



The Voice of European Air-Conditioning, Refrigeration and Heat Pumps Contractors

F-gas Regulation

Annex III - Placing on the market bans

25 January 2022

On 1st January 2022 a further placing on the market ban will come into force where all hermetically sealed refrigeration and freezer applications for commercial use will have to contain refrigerants with a GWP of less than 150, and a similar restriction will apply to multipack centralised systems with a capacity of 40kW or more (see extract below)¹

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ANNEX III

PLACING ON THE MARKET PROHIBITIONS REFERRED TO IN ARTICLE 11(1)

Products and equipment Where relevant, the GWP of mixtures containing fluorinated greenhouse gases shall be calculated in accordance with Annex IV, as provided for in point 6 of Article 2		Date of prohibition
11. Refrigerators and freezers for commercial use (hermetically sealed equipment)	that contain HFCs with GWP of 2 500 or more	1 January 2020
	that contain HFCs with GWP of 150 or more	1 January 2022
13. Multipack centralised refrigeration systems for commercial use with a rated capacity of 40 kW or more that contain, or whose functioning relies upon, fluorinated greenhouse gases with GWP of 150 or more, except in the primary refrigerant circuit of cascade systems where fluorinated greenhouse gases with a GWP of less than 1 500 may be used		1 January 2022

For several months now many contractors and manufacturers have had concerns over these new restrictions, notably in relation to the application of flammable substances in some locations, the unclear interpretation of what is and is not in-scope, and the uncertainty on what constitutes a “placing on the market”?

In this context, the purpose of this position is to provide AREA’s view on these issues, notably in light of discussions with the European Commission.

¹ EC517/2014 Annex III Placing on the market prohibitions

1- Scope / Definitions

Commercial use has a very broad meaning²:

- (32) 'commercial use' means used for the storage, display or dispensing of products, for sale to end users, in retail and food services;

In effect this includes every fridge, freezer, bottle display cooler, ice cream / sundae machine, ice machines, and more in every food outlet or store, including storage rooms in these stores and distributions centres because they will be selling directly to the consumer/end user.

Multipack centralised systems are defined in Article 2 as:

- (37) 'multipack centralised refrigeration systems' means systems with two or more compressors operated in parallel, which are connected to one or more common condensers and to a number of cooling devices such as display cases, cabinets, freezers or to chilled store rooms;

So the scope for these restrictions to apply is wide and far reaching, particularly in the commercial retail sector.

Hermetically sealed is defined in Article 2 as meaning:

- (11) 'hermetically sealed equipment' means equipment in which all fluorinated greenhouse gas containing parts are made tight by welding, brazing or a similar permanent connection, which may include capped valves or capped service ports that allow proper repair or disposal, and which have a tested leakage rate of less than 3 grams per year under a pressure of at least a quarter of the maximum allowable pressure;

However, it is important to note that this definition of "hermetically sealed" is not how the sector would normally classify it. We would not normally consider a system to be hermetically sealed where it has capped valves and service ports, for example. In the context of the regulations, Annex III paragraph 11 is looking at packaged equipment, normally stand-alone systems, where all refrigerant circuit piping is made in a factory environment and no intervention with the refrigerant circuit is normally required in the field by service personnel.

2- Placing on the market

The definition of "placing on the market" is clear in Article 2³:

- (10) 'placing on the market' means supplying or making available to another party in the Union for the first time, for payment or free of charge, or using for its own account in the case of a producer, and includes customs release for free circulation in the Union;

However, some national authorities appear to be interpreting replacement of component parts as being a new "placing on the market" of "the system" as a whole; and this has serious and severe

² EC517/2014 Article 2 Definitions

³ EC517/2014 Article 2 Definitions

consequences for the market with the potential situation where a replacement compressor or heat exchange coil could be interpreted as making it a “new” system which would then have to have a refrigerant with lower than 150 GWP to put it back into use.

The European Commission has clarified its understanding that in general terms, point 13 of Annex III to the F-Gas Regulation covers both total and partial replacements of components where the total capacity is above the limit of 40 kW.

The Commission also considers that when implementing the ban, the entire installation should be considered as a whole: so for example minor changes which are necessary to ensure the continuous operation of the system would not necessarily result in triggering the ban; however changes in the design (cooling end-points are added or replaced, piping changed) would result in the placing on the market of a ‘new equipment’ and thus the ban would apply if the total capacity exceeds the limit set in point 13.

>>>>> Taking on board these points, the AREA believes that changing components which do not significantly alter the design of the system as a whole would not result in the system being considered new on the market:

If minor changes which are necessary to ensure the continuous operation of the system would not necessarily result in triggering the ban, then one can consider that this is the case for a compressor, expansion device, filter/drier, evaporator, condenser change, since none of these are “design” changes.

However:

If changes in the design (cooling end-points are added, piping changed) would result in the placing on the market of a ‘new equipment’, then one can consider that any movement of the condenser or evaporator, potentially any re-routing of pipework, etc would constitute a placing on the market and trigger the application of the annex III section 11 or 13 restrictions.

AREA is convinced that the clarity of this interpretation provides the many end-users and RACHP contractors whom the ban affects, as well as the national authorities tasked with enforcement of the F-gas Regulation, with a clear and *feasible* way forward, while at the same time contributing to the efficacy of the Regulation.

DISCLAIMER

The views expressed in this position represent AREA’s opinions on the application of the F-Gas Regulation. These views do not represent an official or legally binding interpretation. Member States are ultimately responsible for the implementation of the Regulation and only the European Court of Justice can issue binding interpretations of EU legislation.