

**EPEE Position on vote in Environment Committee  
on the proposal for a European Parliament and Council regulation on certain fluorinated greenhouse  
gases (COM(2003) 492 – C5-0397/03 – 2003/0189(COD))**

Rapporteur : Robert Goodwill

due to be voted on in Committee 15-16 March

*Please find attached the EPEE position on the 272 amendments tabled to the proposal for a regulation on certain fluorinated greenhouse gases in the context of discussions and the upcoming vote within the Environment Committee. EPEE has some 40 priority amendments which are specifically highlighted in the attached table. The overview of our position below highlights EPEE's priorities. We have highlighted the priority amendments by key articles and key themes of concern:*

**EPEE WELCOMES AND SUPPORTS:**

**On Containment (Article 3)**

**Amendments 14, 15, 77/78, 79, 86/87, 88/89**

**ACCEPT**

*EPEE believes effective containment of fluorinated gases is the key element to ensure that emissions are minimised in refrigeration and air conditioning equipment.*

EPEE welcomes the majority of the amendments on the containment provisions which it believes will make the proposal more effective and efficient. Amendments 14, 15, 86/87,88/89 in particular move to focus resources less on attempting regular inspections of all equipment and more on identifying "leaky" systems, ensuring they are repaired and then closely inspected and monitored afterwards. Amendments 77/78 ensure that these inspections start from the putting into service of equipment and continued throughout the life time of the equipment. Amendment 79 exempts small mainly domestic equipment from the containment provisions.

**On Training and Certification Programmes (Article 5)**

**Amendments 39, 114, 119, 120, 260**

**ACCEPT**

*To ensure the freedom to provide services and establish and avoid distortions of competition in the internal market it is of paramount importance that the rules on Training and Certification are subject to the new approach to mutual recognition in order.*

The proposed Regulation and the above amendments rightfully leave to the Member States the freedom to organise themselves their national programmes. Amendment 14 ensures registration of certified personnel. Amendments 118 and 119 give the detail on the requirements. Amendment 260 ensures the Commission is assisted by a committee with the right expertise on this issue.

**On Reporting (Article 6)**

**Amendment 166**

**ACCEPT**

*There is no clear link between the containment and reporting provisions in the proposal. It is essential to include a sampling of the real data to ensure an accurate picture of emissions.*

Amendment 166 provide a practical way of monitoring (sampling of records) the real effectiveness of the future Regulation.

**On Committee (Article 12)**

**Amendment 27**

**ACCEPT**

*There is a need to delegate a committee with specific internal market rather than environmental expertise to deal with this issue.*

Amendment 27 will create a standing committee of fluorinated gases expert with the best placed expertise to support the Commission.

**The European Partnership for Energy and the Environment (EPEE)** is a broad-based group of responsible companies, national associations and European associations active in the European air-conditioning, heat-pump and refrigeration industry. It was formed in September 2000 to contribute to the development of effective European policies to reduce greenhouse gases from the use of refrigerants. EPEE has been an active participant in the European Climate Change Programme (ECCP) stakeholder dialogue and is keen to play its role in finding effective solutions.

**EPEE SUPPORTS: Amendments 14, 15, 27, 77/78, 79, 84/85, 86/87, 88/89, 39, 114, 119, 120, 128, 260, 166**

**EPEE REJECTS: Amendments 20, 28, 29, 30, 33, 35, 38, 70, 72, 83,115,118,180,183, 192,254,255,257,258, 269, 271, 272**

**EPEE DOES NOT SUPPORT & CALLS ON THE COMMITTEE MEMBERS TO REJECT:**

**On Citations**

**Amendment 28, 29, 30**

**REJECT OUTRIGHT**

*An Internal Market legal basis (Article 95) must be used for the Regulation. The legal base of the proposal should reflect the centre of gravity of the proposal. The proposal is about protecting the internal market by harmonising containment and monitoring, as well as select use and marketing provisions on products containing fluorinated gases.*

Therefore Amendments 28 and 30 which move to change the legal base to an environmental one (Article 175) must be rejected. This Regulation aims to meet two goals simultaneously i.e. environment performance and ensuring an efficient single market – which can be done fully with the current proposed legal base. Therefore the dual base suggested in Amendments 29 is not necessary.

**On Recitals**

**Amendment 33, 35, 38**

**REJECT OUTRIGHT**

*It is vital that a full understanding of fluorinated gasses what they are and their affect is taken into account in this Regulation.*

Amendments 33, 35 and 38 present some incomplete unclear and biased information on this topic. In Amendment 22 by focusing on global warming potential ignores the significant contribution to improved energy efficiency provided by HFCs leading to reduced overall emissions. In Amendment 34 the assumption is not clear that just because alternatives exist the use of fluorinated gases should be restricted. Amendment 38 relating to the revision is redundant as a general all-applications review is already provided for in the proposal.

**On control of use (Article 7) and placing on the market (Article 8)**

**Amendments 180, 183, 192, 269, 271, 272**

**REJECT OUTRIGHT**

These amendments cover a range of use bans – those of concern to EPEE relate specifically to proposed band on: domestic refrigeration (Amendments 180, 183, 271, 272); industrial and commercial refrigeration (Amendments 269, 272); and stationary air-conditioning (Amendment 269).

*The perfect refrigerant does not exist but users must make an assessment which balances the characteristics of different refrigerants to come up with the optimum solution for each given application. The free choice of refrigerant for each application is therefore essential to allow for optimum performance in terms of safety, efficiency, cost and environmental impact. While there is a wide range of refrigerant available, HFCs are considered to be the most appropriate choice based on overall environmental impact and/or safety, in the vast majority of applications.*

Unnecessarily restricting the use and application of HFCs will ultimately be to the detriment of the environment and will lead to an increase the overall safety risks to be managed. EPEE believes there is a continuing role of HFCs, once responsibly used, to provide efficient, low risk systems that offer significant benefits when compared to alternatives.

**GIVEN THE NEED TO ALLOW REFRIGERANT CHOICE AND ONCE ALL REFRIGERANTS ARE USED RESPONSIBLY EPEE CALLS ON THE ENVIRONMENT COMMITTEE TO REJECT AMENDMENTS 180, 183, 269, 271, 272 WHICH MOVE TO BAN KEY APPLICATIONS. Amendment 192 moves to promote alternatives and thus moves to favour certain refrigerants over others and is against the principle of refrigerant choice.**

**On Review (Article 11)**

**Amendment 254, 255, 257, 258**

**REJECT OUTRIGHT**

*The review provisions monitor the effectiveness of the future Regulation as a whole once in effect - by allowing the Commission to evaluate the provisions and workings and, if appropriate this will lead to proposals for amendment of the Regulation. It is important that this review is based on thorough research into containment potential as fitting with the objectives of the proposal. It is totally inappropriate to double guess the conclusion of this review.*

Amendment 254 is redundant as a general review of all applications is already envisaged in Article 11(2). Amendment 255 second guesses the outcome of this review, by assuming the results will lead the Commission to consider gradually removing HFCs. Amendment 257 sets leak-rates and total emission thresholds beyond which use restriction should be used . The scenario is arbitrary and will automatically lead to restrictions.

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