

Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (Text with EEA relevance)

CHAPTER IV

REDUCTION OF THE QUANTITY OF HYDROFLUOROCARBONS PLACED ON THE MARKET

Article 15

Reduction of the quantity of hydrofluorocarbons placed on the market

1 The [^{F1}appropriate regulator] shall ensure that the quantity of hydrofluorocarbons that producers and importers are entitled to place on the market in [^{F2}any part of Great Britain] each year does not exceed the maximum quantity for the year in question calculated in accordance with Annex V.

Producers and importers shall ensure that the quantity of hydrofluorocarbons calculated in accordance with Annex V that that each of them places on the market does not exceed their respective quota allocated pursuant to Article 16(5) or transferred pursuant to Article 18.

2 This Article shall not apply to producers or importers of less than 100 tonnes of CO₂ equivalent of hydrofluorocarbons per year.

This Article shall also not apply to the following categories of hydrofluorocarbons:

- a hydrofluorocarbons imported into [^{F3}any part of Great Britain] for destruction;
- b hydrofluorocarbons used by a producer in feedstock applications or supplied directly by a producer or an importer to undertakings for use in feedstock applications;
- c hydrofluorocarbons supplied directly by a producer or an importer to undertakings, for export out of [^{F4}any part of Great Britain], where those hydrofluorocarbons are not subsequently made available to any other party within [^{F4}any part of Great Britain], prior to export;
- d hydrofluorocarbons supplied directly by a producer or an importer for use in military equipment;
- e hydrofluorocarbons 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;
- f from 1 January 2018 onwards, hydrofluorocarbons supplied directly by a producer or an importer to an undertaking producing metered dose inhalers for the delivery of pharmaceutical ingredients.

3 This Article and Articles 16, 18, 19 and 25 shall also apply to hydrofluorocarbons contained in pre-blended polyols.

4 ^{F5}... Taking into account the objectives of this Regulation, [^{F6}the appropriate authority may, exceptionally, by regulations], 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 that:

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- a for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; and
- b a sufficient supply of hydrofluorocarbons cannot be ensured without entailing disproportionate costs.

F7 ...

Textual Amendments

- F1** Words in Art. 15(1) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **47(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 15(1) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **47(2)(b)** (as amended by S.I. 2020/1616, regs. 1(2), **2(22)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in Art. 15(2)(a) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **47(3)** (as amended by S.I. 2020/1616, regs. 1(2), **2(22)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in Art. 15(2)(c) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **47(3)** (as amended by S.I. 2020/1616, regs. 1(2), **2(22)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Word in Art. 15(4) omitted (31.12.2020) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **47(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 15(4) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **47(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 15(4) omitted (31.12.2020) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **47(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 16

Allocation of quotas for placing hydrofluorocarbons on the market

1 ^[F8]The appropriate regulator shall] determine for each producer or importer, having reported data ^[F9]to the appropriate regulator on the quantities of hydrofluorocarbons placed on the market from 2015 to 2019,^[F10]..., a reference value based on the annual average of the quantities of hydrofluorocarbons the producer or importer reported to have placed on the market from ^[F11]2015 to 2019]. The reference values shall be calculated in accordance with Annex V to this Regulation.

^[F12]An appropriate authority for any part of Great Britain shall consult the appropriate authority for each other part of Great Britain before a proposal is made to allocate quota. A consultation conducted in respect of the above shall have regard to the response of any other appropriate authority and an assessment of the impact of the proposal on any part of Great Britain].

2 Producers and importers that have not reported ^[F13]to the appropriate regulator the placing on the market of quantities of hydrofluorocarbons] for the ^{F14}... period referred to in paragraph 1 may declare their intention to place hydrofluorocarbons on the market ^{F15}....

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The declaration shall be addressed to the [F16appropriate regulator], specifying the types of hydrofluorocarbons and the quantities that are expected to be placed on the market.

The [F16appropriate regulator] shall issue a notice of the time-limit for submitting those declarations. Before submitting a declaration pursuant to paragraphs 2 and 4 of this Article, undertakings shall register in the registry provided for in Article 17.

3 By [F1731st October 2023] and every three years thereafter, the [F18appropriate regulator] shall recalculate the reference values for the producers and importers referred to in paragraphs 1 and 2 of this Article on the basis of the annual average of the quantities of hydrofluorocarbons lawfully placed on the market from [F191 January [F202015]] as reported under Article 19 [F21or otherwise] for the years available. [F22The appropriate regulator shall determine those reference values.]

F23
...

4 Producers and importers for which reference values have been determined may declare additional anticipated quantities following the procedure set out in paragraph 2.

5 The [F24appropriate regulator] shall allocate quotas for placing hydrofluorocarbons on the market for each producer and importer for each year beginning with the year [F252021], applying the allocation mechanism laid down in Annex VI.

Quotas shall only be allocated to producers or importers which are established within [F26any part of the United Kingdom], or which have mandated an only representative established within [F26any part of the United Kingdom] for the purpose of compliance with the requirements of 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⁽¹⁾.

The only representative shall comply with all obligations of producers and importers under this Regulation.

Textual Amendments

- F8** Words in Art. 16(1) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 16(1) inserted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(2)(a)(iii)** (as amended by S.I. 2020/1616, regs. 1(2), **2(23)(a)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Words in Art. 16(1) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 16(1) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(2)(a)(iv)** (as amended by S.I. 2020/1616, regs. 1(2), **2(23)(a)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F12** Words in Art. 16(1) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(2)(b)** (as amended by S.I. 2020/1616, regs. 1(2), **2(23)(a)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Words in Art. 16(2) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F14** Word in Art. 16(2) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 16(2) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(3)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 16(2) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 16(3) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(4)(a)(i)** (as amended by S.I. 2020/1616, regs. 1(2), **2(23)(b)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F18** Words in Art. 16(3) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 16(3) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(4)(a)(iii)** (as amended by S.I. 2020/1616, regs. 1(2), **2(23)(b)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F20** Word in Art. 16(3) substituted (31.10.2023) by The Fluorinated Greenhouse Gases (Amendment) Regulations 2023 (S.I. 2023/1161), regs. 1(1), **2(2)(a)**
- F21** Words in Art. 16(3) inserted (31.10.2023) by The Fluorinated Greenhouse Gases (Amendment) Regulations 2023 (S.I. 2023/1161), regs. 1(1), **2(2)(b)**
- F22** Words in Art. 16(3) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 16(3) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in Art. 16(5) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(5)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Word in Art. 16(5) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(5)(a)(ii)** (as amended by S.I. 2020/1616, regs. 1(2), **2(23)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F26** Words in Art. 16(5) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **48(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 17

Registry

1 By [^{F27}IP completion day], the [^{F28}appropriate authority] shall set up and ensure the operation of an electronic registry for quotas for placing hydrofluorocarbons on the market ('the registry').

Registration in the registry shall be compulsory for the following:

- a producers and importers to which a quota for the placing on the market of hydrofluorocarbons has been allocated in accordance with Article 16(5);
- b undertakings to which a quota is transferred in accordance with Article 18;
- c producers and importers declaring their intention to submit a declaration pursuant to Article 16(2);

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- d producers and importers supplying, or undertakings in receipt of hydrofluorocarbons for the purposes listed in points (a) to (f) of the second subparagraph of Article 15(2);
- e importers of equipment placing pre-charged equipment on the market where the hydrofluorocarbons contained in the equipment have not been placed on the market prior to the charging of that equipment in accordance with Article 14.

Registration shall be effected by means of application to the [^{F29}appropriate regulator] in accordance with procedures to be set out by the [^{F30}appropriate authority].

2 The [^{F31}appropriate authority] may, to the extent necessary, by [^{F32}regulations], ensure the smooth functioning of the registry. ^{F33}...

3 The [^{F34}appropriate regulator] shall ensure that registered producers and importers are informed ^{F35}... about the quota allocated and about any changes to it during the allocation period.

^{F36}4

Textual Amendments

- F27** Words in Art. 17(1) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(2)(a)(i)** (as amended by S.I. 2020/1616, regs. 1(2), **2(24)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F28** Words in Art. 17(1) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 17(1) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 17(1) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in Art. 17(2) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Word in Art. 17(2) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in Art. 17(2) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in Art. 17(3) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 17(3) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Art. 17(4) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **49(5)**; 2020 c. 1, Sch. 5 para. 1(1)

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Article 18

Transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment

1 Any producer or importer for whom a reference value has been determined pursuant to Article 16(1) or (3) and who has been allocated a quota in accordance with Article 16(5), may transfer in the registry referred to in Article 17(1) that quota for all or any quantities to another producer or importer in [^{F37}Great Britain] or to another producer or importer which is represented in [^{F38}the United Kingdom] by an only representative referred to in the second and third subparagraph of Article 16(5).

2 Any producer or importer having received its quota pursuant to Article 16(1) and (3) or to whom a quota has been transferred pursuant to paragraph 1 of this Article may authorise another undertaking to use its quota for the purpose of Article 14.

[^{F39}Any producer or importer of pre-charged equipment holding an authorisation in accordance with Article 18(2) of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No. 842/2006 issued prior to IP completion day for placing pre-charged equipment on the market and who has not yet used that authorisation to place pre-charged equipment on the market, including in any part of Great Britain, may upon application to the appropriate regulator, exchange that authorisation for an authorisation to place pre-charged equipment on the market in any part of Great Britain. An authorised quantity exchanged under this provision for use in any part of Great Britain shall not be used again to place pre-charged equipment on the EU market. The use of such authorisations shall be fully documented in accordance with Article 14.]

Any producer or importer having received its quota exclusively on the basis of a declaration pursuant to Article 16(2), may only authorise another undertaking to use its quota for the purpose of Article 14 provided that the corresponding quantities of hydrofluorocarbons are physically supplied by the authorising producer or importer.

For the purpose of Articles 15, 16 and 19(1) and (6) the respective quantities of hydrofluorocarbons shall be deemed to be placed on the market by the authorising producer or importer at the moment of the authorisation. The [^{F40}appropriate regulator] may require from the authorising producer or importer evidence that it is active in the supply of hydrofluorocarbons.

Textual Amendments

- F37** Words in Art. 18(1) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/583), regs. 1, **50(2)(a)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(25)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F38** Words in Art. 18(1) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/583), regs. 1, **50(2)(b)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(25)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F39** Words in Art. 18(2) inserted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/583), regs. 1, **50(3)(a)** (as amended by S.I. 2020/1616, regs. 1(2), **2(25)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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F40 Words in Art. 18(2) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **50(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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- (1) 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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