



Notification Number: 2004/499/F

## Draft Decree on certain refrigerants used in refrigerating and air-conditioning equipment

Date received : 23/11/2004

End of Standstill : 24/02/2005

Issue of comments by : Commission

### Message

Message 002

Communication from the Commission - SG(2004) D/52387

Directive 98/34/EC

Translation of the message 001

Notification: 2004/0499/F

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200402387.EN)

#### 1. Structured Information Line

MSG 002 IND 2004 0499 F EN 24-02-2005 23-11-2004 F NOTIF 24-02-2005

#### 2. Member State

France

#### 3. Department Responsible

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#### 3. Originating Department

Ministère de l'écologie et du développement durable

Direction de la prévention des pollutions et des risques

Sous direction des produits et des déchets



Bureau des substances et préparations chimiques  
20, av de Ségur  
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#### **4. Notification Number**

2004/0499/F - C20C

#### **5. Title**

Draft Decree on certain refrigerants used in refrigerating and air-conditioning equipment

#### **6. Products Concerned**

Products: The provisions of the Decree apply to equipment which use CFCs, HCFCs or HFCs as refrigerants, alone or in a mixture. The equipment includes refrigeration systems and installations, air-conditioning equipment and heat pumps including air-conditioning in vehicles. Certain provisions of Titles I, III and V of the Decree also apply to packaging containing refrigerants.

Services: Companies and bodies that perform all or some of the following activities in a professional capacity: installation, servicing, maintenance, tightness inspection, repair and dismantling of the equipment in question, as well as recovery and filling of refrigerants or any other activity requiring the handling of refrigerants. Training bodies are also covered when their staff handle refrigerants.

#### **7. Notification Under Another Act**

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#### **8. Main Content**

The Decree of 1992 lays down that companies operating on equipment containing more than 2 kg of refrigerants shall submit a registration dossier at the departmental prefecture. The current draft removes the 2 kg threshold and the obligation for refrigeration engineers to be registered at the prefecture, and replaces it with an obligation to apply to a body approved by Ministers.

This body shall be responsible for checking that operators have equipment and qualifications, and for issuing conformity certificates to companies. The different types of activities (commercial large-scale air-conditioning or refrigeration, small-scale air-conditioning or domestic refrigeration) are distinguished in order to adapt requirements to the different activities. These requirements shall be specified by order.

The draft also prohibits the sale of refrigerants to companies that do not have a conformity certificate.

Professional entering the system for the first time because they work on equipment containing 2 kg of refrigerants or less (mechanics, electricians, domestic electrical appliance after-sales) shall have one year from publication of the Decree to obtain a conformity certificate. The Decree lays down the option for people who do not hold recognised diplomas (by order) to take an aptitude test, at the end of which a certificate of aptitude to handle refrigerants will be issued. This certificate will then allow companies to obtain the certificate of conformity with the requirements of the Decree.

Finally, a refrigerant recovery system has been in place since 1993 and is regulated by an agreement signed between the Ministry of the Environment and operators in the sector. The draft Decree makes the system official, including refrigerants recovered from small-scale equipment, and lays down penalties in the event of non-compliance.



Keywords: Refrigerants, professional capacity, conformity certificate, approved bodies.

## 9. Brief Statement of Grounds

Decree No 92/1271, amended by Decree No 98-560 of 30 June 1998, applies to equipment using CFCs, HCFCs or HFCs as refrigerants when it contains more than 2 kg of refrigerants. It lays down the minimum required qualifications for staff as well as possession of suitable equipment.

Furthermore, Article 16 of Regulation (EC) No 2037/2000 on substances that deplete the ozone layer, which entered into force in October 2000, lays down the recovery of these substances during maintenance and servicing of equipment and when equipment is dismantled or disposed of, regardless of their refrigerant load. It therefore concerns domestic refrigeration and vehicle air-conditioning in particular. The Regulation lays down that the Member States define minimum qualification requirements for staff working on equipment.

Amended Decree No 92/1271 must be amended in order to bring France into line with the Regulation and to update the qualification requirements, and more specifically:

- by deleting the 2 kg threshold from its scope;
- by specifying the responsibilities of operators in the refrigerant recovery sector;
- by revising and adopting the declaration requirements of companies handling these refrigerants for the different sectors concerned (fixed refrigeration or air-conditioning systems, vehicle air-conditioning, domestic refrigeration and air-conditioning);
- by updating the requirements on professional qualifications and possession of recovery equipment for all sectors.

## 10. Reference Documents - Basic Texts

Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer, amended by Regulations (EC) No 2038/2000, No 2039/2000 of 28 September 2000 and No 1804/2003 of 22 September 2003;

Decree No 92/1271 of 7 December 1992 amended by Decree No 98/560 of 30 June 1998 on certain refrigerants used in refrigeration and air-conditioning equipment (text annexed hereto).

## 11. Invocation of the Emergency Procedure

No

## 12. Grounds for the Emergency

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## 13. Confidentiality

No, the information sent pursuant to Article 8 does not have to be handled confidentially.

## 14. Fiscal measures

No

## 15. Impact assessment



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## 16. TBT and SPS aspects

TBT aspect (Agreement on technical barriers to trade)

- a) No, the draft will not be notified within the TBT framework.
- iii) The draft does not have any notable impact on international trade.

SPS Aspect (Agreement on sanitary and phytosanitary measures)

- a) No, the draft will not be notified within the SPS framework.
- i) The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.

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