



EUROPEAN COMMISSION

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C(2022) 6516 final*

*Miloš VYSTRČIL
President of the Senát
Valdštejnské náměstí 17/4
CZ – 118 01 PRAGUE 1*

Dear President,

The Commission would like to thank the Senát for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014 {COM(2022) 150 final} and the proposal for a Regulation of the European Parliament and of the Council on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009 {COM(2022)151 final}.

These proposals complement the ‘Fit for 55’ package¹ and represent another important contribution to the European Union’s objectives to avoid dangerous climate change and to reduce net greenhouse gas emissions to at least 55% below 1990 levels by 2030, as well as to reach climate neutrality by 2050, as required by the European Climate Law².

The Regulation on fluorinated greenhouse gases and the Regulation on ozone depleting substances are the European Union’s main instruments to ensure its compliance with the obligations of the Montreal Protocol on Substances that Deplete the Ozone Layer.

The proposal for the Regulation on fluorinated greenhouse gases, besides raising the climate ambition and aligning with relevant international rules, also aims to improve implementation and enforcement, in particular concerning controls on trade in hydrofluorocarbons, as well as having better and more efficient monitoring and reporting measures.

Ozone depleting substances are not only a threat to the ozone layer but also have a significant global warming potential. In this respect, the proposal for the Regulation on

¹ COM(2021) 550 final

² Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’), OJ L 243, 9.7.2021, p. 1.

ozone depleting substances ensures that all proportionate measures are taken to further reduce emissions. It also retains the necessary control measures to avoid delays in the ozone recovery expected by 2060, while reducing the administrative burden.

The Commission welcomes the support expressed by the Sénat for the objectives of the proposals to tighten controls and further reduce emissions as well as for the measures aimed at tackling illegal trade and ensuring the interconnection with the European Union Single Window Environment for Customs.

The Commission takes note that the Sénat's Opinion expressed concerns on the availability of alternative technologies (e.g. for electrical switchgear), the impacts on introduction of prohibitions on heat pumps, as well as the proposed scope of the empowerment to adopt delegated acts in selected areas. The Commission is pleased to have this opportunity to provide a number of clarifications regarding its proposals.

Firstly, allow us to note that the timeframes envisaged in the proposal for a Regulation on fluorinated greenhouse gases as regards the placing on the market prohibitions for products and equipment have been thoroughly assessed in the impact assessment accompanying that proposal and in the preparatory study referred to therein. They are both based on stakeholder's input. The proposal only seeks to replace fluorinated greenhouse gases with climate-friendly alternatives where these alternatives already exist and are technically feasible for use in the concerned products and equipment. The proposal also provides the appropriate time to make the necessary transition. Concerning switchgear equipment in particular, the placing on the market prohibition has an exemption, namely where evidence can be provided that alternative substances below the prohibited global warming potential ranges were not available in the given case.

Furthermore, the proposed Regulation on fluorinated greenhouse gases is designed to allow a high level of growth in heat pumps in line with REPowerEU, while preventing that these heat pumps use fluorinated greenhouse gases to the extent possible. These measures will prevent a substantive amount of unnecessary fluorinated greenhouse gas emissions beyond 2030. It will also result in cost savings for end-users due to improved energy efficiency. Heat pumps using climate-friendly alternatives already exist today, while production capacities need to be increased. The Regulation allows two to four years for transitioning in the case of residential heat pumps. This provides heat pump manufacturers with a significant business opportunity gaining first mover advantages at the global scale.

On the matter of delegated powers, it is important to underline that the empowerment given to the Commission is subject to strict limits including that the essential elements of an area may not be subject to a delegation of power. We also recall that the Commission must consult experts from the European Union Member States before adopting delegated acts. Furthermore, either the European Parliament or the Council of the European Union may revoke the delegation of power to the Commission. In addition, a delegated act adopted by the Commission can only enter into force if no objection is raised by the

Council or the Parliament, within the deadline set in the basic act, which, in the case of the two proposals, is two months.

On the state of play of the legislative process, discussions between the Commission and the co-legislators concerning the proposals are underway. The relevant Council working group has started discussions mainly on the proposal for a Regulation on fluorinated greenhouse gases and the Commission presented both proposals to the European Parliament's Committee on Environment, Public Health and Food Safety on 2 June 2022. It is hoped that an agreement may be found relatively quickly on both files to allow the new rules to apply as from 2024.

The Opinion has been made available to the Commission's representatives in the ongoing negotiations of the co-legislators, the European Parliament and the Council, and will inform these discussions.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senát and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
Executive Vice-President*

*Maroš Šefčovič
Vice-President*