Commission Implementing Regulation (EU) 2015/2067 of 17 November 2015 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2067

of 17 November 2015

establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases

(Text with EEA relevance)

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 10(12) thereof,

Whereas:

(1) Regulation (EU) No 517/2014 includes obligations concerning the certification of companies and natural persons. In contrast to Regulation (EC) No 842/2006 of the European Parliament and of the Council[(2)], the equipment covered also includes, with regard to the certification of natural persons, refrigeration units of refrigerated trucks and trailers. Regulation (EU) No 517/2014 also includes requirements for the content of the certification programmes, containing information on relevant technologies to replace or to reduce the use of fluorinated greenhouse gases and on the safe handling of those technologies.

(2) It is therefore necessary for the purposes of the application of Article 10 of Regulation (EU) No 517/2014 to update the minimum requirements as to the scope of activities as well as the skills and knowledge to be covered, specifying the modalities of the certification and the conditions for mutual recognition.

(3) To take existing qualification and certification schemes into account, in particular those that have been adopted on the basis of Regulation (EC) No 842/2006 which has since

Changes to legislation: Commission Implementing Regulation (EU) 2015/2067 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

been repealed, and the requirements laid down in Commission Regulation (EC) No 303/2008[(3)], those requirements should be incorporated into this Regulation to the extent possible.

(4) Regulation (EC) No 303/2008 should therefore be repealed.

(5) In order for the Member States to have time to adapt their certification programmes for natural persons to cover activities related to refrigeration units of refrigerated trucks and trailers, it is appropriate that the requirement to hold a certificate in accordance with this Regulation should apply as of 1 July 2017 with regards to activities related to refrigeration units of refrigerated trucks and trailers.

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

HAS ADOPTED THIS REGULATION:

Article 1

Subject Matter

This Regulation establishes minimum requirements for the certification of natural persons carrying out the activities referred to in Article 2(1) in relation to refrigeration units of refrigerated trucks and trailers, stationary refrigeration, air conditioning and heat pump equipment containing fluorinated greenhouse gases and certification of companies carrying out the activities referred to in Article 2(2) in relation to stationary refrigeration, air conditioning and heat pump equipment containing fluorinated greenhouse gases as well as the conditions for mutual recognition of certificates issued in accordance with those requirements.

Article 2

Scope

1 This Regulation shall apply to natural persons carrying out the following activities:

a leakage checking of equipment containing fluorinated greenhouse gases in quantities of 5 tonnes of CO_2 equivalent or more and not contained in foams, unless such equipment is hermetically sealed, is labelled as such and contains fluorinated greenhouse gases in quantities of less than 10 tonnes of CO_2 equivalent,

b recovery,

c installation,

d repair, maintenance or servicing,

e decommissioning.

2 It shall also apply to companies carrying out the following activities in relation to stationary refrigeration, air conditioning and heat pump equipment for other parties:

a installation,

b repair, maintenance or servicing,

c decommissioning.

***Changes to legislation:** Commission Implementing Regulation (EU) 2015/2067 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

3 This Regulation shall not apply to any manufacturing and repairing activity undertaken at manufacturer's sites for the equipment referred to in Article 1.

Article 3

Certification of natural persons

1 Natural persons carrying out the activities referred to in Article 2(1) shall hold a certificate as referred to in Article 4 for the corresponding category as set out in paragraph 2 of this Article.

2 Certificates attesting that the holder fulfils the requirements to undertake one or more of the activities referred to in Article 2(1) shall be granted for the following categories of natural persons:

a Category I certificate holders may carry out all the activities provided for in Article 2(1),

b Category II certificate holders may carry out the activities provided for in point (a) of Article 2(1) provided that it does not entail breaking into the refrigeration circuit containing fluorinated greenhouse gases. Category II certificate holders may carry out the activities in points (b), (c), (d) and (e) of Article 2(1) in relation to equipment referred to in Article 1 containing less than 3 kilograms of fluorinated greenhouse gases, or, if hermetically sealed systems which are labelled as such are concerned, containing less than 6 kilograms of fluorinated greenhouse gases,

c Category III certificate holders may carry out the activity provided for in point (b) of Article 2(1) in relation to equipment referred to in Article 1 containing less than 3 kilograms of fluorinated greenhouse gases, or, if hermetically sealed systems which are labelled as such are concerned, containing less than 6 kilograms of fluorinated greenhouse gases,

d Category IV certificate holders may carry out the activity provided for in point (a) of Article 2(1) provided that it does not entail breaking into the refrigeration circuit containing fluorinated greenhouse gases.

3 Paragraph 1 shall not apply to natural persons undertaking:

a brazing, soldering or welding of parts of a system or piece of equipment in the context of one of the activities referred to in Article 2(1), which hold the qualification required under national legislation to undertake such activities, provided that they are supervised by a person holding a certificate covering the relevant activity who is fully responsible for the correct execution of the activity,

b recovery of fluorinated greenhouse gases from equipment covered by Directive 2012/19/EU of the European Parliament and of the Council[(4)] with a fluorinated greenhouse charge of less than 3 kilograms and less than 5 tonnes of CO_2 equivalent, in premises covered by a permit in accordance with Article 9(1) and (2) of that Directive, provided that they are employed by the company holding the permit and have completed a training course on the minimum skills and knowledge corresponding to Category III as set out in Annex I to this Regulation verified by an attestation of competence issued by the permit holder.

4 Natural persons undertaking one of the activities referred to in Article 2(1) shall not be subject to the requirement laid down in paragraph 1 of this Article provided 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

Changes to legislation: Commission Implementing Regulation (EU) 2015/2067 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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 2(1) not exceeding 24 months in total.

Article 4

Certificates for natural persons

1 A certification body as referred to in Article 7 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 8, covering the minimum skills and knowledge set out in Annex I, for the category concerned.

2 The certificate shall contain at least the following:

a the name of the certification body, the full name of the holder, a certificate number, and the date of expiry if any,

b the category of natural persons certification as specified in Article 3(2) and the associated activities which the holder of the certificate is entitled to perform, where relevant specifying the type of equipment concerned,

c issuing date and issuer's signature.

3 Where an existing examination-based certification system covers the minimum skills and knowledge set out in Annex I for a particular category and meets the requirements of Articles 7 and 8, but the related attestation does not contain the elements laid down in paragraph 2 of this Article, a certification body referred to in Article 7 may issue a certificate to the holder of this qualification for the corresponding category without repeating examination.

4 Where an existing examination-based certification system for natural persons undertaking one or more of the activities provided for in Article 2(1) with regards to refrigeration units of refrigerated trucks and trailers meets the requirements of Articles 7 and 8 and partially covers the minimum skills of a particular category as set out in Annex I, certification bodies may issue a certificate for the corresponding category provided that the applicant passes a supplementary examination of the skills and knowledge not covered by the existing certification by an evaluation body referred to in Article 8.

Article 5

Certification of companies

Companies referred to in Article 2(2) shall hold a certificate as referred to in Article 6.

Article 6

Company certificates

1 A certification body as referred to in Article 7 shall issue a certificate to a company for one or more of the activities referred to in Article 2(2) provided that it fulfils the following requirements:

***Changes to legislation:** Commission Implementing Regulation (EU) 2015/2067 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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 the holder, a certificate number, and the date of expiry if any,

b the activities which the holder of the certificate is entitled to perform, also specifying the maximum charge size, expressed in kilograms, of the equipment concerned,

c issuing date and issuer's signature.

Article 7

Certification body

1 A certification body shall be provided for in national law or designated by the competent authority of a Member State or other entities entitled to do so, as being allowed to issue certificates to natural persons or companies involved in one or more of the activities referred to in Article 2.

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 person or company. 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 by the competent authority of a Member State or other entities entitled to do so 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 a test 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 tests.