

Notes of F gas Stakeholder Meeting

16 January 2009

Officials attending:

Thomas Verheye (European Commission)
Marios Avraamides (European Commission)
Stephen Reeves (Defra - Chair)
Stephen Cowperthwaite (Defra)
Helen Huxtable (BERR)
Andrew Frankton (BERR)
Elizabeth Chrominska (Defra)

Jeremy Yapp (Defra)
Jacob Andresen (Defra)

European Commission presentations

Presentations were made by Thomas Verheye (“TV”) and Marios Avraamides (“MA”) (European Commission).

Further updates

Regarding the future of F gas regulation on an international level (for example an international Montreal Protocol-style agreement implementing a global fluorinated greenhouse gas reduction target), TV stated that the EU was open to discussing an emissions reduction arrangement particularly because of concerns about increasing HFC use now also in developing countries as a result of the accelerated phase-out of HCFCs under the Montreal Protocol. However, he said there was no intention to abandon the EC F gas Regulation, which represented current EU policy. Any further action would build on and, where appropriate, complement the current framework. Whilst, action on greenhouse gas emissions needed to be considered and developed under the UNFCCC/Kyoto Protocol, the expertise and infrastructure of the Montreal Protocol could be utilised to deliver F gas emissions reductions.

TV said that the 20th Meeting of the Parties to the Montreal Protocol had agreed to a Workshop to be held in July 2009 to promote a “dialogue on high global warming potential alternatives for ozone-depleting substances” and had asked the Technology and Economic Assessment Panel (TEAP) to report on the status of alternatives to HCFCs and HFCs in advance of the Workshop. Data would be taken from industry and other sources, such as developing countries. TV said that output from the Workshop would also be considered as input to the 2011 Commission F gas review. The review would be assessing the impact of the EC F gas Regulation in reducing emissions and would consider further action in the light

of existing and new international commitments. By 2011, the Commission would have a better assessment of the impact, albeit some of the provisions of the Regulation would not be fully effective before then. Importantly, as matters were developing at an international level, there would need to assess the impact of these possible measures at an EU level.

Stephen Reeves (“SR”) gave an update on where the UK was on domestic F gas legislation and recent international discussions. The US seemed to be keen to discuss alternatives to high-GWP gases. There were some possible low-GWP alternatives that were close to being marketed. It would not be straightforward to bring control production/use of F gases under the Montreal Protocol because not only the Protocol but also the Vienna Convention and possibly the Kyoto Protocol would need amending. The Conference of the Parties to the UNFCCC in Copenhagen in December this year would need to include F gases in their considerations.

SR said that Defra hoped to have the GB F gas regulations in force in early March. This date was significant because, for company certification, there had to be a body in place to issue certificates. This needed to begin as soon as possible as interim certificates needed to be issued by 4 July 2009 and a certification body could not issue certificates until the regulations were in force. There had been discussions with Refcom which were well advanced. Subject to these discussions being successful, Refcom would be identified as the company certification body.

SR asked stakeholders to help continue building awareness of the need for F gas company certification as there had been no mandatory requirements until now.

SR also discussed the personnel certification obligations under the proposed GB F gas regulations. He mentioned the interim arrangements and said that most personnel should be able to benefit from them as they might have an existing specified industry qualification or an in-house qualification (for a small minority of personnel dealing with domestic/small equipment) which could be sufficient to comply with the interim certification arrangements. However, SR reminded the meeting that by July 2011, all personnel would need the new qualifications provided for under the proposed GB regulations.

SR then went on to talk about progress on the EU ODS Regulation recast negotiations and the issues particularly important to the UK. The Commission’s proposal on ODS recovery and destruction, if agreed to, would give the Commission the power to propose a list of products and equipment for which the recovery or destruction without prior recovery should be technically and economically feasible. The UK had concerns that this might lead to obligations that would be very costly without matching benefits and was pressing for any such proposal to be supported by a full economic assessment of the costs and benefits.

[TV responded that] The Commission said it had no problem to accommodate this specific concern.

Other issues in the ODS Regulation recast included maintaining the inward processing provisions and ensuring that the definitions were consistent with the Montreal Protocol. As regards the progress of the negotiations the Czech Presidency was pushing for an early conclusion. There could be a final text agreed as early as April 2009. SR thanked stakeholders for their comments on the technical and commercial issues surrounding the recast.

Andrew Frankton (“AF”) added that as regards the recovery/destruction issue on demolition waste containing ODS, the UK had not only proposed wording to ensure that new destruction/recovery obligations would only be introduced where it was technologically and economically feasible, but had also asked the Commission to consider the individual circumstances of Member States. This was because not all Member States have the same destruction facilities.

AF then went on to say that regarding the Doha meeting and alternatives to high-GWP gases, it was important to note that there could be strong domestic commercial reasons for the US to be interested in measures that mitigated against high GWP HFCs.

Stakeholder questions

Questions were then taken from stakeholders:

Question: Cedric Sloan (FETA) felt that holding a review of the EC F gas Regulation in 2011 was premature because the Commission implementing regulations had been delayed and there would not have been sufficient time and evidence to assess the performance of the current EU regulatory requirements. Cedric Sloan requested that Defra and BERR seek to delay the review.

SR responded that it would be difficult to ask for a delay because the review requirement was built into the Regulation. There was a duty on the Commission to undertake the review. However, how the review would be managed was for the Commission to consider. For example, the review could recommend that further work was done at a later date.

TV said that he appreciated the concern raised. He went on to say, though, that whilst the Commission would be in a better position at that point to establish the impacts of the EC F gas Regulation, he agreed that some of the elements would not be fully effective before then. He highlighted that, if there were international developments prior to the 2011 review, it would make sense to use the review to assess what might need to be done. The Commission wanted to document what the F gas Regulation had done and could do, so that people globally were aware of what the EU already had in place and that the EU was already some way ahead of the rest of the world in taking action on F gas emissions. TV said that industry and users had an interest in assessing what society’s long-term interests were and how they should achieve them. Furthermore, there was the added environmental benefit

should there be a move straight into low-GWP technology. This would also drive innovation.

Question: Andy Lindley (INEOS) mentioned that the focus was on GWP rather than overall impact. TV responded by saying that indirect impacts such as energy consumption were also addressed through other instruments e.g. the EuP Directive whereas the cost impact would of course be part of the 2011 review. Regarding the link between GWP and energy use, TV said that by keeping F gases under the UNFCCC/Kyoto umbrella allowed a focus on energy efficiency/use issues.

He added that, with regards to the comments from Cedric Sloan on the 2011 review, the Commission would start looking at collecting data in the next few months. He said that it was important that the EU was not left behind by doing nothing. Whilst there would not be a quick solution, there was still the need to do the review.

Question: John Morley said that the word 'review' was connected with change. Users and contractors were going to spend a lot to comply with the F gas Regulation and there was a worry that the 2011 review would decide to change things which would mean that that investment was wasted.

TV responded that he fully understood these concerns and the 2011 review would need to provide a degree of continuity while assessing what new challenges needed to be addressed.

Question: Barry Lyons (BOC) asked what the Government was doing to spread the word about company certification.

SR answered by saying that F-Gas Support (sponsored by Defra) were helping to raise awareness alongside industry led moves to raise awareness. The company certification body, once appointed, would also have a role to play. In addition, Defra had a list of consultees, all of whom had been contacted by email to inform them of their upcoming obligations. SR asked that, since a lot of the stakeholders present were in industry networks, they continue to help disseminate information about the new company certification obligations.

MA added that, although national governments were in a better position to inform businesses about company certification, the EU was also trying to help through making available information tools (web material/publications).

Question: Robert Thilthorpe (FIA) asked whether the proposed international workshop on high GWP alternatives to HCFCs covered fire protection equipment.

SR responded that the focus seemed to have been on stationary refrigeration and air-conditioning but logically fire protection equipment would need to be factored in as well.

TV referred to a question from Simon Keel of Daikin regarding the problems manufacturers would face with a move away from HFCs and said that that was why, as part of the 2011 review, it was important to document the impacts of the F gas Regulation. What was not being said was that F gases were definitely going to be removed. It was a possibility, but there was no schedule in place to withdraw from F gases.

Question: Andy Pearson (Star Refrigeration) referred to the discussion of F gases at side events in Doha. He said it was based on Kyoto Protocol-focused emissions control. However, he felt that the focus should instead be on production rather than emissions control. The Montreal Protocol regulated production and thus F gases could be brought under the Montreal Protocol without taking them out of the Kyoto Protocol. AF added that the two Workshops on alternatives to high GWP gases and banks were due to be held in July before the Open Ended Working Group. As part of this process, stakeholders' thoughts on these matters would be welcome.

Question: Ray Gluckman (F-Gas Support) asked what the timetable was for mutual recognition of personnel certificates.

MA responded that mutual recognition was automatic. Furthermore, as soon as all Member States had submitted the details of certificates to be issued in their countries that comply with the provisions of the EU F gas legislation, the Commission would publish a comprehensive list of all of them.

Question: Miriam Rodway (ACRIB) asked when, in order to ensure mutual recognition, the UK would submit the details of the new F gas Regulation-compliant qualifications to the Commission. She also asked for an assurance that this would happen because some of ACRIB's members had already started to train their personnel under these qualifications.

SR answered that this would be done soon. He said that the City & Guilds and CITB qualifications that had been stated in the consultation last year were still the ones Defra would be submitting to the Commission.

Question: Sydney Treacher (Enviro Tech) raised an issue with n-propyl bromide ("nPB") in the context of the recast of the EC Ozone Regulation. His company supply cleaning solvents based on nPB. The European Parliament had proposed an amendment restricting the use of it. However, this proposal was not backed by science (he referred to the work of Dr Professor Wuebbles). In addition, TEAP had stated that there was not yet enough information on the ozone-depleting potential of nPB to make a decision to make it a restricted substance. He asked why the EP had decided to include nPB in the list of restricted substances when it had a very low GWP. Furthermore, if it was a global problem,

why was it not left to global organisations to deal with it? Sydney felt that the EU was acting too quickly on something where there was not yet enough information.

TV responded that the Commission proposal took a simple approach. Scientific panels saw a lot of substances being increasingly marketed but had little data on uses and volumes used. TV did not believe that the Council would support the EP's proposal.

SR added that the UK position was that more information needed to be gathered first. The EP proposal would not be supported. Stakeholders were invited to send any information on the sectoral use of nPB to Defra/Berr to help get a better idea of the extent to which it was used/needed.

Sydney finished by saying that Dr Wuebbles was currently running a large research programme on nPB. It would probably take another year to complete, after which it could be used as a benchmark to assess the effect of the gas on the ozone layer.

Question: Paul Greenberg (JTM Contracts UK Ltd) mentioned that he believed there were differences in qualifications on offer in other Member States. He asked what was happening in the rest of the EU with regards to qualifications covering domestic refrigeration.

MA responded that the Commission established minimum requirements upon which all Member States must base their qualifications. However, Member States could go further, so in that sense there were differences. Regarding domestic refrigeration in particular, MA noted that about 90% of fridges used hydrocarbon so were not affected by the EC requirements.

Question: A question was asked whether any other Member State had come up with another qualification for just domestic fridges. He questioned why someone had to be qualified for working on larger (category II) equipment when in practice they would never do so.

MA answered by saying that during the consultation process there were widely differing views about the level of ambition of qualifications and the extent to which they should be sub-divided according to circuit charge of equipment. The result was a compromise balance that attempted to address Member State concerns on the complexity of the certification systems as well as the existing industry practices in different Member States.

Presentations on alternatives

Ray Gluckman gave an overview of alternative technologies to currently available F gases. Presentations were then given by the following people on some of the alternatives in the refrigeration sector.

Tim Vink (Honeywell): Low GWP F gases
Pascal Vaidy (Dupont): Low GWP F gases
Andy Lindley (Ineos): Low GWP F gases
Andy Pearson (Star Refrigeration): CO₂
Nicholas Cox (Earthcare Products): Propane
Darcy Nicolle (Carrier): Alternatives generally and energy efficiency

Stakeholder questions

An opportunity was then given to stakeholders to ask the speakers questions:

Question: Fionnuala Walravens (EIA) asked Pascal Vaidy about low-GWP alternatives for mobile air-conditioning equipment. She asked about the flammability and fumes from the alternatives that Dupont/Honeywell were working on in terms of effect on the environment and on humans.

Pascal Vaidy responded that there would not be a problem and gave an example of where someone was smoking in the vehicle cabin and there had been some refrigerant leak into the cabin. In such a situation, no reaction would occur.

Question: Peter Barlow asked about the GWP of the F gas being developed by Ineos, but Andy Lindley said he could not provide further details at present because patent protection procedures had not been completed.

Question: A question was put to all speakers asking whether qualifications would be needed to handle the low GWP [*the non-F* gas] alternatives.

Tim Vink responded that if they were not F gases covered by the F gas regulation then he had no knowledge of EC wide qualification requirements enacted at present. There might of course be existing national legislation for other refrigerants and industry might want to develop qualifications for those.

Question: Peter Barlow asked whether the goalposts would be moved regarding the GWP limits for use of F gases in MACs.

SR said that the EC MAC Directive phases out and bans high (over 150) GWP F gases in MACs by 2017. Any review would require EU wide negotiating and a change to this would not be logical.

Nicholas Cox added that the Montreal and Kyoto Protocols needed to liaise with each other on the 150 GWP limit. This limit had been introduced to allow industry to use HFC-152a or CO₂. Given that the car industry no longer appeared to intend to use the gas, the limit was no longer relevant.

Tim Vink responded by saying that HFC-152a was not only used in mobile air-conditioning. It was also used in aerosols.