



EUROPEAN  
COMMISSION

Brussels, XXX  
[...] (2025) XXX draft

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

**of XXX**

**establishing, pursuant to Regulation (EU) 2024/573 of the European Parliament and of the Council, the detailed arrangements relating to the declaration of conformity and the verification by the independent auditor and repealing Commission Implementing Regulation (EU) 2016/879**

(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.*

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

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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 517/2014<sup>1</sup>, and in particular Article 19(4) thereof,

Whereas:

- (1) Article 19(1) of Regulation (EU) 2024/573 allows the placing on the market of refrigeration and air-conditioning equipment, heat pumps and metered dose inhalers pre-charged with hydrofluorocarbons, if the hydrofluorocarbons contained in the products or equipment are accounted for within the quota system referred to in Chapter IV of that Regulation. When placing pre-charged products or equipment on the market, manufacturers and importers are to, pursuant to Article 19(2) of Regulation (EU) 2024/573, document compliance with that requirement and draw up a declaration of conformity in that respect.
- (2) Commission Implementing Regulation (EU) 2016/879<sup>2</sup> establishes detailed arrangements relating to the declaration of conformity when placing refrigeration, air-conditioning and heat pump equipment pre-charged with hydrofluorocarbons on the market and its verification by an independent auditor.
- (3) In drawing up the declarations of conformity [and documentation], it is necessary to provide for different options reflecting different ways of ensuring compliance available to manufacturers and importers.
- (4) Regulation (EU) 2024/573 included metered dose inhalers in the scope of products and equipment referred to in Article 19 of that Regulation. It is therefore necessary to include this new type of product in the scope of Implementing Regulation (EU) 2016/879. In addition, it is necessary to introduce a number of changes to align to Regulation (EU) 2024/573

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

<sup>2</sup> Commission Implementing Regulation (EU) 2016/879 of 2 June 2016 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, detailed arrangements relating to the declaration of conformity when placing refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons on the market and its verification by an independent auditor (OJ L 146, 3.6.2016, p.1, ELI: [http://data.europa.eu/eli/reg\\_impl/2016/879/oj](http://data.europa.eu/eli/reg_impl/2016/879/oj)).

- (5) In order to demonstrate compliance with the quota system referred to in Chapter IV of Regulation (EU) 2024/573, different types of documents are needed from importers and manufacturers reflecting the different types of activities carried out by these undertakings. It is therefore necessary to establish a list of documents that importers and manufacturers should keep.
- (6) To provide guidance for the third-party verification of the declaration of conformity and underlying documentation required by Article 19(2) of Regulation (EU) 2024/573, the scope of the verification by an independent auditor should be determined in accordance with Article 26(7) of that Regulation.
- (7) In view of the several changes to be made, Implementing Regulation 2016/879 should be repealed and replaced in the interest of clarity. Therefore, references to that Implementing Regulation should be construed as references to this Regulation.
- (8) 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*

#### **Declaration of conformity**

1. Importers and manufacturers of refrigeration and air conditioning equipment, heat pumps and metered dose inhalers pre-charged with hydrofluorocarbons ('products or equipment') shall draw up the declaration of conformity referred to in Article 19 of Regulation (EU) 2024/573 using the template set out in Annex I to this Regulation. The declaration of conformity shall be signed by a legal representative of the manufacturer or importer of the products or equipment.
2. A declaration of conformity may only refer to an authorisation or a delegation of an authorisation if such authorisation or delegation has been issued in accordance with Article 21(2) and (3) of Regulation (EU) 2024/573, respectively.

### *Article 2*

#### **Documentation**

1. For any placing on the market in the Union, manufacturers of the products or equipment pre-charged with hydrofluorocarbons shall keep the following documentation referred to in Article 19 of Regulation (EU) 2024/573:
  - (a) the declaration of conformity;
  - (b) a list identifying the products or equipment, and the type and total quantity in kilograms per type of hydrofluorocarbons contained therein;
  - (c) where the hydrofluorocarbons were supplied to the manufacturer, the delivery note or invoice for the corresponding hydrofluorocarbons placed on the market in the Union as well as proof that the hydrofluorocarbons have been placed on the market in the Union either by the supplying undertaking or the manufacturer;

- (d) where hydrofluorocarbons contained in the products or equipment are imported and released for free circulation in the Union by the manufacturer prior to their charging, the relevant customs documents showing that the quantity of hydrofluorocarbons contained in the products or equipment has been released for free circulation in the Union;
- (e) where hydrofluorocarbons contained in the products or equipment are imported by the manufacturer, but are not released for free circulation in the Union prior to their charging, proof that the relevant customs procedures for the release for free circulation of the relevant quantities of hydrofluorocarbons are complied with when that product or equipment is placed on the market;
- (f) where the hydrofluorocarbons contained in the product or equipment are produced by the manufacturer of the product or equipment and pre-charged in the product or equipment in the Union, a document showing the quantity of the hydrofluorocarbons contained in the product or equipment.

The list referred to in point (b) is not required if the manufacturer can prove that the hydrofluorocarbons contained in the products or equipment were previously placed on the market prior to the charging.

2. Importers of products or equipment pre- charged with hydrofluorocarbons shall keep the following documentation referred to in Article 19 of Regulation (EU) 2024/573 for any product or equipment covered by a customs declaration for release for free circulation in the Union:

- (a) the declaration of conformity;
- (b) a list identifying the products or equipment released for free circulation providing the following information:
  - (i) the model information;
  - (ii) the number of units per model;
  - (iii) the identification of the type of hydrofluorocarbons contained in each model;
  - (iv) the quantity of hydrofluorocarbons in each unit rounded to the nearest gram;
  - (v) the total quantity of hydrofluorocarbons in kilograms and in tonnes of CO<sub>2</sub> equivalent;
- (c) the customs declaration related to the release for free circulation of the products or equipment in the Union;
- (d) where the hydrofluorocarbons contained in the product or equipment pre-charged with hydrofluorocarbons have been placed on the market in the Union already, subsequently exported and charged into the equipment outside the Union, a delivery note or invoice, as well as a declaration by the undertaking that placed the hydrofluorocarbons on the market, stating that the quantity of hydrofluorocarbons has been or will be reported as placed on the market in the Union and that it has not been and will not be reported as direct supply for export in the meaning of Article 16(2), point (c), of Regulation (EU) 2024/573 pursuant to Article 26 of that Regulation;
- (e) where both the pre-charged products or equipment and the hydrofluorocarbons

contained therein have been placed on the market by the undertaking, subsequently exported outside the Union, and then re-imported into the Union without any hydrofluorocarbons being added, a delivery note or invoice, as well as a declaration by the undertaking that placed hydrofluorocarbons on the market, stating that the quantity of hydrofluorocarbons has been or will be reported as placed on the market in the Union and that it has not been and will not be reported as direct supply for export in the meaning of Article 16(2), point (c), of Regulation (EU) 2024/573 pursuant to Article 26 of that Regulation.

### *Article 3*

#### **Verification**

1. The independent auditor referred to in Article 19(3) of Regulation (EU) 2024/573 shall confirm the veracity of the report submitted by an undertaking pursuant to Article 26(7) of Regulation 2024/573 and verify the following documentation and declarations of conformity of the importer of the products or equipment:
  - (a) consistency of the declarations of conformity and the related documents with the reports submitted pursuant to Article 26(7) of Regulation (EU) 2024/573;
  - (b) the accuracy and completeness of the information contained in the declarations of conformity and the related documents on the basis of the undertaking's records of the relevant business transactions;
  - (c) where an importer of products or equipment refers to an authorisation or a delegation issued in accordance with Article 21(2) and (3) of Regulation (EU) 2024/573, respectively, the availability of sufficient authorisations or delegations by comparing data in the F-gas Portal referred to in Article 20 of Regulation (EU) 2024/573 with documents evidencing the placing of products or equipment on the market;
  - (d) where the hydrofluorocarbons contained in the products or equipment have been placed on the market in the Union, subsequently exported and charged into the equipment outside the Union, the existence of a declaration by the undertaking placing the hydrofluorocarbons on the market in accordance with Article 2(2), point (d), covering the relevant quantities;
  - (e) where both the pre-charged products or equipment and the hydrofluorocarbons contained therein have been placed on the market in the Union, subsequently exported, and then re-imported into the Union, the existence of a declaration by the undertaking placing the hydrofluorocarbons on the market in accordance with Article 2(2), point (e), covering the relevant quantities.
2. The independent auditor shall issue a verification document containing its findings following the verification in accordance with paragraph 1. This shall include a statement on the level of accuracy of the relevant documentation and declarations of conformity as well as on the veracity of the report submitted by an undertaking pursuant to Article 26(7) of Regulation (EU) 2024/573.

The independent auditor shall submit the verification document to the Commission via the F-gas Portal.

### *Article 4*

## **Repeal**

Implementing Regulation (EU) 2016/879 is repealed.

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

## *Article 5*

### **Entry into force**

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*  
*Ursula von der Leyen*