

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 II

CONTAINMENT

Article 3

Prevention of emissions of fluorinated greenhouse gases

1 The intentional release of fluorinated greenhouse gases into the atmosphere shall be prohibited where the release is not technically necessary for the intended use.

2 Operators of equipment that contains fluorinated greenhouse gases shall take precautions to prevent the unintentional release ('leakage') of those gases. They shall take all measures which are technically and economically feasible to minimise leakage of fluorinated greenhouse gases.

3 Where a leakage of fluorinated greenhouse gases is detected, the operators shall ensure that the equipment is repaired without undue delay.

Where the equipment is subject to leak checks under Article 4(1), and a leak in the equipment has been repaired, the operators shall ensure that the equipment is checked by a certified natural person within one month after the repair to verify that the repair has been effective.

4 Natural persons carrying out the tasks referred to in points (a) to (c) of Article 10(1) shall be certified in accordance with Article 10(4) and (7) and shall take precautionary measures to prevent leakage of fluorinated greenhouse gases.

Undertakings carrying out the installation, servicing, maintenance, repair or decommissioning of the equipment listed in points (a) to (d) of the Article 4(2) shall be certified in accordance with Article 10(6) and (7) and shall take precautionary measures to prevent leakage of fluorinated greenhouse gases.

Article 4

Leak checks

1 Operators of equipment that contains fluorinated greenhouse gases in quantities of 5 tonnes of CO₂ equivalent or more and not contained in foams shall ensure that the equipment is checked for leaks.

Hermetically sealed equipment that contains fluorinated greenhouse gases in quantities of less than 10 tonnes of CO₂ equivalent, shall not be subject to leak checks under this Article, provided the equipment is labelled as hermetically sealed.

Electrical switchgear shall not be subject to leak checks under this Article provided it complies with one of the following conditions:

- a it has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer and is labelled accordingly;
- b it is equipped with a pressure or density monitoring device; or
- c it contains less than 6 kg of fluorinated greenhouse gases.

2 Paragraph 1 applies to operators of the following equipment that contains fluorinated greenhouse gases:

- a stationary refrigeration equipment;
- b stationary air-conditioning equipment;
- c stationary heat pumps;
- d stationary fire protection equipment;
- e refrigeration units of refrigerated trucks and trailers;
- f electrical switchgear;
- g organic Rankine cycles.

As regards the equipment referred to in points (a) to (e) of the first subparagraph, the checks shall be carried out by natural persons certified in accordance with the rules provided for in Article 10.

By way of derogation from the first subparagraph of paragraph 1, until 31 December 2016, equipment that contains less than 3 kg of fluorinated greenhouse gases or hermetically sealed equipment, which is labelled accordingly and contains less than 6 kg of fluorinated greenhouse gases shall not be subject to leak checks.

3 The leak checks pursuant to paragraph 1 shall be carried out with the following frequency:

- a for equipment that contains fluorinated greenhouse gases in quantities of 5 tonnes of CO₂ equivalent or more, but of less than 50 tonnes of CO₂ equivalent: at least every 12 months; or where a leakage detection system is installed, at least every 24 months;
- b for equipment that contains fluorinated greenhouse gases in quantities of 50 tonnes of CO₂ equivalent or more, but of less than 500 tonnes of CO₂ equivalent: at least every six months or, where a leakage detection system is installed, at least every 12 months;
- c for equipment that contains fluorinated greenhouse gases in quantities of 500 tonnes of CO₂ equivalent or more: at least every three months or, where a leakage detection system is installed, at least every six months.

4 Obligations of paragraph 1 for fire protection equipment as referred to in point (d) of paragraph 2 shall be considered to be fulfilled provided the following two conditions are met:

- a the existing inspection regime meets ISO 14520 or EN 15004 standards; and
- b the fire protection equipment is inspected as often as is required under paragraph 3.

5 The Commission may, by means of implementing acts, specify requirements for the leak checks to be carried out in accordance with paragraph 1 of this Article for each type of equipment referred to in that paragraph, identify those parts of the equipment most likely to leak and repeal acts adopted pursuant to Article 3(7) of Regulation (EC) No 842/2006. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24.

Article 5

Leakage detection systems

1 Operators of the equipment listed in points (a) to (d) of Article 4(2) and containing fluorinated greenhouse gases in quantities of 500 tonnes of CO₂ equivalent or more, shall ensure that the equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage.

2 Operators of the equipment listed in points (f) and (g) of Article 4(2) and containing fluorinated greenhouse gases in quantities of 500 tonnes of CO₂ equivalent or more and installed from 1 January 2017, shall ensure that this equipment is provided with a leakage detection system which alerts the operator or a service company of any leakage.

3 Operators of the equipment listed in points (a) to (d) and (g) of Article 4(2) that is subject to paragraph 1 or 2 of this Article shall ensure that leakage detection systems are checked at least once every 12 months to ensure their proper functioning.

4 Operators of the equipment listed in point (f) of Article 4(2) that is subject to paragraph 2 of this Article shall ensure that leakage detection systems are checked at least once every 6 years to ensure their proper functioning.

Article 6

Record keeping

1 Operators of equipment which is required to be checked for leaks pursuant to Article 4(1), shall establish and maintain records for each piece of such equipment specifying the following information:

- a the quantity and type of fluorinated greenhouse gases installed;
- b the quantities of fluorinated greenhouse gases added during installation, maintenance or servicing or due to leakage;
- c whether the quantities of installed fluorinated greenhouse gases have been recycled or reclaimed, including the name and address of the recycling or reclamation facility and, where applicable, the certificate number;
- d the quantity of fluorinated greenhouse gases recovered;
- e the identity of the undertaking which installed, serviced, maintained and where applicable repaired or decommissioned the equipment, including, where applicable, the number of its certificate;
- f the dates and results of the checks carried out under Article 4(1) to (3);
- g if the equipment was decommissioned, the measures taken to recover and dispose of the fluorinated greenhouse gases.

2 Unless the records referred to in paragraph 1 are stored in a database set up by the competent authorities of the Member States the following rules apply:

- a the operators referred to in paragraph 1 shall keep the records referred to in that paragraph for at least five years;
- b undertakings carrying out the activities referred to in point (e) of paragraph 1 for operators shall keep copies of the records referred to in paragraph 1 for at least five years.

The records referred to in paragraph 1 shall be made available, on request, to the competent authority of the Member State concerned or to the Commission. To the extent that such records contain environmental information, Directive 2003/4/EC of the European Parliament and of the Council⁽¹⁾ or Regulation (EC) No 1367/2006 of the European Parliament and of the Council⁽²⁾ shall apply as appropriate.

3 For the purpose of Article 11(4), undertakings supplying fluorinated greenhouse gases shall establish records of relevant information on the purchasers of fluorinated greenhouse gases including the following details:

- a the numbers of certificates of the purchasers; and
- b the respective quantities of fluorinated greenhouse gases purchased.

The undertakings supplying fluorinated greenhouse gases shall maintain those records for at least five years.

The undertakings supplying fluorinated greenhouse gases shall make such records available, on request, to the competent authority of the Member State concerned or to the Commission. To the extent that the records contain environmental information, Directive 2003/4/EC or Regulation (EC) No 1367/2006 shall apply as appropriate.

4 The Commission may, by means of an implementing act, determine the format of the records referred to in paragraphs 1 and 3 of this Article and specify how they should be established and maintained. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 24.

Article 7

Emissions of fluorinated greenhouse gases in relation to production

1 Producers of fluorinated compounds shall take all necessary precautions to limit emissions of fluorinated greenhouse gases to the greatest extent possible during:

- a production;
- b transport; and
- c storage.

This Article also applies where fluorinated greenhouse gases are produced as by-products.

2 Without prejudice to Article 11(1), the placing on the market of fluorinated greenhouse gases and gases listed in Annex II shall be prohibited unless, where relevant, producers or importers provide evidence, at the time of such placing, that trifluoromethane, produced as a by-product during the manufacturing process, including during the manufacturing of feedstocks for their production, has been destroyed or recovered for subsequent use, in line with best available techniques.

This requirement shall apply from 11 June 2015.

Article 8

Recovery

1 Operators of stationary equipment or of refrigeration units of refrigerated trucks and trailers that contain fluorinated greenhouse gases 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 by Article 10, so that those gases are recycled, reclaimed or destroyed.

This obligation applies to operators of any of the following equipment:

- a the cooling circuits of stationary refrigeration, stationary air-conditioning and stationary heat pump equipment;
- b the cooling circuits of refrigeration units of refrigerated trucks and trailers;
- c stationary equipment that contains fluorinated greenhouse gas-based solvents;
- d stationary fire protection equipment;
- e stationary electrical switchgear.

2 The undertaking that uses a fluorinated greenhouse gas container immediately prior to its disposal shall arrange for the recovery of any residual gases to make sure they are recycled, reclaimed or destroyed.

3 Operators of products and equipment not listed in paragraph 1, including mobile equipment, that contain fluorinated greenhouse gases shall arrange for the recovery of the gases, to the extent that it is technically feasible and does not entail disproportionate costs, by appropriately qualified natural persons, so that they are recycled, reclaimed or destroyed or shall arrange for their destruction without prior recovery.

The recovery of fluorinated greenhouse gases from air-conditioning equipment in road vehicles outside the scope of Directive 2006/40/EC of the European Parliament and of the Council⁽³⁾ shall be carried out by appropriately qualified natural persons.

For the recovery of fluorinated greenhouse gases from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC only natural persons holding at least a training attestation in accordance with Article 10(2) shall be considered appropriately qualified.

Article 9

Producer responsibility schemes

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

Member States shall provide information to the Commission on the actions undertaken under the first paragraph.

Article 10

Training and certification

1 Member States shall, on the basis of the minimum requirements referred to in paragraph 5, establish or adapt certification programmes, including evaluation processes. Member States shall ensure that training is available for natural persons carrying out the following tasks:

- a installation, servicing, maintenance, repair or decommissioning of the equipment listed in the points (a) to (f) of Article 4(2);
- b leak checks of the equipment referred to in points (a) to (e) of Article 4(2), as provided for in Article 4(1);

c recovery of fluorinated greenhouse gases as provided for in Article 8(1).

2 Member States shall ensure that training programmes for natural persons recovering fluorinated greenhouse gases from air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC are available, on the basis of the minimum requirements referred to in paragraph 5.

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

- a applicable regulations and technical standards;
- b emission prevention;
- c recovery of fluorinated greenhouse gases;
- d safe handling of equipment of the type and size covered by the certificate;
- e information on relevant technologies to replace or to reduce the use of fluorinated greenhouse gases and their safe handling.

4 Certificates under the certification programmes provided for in paragraph 1 shall be subject to the condition that the applicant has successfully completed an evaluation process established in accordance with paragraphs 1, 3 and 5.

5 The minimum requirements for certification programmes are those laid down in Regulations (EC) No 303/2008 to (EC) No 306/2008 and under paragraph 12. The minimum requirements for training attestations are those laid down in Regulation (EC) No 307/2008 and under paragraph 12. Those minimum requirements shall specify, for each type of equipment referred to in paragraphs 1 and 2, the required practical skills and theoretical knowledge, where appropriate, differentiating between different activities to be covered, as well as the conditions for mutual recognition of certificates and training attestations.

6 Member States shall establish or adapt certification programmes on the basis of the minimum requirements referred to in paragraph 5 for undertakings carrying out installation, servicing, maintenance, repair or decommissioning of the equipment listed in points (a) to (d) of Article 4(2) for other parties.

7 Existing certificates and training attestations issued in accordance with Regulation (EC) No 842/2006 shall remain valid, in accordance with the conditions under which they were originally issued.

8 Member States shall ensure that all natural persons holding certificates under certification programmes provided for in paragraphs 1 and 7 have access to information regarding each of the following:

- a technologies referred to point (e) of paragraph 3; and
- b existing regulatory requirements for working with equipment containing alternative refrigerants to fluorinated greenhouse gases.

9 Member States shall ensure the availability of training for natural persons who wish to update their knowledge in relation to the matters referred to in paragraph 3.

10 By 1 January 2017 Member States shall notify the Commission of certification and training programmes.

Member States shall recognise certificates and training attestations issued in another Member State in accordance with this Article. They shall not restrict the freedom to provide services or the freedom of establishment because a certificate was issued in another Member State.

11 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 pursuant to this Article.

12 In the event that it appears necessary for the purposes of the application of this Article, to provide for a more harmonised approach to training and certification, the Commission shall, by means of implementing acts, adapt and update the minimum requirements as to the skills and knowledge to be covered, specify the modalities of the certification or attestation and the conditions for mutual recognition and repeal acts adopted pursuant to Article 5(1) of Regulation (EC) No 842/2006. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24. When exercising the power conferred on it by this paragraph, the Commission shall take into account relevant existing qualification or certification schemes.

13 The Commission may, by means of implementing acts, determine the format of the notification referred to in paragraph 10 of this Article and may repeal acts adopted pursuant to Article 5(5) of Regulation (EC) No 842/2006. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24.

14 Where the obligations under this Article relating to the provision of certification and training would impose disproportionate burdens on a Member State because of the small size of its population and the consequent lack of demand for such training and certification, compliance may be achieved through the recognition of certificates issued in other Member States.

Member States applying this paragraph shall inform the Commission who shall inform other Member States.

15 Nothing in this Article shall prevent Member States from setting up further certification and training programmes in respect of equipment other than that referred to in paragraph 1.

Status: This is the original version (as it was originally adopted).

- (1) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).
- (2) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).
- (3) 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).