Joint AREA-EPEE proposal for the revision of the F-Gas Regulation - Certification

AREA and EPEE are committed to ensuring that refrigeration, air conditioning and heat pump contractors working with fluorinated gases and systems that use or are designed to use these gases are properly trained and duly certified. Checks, controls and responsibilities as provided in the F-Gas Regulation are essential for achieving this objective.

The experience with the implementation and application of the Regulation shows that some adaptations are desirable in order to increase and facilitate compliance. With this joint proposal, AREA and EPEE wish to take the opportunity of the Regulation’s review to address some practical aspects that should be reflected in the Regulation in order to improve its effectiveness.

I. Provisions in the Current F gas regulation

Article 5
Training and certification

3. The operator of the relevant application shall ensure that the relevant personnel have obtained the necessary certification, referred to in paragraph 2, which implies appropriate knowledge of the applicable regulations and standards as well as the necessary competence in emission prevention and recovery of fluorinated greenhouse gases and handling safely the relevant type and size of equipment.

4. By 4 July 2009 Member States shall ensure that the companies involved in carrying out the activities provided for in Articles 3 and 4 shall only take delivery of fluorinated greenhouse gases where their relevant personnel hold the certificates mentioned in paragraph 2 of this Article.

II. Weak points in the current regulation

Article 5 (3)

a. Operators must check the contractor’s certification status and they are liable to penalties if they do not fulfil this obligation. However companies and personnel who work on a refrigerant circuit (installation, servicing, recovery) are not liable to any penalty if they do so without being certified. Some Member States, such as France and the Netherlands, have taken this approach but it is not a general requirement and many Member States have interpreted or implemented the Regulation literally.

b. Companies who assign work on a refrigerant circuit to a certain contractor (company/personnel) are not always the operators’. In such case, they are not liable if they assign such work to non-certified companies.

Example: a sales company A sells a unit to the operator/enduser B but assigns the installation work to a contractor C. If the installation work is assigned by the end-user, the end-user is liable. If the installation work is however assigned by the sales company, that company is not liable.

Article 5(4)

c. Only companies who do containment checking or recovery of gases (i.e. those falling under articles 3 & 4) are required to be certified if they take delivery of refrigerants. Installation work (or servicing) is however not included whereas it involves the use of refrigerant. It should therefore be made clear that all those involved in the supply chain need to take responsibility for ensuring that refrigerants are only sold to certified contractors entitled to break into a refrigerant circuit.

1 ’operator’ means the natural or legal person exercising actual power over the technical functioning of the equipment and systems covered by this Regulation; a Member State may, in defined, specific situations, designate the owner as being responsible for the operator’s obligations.
III. Proposal for revision of F gas regulation

Article 5(3)

→ Assign liability to companies/personnel who interfere with or break into the refrigerant circuit: Member States must ensure that companies/personnel who interfere with or break into the refrigerant circuit are duly certified or, in case they are not, liable to penalties. This approach is already applied in France and in the Netherlands.

→ Stipulate mandatory registration of certified companies and personnel in order to facilitate controls, compliance and mutual recognition between Member States.

→ Extend responsibility to check certification status to those who subcontract work on a refrigerant circuit to contractors (companies/personnel).

Article 5(4)

→ Reword the required control by refrigerant suppliers: place responsibility on distributors/wholesalers who should only be allowed to sell fluorinated greenhouse gases to certified contractors entitled to break in to a circuit.

→ Make it clear that fluorinated gases can only be sold to certified companies if those interfere with the refrigerant circuit (to overcome the limitations to articles 3 and 4 activities, as currently provided by article 5(4)).

***

AREA ([www.area-eur.be](http://www.area-eur.be)) is the European organisation of refrigeration, air-conditioning and heat pump (RACHP) contractors. Established in 1988, AREA voices the interests of 21 national members from 18 European countries, representing more than 9,000 companies across Europe (mainly small to medium sized enterprises), employing some 125,000 people and with an annual turnover approaching €20 billion.

EPEE ([www.epeeglobal.org](http://www.epeeglobal.org)) represents the heat-pump, air-conditioning, and refrigeration industry (HVACR) in Europe. Founded in the year 2000, our membership is composed of 40 member companies and national associations across Europe, realising a turnover of over 30 Billion Euros and employing more than 200,000 people in Europe.