



Brussels, **XXX**
[...] (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 certificates of natural persons and the conditions for the mutual recognition of such certificates as regards the recovery of fluorinated greenhouse gas-based solvents from equipment and repealing Commission Regulation (EC) No 306/2008

(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 introduced new rules regarding certification obligations for the recovery of fluorinated greenhouse gas-based solvents from concerned equipment. In particular, the new rules cover an extended list of substances.
- (3) 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 with regards to the substances and the skills and knowledge to be covered in relation to recovery of fluorinated greenhouse gas-based solvents from equipment and to specify the rules for the certification and the conditions for mutual recognition of certificates.
- (4) Regulation (EU) 2024/573 replaced Regulation (EU) No 517/2014 of the European Parliament and of the Council². Commission Implementing Regulation (EC) No 306/2008³ should therefore be repealed.

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

² Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ L 150, 20/05/2014, p. 195, ELI: <http://data.europa.eu/eli/reg/2014/517/oj>).

³ Commission Regulation (EC) No 306/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment (OJ L 92, 3.4.2008, p. 21, ELI: <http://data.europa.eu/eli/reg/2008/306/oj>).

- (5) 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

Scope

This Regulation shall apply to natural persons recovering fluorinated greenhouse gas-based solvents from concerned equipment.

Article 2

Certificates of natural persons

1. Natural persons recovering fluorinated greenhouse gas-based solvents from equipment shall hold a certificate as referred to in Article 3.
2. Natural persons recovering fluorinated greenhouse gas-based solvents from equipment shall not be subject to the requirement laid down in paragraph 1 of this Article provided that they meet the following conditions:
 - (a) they are enrolled in a training course for the purpose of obtaining a certificate covering the relevant activity, and;
 - (b) they carry out the activity under the supervision of a person holding a certificate covering that activity who is fully responsible for the correct execution of the activity.

The derogation provided for in the first subparagraph shall apply for the duration of periods spent carrying out the activities referred to in Article 1 not exceeding 24 months in total.

Article 3

Certification of natural persons

1. A certification body as referred to in Article 4 shall issue a certificate to natural persons who have passed a theoretical and practical examination organised by an evaluation body as referred to in Article 5, covering the minimum skills and knowledge set out in Annex I.
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 activity which the holder of the certificate is entitled to perform;
 - (c) the 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 applicant previously acquired qualifications skills and knowledge equivalent to those listed in Annex I.

Member States may allow certification bodies to require applicants only to pass a supplementary examination, where the applicant's previously acquired skills and knowledge are partly covered under those listed in Annex I.

Article 4

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 persons involved in the activities referred to in Article 1.
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 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 5

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 4 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. The evaluation body shall provide the place of examinations that ensures safety of the applicants, notably when they conduct activities involving refrigerants that are flammable.
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 6

Conditions for mutual recognition

1. Mutual recognition of certificates between Member States shall only apply to certificates issued in accordance with Article 3 for natural 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 7

Existing certificates, refresher training courses or evaluation processes

1. 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.
2. Member States shall ensure that holders of existing certificates under Article 3 of Commission Regulation (EC) 306/2008 are only allowed to continue using those certificates if they update their skills and knowledge to the level of the skills and knowledge required for the certificate as referred to in Article 3 of this Regulation and specified in Annex I thereto.

Article 8

Repeal

Regulation (EC) No 306/2008 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 9

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
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