

# Public consultation for the evaluation of the Ozone Regulation

Fields marked with \* are mandatory.

## Introduction

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### What is the Regulation about?

The [Regulation](#) implements the Montreal Protocol on Substances that Deplete the Ozone Layer, which is considered as the greatest environmental **success** story in the history of the United Nations. The objective is to **cut down the production and consumption of ozone-depleting substances** in order to reduce their abundance in the atmosphere and thereby **protect the earth's ozone layer**. In addition to the obligations that derive from the Montreal Protocol, the Regulation sets some additional measures.

The Montreal Protocol controls the production of these substances and their trade in bulk, whereas the Regulation is more ambitious and prohibits the *use* of the substances. Certain *uses* of these substances are still allowed (*exempted*) in the EU. Also, the Regulation controls substances not just in bulk, but also contained in products and equipment. It sets licensing requirements for all exports and imports of ozone-depleting substances. It controls and monitors not only ozone-depleting substances covered under the Montreal Protocol (over 90 chemicals), but also some ozone-depleting substances not covered under the Montreal Protocol (five additional chemicals called 'new substances').

### What is the aim of the Regulation?

- *Fulfil the obligations of the Montreal Protocol on substances that deplete the ozone layer to which the EU and its Member States are parties.*
- *Where technically and economically feasible, ensure higher level of ambition in the EU.*

### This questionnaire

It should take you about 20 minutes to complete this questionnaire.

This questionnaire will be open from the 1st of June until the 24th of August 2018.

You may answer the open questions in this questionnaire in any of the 24 official EU-languages.

If you wish to add further information (such as a position paper), you can do so at the end of this questionnaire.

## About you

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\*1 You are replying

- as an individual in your personal capacity
- in your professional capacity or on behalf of an organisation

\*8 Respondent's first name

Olivier

\*9 Respondent's last name

Janin

\*10 Respondent's professional email address

info@area-eur.be

\*11 Name of the organisation

AREA

\*12 Postal address of the organisation

Bd. A. Reyers 80  
B-1030 Brussels  
Belgium

\*13 Type of organisation

Please select the answer option that fits best.

- Private enterprise
- Professional consultancy, law firm, self-employed consultant
- Trade, business or professional association
- Non-governmental organisation, platform or network
- Research and academia
- Churches and religious communities
- Regional or local authority (public or mixed)
- International or national public authority
- Other

\*16 Please specify the type of organisation.

- Chamber of commerce
- Business organisation
- Trade Union
- Representative of professions or crafts
- Other

\* 19 If "other", please specify:

Air conditioning, refrigeration and heat pump contractors' European association

\* 23 Is your organisation included in the Transparency Register?

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

\* 24 If so, please indicate your Register ID number.

03396347383-49

\* 25 Country of organisation's headquarters

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic

- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

\*27 Your contribution - in line with the Privacy Statement (to be found on the consultation website),

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N° 1049/2001](#)

- can be published with your organisation's information** (I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be published provided that your organisation remains anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

28 Would you be willing to provide **additional information** in a follow-up e-mail/telephone call?

- Yes, please feel free to contact me regarding this questionnaire.
- No, I prefer not to be contacted regarding this questionnaire.

## How effective is the Regulation?

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**The following questions relate to the assessment of the extent to which the Regulation has achieved its objectives. The key objectives of the Regulation are to meet the obligations of the Montreal Protocol (i.e. reduce the consumption of ozone-depleting substances) and to ensure higher level of ambition in the EU where feasible.**

29 I am aware of the requirements of the Regulation.

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Do not know

30 To what extent do you agree that the Regulation has contributed to the reduction of the consumption of ozone-depleting substances in the EU?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Do not know

31 Please explain your answer to the previous question.

The phase-out of the R22 and R22 blends has reduced the amount of ozone-depleting substances entering the market and encouraged the recovery & destruction of existing stocks which are replaced by alternatives. Such recovery & destruction is however not consistent and, in some countries, very low.

Moreover, in some case, consumer information campaigns could encourage changes in habits to achieve faster reduction.

32 Do you think that factors other than the Regulation have contributed to reducing the consumption of ozone-depleting substances in the EU?

- Yes
- No
- Do not know

\*33 If "yes", please describe those factors.

The Fgas Regulation has caused an increase in natural refrigerants. Regulation has led to better practice in the industry (e.g. Real Zero project).

34 The Regulation in the EU imposes more requirements than those required by the international agreement (so-called Montreal Protocol). To what extent do you agree that this has led to a more effective reduction in the consumption of ozone-depleting substances?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Do not know

35 Please explain your answer to the previous question.

More regulation has simply led to more effectiveness. At the same time one should note that black market and illegal imports have developed.

36 The Regulation controls and monitors not only ozone-depleting substances covered under the Montreal Protocol (over 90 chemicals), but also some ozone-depleting substances not covered under the Montreal Protocol (five additional chemicals: halon-1202; n-propyl bromide; ethyl bromide; trifluoromethyl iodide and methyl chloride). To what extent do you agree that these new substances should be controlled under the Regulation?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Do not know

37 Please explain your answer to the previous question.

The substances, if ozone-depleting, should be regulated.

38 Are you aware of any substances that are not controlled under the Regulation but, in your opinion, should be covered because they harm the ozone layer?

No

39 Are you aware of any unintended consequences of the Regulation?

No

40 To what extent do you think that more should be done in the EU on regulating ozone-depleting substances in the EU?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Do not know

41 Please explain your answer to the previous question.

The regulation in the refrigeration industry has been effective and further regulation will not produce effects. If other industries are releasing ozone-depleting substances, then they should be regulated.

It should also be noted that in some countries there are still significant quantities of R22 circulating in the black market and old systems that are topped up using these illegal quantities. Such systems are the most likely to produce leakages but it is cheaper to re-charge than to repair the leak. Without worldwide banning production of R22 and other ODP gases the market will continue to use them illegally.

## Alternatives to ozone-depleting substances

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**The following questions relate to the assessment of whether the Regulation is still relevant to current needs. It focuses on the provisions of the Regulation and in particular on current technological developments and new alternatives to the use of ozone-depleting substances.**

42 To your best knowledge, are there any alternatives available on the market, which are technically and economically feasible?

- Yes
- No
- Do not know

\* 43 If yes, please specify the alternative chemical, the substance it replaced, its use and the respective technology.

HFCs and natural refrigerants replace R22 and R22 blends. The technology stayed the same – closed refrigeration systems.

44 To your best knowledge, do you know whether there are any alternatives under development?

- Yes
- No
- Do not know

46 To what extent do you agree with the following statement about alternatives for ozone-depleting substances?

	Strongly agree (due to Regulation only)	Agree (mainly due to Regulation)	Neither agree or disagree (many factors contributed)	Disagree (mainly other factors contributed)	Strongly disagree (other factors contributed only)	Do not know
Alternatives became available <b>because ozone-depleting substances are controlled by the Regulation</b>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is progress in finding alternatives <b>because ozone-depleting substances are controlled by the Regulation</b>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

47 Please explain your answer to the previous question.

The regulation / phase-out of HCFCs encourages the switch to HFCs and natural refrigerant alternatives.

## Quality of the Regulation

**The following questions aim to evaluate the coherence of the Regulation with international legislation and with other EU interventions, and the internal coherence of the Regulation in contributing to achieving its objectives. Information on the regulatory burden from the Regulation will be used to assess the efficiency of the Regulation.**

48 The Regulation implements the Montreal Protocol and interacts with other international agreements and standards including legislation concerning climate change, pollution from ships and from aviation. Are you aware of any unnecessary overlaps, gaps and contradictions between the Regulation and related international legal instruments?

	Yes	No	Do not know
Overlaps (duplications)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Contradictions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Gaps	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

\*49 If yes, please explain your answer.

No

50 The Regulation interacts with other EU legislation and standards concerning waste, industrial emissions, labelling and packaging, and legislation in other areas. Are you aware of any unnecessary overlaps, gaps and contradictions between the Regulation and related EU legal instruments?

	Yes	No	Do not know
Overlaps (duplications)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Contradictions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Gaps	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

52 Are you aware of any gaps or contradictions in the Regulation itself?

	Yes	No	Do not know

Contradictions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Gaps	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

\* 53 If yes, please explain your answer.

No

54 Are you aware if any of the of the following measures from the Regulation are unnecessarily complicated, burdensome or costly?

	Yes	No	Don't know
Apply for <b>licences</b> or authorisations	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Apply for <b>quota</b>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Register</b> for essential <b>laboratory</b> and analytical uses (labODS)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Control leakage and emission</b> when using the ozone-depleting substances	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Follow technical requirements during <b>reclamation and destruction</b> of ozone-depleting substances	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Label</b> containers and equipment with ozone-depleting substances	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Undergo <b>national inspections</b>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Report</b> annually	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stop using <b>HCFC</b> for refrigeration etc. ( <b>phase-out</b> )	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Stop using <b>methyl bromide</b> for quarantine and pre-shipment ( <b>phase-out</b> )	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Stop using <b>halons</b> in certain firefighting equipment ( <b>phase-out</b> )	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other (please explain below)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

55 Please explain your answer to the previous question.

In most EU countries, national inspections are no longer required.  
Annual reporting no longer required in the refrigeration industry.

## Added value of regulating at EU-level

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The following questions relate to the assessment of the added value resulting from this EU intervention compared to what could reasonably have been expected from Member States acting at national/regional level.

56 Industries across the EU have the same obligations with regard to controlling ozone-depleting substances. To what extent do you agree that this is an advantage compared to a situation where different Member States would have different regulations with regard to ozone-depleting substances?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Do not know

57 Please explain your answer to the previous question.

Cross-border smuggling is minimised.

58 To what extent do you agree with the following statement: regulating ozone-depleting substances at EU level is more efficient (less costly) than it would be if regulated at national level only.

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Do not know

59 Please explain your answer to the previous question.

60 In your opinion, what would it be like if the EU Regulation was not in place and ozone-depleting substances were regulated at national level? Would this challenge effective functioning of the internal market?

It is likely that diverging national regulations on ozone-depleting substances would generate smuggling.

## Document upload and final comments

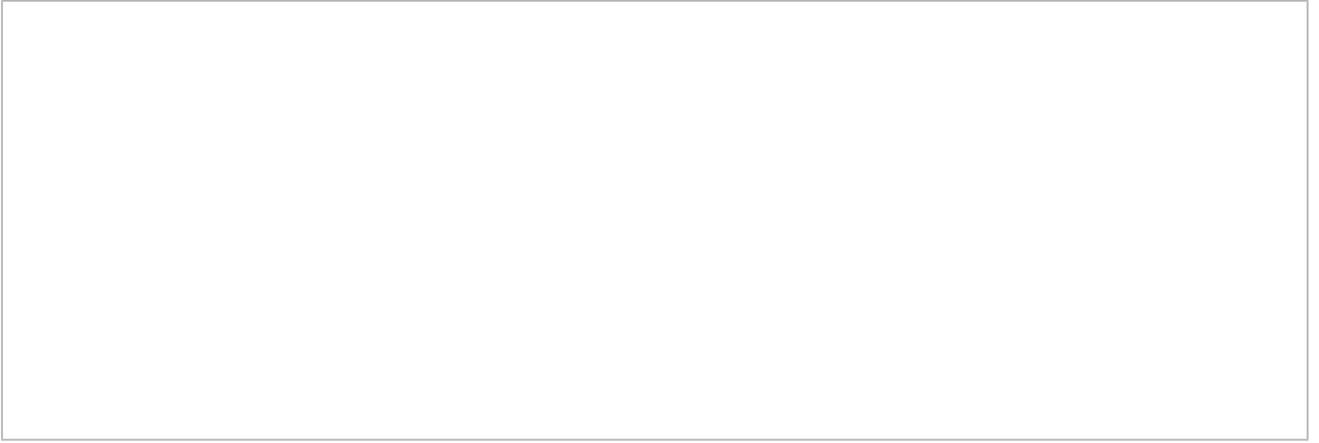
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61 Please feel free to upload a concise document, such as a position paper. The maximum file size is 1MB.

*Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this public consultation. The document is optional and serves as additional background reading to better understand your position.*

62 If you wish to add further information — within the scope of this questionnaire — please feel free to do so here.

*1000 character(s) maximum*



## Contact

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