



Notification Number: 2012/239/F

## Decree on equipment containing certain fluorinated greenhouse gases used as refrigerants

Date received : 16/04/2012

End of Standstill : 17/07/2012

### Message

Message 002

Communication from the Commission - SG(2012) D/51012

Directive 98/34/EC

Translation of the message 001

Notification: 2012/0239/F

No abre el plazo - Nezahajuje 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 - Atidējimai 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 - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201201012.EN)

#### 1. Structured Information Line

MSG 002 IND 2012 0239 F EN 16-04-2012 F NOTIF

#### 2. Member State

F

#### 3. Department Responsible

Délégué interministériel aux normes – SQUALPI – Bâtiment Le Bervil - 12, rue Villiot –  
75572 PARIS Cedex 12  
d9834.france@finances.gouv.fr  
tél : 01 53 44 98 24

#### 3. Originating Department

Ministère de l'Ecologie, du Développement Durable, des Transports et du Logement  
Direction Générale de la Prévention des Risques  
Service de la prévention des nuisances et de la qualité de l'environnement  
Département produits chimiques, pollutions diffuses et agriculture



Bureau des substances et préparations chimiques  
Grande Arche – Paroi Nord – 92055 La Défense Cedex  
Affaire suivie par : Samuel JUST  
Tel. : +33(0)1 40 81 87 07– Fax : +33(0)1 40 81 20 72  
samuel.just@developpement-durable.gouv.fr

#### **4. Notification Number**

2012/0239/F - C20C

#### **5. Title**

Decree on equipment containing certain fluorinated greenhouse gases used as refrigerants

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

The equipment for air conditioning, refrigeration or heat pumps with refrigerant charge in order to be assembled or commissioned require the service of a company with a certification provided for in Article 8 of Regulation (EC) No 303/2008.

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

-

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

Regulation (EC) No 842/2006 is aimed first at reducing emissions of certain fluorinated greenhouse gases mentioned in the Kyoto Protocol and so protect the environment. Combined with those regulations, it defines the rules for qualification of personnel and companies working on equipment containing gas greenhouse gases susceptible to leakage.

The decree regulates the conditions for the sale of equipment with a refrigerant charge done in a factory, but which require a company with a regulatory certification, called capacity attestation of the 1st or 2nd category, to carry out their assembly. Without changing the distribution channels of the equipment, the decree enables the equipment to be delivered only by licensed professionals, with any private person or company proving to have met the regulatory requirements applicable to the equipment assembly and commissioning.

In fact, the decree aims to limit the sale of such equipment to authorised professionals (i.e. distributors and operators with a capacity attestation) and any person (company or private person) proving to have met the regulatory requirements applicable to the equipment assembly and commissioning.

#### **9. Brief Statement of Grounds**

The equipment covered by this draft decree requires an intervention on their refrigeration circuit for carrying out their assembly or commissioning and therefore the service of a company with a capacity attestation (company certification provided for in Article 8 of Regulation (EC) No 303/2008). Anyone may now take delivery of such equipment and carry out assembly, in breach of obligations under the regulations in force.

Although the above measures are already required under Article L. 113-3 of the Consumer Code, apart from the environmental risk from the emission of greenhouse gases into the atmosphere in the event of an improper assembly of the equipment, the current free sale of this equipment may also have an impact on the legal protection of consumers.

This free sale of multi-block equipment pre-charged with refrigerants offers more easily the option to a company



without a capacity attestation for assembling and commissioning such equipment at a private person's without notifying the latter of the fact that it is not authorised to perform such operations. Therefore, apart from potential breach of warranty associated with failing to fulfil the requirements for assembling and commissioning equipment, the client of that company theoretically brings upon himself a fine for the third class offences for failing to hire a company with the capacity attestation for assembling and commissioning equipment requiring intervention on the circuit containing refrigerants.

#### **10. Reference Documents - Basic Texts**

References to the reference texts: Decree 2007-737 of 7 May 2007 relating to various refrigerants used in refrigeration and air-conditioning equipment (this decree was codified in Articles R. 543-75 to 123 of the Environmental Code). It was subject to the notification 2004/0499/F to the Commission on 23 November 2004, in accordance with Directive 98/34.

Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases.

Commission Regulation (EC) No 303/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air-conditioning and heat-pump equipment containing certain fluorinated greenhouse gases

#### **11. Invocation of the Emergency Procedure**

None

#### **12. Grounds for the Emergency**

-

#### **13. Confidentiality**

None

#### **14. Fiscal measures**

None

#### **15. Impact assessment**

-

#### **16. TBT and SPS aspects**

Aspect OTC

No – The draft is neither a technical regulation nor an assessment of conformity.

Aspect SPS

No - The draft is not a sanitary or phytosanitary measure.



**EUROPEAN COMMISSION**  
GROWTH DIRECTORATE-GENERAL

**Single Market for goods**  
Prevention of Technical Barriers

Catherine Day  
Secrétaire général  
Commission européenne

Point de contact Directive 98/34  
Fax: (32-2) 296 76 60  
email: [dir83-189-central@ec.europa.eu](mailto:dir83-189-central@ec.europa.eu)