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[...] (2024) XXX draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

establishing, pursuant to Regulation (EU) 2024/573 of the European Parliament and of the Council, minimum requirements for the issuance of certificates to natural and legal persons and the conditions for the mutual recognition of such certificates, as regards stationary refrigeration, air conditioning and heat pump equipment, organic Rankine cycles and refrigeration units of refrigerated trucks, refrigerated trailers, refrigerated light-duty vehicles, intermodal containers and train wagons containing fluorinated greenhouse gases or their alternatives, and repealing Commission Implementing Regulation (EU) 2015/2067

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014¹, and in particular Article 10(8) thereof,

Whereas:

- (1) Regulation (EU) 2024/573 includes obligations concerning the certification of natural and legal persons to carry out certain activities involving fluorinated greenhouse gases or relevant alternatives to fluorinated greenhouse gases, including natural refrigerants.
- (2) Regulation (EU) 2024/573 also includes additional obligations with regards to the certification of legal persons for activities concerning refrigeration units of refrigerated trucks and refrigerated trailers, and with regard to the certification of natural and legal persons for activities concerning refrigeration units of refrigerated light-duty vehicles, intermodal containers and train wagons as well as organic Rankine cycles.
- (3) Certification obligations under Regulation (EU) 2024/573 cover an extended list of substances contained in the relevant equipment, including alternatives to fluorinated greenhouse gases. Requirements for the content of the certification programmes should ensure safe handling of the equipment containing flammable or toxic gases or operating at high pressures.
- (4) Improving the quality of installation, maintenance or servicing of equipment is essential for optimising and maintaining their energy efficiency, which is another objective of the certification obligations.
- (5) It is therefore necessary, pursuant to Article 10 of Regulation (EU) 2024/573, to update the minimum requirements for the certification of natural and legal persons in relation to the scope of activities, equipment covered as well as the skills and

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¹ OJ L 2024/573, 20.2.2024, ELI: <http://data.europa.eu/eli/reg/2024/573/oj>.

knowledge to be covered and to specify the rules for the certification and the conditions for mutual recognition of certificates.

- (6) Implementing Regulation (EU) 2015/2067 should therefore be repealed.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on fluorinated greenhouse gases, established by Article 34(1) of Regulation (EU) 2024/573,

HAS ADOPTED THIS REGULATION:

Article 1

Subject-matter

This Regulation establishes minimum requirements for the certification of natural and legal persons carrying out the activities referred to in Article 2 in relation to the following equipment:

- (a) stationary refrigeration,
- (b) air conditioning and heat pump equipment,
- (c) organic Rankine cycles,
- (d) refrigeration units of refrigerated trucks and refrigerated trailers,
- (e) refrigeration units of refrigerated light-duty vehicles, intermodal containers and train wagons.

Article 2

Scope

1. This Regulation shall apply to natural persons carrying out the following activities:
 - (a) leak checks of the equipment listed in Article 1 containing fluorinated greenhouse gases listed in Annex I and Section 1 of Annex II to Regulation (EU) 2024/573;
 - (b) installation of the equipment listed in Article 1 containing fluorinated greenhouse gases listed in Annex I and Section 1 of Annex II to Regulation (EU) 2024/573 or the alternative substances, ammonia (NH₃), carbon dioxide (CO₂) or hydrocarbons;
 - (c) repair, maintenance or servicing as well as decommissioning of the equipment listed in Article 1 containing fluorinated greenhouse gases listed in Annex I and Section 1 of Annex II to Regulation (EU) 2024/573, or the alternative substances, ammonia (NH₃), carbon dioxide (CO₂) or hydrocarbons;
 - (d) recovery of fluorinated greenhouse gases from stationary refrigeration, air conditioning and heat pump equipment, organic Rankine cycles and refrigeration units of refrigerated trucks and refrigerated trailers.
2. This Regulation shall also apply to legal persons carrying out for third parties the installation, repair, maintenance, servicing or decommissioning of the equipment listed in Article 1 containing fluorinated greenhouse gases listed in Annex I and

Section 1 of Annex II to Regulation (EU) 2024/573 and the alternative substances ammonia (NH₃), carbon dioxide (CO₂) or hydrocarbons:

3. This Regulation shall not apply to any manufacturing, repairing or related activity undertaken at the site of the manufacturer of the equipment referred to in Article 1.

Article 3

Certificates for natural persons

1. Natural persons carrying out the activities referred to in Article 2(1) shall hold a certificate of the type set out in paragraph 2 of this Article. Member States may allow for the issuance of separate certificate types or a certificate combining any of the certificate types, identifying the activities it covers.
2. Certificates attesting that the holder fulfils the requirements to undertake the activities referred to in Article 2(1) are of the following types:
 - (a) Certificate A attesting that holders may carry out all the activities provided for in Article 2(1) in relation to fluorinated greenhouse gases or hydrocarbons;
 - (b) Certificate B attesting that holders may carry out all the activities provided for in Article 2(1) in relation to carbon dioxide (CO₂);
 - (c) Certificate C attesting that holders may carry out all the activities provided for in Article 2(1) in relation to ammonia (NH₃);
 - (d) Certificate D attesting that holders may carry out the activity provided for in Article 2(1)(d) for the equipment containing less than 1 kilogram of fluorinated greenhouse gases;
 - (e) Certificate E attesting that holders may carry out the activity provided for in Article 2(1)(a), provided that such activity does not entail breaking into the refrigeration circuit containing fluorinated greenhouse gases listed in Annex I and Section 1 of Annex II to Regulation (EU) 2024/573.

Article 4

Certification of natural persons

1. A certification body as referred to in Article 7 shall issue a certificate as referred to in Article 3(2) to natural persons who have passed a theoretical and practical examination organised by an evaluation body as referred to in Article 8, covering the minimum skills and knowledge set out in Annex I for the certificate concerned.
2. The certificate shall contain at least the following:
 - (a) the name of the certification body, the full name of its holder, a certificate number and the date of expiry if any;
 - (b) the type of certificate for natural persons as specified in Article 3(2) and the specification of the activities which the holder of that type of certificate is entitled to carry out, as well as the specification of the type of equipment concerned;
 - (c) issuing date and issuer's signature.

3. Member States may allow certification bodies to exempt applicants from the requirement of passing the examination referred to in paragraph 1, where the applicants previously acquired qualifications skills and knowledge equivalent to those listed in Annex.

Article 5

Certification of legal persons

The legal persons referred to in Article 2(2) shall hold a certificate as referred to in Article 6.

Article 6

Certificates for legal persons

1. A certification body as referred to in Article 7 shall issue a certificate to a legal person for one or more of the activities referred to in Article 2(2), provided that it fulfils the following requirements:
 - (a) employment of natural persons certified in accordance with Article 3, for the activities requiring certification, in a sufficient number to cover the expected volume of activities;
 - (b) proof that the necessary tools and procedures are available to the natural persons engaged in activities for which certification is required.
2. The certificate shall contain at least the following:
 - (a) the name of the certification body, the full name of its holder, a certificate number and the date of expiry, if any;
 - (b) the activities which the holder of the certificate is entitled to carry out and the specification of the maximum charge size, expressed in kilograms, of the equipment concerned;
 - (c) issuing date and issuer's signature.

Article 7

Certification body

1. Member States shall specify in national law or designate the authority or authorities competent to designate, a certification body authorised to issue certificates to natural or legal persons involved in one or more of the activities referred to in Article 2 of this Regulation.

The certification body shall be independent and impartial in carrying out its activities.
2. The certification body shall establish and apply procedures for the issuance, suspending and withdrawing of certificates.
3. The certification body shall maintain records that allow verifying the status of a certified natural or legal person. The records shall demonstrate that the certification

process has been effectively fulfilled. Records shall be kept for a minimum period of 5 years.

Article 8

Evaluation body

1. An evaluation body designated in each Member State shall organise examinations for the natural persons referred to in Article 2(1). A certification body as referred to in Article 7 may also qualify as an evaluation body. The evaluation body shall be independent and impartial in carrying out its activities.
2. Examinations shall be planned and structured in a manner which ensures that the minimum skills and knowledge set out in Annex I are covered.
3. The evaluation body shall adopt reporting procedures and keep records to enable the documentation of the individual and overall results of the evaluation.
4. The evaluation body shall ensure that examiners assigned to an examination have due knowledge of the relevant examination methods and examination documents as well as an appropriate competence in the field to be examined. It shall also ensure that the necessary equipment, tools and materials are available for the practical examinations.

Article 9

Conditions for mutual recognition

1. Mutual recognition of certificates between Member States shall only apply to certificates issued in accordance with Article 4 for natural persons and Article 6 for legal persons, for the activities specified in these certificates.
2. Member States shall not impose any evaluation or other type of assessment procedures or disproportionate administrative requirements on holders of certificates issued by another Member State for the purpose of the recognition of those certificates or for allowing access to employment to the holders of those certificates for the activities specified therein.
3. Member States may require holders of certificates issued in another Member State to provide a translation of the certificate into another official language of the Union.

Article 10

Existing certificates, refreshment courses or evaluation processes

Member States shall ensure that the refresher training courses or evaluation processes as required under Article 10(9) of Regulation (EU) 2024/573 provide proof of the certified natural persons' practical and theoretical knowledge and skills specified in Annex I of this Regulation. For that purpose, they shall ensure that:

- (a) Holders of Categories I and II certificates under Article 3(2) of Commission Implementing Regulation (EU) 2015/2067 are only allowed to continue using those certificates if they update their knowledge and skills to the level of the

- knowledge and skills required for Certificate A, as referred to in Article 2(2), point (a), of this Regulation and specified in Annex I thereto.
- (b) Holders of certificates of category III under Article 3(2) of Commission Implementing Regulation (EU) 2015/2067 are only allowed to continue using those certificates if they update their knowledge and skills to the level of the knowledge and skills required for D certificates, as referred to in Article 2(2), point (d), of this Regulation and specified in Annex I thereto.
- (c) Holders of certificates of category IV under Article 3(2) of Commission Implementing Regulation (EU) 2015/2067 are only allowed to continue using those certificates if they update their knowledge and skills to the level of the knowledge and skills required for E certificates, as referred to in Article 2(2), point (e), of this Regulation and specified in Annex I thereto.

Article 11

Commission Implementing Regulation (EU) 2015/2067 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and read in accordance with the correlation table in Annex II.

Article 12

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
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