

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 III

PLACING ON THE MARKET AND CONTROL OF USE

*Article 11*

**Restrictions on the placing on the market**

1 The placing on the market of products and equipment listed in Annex III, with an exemption for military equipment, shall be prohibited from the date specified in that Annex, differentiating, where applicable, according to the type or global warming potential of the fluorinated greenhouse gas contained.

2 The prohibition set out in paragraph 1 shall not apply to equipment for which it has been established in ecodesign requirements adopted under Directive 2009/125/EC that due to higher energy efficiency during its operation, its lifecycle CO<sub>2</sub> equivalent emissions would be lower than those of equivalent equipment which meets relevant ecodesign requirements and does not contain hydrofluorocarbons.

3 <sup>F1</sup>... Taking into account the objectives of this Regulation, [<sup>F2</sup>the appropriate authority may, exceptionally, by regulations] authorise an exemption for up to four years to allow the placing on the market of products and equipment listed in Annex III containing, or whose functioning relies upon, fluorinated greenhouse gases, where it is demonstrated that:

- a for a specific product or a piece of equipment, or for a specific category of products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; or
- b the use of technically feasible and safe alternatives would entail disproportionate costs.

<sup>F3</sup>  
...

4 For the purposes of carrying out the installation, servicing, maintenance or repair of the equipment that contains fluorinated greenhouse gases or whose functioning relies upon those gases for which certification or attestation is required under Article 10, fluorinated greenhouse gases shall only be sold to and purchased by undertakings that hold the relevant certificates or attestations in accordance with Article 10 or undertakings that employ persons holding a certificate or a training attestation in accordance with Article 10(2) and (5). This paragraph shall not prevent non-certified undertakings, who do not carry out the activities referred to in the first sentence of this paragraph, from collecting, transporting or delivering fluorinated greenhouse gases.

5 Non-hermetically sealed equipment charged with fluorinated greenhouse gases shall only be sold to the end user where evidence is provided that the installation is to be carried out by an undertaking certified in accordance with Article 10.

<sup>F4</sup>6 .....

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### Textual Amendments

- F1** Words in Art. 11(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, [44\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 11(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, [44\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 11(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, [44\(2\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 11(6) 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, [44\(3\)](#); 2020 c. 1, Sch. 5 para. 1(1)

## Article 12

### Labelling and product and equipment information

1 Products and equipment that contain, or whose functioning relies upon, fluorinated greenhouse gases shall not be placed on the market unless they are labelled. This only applies to:

- a refrigeration equipment;
- b air-conditioning equipment;
- c heat pumps;
- d fire protection equipment;
- e electrical switchgear;
- f aerosol dispenser that contain fluorinated greenhouse gases, with the exception of metered dose inhalers for the delivery of pharmaceutical ingredients;
- g all fluorinated greenhouse gas containers;
- h fluorinated greenhouse gas-based solvents;
- i organic Rankine cycles.

2 Products or equipment subject to an exemption under Article 11(3) shall be labelled accordingly and shall include a reference that those products or equipment may only be used for the purpose for which an exemption under that Article was granted.

3 The label required pursuant to paragraph 1 shall indicate the following information:

- a a reference that the product or equipment contains fluorinated greenhouse gases or that its functioning relies upon such gases;
- b the accepted industry designation for the fluorinated greenhouse gases concerned or, if no such designation is available, the chemical name;
- c from 1 January 2017, the quantity expressed in weight and in CO<sub>2</sub> equivalent of fluorinated greenhouse gases contained in the product or equipment, or the quantity of fluorinated greenhouse gases for which the equipment is designed, and the global warming potential of those gases.

The label required pursuant to paragraph 1 shall indicate the following information, where applicable:

- a a reference that the fluorinated greenhouse gases are contained in hermetically sealed equipment;

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b a reference that the electrical switchgear has a tested leakage rate of less than 0,1 % per year as set out in the technical specification of the manufacturer.

4 The label shall be clearly readable and indelible and shall be placed either:

- a adjacent to the service ports for charging or recovering the fluorinated greenhouse gas; or
- b on that part of the product or equipment that contains the fluorinated greenhouse gas.

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...

5 Foams and pre-blended polyols that contain fluorinated greenhouse gases shall not be placed on the market unless the fluorinated greenhouse gases are identified with a label using the accepted industry designation or, if no such designation is available, the chemical name. The label shall clearly indicate that the foam or pre-blended polyol contains fluorinated greenhouse gases. In the case of foam boards, this information shall be clearly and indelibly stated on the boards.

6 Reclaimed or recycled fluorinated greenhouse gases shall be labelled with an indication that the substance has been reclaimed or recycled, information on the batch number and the name and address of the reclamation or recycling facility.

7 Fluorinated greenhouse gases placed on the market for destruction shall be labelled with an indication that the contents of the container may only be destroyed.

8 Fluorinated greenhouse gases placed on the market for direct export shall be labelled with an indication that the contents of the container may only be directly exported.

9 Fluorinated greenhouse gases placed on the market for the use in military equipment shall be labelled with an indication that the contents of the container may only be used for that purpose.

10 Fluorinated greenhouse gases placed on the market for the etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector shall be labelled with an indication that the contents of the container may only be used for that purpose.

11 Fluorinated greenhouse gases placed on the market for feedstock use shall be labelled with an indication that the contents of the container may only be used as feedstock.

12 Fluorinated greenhouse gases placed on the market for producing metered dose inhalers for the delivery of pharmaceutical ingredients shall be labelled with an indication that the contents of the container may only be used for that purpose.

13 The information referred to in paragraphs 3 and 5 shall be included in instruction manuals for the products and equipment concerned.

In the case of products and equipment that contain fluorinated greenhouse gases with a global warming potential of 150 or more this information shall also be included in descriptions used for advertising.

14 The [F<sup>6</sup>appropriate authority may, by regulations], determine the format of the labels referred to in paragraph 1 and paragraphs 4 to 12 F<sup>7</sup>.... F<sup>8</sup>...

15 The [F<sup>9</sup>appropriate authority may, by regulations, amend] the labelling requirements set out in paragraphs 4 to 12 where appropriate in view of commercial or technological development.

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[<sup>F10</sup>16. Labels, markings on packages and accompanying documents shall appear in English and may also appear in other languages.]

#### Textual Amendments

- F5** Words in Art. 12(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, **45(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 12(14) 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, **45(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 12(14) 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, **45(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 12(14) 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, **45(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 12(15) 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, **45(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 12(16) inserted (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, **45(5)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 13

#### Control of use

1 The use of sulphur hexafluoride in magnesium die-casting and in the recycling of magnesium die-casting alloys shall be prohibited.

As regards installations using a quantity of sulphur hexafluoride below 850 kg per year, in respect of magnesium die-casting and in the recycling of magnesium die-casting alloys, this prohibition shall only apply from 1 January 2018.

2 The use of sulphur hexafluoride to fill vehicle tyres shall be prohibited.

3 From 1 January 2020, the use of fluorinated greenhouse gases, with a global warming potential of 2 500 or more, to service or maintain refrigeration equipment with a charge size of 40 tonnes of CO<sub>2</sub> equivalent or more, shall be prohibited.

This paragraph shall not apply to military equipment or equipment intended for applications designed to cool products to temperatures below – 50 °C.

The prohibition referred to in the first subparagraph shall not apply to the following categories of fluorinated greenhouse gases until 1 January 2030:

- a reclaimed fluorinated greenhouse gases with a global warming potential of 2 500 or more used for the maintenance or servicing of existing refrigeration equipment, provided that they have been labelled in accordance with Article 12(6);
- b recycled fluorinated greenhouse gases with a global warming potential of 2 500 or more used for the maintenance or servicing of existing refrigeration equipment provided they have been recovered from such equipment. Such recycled gases may only be used by the

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undertaking which carried out their recovery as part of maintenance or servicing or the undertaking for which the recovery was carried out as part of maintenance or servicing.

The prohibition referred to in the first subparagraph shall not apply to refrigeration equipment for which an exemption has been authorised pursuant to Article 11(3).

#### Article 14

### Pre-charging of equipment with hydrofluorocarbons

1 From 1 January 2017 refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons shall not be placed on the market unless hydrofluorocarbons charged into the equipment are accounted for within the quota system referred to in Chapter IV.

2 When placing pre-charged equipment as referred to in paragraph 1 on the market, manufacturers and importers of equipment shall ensure that compliance with paragraph 1 is fully documented and shall draw up a declaration of conformity in this respect.

From 1 January 2018, where hydrofluorocarbons contained in the equipment have not been placed on the market prior to the charging of the equipment, importers of that equipment shall ensure that by 31 March every year the accuracy of the documentation and declaration of conformity is verified, for the preceding calendar year, by an independent auditor. The auditor shall be either:

- a accredited pursuant to <sup>F11</sup>Commission Regulation (EU) No 600/2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council]; or
- b accredited to verify financial statements <sup>F12</sup>....

Manufacturers and importers of equipment referred to in paragraph 1 shall keep the documentation and declaration of conformity for a period of at least five years after the placing on the market of that equipment. Importers of equipment placing on the market pre-charged equipment where hydrofluorocarbons contained in that equipment have not been placed on the market prior to the charging of the equipment shall ensure they are registered pursuant to point (e) of Article 17(1).

3 By drawing up the declaration of conformity, manufacturers and importers of equipment referred to in paragraph 1 shall assume responsibility for compliance with paragraphs 1 and 2.

4 The <sup>F13</sup>Secretary of State shall, by regulations], determine the detailed arrangements relating to the declaration of conformity and the verification by the independent auditor referred to in the second subparagraph of paragraph 2 of this Article. <sup>F14</sup>...

#### Textual Amendments

**F11** Words in Art. 14(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, 46(2)(a); 2020 c. 1, Sch. 5 para. 1(1)

**F12** Word in Art. 14(2)(b) 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, 46(2)(b); 2020 c. 1, Sch. 5 para. 1(1)

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- F13** Word in Art. 14(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, **46(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 14(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, **46(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 10(16) inserted by [S.I. 2023/1286 Sch. 3 para. 6\(2\)\(b\)](#)
- Art. 10(16) inserted by [S.I. 2023/1294 Sch. 3 para. 4\(2\)\(b\)](#)