Commission Implementing Regulation (EU) 2017/1375 of 25 July 2017 amending Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1375

of 25 July 2017

amending Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases

THE EUROPEAN COMMISSION,

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

Having regard to 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[(1)], and in particular Article 19(7) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 1191/2014[(2)] specifies the way information is reported pursuant to Article 19 of Regulation (EU) No 517/2014, in relation to the use of certain fluorinated greenhouse gases as feedstock or where products or equipment which contain those gases are placed on the market by producers, importers and exporters of those gases and by undertakings that destroy those gases.

(2) To enable the effective monitoring of compliance with the reporting obligations in Article 19 of Regulation (EU) No 517/2014, undertakings should be required, to register their use of the electronic reporting tool referred to in Article 1 of Implementing Regulation (EU) No 1191/2014 prior to carrying out relevant activities. This would enable Member State competent authorities to verify at the time of import, export or other relevant activity whether an undertaking would be subject to compliance verification based on its report under Article 19 of Regulation (EU) No 517/2014.

(3) The Annex to Implementing Regulation (EU) No 1191/2014 should be amended as regards the structure of the information required on certain characteristics of hydrofluorocarbons (HFC) in order to align it with the reporting format used by the parties to the Montreal Protocol on substances that deplete the ozone layer to the Vienna Convention for the Protection of the Ozone Layer[(3)] (Montreal Protocol). This would enable the Union to comply with its reporting obligations under Montreal Protocol. For the same reason, information on the destination of exports and the origin of imports should be also required to be reported as of 2020, which would provide sufficient time to adapt the electronic reporting tool.

(4) Additional differentiations and comments should added in Section 2 to reflect the reporting practice developed during the first two reporting cycles and the description in Section 12 should be clarified to avoid misinterpretations by reporting undertakings that occurred.

(5) Commission Implementing Regulation (EU) 2016/879[4] established the electronic registry in relation to quotas for placing hydrofluorocarbons on the market in which all relevant data relating to authorisations referred to in Article 18(2) of Regulation (EU) No 517/2014 are recorded. The corresponding reporting format set out in Section 13 of the Annex to Implementing Regulation (EU) No 1191/2014 is therefore obsolete and should be deleted.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 24(1) of Regulation (EU) No 517/2014,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 1191/2014 is amended as follows:

(1) Article 1 is replaced by the following:

Article 1

1 The reports required in accordance with Article 19 of Regulation (EU) No 517/2014 shall be submitted electronically using the reporting tool based on the format set out in the Annex to this Regulation which is made available on the website of the Commission for that purpose.

2 Prior to carrying out the activities to be reported under Article 19 of Regulation (EU) No 517/2014, any undertaking shall register on the website of the Commission for using the electronic reporting tool.;

(2) the Annex is amended in accordance with the Annex to this Regulation.

Article 2

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, 25 July 2017.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1375. (See end of Document for details)*

ANNEX

The Annex to Implementing Regulation (EU) No 1191/2014 is amended as follows:

(1) in Section 1, the table is replaced by the following:

	INFORMATION TO BE REPORTED		COMMENTS
1A	Total quantity of production from facilities in the Union		
	1B	— quantity of production from facilities in the Union consisting of recovered by-production or unwanted products where that by-production or those products have been destroyed in the facilities prior to the placing on the market	Reports from producers which carry out destruction on the total quantities destroyed shall be made in reporting Section 8
	1C	— quantity of production from facilities in the Union consisting of recovered by-production or unwanted products where that by-production or those products have been handed over to other undertakings for destruction and had not been placed on the market previously	The undertaking carrying out the destruction shall be identified
	1C_a	Amount of hydrofluorocarbons produced for feedstock uses within the Union	
	1C_b	Amount of hydrofluorocarbons produced for uses within the Union	The type of exempted use shall be specified

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1375. (See end of Document for details)*

		exempted under the Montreal Protocol	
AUTOMATICALLY CALCULATED QUANTITIES			
	1D	Total quantity of own production destroyed which has not been placed on the market previously	1D = 1B + 1C
1E	Production available for sale		1E = 1A – 1D

(2) Section 2 is amended as follows:

(a) in the second paragraph, the following sentence is added:

> For the first time for the reporting on activities in 2019, quantities of hydrofluorocarbons shall be reported separately for each country of origin, except where indicated otherwise in the table below.;

(b) the table is replaced by the following:

	INFORMATION TO BE REPORTED		COMMENTS
2A	Amount imported into the Union		
	2B	Amount imported into the Union by the reporting undertaking, not released for free circulation, and re-exported contained in products or equipment by the reporting undertaking	Reporting of hydrofluorocarbons by country of origin is not necessary. Bulk gases imported for inward processing, charged into products or equipment and subsequently re-exported. Where the re-export in products or equipment (Section 2B) does not take place in the same calendar year as the import, the quantities reported in Section 2B may include