

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 IV

### **REDUCTION OF THE QUANTITY OF HYDROFLUOROCARBONS PLACED ON THE MARKET**

#### *Article 15*

#### **Reduction of the quantity of hydrofluorocarbons placed on the market**

1 The Commission shall ensure that the quantity of hydrofluorocarbons that producers and importers are entitled to place on the market in the Union each year does not exceed the maximum quantity for the year in question calculated in accordance with Annex V.

Producers and importers shall ensure that the quantity of hydrofluorocarbons calculated in accordance with Annex V that that each of them places on the market does not exceed their respective quota allocated pursuant to Article 16(5) or transferred pursuant to Article 18.

2 This Article shall not apply to producers or importers of less than 100 tonnes of CO<sub>2</sub> equivalent of hydrofluorocarbons per year.

This Article shall also not apply to the following categories of hydrofluorocarbons:

- a hydrofluorocarbons imported into the Union for destruction;
- b hydrofluorocarbons used by a producer in feedstock applications or supplied directly by a producer or an importer to undertakings for use in feedstock applications;
- c hydrofluorocarbons supplied directly by a producer or an importer to undertakings, for export out of the Union, where those hydrofluorocarbons are not subsequently made available to any other party within the Union, prior to export;
- d hydrofluorocarbons supplied directly by a producer or an importer for use in military equipment;
- e hydrofluorocarbons supplied directly by a producer or an importer to an undertaking using it for the etching of semiconductor material or the cleaning of chemicals vapour deposition chambers within the semiconductor manufacturing sector;
- f from 1 January 2018 onwards, hydrofluorocarbons supplied directly by a producer or an importer to an undertaking producing metered dose inhalers for the delivery of pharmaceutical ingredients.

3 This Article and Articles 16, 18, 19 and 25 shall also apply to hydrofluorocarbons contained in pre-blended polyols.

4 Following a substantiated request by a competent authority of a Member State and taking into account the objectives of this Regulation, the Commission may, exceptionally, by means of implementing acts, authorise an exemption for up to four years to exclude from the quota requirement laid down in paragraph 1 hydrofluorocarbons for use in specific applications, or specific categories of products or equipment, where it is demonstrated that:

- a for those particular applications, products or equipment, alternatives are not available, or cannot be used for technical or safety reasons; and
- b a sufficient supply of hydrofluorocarbons cannot be ensured without entailing disproportionate costs.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24.

### *Article 16*

#### **Allocation of quotas for placing hydrofluorocarbons on the market**

1 By 31 October 2014 the Commission shall, by means of implementing acts, determine for each producer or importer, having reported data under Article 6 of Regulation (EC) No 842/2006, a reference value based on the annual average of the quantities of hydrofluorocarbons the producer or importer reported to have placed on the market from 2009 to 2012. The reference values shall be calculated in accordance with Annex V to this Regulation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24.

2 Producers and importers that have not reported placing on the market hydrofluorocarbons under Article 6 of Regulation (EC) No 842/2006 for the reference period referred to in paragraph 1 may declare their intention to place hydrofluorocarbons on the market in the following year.

The declaration shall be addressed to the Commission, specifying the types of hydrofluorocarbons and the quantities that are expected to be placed on the market.

The Commission shall issue a notice of the time-limit for submitting those declarations. Before submitting a declaration pursuant to paragraphs 2 and 4 of this Article, undertakings shall register in the registry provided for in Article 17.

3 By 31 October 2017 and every three years thereafter, the Commission shall recalculate the reference values for the producers and importers referred to in paragraphs 1 and 2 of this Article on the basis of the annual average of the quantities of hydrofluorocarbons lawfully placed on the market from 1 January 2015 as reported under Article 19 for the years available. The Commission shall determine those reference values by means of implementing acts.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24.

4 Producers and importers for which reference values have been determined may declare additional anticipated quantities following the procedure set out in paragraph 2.

5 The Commission shall allocate quotas for placing hydrofluorocarbons on the market for each producer and importer for each year beginning with the year 2015, applying the allocation mechanism laid down in Annex VI.

Quotas shall only be allocated to producers or importers which are established within the Union, or which have mandated an only representative established within the Union for the purpose of compliance with the requirements of this Regulation. The only representative may be the same as the one mandated pursuant to Article 8 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>(1)</sup>.

The only representative shall comply with all obligations of producers and importers under this Regulation.

### *Article 17*

#### **Registry**

1 By 1 January 2015, the Commission shall set up and ensure the operation of an electronic registry for quotas for placing hydrofluorocarbons on the market ('the registry').

Registration in the registry shall be compulsory for the following:

- a producers and importers to which a quota for the placing on the market of hydrofluorocarbons has been allocated in accordance with Article 16(5);
- b undertakings to which a quota is transferred in accordance with Article 18;
- c producers and importers declaring their intention to submit a declaration pursuant to Article 16(2);
- d producers and importers supplying, or undertakings in receipt of hydrofluorocarbons for the purposes listed in points (a) to (f) of the second subparagraph of Article 15(2);
- e importers of equipment placing pre-charged equipment on the market where the hydrofluorocarbons contained in the equipment have not been placed on the market prior to the charging of that equipment in accordance with Article 14.

Registration shall be effected by means of application to the Commission in accordance with procedures to be set out by the Commission.

2 The Commission may, to the extent necessary, by means of implementing acts, ensure the smooth functioning of the registry. Those implementing acts shall be adopted in accordance with the examination procedure in Article 24.

3 The Commission shall ensure that registered producers and importers are informed via the registry about the quota allocated and about any changes to it during the allocation period.

4 The competent authorities, including customs authorities, of the Member States shall have access, for information purposes, to the registry.

### *Article 18*

#### **Transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment**

1 Any producer or importer for whom a reference value has been determined pursuant to Article 16(1) or (3) and who has been allocated a quota in accordance with Article 16(5), may transfer in the registry referred to in Article 17(1) that quota for all or any quantities to another producer or importer in the Union or to another producer or importer which is represented in the Union by an only representative referred to in the second and third subparagraph of Article 16(5).

2 Any producer or importer having received its quota pursuant to Article 16(1) and (3) or to whom a quota has been transferred pursuant to paragraph 1 of this Article may authorise another undertaking to use its quota for the purpose of Article 14.

Any producer or importer having received its quota exclusively on the basis of a declaration pursuant to Article 16(2), may only authorise another undertaking to use

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its quota for the purpose of Article 14 provided that the corresponding quantities of hydrofluorocarbons are physically supplied by the authorising producer or importer.

For the purpose of Articles 15, 16 and 19(1) and (6) the respective quantities of hydrofluorocarbons shall be deemed to be placed on the market by the authorising producer or importer at the moment of the authorisation. The Commission may require from the authorising producer or importer evidence that it is active in the supply of hydrofluorocarbons.

- (1) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ([OJ L 396, 30.12.2006, p. 1](#)).