Consultation Forum – EU F-Gas Regulation 25 September 2015
via electronic mail

EIA COMMENTS ON THE CONSULTATION FORUM: ENSURING A SMOOTH TRANSITION UNDER THE HFC PHASE-DOWN

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On behalf of the Environmental Investigation Agency (EIA), we welcome the opportunity to submit these comments on the Consultation Forum held on 10 September 2015. EIA appreciates the work undertaken by the Commission and its consultants. We share in your objective to ensure the smooth implementation of this landmark piece of legislation.

STANDARDS

EIA supports the comments and recommendations submitted by ECOS regarding the need for activities to overcome both short-term and long-term barriers to the market penetration of low-GWP technologies, in particular for natural refrigerants. EIA would also like to make the following recommendations:

- **Promote Safe Use of Natural Refrigerants**. Within the standardisation bodies, the burden on natural refrigerants to overcome unrealistic assumptions on risk must change in order to avoid setting charge sizes for hydrocarbons at unreasonable levels. Current standards pose a significant threat to the HFC phase-down, which assumes that low-GWP technologies relying on hydrocarbons will occupy a significant percentage of new equipment in 2015 and progressively more so through 2030. For example, in single-split air-conditioning, over 8 million new units will be placed on the European marketplace in 2015, of which approximately 85% will be imported.[1] This number increases to 9.8 million in 2030 with the imported share expected to remain about the same.[2] The *AnaFgas* model assumed a rapid transition to low-GWP technologies (GWP 150 or less) in single-split air-conditioning: in 2015, 31% of all new units placed on the market are assumed to be relying on low-GWP alternatives, increasing to 44% in 2016, 58% in 2017, 72% in 2018, 86% in 2019 and 100% in 2020.[3] In other words, from 2020 onward, no new single-split air-conditioning units relying on HFCs greater than GWP 150 are assumed to be placed on the European marketplace. A significant percentage of those new units are expected to rely on hydrocarbons yet there are significant barriers to their introduction. Moreover, the *AnaFgas* model makes similar assumptions regarding the rapid transition to low-GWP technologies (with hydrocarbons being by far the most important one) in other stationary air-conditioning sectors, *i.e.* multi-split room air-conditioners, package rooftop air-conditioning, chillers and heat pumps.[4] For these reasons, in order for the HFC phase-down to succeed, barriers to hydrocarbons must be overcome. EIA recommends that, rather than following the previous approach to standardisation of working up to some threshold of allowable charge size for hydrocarbons, the Commission should act to advance an approach consistent with the assumptions underlying the HFC phase-down, i.e. that hydrocarbons must achieve significant market penetration in all sectors. This can include, for example, a demand via a standardisation request under Regulation

[1] SKM Enviros, *Phase Down of HFC Consumption in the EU – Assessment of Implications for the RAC Sector Final Report* (Version 11, September 2012) (hereinafter "*SKM Enviros Report*"), pp. 98-101.

[2] *SKM Enviros*, pp. 98-101.

[3] Öko-Recherche *et al.*, *Preparatory Study for a Review of Regulation (EC) No 842/2006 on Certain Fluorinated Greenhouse Gases, Final Report* (September 2011)(hereinafter "*Preparatory Study*"), Annex V, p. 254; *see also* European Commission, *Impact Assessment: Review of Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases* (Commission Staff Working Paper), SWD(2012)0364 (hereinafter "*Impact Assessment*"), pp. 156-162.

[4] *Preparatory Study*, pp. 255-259.

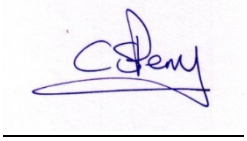
(EU) No 1025/2012 that, by a date certain (2018), specific standards for hydrocarbons be developed that correspond to each charge size in each sector that is assumed to use them in the *AnaFgas* model with a clear indication of additional measures, if any, that are need to ensure their safe use (such as safety valves, automatic leakage detection devices, etc.). In this way, the question is not up to what charge size should be generally allowable, but instead focuses on the measures needed to ensure their safe use.

TRAINING

EIA is supportive of the work performed to date on the need for training and safe handling of low-GWP technologies, and offers the following comments:

- **Adopt an Annex or Guidelines under Directive 1999/92/EC**. It is unclear the basis for the conclusion that the broad statements in the Directive 1999/92/EC and Directive 89/391/EEC are sufficient to ensure safe handling of certain low-GWP technologies. No information was provided on transposition of those obligations into national legislation—which is what is required for them to have legal effect—nor was any information provided that such obligations were being complied with at the national level. Indeed, the currently low rate of training among contractors across Member States and the specific characteristics of the refrigeration and air-conditioning equipment would seem to indicate that more is required. EIA therefore recommends that the Commission review the practical impact these directives have had on the provision of training contractors in this field and, should it be found insufficient, to make adjustments to the annexes under Article 10 of Directive 1999/92/EC or draw up practical guidelines under Article 11 of Directive 1999/92/EC.

- **Adapt Commission Regulation (EC) No 303/2008**. EIA recommends, pursuant to Article 12 of Regulation (EU) No 517/2014, that the Commission adapt Commission Regulation (EC) No 303/2008 to the new requirements on certification and training programmes in Article 3(e) of Regulation (EU) No 517/2014, namely that they "cover… information on relevant technologies to replace or to reduce the use of fluorinated greenhouse gases and their safe handling."[5] There are several reasons to do so. ***First***, under Article 10 of Regulation (EU) No 517/2014, certification is mutually recognised. Without adapting the minimum requirements in Commission Regulation (EC) No 303/2008 to include the information in Article 3(e) of Regulation (EU) No 517/2014, Member States with robust certification and training programmes (that include adequate information on the safe handling of replacement technologies) will be compelled to recognise those certificates from other Member States (that include only cursory information), which could result in the unsafe handling of refrigerants. ***Second***, as evidenced in the presentation, there is currently a low degree of certified personnel that are certified and trained on replacement technologies relying on natural refrigerants. Thus there is a strong need for a minimum base of information to be provided to contractors in existing certification and training programmes to facilitate the rapid transition to low-GWP technologies envisioned in the HFC phase-down.



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[5] Regulation EU) No 517/2014, Article 3(e).