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(Announcements)

OTHER ACTS

EUROPEAN COMMISSION

Notice to undertakings intending to place hydrofluorocarbons in bulk on the market in the European Union in 2024

(2023/C 10/06)

1. This Notice is addressed to any undertaking wishing to make a declaration to place hydrofluorocarbons in bulk on the market in the Union in 2024, in accordance with Articles 16(2) and 16(4) of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases ⁽¹⁾ (hereafter 'the Regulation'). In this Notice the Union has to be understood as including Northern Ireland ⁽²⁾.

2. Hydrofluorocarbons (HFCs) means substances listed in section 1 of Annex I to the Regulation, or mixtures containing any of these substances:

HFC-23, HFC-32, HFC-41, HFC-125, HFC-134, HFC-134a, HFC-143, HFC-143a, HFC-152, HFC-152a, HFC-161, HFC-227ea, HFC-236cb, HFC-236ea, HFC-236fa, HFC-245ca, HFC-245fa, HFC-365mfc, HFC-43-10mee.

3. Any placing on the market of these substances, except for the uses listed in Article 15(2) points (a) to (f) of the Regulation or a total annual quantity of these substances of less than 100 tonnes of CO₂ equivalent per year, is subject to quantitative limits under the quota system laid down in Articles 15 and 16 as well as Annexes V and VI to the Regulation.

4. Importers must at the time of release for free circulation of HFCs have a valid registration as importers of bulk HFCs in the F-Gas Portal and HFC Licensing System ⁽³⁾ in accordance with 'Commission Implementing Regulation (EU) 2019/661 ensuring the smooth functioning of the registry for quotas for placing hydrofluorocarbons on the market' ⁽⁴⁾. Such a registration is considered an obligatory licence for import. A similar licence is needed for exporting HFCs ⁽⁵⁾.

5. According to Annex VI to the Regulation, the sum of the quotas allocated on the basis of reference values is subtracted from the maximum quantity of HFCs that can be placed on the market in 2024 to determine the quantity to be allocated from this reserve.

6. All data submitted by undertakings, quotas and reference values are stored in the online electronic F-Gas Portal and HFC Licensing System. All data in the F-Gas Portal and HFC Licensing System including quotas, reference values, commercial and personal data will be treated as confidential by the European Commission.

⁽¹⁾ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.150.01.0195.01.ENG

⁽²⁾ Protocol on Ireland and Northern Ireland: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12020W/TXT>

⁽³⁾ The registry was set up in accordance with Article 17 of Regulation (EU) 517/2014: <https://webgate.ec.europa.eu/fgas>

⁽⁴⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0661&from=EN>

⁽⁵⁾ See Article 1(2) of Commission Implementing Regulation (EU) 2017/1375: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R1375>

7. Undertakings wishing to obtain quota from this reserve need to follow the procedure described in points 9 to 12 of this Notice.
8. According to Articles 16(2) and 17(1) of the Regulation, the undertaking declaring the intention to obtain quota from the reserve needs to have a valid registration profile, approved by the Commission in accordance with Commission Implementing Regulation (EU) 2019/661, as a producer and/or importer of HFCs in the F-gas Portal and HFC Licensing System. In order to ensure due treatment of the application for registration, including the possible need for additional information, such an application must be made at the very latest two weeks before the start of the declaration period, i.e. before 20 February 2023. For any applications received after this deadline it cannot be ensured that a final decision on the application for registration can be made before the end of the declaration period. For companies that are not yet registered, guidance on how to register is available on the DG CLIMA Internet: ⁽⁶⁾.
9. The undertaking must make a declaration on anticipated quantities for 2024 in the F-Gas Portal and HFC Licensing System in the declaration period from 6 March 2023 to 5 April 2023, 13:00h CET. Guidance on how to submit a quota declaration is available on the DG CLIMA Internet: ⁽⁷⁾.
10. Only duly completed declarations that are free of errors and received before 5 April 2023, 13:00h CET will be considered as valid by the Commission.
11. Based on these declarations, the Commission will allocate quota to these undertakings in accordance with Article 16(2), 16(4) and 16(5) as well as Annexes V and VI to the Regulation.
12. Article 7 of Commission Implementing Regulation (EU) 2019/661 stipulates that for the purpose of the quota allocation for placing HFCs on the market pursuant to Article 16(5) of Regulation (EU) No 517/2014, all undertakings with the same beneficial owner(s) shall be considered as one single declarant in accordance with Article 16(2) and (4) of the Regulation.
13. The Commission will inform the undertakings about the total allocated quota for 2024 via the F-Gas Portal and HFC Licensing System.
14. The registration in the F-Gas Portal and HFC Licensing System and/or a declaration on intention to place HFCs on the market in 2024 by itself does not give any right to place HFCs on the market in 2024.

⁽⁶⁾ https://climate.ec.europa.eu/system/files/2022-01/policy_f-gas_guidance_document_en.pdf

⁽⁷⁾ https://climate.ec.europa.eu/system/files/2020-02/guidance_submitting_quota_declaration_en.pdf