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Position Paper

In a nutshell

With this Position Paper, Eurovent provides additional comments to the ongoing F-Gas Public Consultation.

Question 5

Comment 1: Montreal Protocol Kigali Amendment: in order to ensure coherence between EU F- Gas Regulation and KA, a more in-depth analysis required as several elements are currently not comparable on a one-to-one basis (eg definitions are not fully aligned).

Comment 2: Paris Climate Agreement: the contribution of the EU F-Gas Regulation is mainly based on GHG emission reporting of Member States to the UNFCCC, where Member States reports are not fully comparable in terms of methodology etc. Hence, data indicate rather an overall direction than an accurate contribution. To improve coherence member states should make analysis based on logbook data.

Comment 3: Eco-design Directive: Aligning the EU F-Gas Regulation with Eco-design requirements is very important to ensure energy efficiency while phasing-down HFCs. Art 11 EU F-Gas Regulation should be improved to apply the “energy efficiency first principle”

Comment 4: Waste legislation : Cross border shipments of recovered refrigerant for reclaim/destruction should be facilitated. For equipment, WEEE-schemes in members states should be improved to facilitate the recovery, recycling and reclaim of refrigerants in view of the Circular Economy. For bulk gases member states need to set up EPR-schemes. Overlap between both schemes should be avoided.

Comment 5: Customs legislation: We hold that the F-Gas regulation is coherent with the customs legislation, although not all promises could be made true by the Commission (e.g. lack of single window for quota)

Question 7

As F-Gas emissions have been decreasing since 2014, it can be concluded that the F-Gas Regulation's provisions are effective. Feedback from the market supports this conclusion. However, there is still a lack of data to better assess the effectiveness, for example in terms of logbook evaluation, data about leakage, recycling, recovery and reclaim – and ultimately about emissions. It seems essential to establish a stronger link and more evidence to demonstrate the link between consumption reduction and emission reduction, which is the final goal of the F-Gas Regulation. To establish that link, better data about emissions are essential.

Question 8

Comment 0: Lack of technical solutions: It must be pointed out that a clear difference between technical solution and market-ready solutions/components is in place. The efficiency first principle is always to be kept in mind.

Comment 1: Lack of awareness: Some industry sectors were in the beginning not aware that the phase down quota were more important than the use-restrictions. In particular ahead of the first steep phase-down step in 2018, this led to delayed action, shortages and disproportionate price increases. Industry associations tried to address this with awareness campaigns eg EPEE-leaflet "Stay in business: stop using R404A/R507A".

Comment 2a: Safety standards and codes: safety standards are not mandatory and as such not a barrier but facilitator for the uptake of flammable or toxic refrigerants. The actual barrier are building codes of which updates were done in Spain and Italy, but barriers remain in France despite some updates (eg CH35).

Comment 2b: PED increased the burdens because it does not differentiate enough between A2L and A3 refrigerants. Furthermore, a more harmonised EU approach towards local building codes is much welcome.

Comment 2c: The IEC 60335-2-89 defines the maximum allowed charge of flammable refrigerant for Commercial Refrigeration equipment. It results to be a facilitator for the uptake of flammable refrigerant in this application. No serious challenges are in place for those equipment

Comment 3: Training: With the increased use of non-fluorinated refrigerants, adequate training and certification programmes are of key importance to ensure safety for installers and users.

Comment 4: Illegal Imports: Have been recognised as a major issue, potentially jeopardizing the goals of the F-Gas Regulation. First steps such as better information and cooperation of customs authorities, single window etc. are going in the right direction and need to be further strengthened.

Question 9

As mentioned under question 8, more needs to be done to better enforce the EU F-Gas Regulation, but first steps are going in the right direction. More harmonised and more dissuasive penalties would be a strong support for increased activities at customs level including the single window.

Question 10

The current F-Gas Regulation articles art 11.3 and art 15.4 allow for flexibility to exempt particular sectors from use bans or quota but have not been used so far. As the next steps of the phase down will be more challenging, it remains important to keep these paragraphs, and if necessarily facilitate the use of both articles.

Question 11

EU competitiveness and trade were negatively impacted mainly due to the provisions on the export of pre-charged equipment, which is considered as part of the quota, thus artificially increasing the cost for equipment manufacturers in the EU versus equipment manufactured outside the EU and not covered by the F-Gas Regulation.

Question 12

COVID-19 has been impacting all parts of society and certainly as well the heating and cooling industry, e.g. related to closure of factories during lockdown, supply shortages of components, compliance testing of products in test labs with limited capacities due to COVID-19, interruptions of service by installers not being recognised as "critical infrastructure" for society and thus prevented from carrying out their work, etc. However, these interruptions are not specifically related to F-Gases but rather to the sector as an intrinsic part of society during a time of sanitary crisis

Question 15

It makes sense to refer to the quarterly Oiko-Recherche reports on refrigerants prices.

Question 16

The HFC phase-down was initially not well understood. The reason being that market players were not familiar with its mechanics and hence underestimated it and delayed their response. Meanwhile, the phase-down is well-understood and the market reacts accordingly. The structure of the F-Gas Regulation is consistent as it leaves flexibility to the market to make adequate refrigerant choices while fostering the use of lower GWP refrigerants combined with measures directly targeting refrigerant related emissions such as leakage detection, etc.

The main inconsistency concerns the interplay with energy related emissions which represent a far higher share of total emissions than refrigerants. The F-Gas Regulation does not consider (except in Art. 11) this important aspect which can lead to a situation of higher total emissions despite (or because of) compliance with the phase-down. A key challenge for the review will be to find an adequate way of better reflecting energy use in the equation.

In the implementing act the EU Commission did not properly follow the provision of the main regulation eg the provisions of export of pre-charged equipment.

Question 18

As an industry association we do suggest to reach out the right experts

Question 21

The key priority of the review is the improvement of the implementation and the enforcement while aligning with the Montreal Protocol in case such alignment is necessary. If in-depth analysis reveals that the F-Gas Regulation is more ambitious than the Kigali Amendment, however, the F-Gas Regulation does not need to be aligned "downwards" and focus still needs to be on implementation and enforcement.

In view of the European Green Deal, improvements of the F-Gas Regulation – if any – need to be geared towards reducing CO₂-emissions as it is already overachieving its contribution in terms of non-CO₂ emissions.

Question 22

A harmonised implementation across the EU remains essential to ensure a well-functioning single market, to reduce the risk of illegal trade (which, as experience has shown, can be triggered for example if certain member states install taxes on HFCs whereas their neighbours don't) and to contribute significantly to regulatory certainty for all market actors.

Question 26

The question is not very well formulated: cost to whom?: to the European Commission, to the Member States and if so at what level, to the users, to the industry and if so to what part of the industry?

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