



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Senat for its Opinions 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 on the proposal for a Regulation 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 on the Regulation on fluorinated greenhouse gases, besides raising the climate ambition and aligning with relevant international rules, aims to improve implementation and enforcement concerning controls on trade in hydrofluorocarbons and to put in place 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 to avoid delays in the ozone recovery expected by 2060, while reducing the administrative burden.

The Commission welcomes the overall support expressed by the Senat for the objectives of the proposals to combat climate change and for noting, in particular, that both proposals are in conformity with the principles of subsidiarity and proportionality.

The Commission takes note of the wish of the Senat to improve certain aspects of the proposals, in particular, as regards illegal trade in ozone depleting substances and fluorinated greenhouse gases, cooperation between authorities as envisaged under both proposals, the hydrofluorocarbon quota allocation system, the placing on the market prohibitions of equipment containing fluorinated greenhouse gases and on the destruction of ozone depleting substances and equipment containing such substances.

Allow the Commission to note that a main objective of the review is to address illegal activities, especially illicit imports of hydrofluorocarbons outside the quota system. Several new proposed measures are meant to improve custom controls and market surveillance, including stricter penalties and reinforcing the cooperation between competent authorities. The Commission has also set up an electronic control of all shipments involving fluorinated greenhouse gases: the European Union Single Window Environment for Customs, where information is automatically cross-checked with the European Union central hydrofluorocarbons registry operated by the Commission.

The quota allocation system and related bans on products and equipment are the backbone measures of the Regulation on fluorinated greenhouse gases aimed at effectively reducing emissions from these substances. The envisaged transitional timeframes in the proposal have been assessed carefully in the Commission's impact assessment, taking into account the input received by stakeholders. The quota allocation system and the envisaged phase-down steps must ensure that the European Union complies with its international obligations on hydrofluorocarbons under the Montreal Protocol. The European Union should remain an ambitious partner in that respect, inspiring others to take all necessary actions.

On the destruction of ozone depleting substances, the main proposed measure aimed to avoid emissions is an explicit requirement to recover certain types of foams containing such substances from construction and demolition waste and destroy or reuse the foam or the substance contained therein; it is estimated that this measure will save about 180 million CO₂ equivalents until 2050. Moreover, the proposal also prohibits the destruction of halons in order to preserve non-virgin stocks for exempted critical uses and, thereby, prevent that a restart of new halon production for such uses would become necessary. Finally, the proposal ensures that the destruction of ozone depleting substances and of products and equipment containing them is carried out by technologies approved by the Parties to the Montreal Protocol or by destruction technologies that are not yet approved but are environmentally equivalent and comply with European Union and national legislation on waste.

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. On 2 June 2022, the Commission presented both proposals to the European Parliament's Committee on Environment, Public Health and Food Safety. The Commission hopes that an agreement may be found quickly on both files to allow the new rules to apply as from 2024.

The Opinions have 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 have been useful and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
Executive Vice-President*

*Maroš Šefčovič
Vice-President*