

Amendment

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

Amendment 147

Proposal for a regulation

Annex V — paragraph 1 — point d

Text proposed by the Commission

(d) for the period 1 January 2036 **and thereafter, 15 %** of the annual average of its production in 2011-2013.

Amendment

(d) for the period 1 January 2036 **to 31 December 2049, 15 %** of the annual average of its production in 2011-2013.

Amendment 148

Proposal for a regulation

Annex V — paragraph 1 — point da (new)

Text proposed by the Commission

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

Amendment

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

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Amendment 149
Proposal for a regulation
Annex VI — title

Text proposed by the Commission

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

Amendment

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

Amendment 150
Proposal for a regulation
Annex VII

Text proposed by the Commission

Years	Maximum Quantity in tonnes CO ₂ equivalent
2024 — 2026	41 701 077
2027 — 2029	17 688 360
2030 — 2032	9 132 097
2033 — 2035	8 445 713
2036 — 2038	6 782 265
2039 — 2041	6 136 732
2042 — 2044	5 491 199
2045 — 2047	4 845 666
2048 <i>onwards</i>	4 200 133

Amendment

Years	Maximum Quantity in tonnes CO ₂ equivalent
2024 — 2026	41 701 077
2027 — 2029	20 888 360
2030 — 2032	9 132 097
2033 — 2035	8 445 713
2036 — 2038	6 782 265
2039 — 2041	4 138 941

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Years	Maximum Quantity in tonnes CO ₂ equivalent
2042 — 2044	3 247 259
2045 — 2047	1 623 629
2048 - 2049	811 814
2050 onwards	0

Amendment 151

Proposal for a regulation

Annex VIII — point 1 — paragraph 2 — indent 2

Text proposed by the Commission

— in addition, where relevant, a quota corresponding to the reference value referred to in Annex VII, point 4(ii), multiplied by the maximum quantity for the year for which the quota is allocated divided by the maximum quantity for the year 2024.

Amendment

— in addition, where relevant, a quota corresponding to the reference value referred to in Annex VII, point 4(ii). **From 2027, such a quota is obtained by multiplying the reference value with a factor of 0,7. From 2030, such a quota corresponds to the reference value** multiplied by the maximum quantity for the year for which the quota is allocated divided by the maximum quantity for the year 2024.

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P9_TA(2023)0093

Ozone depleting substances

Amendments adopted by the European Parliament on 30 March 2023 on 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 (COM(2022)0151 — C9-0143/2022 — 2022/0100(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2023/C 341/08)

Amendment 1

Proposal for a regulation

Recital 4

Text proposed by the Commission

- (4) Regulation (EC) No 1005/2009 of the European Parliament and of the Council ⁽¹⁸⁾ ensures, inter alia, that the Union complies with the Protocol. The Commission in its evaluation of Regulation (EC) No 1005/2009 ⁽¹⁹⁾ concluded that the control measures established under that Regulation remain, in general, fit-for-purpose.

⁽¹⁸⁾ 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).

⁽¹⁹⁾ 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)0407 final of 26 November 2019.

Amendment

- (4) Regulation (EC) No 1005/2009 of the European Parliament and of the Council ⁽¹⁸⁾ ensures, inter alia, that the Union complies with the Protocol. The Commission in its evaluation of Regulation (EC) No 1005/2009 ⁽¹⁹⁾ concluded that the control measures established under that Regulation remain, in general, fit-for-purpose, **are efficient and have significantly contributed to stratospheric ozone recovery and to reduce climate warming.**

⁽¹⁸⁾ 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).

⁽¹⁹⁾ 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)0407 final of 26 November 2019.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0050/2023).

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Amendment 2
Proposal for a regulation

Recital 5

Text proposed by the Commission

- (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 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.

Amendment

- (5) There is clear evidence of a decrease in the atmospheric burden of ozone depleting substances and of stratospheric ozone recovery. However, **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.** The recovery of the ozone layer **is still very fragile, and recovery** 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 ensuring that existing obligations are fully implemented, **that more action is taken, and** that the necessary measures are in place to address any upcoming challenges swiftly and effectively.

Amendment 3

Proposal for a regulation

Recital 7

Text proposed by the Commission

- (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.

Amendment

- (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 **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.**

Amendment 4

Proposal for a regulation

Recital 7a (new)

Text proposed by the Commission

Amendment

- (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 impact on the stratosphere and the ozone layer.**

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Amendment 5
Proposal for a regulation
Recital 9a (new)

Text proposed by the Commission

Amendment

- (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 ^(1a). 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 (>1tODP) and the lack of feasible alternative options, it is possible that the emissions from feedstock uses are being underestimated ^(1b). 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.*

^(1a) Ozone Depleting Substances 2022, European Environment Agency.

^(1b) 'Narrowing feedstock exemptions under the Montreal Protocol has multiple environmental benefits', Stephen O. Andersen, et al. 2021: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8665836/> and 'Unfinished business after five decades of ozone-layer science and policy', Susan Salomon et al. 2020.

Amendment 6
Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

- (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 **and to provide adequate monitoring** of stocks of halon recovered from equipment.

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Amendment 7
Proposal for a regulation
Recital 13a (new)

Text proposed by the Commission

Amendment

(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 ^(1a). 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 ^(1b). 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.*

^(1a) 'The increasing threat to stratospheric ozone from dichloromethane' Hossaini et al, 2017: <https://doi.org/10.1038/s41467-019-13899-4>

^(1b) 'Ozone Depleting Substances 2022', European Environment Agency.

Amendment 8
Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(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. ***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.***

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Amendment 9
Proposal for a regulation

Recital 17

Text proposed by the Commission

- (17) Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁴⁾ 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 analytical uses, those substances should be distinguished from substances that are produced for other uses.

⁽²⁴⁾ 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).

Amendment

- (17) Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁴⁾ 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 **halon and methyl bromide and products and equipment containing those ozone depleting substances or whose functioning relies upon those substances, as well as other** ozone depleting substances produced for feedstock, process agent, laboratory and analytical uses **and for destruction within the Union**, those substances should be distinguished from substances that are produced for other uses.

⁽²⁴⁾ 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).

Amendment 10
Proposal for a regulation

Recital 18

Text proposed by the Commission

- (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.

Amendment

- (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, **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.**

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Amendment 11
Proposal for a regulation
Recital 19

Text proposed by the Commission

(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.

Amendment

(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 **rigorously monitored**, 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 **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.**

Amendment 12
Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) To ensure that substances as well as products and equipment 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.

Amendment

(23) To ensure that substances as well as products and equipment 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 **and destroy them**. Re-export of products not compliant with this Regulation should be prohibited in any event.

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Amendment 13
Proposal for a regulation
Recital 28a (new)

Text proposed by the Commission

Amendment

- (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.*

Amendment 14
Proposal for a regulation
Recital 28b (new)

Text proposed by the Commission

Amendment

- (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 undertakings which do not succeed in the transition to such alternatives.*

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Amendment 15
Proposal for a regulation
Recital 32

Text proposed by the Commission

(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.

Amendment

(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 assess **a future extension** of the control measures **for recovery, destruction, recycling or reclamation**, applicable for the substances listed in Annex I to also cover those substances.

Amendment 16
Proposal for a regulation
Recital 33a (new)

Text proposed by the Commission

(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 Regulation and to protect whistle-blowers from retaliation.**

Amendment

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Amendment 17
Proposal for a regulation
Recital 36

Text proposed by the Commission

(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 ⁽²⁷⁾.

⁽²⁷⁾ 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).

Amendment

(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 ⁽²⁷⁾. ***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.***

⁽²⁷⁾ 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).

Amendment 18
Proposal for a regulation
Recital 40a (new)

Text proposed by the Commission

Amendment

(40a) ***Nitrous oxide (N₂O), 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 chlorofluorochemicals and other ozone-depleting halocarbons, N₂O has been recognised as one of the most significant ozone-depleting substances and risks undermining the gains of the Protocol ^(1a). 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.***

^(1a) See for instance: ‘Drawing Down N2O To Protect Climate and the Ozone Layer’, UNEP, 2013.

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Amendment 19**Proposal for a regulation****Article 1 — paragraph 1***Text proposed by the Commission*

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.

Amendment

This Regulation lays down rules on the production, import, export, placing on the market, **storage and** 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 **utilisation** of products and equipment containing ozone depleting substances or whose functioning relies upon on those substances.

Amendment 20**Proposal for a regulation****Article 2 — paragraph 2***Text proposed by the Commission*

2. This Regulation also applies to products and equipment, and parts thereof, containing ozone depleting substances or whose functioning relies **upon** those substances.

Amendment

2. This Regulation also applies to products and equipment, and parts thereof, containing ozone depleting substances or whose functioning relies **partly or entirely on** those substances.

Amendment 21**Proposal for a regulation****Article 3 — paragraph 1 — point 1***Text proposed by the Commission*

(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**;

Amendment

(1) 'feedstock' means any ozone depleting substance that undergoes chemical transformation in a process in which it is entirely converted from its original composition;

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Amendment 22

Proposal for a regulation

Article 3 — paragraph 1 — point 5

Text proposed by the Commission

(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**;

Amendment

(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 **utilisation** of products or equipment manufactured for own **utilisation**;

Amendment 23

Proposal for a regulation

Article 3 — paragraph 1 — point 6a (new)

Text proposed by the Commission

Amendment

(6a) '**producer**' means any natural or legal person producing ozone depleting substances within the Union;

Amendment 24

Proposal for a regulation

Article 3 — paragraph 1 — point 10a (new)

Text proposed by the Commission

Amendment

(10a) '**container**' means a container as defined in Article [X] of Regulation xxxx/xxxx [F-Gas Regulation];

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Amendment 25**Proposal for a regulation****Article 3 — paragraph 1 — point 11***Text proposed by the Commission*

(11) 'products and equipment' means all products and equipment, including parts thereof, except containers, **used** for the transportation or storage of ozone depleting substances;

Amendment

(11) 'products and equipment' means all products and equipment, including parts thereof, except containers, **utilised** for the transportation or storage of ozone depleting substances;

Amendment 26**Proposal for a regulation****Article 6 — paragraph 1***Text proposed by the Commission*

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 feedstock.

Amendment

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 **only where they are permitted** to be used as feedstock.

Amendment 27**Proposal for a regulation****Article 6 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

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.

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Amendment 28**Proposal for a regulation****Article 6 — paragraph 1 b (new)**

Text proposed by the Commission

Amendment

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 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.

Amendment 29**Proposal for a regulation****Article 6 — paragraph 1 c (new)**

Text proposed by the Commission

Amendment

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.

Amendment 30**Proposal for a regulation****Article 6 — paragraph 1 d (new)**

Text proposed by the Commission

Amendment

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 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.

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Amendment 31**Proposal for a regulation****Article 9 — paragraph 3***Text proposed by the Commission*

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).

Amendment

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 **available for the uses listed in that Annex prior to one or more of the end dates specified in that Annex, or are** not available for the uses listed in that Annex within the timeframes set out in **that** Annex, 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).

Amendment 32**Proposal for a regulation****Article 9 — paragraph 4***Text proposed by the Commission*

4. The Commission may, by means 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).

Amendment

4. The Commission may, by means 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 **shall** include in those implementing acts reporting requirements, and **shall** 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).

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Amendment 33
Proposal for a regulation
Article 10 — paragraph 1

Text proposed by the Commission

1. In case of an emergency, where unexpected outbreaks of particular 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.

Amendment

1. In case of an emergency, where unexpected outbreaks of particular pests or diseases so require, the Commission may, at the request of the competent authority of a Member State, by means of implementing acts, **and upon notification to the Ozone Secretariat in accordance with Decision IX/7 of the Parties to the Protocol**, 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.

Amendment 34
Proposal for a regulation
Article 10 — paragraph 2

Text proposed by the Commission

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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Amendment

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 **shall** include in those implementing acts reporting requirements and **shall** 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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Amendment 35
Proposal for a regulation
Article 13 — paragraph 2 — subparagraph 2

Text proposed by the Commission

The licence referred to in the first subparagraph shall **not be required in cases** of temporary storage.

Amendment

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** 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).**

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Amendment 36**Proposal for a regulation****Article 14 — paragraph 2 — subparagraph 1***Text proposed by the Commission*

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).

Amendment

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, such export is in line with domestic legislation in the destination country **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 not give rise to the release of ozone depleting substances into the external environment.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Amendment 37**Proposal for a regulation****Article 14 — paragraph 3 — subparagraph 2***Text proposed by the Commission*

The licence referred to in the first subparagraph shall **not be required in cases of re-export subsequent to** temporary storage.

Amendment

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 952/2013. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Amendment 38**Proposal for a regulation****Article 15 — paragraph 1 — subparagraph 2***Text proposed by the Commission*

Any prohibited non-refillable containers referred to in the first subparagraph shall be confiscated, seized, withdrawn or recalled from the market by the customs authorities or the market surveillance authorities **for disposal**. The re-export of prohibited non-refillable containers is prohibited.

Amendment

Any prohibited non-refillable containers referred to in the first subparagraph shall be confiscated, seized, withdrawn or recalled from the market **and destroyed** by the customs authorities or the market surveillance authorities. The re-export of prohibited non-refillable containers is prohibited.

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Amendment 39

Proposal for a regulation

Article 15 — paragraph 1a (new)

Text proposed by the Commission

Amendment

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 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.

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.

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).

Amendment 40

Proposal for a regulation

Article 15 — paragraph 2 — subparagraph 2

Text proposed by the Commission

Amendment

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 **providing the** evidence **referred to in the first subparagraph of paragraph 1a**, importers and producers shall draw up a declaration of conformity, **verified by an accredited auditor**, and join supporting documentation **with:**

- (a) **information** on the production facility;
- (b) **the proof of availability and operation of the best available abatement technology at the production facility;**
- (c) **the proof of** mitigation measures adopted to prevent emissions of trifluoromethane, **in line with best available techniques;**

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Text proposed by the Commission

Amendment

(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).

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 the competent authorities and to the Commission.

Amendment 41

Proposal for a regulation

Article 15 — paragraph 2 — subparagraph 3

Text proposed by the Commission

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).

Amendment

The Commission **shall**, by means of implementing acts, determine the detailed arrangements relating to **and the detailed elements of** 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).

Amendment 42

Proposal for a regulation

Article 15 — paragraph 3 — subparagraph 1

Text proposed by the Commission

Ozone depleting substances produced or placed on the market **as 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.

Amendment

Ozone depleting substances produced or placed on the market **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** as referred to in Articles 6, 7, 8, 9 and 10 may only be used for those purposes. **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.**

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Amendment 43**Proposal for a regulation****Article 15 — paragraph 3 — subparagraph 2***Text proposed by the Commission*

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.

Amendment

Containers containing the substances intended for the uses referred to in Articles 6, 7, **8, 9, 10, 11 and 12** shall be labelled with a clear indication that the substance may only be used for the applicable purpose. **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 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.** 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. **Where relevant, refilled containers shall be relabelled with updated information.**

Amendment 44**Proposal for a regulation****Article 16 — paragraph 1***Text proposed by the Commission*

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').

Amendment

1. The Commission shall set up and ensure the operation of the electronic licensing system for ozone depleting substances listed in **Annexes I and II and** products and equipment containing those substances or whose functioning relies upon those substances ('the licensing system').

Amendment 45**Proposal for a regulation****Article 16 — paragraph 5***Text proposed by the Commission*

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.

Amendment

5. Each undertaking that holds a licence shall, during the period of validity of the license, notify the Commission **without undue delay** 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.

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Amendment 46**Proposal for a regulation****Article 17 — paragraph 3 — introductory part***Text proposed by the Commission*

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:

Amendment

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 **partly or entirely on** 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:

Amendment 47**Proposal for a regulation****Article 17 — paragraph 11 — subparagraph 1***Text proposed by the Commission*

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) 2019/1020 of the European Parliament and the Council ⁽³³⁾ .

⁽³³⁾ 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).

Amendment

Customs authorities shall confiscate or seize the substances and products and equipment that are prohibited by this Regulation 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) 2019/1020 of the European Parliament and the Council ⁽³³⁾ .

⁽³³⁾ 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).

Amendment 48**Proposal for a regulation****Article 17 — paragraph 12 — subparagraph 1***Text proposed by the Commission*

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.

Amendment

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 **with the necessary human and material resources** 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.

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Amendment 49

Proposal for a regulation

Article 20 — paragraph 1

Text proposed by the Commission

1. Ozone depleting substances listed in **Annex I** contained in refrigeration, air-conditioning and heat pump equipment, equipment containing 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.

Amendment

1. Ozone depleting substances listed in **Annexes I and II** contained in refrigeration, air-conditioning and heat pump equipment, equipment containing 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.

Amendment 50

Proposal for a regulation

Article 20 — paragraph 6

Text proposed by the Commission

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.

Amendment

6. Ozone depleting substances listed in **Annexes I and II** 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.

Amendment 51

Proposal for a regulation

Article 20 — paragraph 9

Text proposed by the Commission

9. Member States shall promote the recovery, recycling, reclamation and destruction of ozone depleting substances listed in Annex I and shall establish the minimum qualification requirements for the personnel involved.

Amendment

9. Member States shall promote the recovery, recycling, reclamation and destruction of ozone depleting substances listed in Annex I and shall establish the minimum qualification requirements for the personnel involved. **Member States shall ensure that appropriate training programmes for natural persons carrying out those tasks are made available.**

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Amendment 52**Proposal for a regulation****Article 21 — paragraph 2***Text proposed by the Commission*

2. Undertakings shall take all necessary precautions to prevent and minimise any unintentional release of ozone depleting 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.

Amendment

2. Undertakings shall take all necessary precautions to prevent and minimise any unintentional release of ozone depleting substances listed in **Annexes I and II** 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.

Amendment 53**Proposal for a regulation****Article 21 — paragraph 3***Text proposed by the Commission*

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.

Amendment

3. Undertakings operating equipment containing ozone depleting substances listed in **Annexes I and II**, shall ensure that any detected leakage is repaired without undue delay, without prejudice to the prohibition to use the ozone depleting substances.

Amendment 54**Proposal for a regulation****Article 21 — paragraph 3a (new)***Text proposed by the Commission**Amendment*

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 systems with a fluid charge of:

- (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;**
- (b) 30 kg or more of ozone depleting substances are checked for leakage at least once every 6 months;**

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Text proposed by the Commission

Amendment

(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.**

Amendment 55

Proposal for a regulation

Article 21 — paragraph 5

Text proposed by the Commission

Amendment

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. **Member States shall ensure that appropriate training programmes for natural persons carrying out those activities are made available.**

Amendment 56

Proposal for a regulation

Article 22 — paragraph 3

Text proposed by the Commission

Amendment

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 **to update** 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, **and to add the global warming potential of those substances on a 20-year timescale.**

Amendment 57

Proposal for a regulation

Article 24 — paragraph 1 — subparagraph 3 a (new)

Text proposed by the Commission

Amendment

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).

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Amendment 58
Proposal for a regulation
Article 24 — paragraph 2

Text proposed by the Commission

(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.

Amendment

(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 **and the conditions under which access to the data is granted.**

Amendment 59
Proposal for a regulation
Article 26 — paragraph 1

Text proposed by the Commission

1. The competent authorities of Member States shall carry out checks to establish whether undertakings comply with their obligations under this Regulation.

Amendment

1. The competent authorities of Member States shall carry out **regular** checks to establish whether undertakings comply with their obligations under this Regulation.

Amendment 60
Proposal for a regulation
Article 27 — paragraph 4 — point c

Text proposed by the Commission

(c) suspension or revocation of the authorisation to carry out activities as these fall under the scope of this Regulation.

Amendment

(c) **temporary** suspension or revocation of the authorisation to carry out activities as these fall under the scope of this Regulation.

Amendment 61
Proposal for a regulation
Article 27 — paragraph 5 — subparagraph 1

Text proposed by the Commission

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 least **eight** times the market value of the concerned substances or products and equipment concerned.

Amendment

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 **set out minimum administrative fines of at least four times the market value of the ozone depleting substances or products and equipment concerned and** maximum administrative fines of at least **six** 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 **set out minimum administrative fines of at least seven times the value of the ozone depleting substances or products and equipment concerned and** maximum administrative fines of at least **ten** times the market value of the concerned substances or products and equipment concerned.

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Amendment 62
Proposal for a regulation
Article 27 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 63
Proposal for a regulation
Article 29 — paragraph 2

Text proposed by the Commission

Amendment

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 **Article 6(1)**, 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]

Amendment 64
Proposal for a regulation
Article 30 — paragraph 1

Text proposed by the Commission

Amendment

By 1 January **2033**, the Commission shall **publish** a report on the implementation of this Regulation.

By 1 January **2030**, the Commission shall **present** a report **to the European Parliament and to the Council** on the implementation **and effectiveness** of this Regulation. **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.**

The European Scientific Advisory 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.

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Amendment 65**Proposal for a regulation****Annex VI — point 2 — point f**

Text proposed by the Commission

(f) any stocks;

Amendment(f) any stocks **held at the beginning and the end of the reporting period;****Amendment 66****Proposal for a regulation****Annex VI — point 3 — point d**

Text proposed by the Commission

(d) any stocks;

Amendment(d) any stocks **held at the beginning and the end of the reporting period;****Amendment 67****Proposal for a regulation****Annex VI — point 4 — point b**

Text proposed by the Commission

(b) any stocks;

Amendment(b) any stocks **held at the beginning and the end of the reporting period;****Amendment 68****Proposal for a regulation****Annex VI — point 5 — paragraph 1 — point a**

Text proposed by the Commission

(a) any quantities destroyed, including quantities contained in products or equipment;

Amendment(a) any quantities destroyed, including quantities contained in products or equipment **and quantities destroyed as by-products;****Amendment 69****Proposal for a regulation****Annex VI — point 5 — paragraph 1 — point b**

Text proposed by the Commission

(b) any stocks waiting to be destroyed, including quantities contained in products or equipment;

Amendment(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;

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Amendment 70

Proposal for a regulation

Annex VI — point 5 — paragraph 2

Text proposed by the Commission

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.

Amendment

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.

Amendment 71

Proposal for a regulation

Annex VI — point 6 — paragraph 1 — point b

Text proposed by the Commission

(b) any stocks;

Amendment

(b) any stocks **held at the beginning and the end of the reporting period;**

Amendment 72

Proposal for a regulation

Annex VI — point 6 — paragraph 1 — point c

Text proposed by the Commission

(c) the processes and any emissions, including those linked to transport and storage, including the transfer from one container to another.

Amendment

(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.

Amendment 73

Proposal for a regulation

Annex VI — point 6 — paragraph 2

Text proposed by the Commission

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.

Amendment

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.

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