Commission Regulation (EC) No 303/2008 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 companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases (Text with EEA relevance)

COMMISSION REGULATION (EC) No 303/2008

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 companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases[(1)], and in particular Article 5(1) thereof,

Whereas:

(1) For the purposes of the requirements of Regulation (EC) No 842/2006, it is necessary to lay down rules on the qualification of personnel carrying out activities, at the location of the operation of equipment containing certain fluorinated greenhouse gases, which potentially affect their leakage.

(2) Different categories of certified personnel should be provided for, in order to ensure that personnel are qualified for the activities which they undertake while avoiding disproportionate costs.

(3) Personnel not yet certified but enrolled in a training course for the purpose of obtaining a certificate should be, for a limited time, allowed to undertake activities for which such certification is required to gain the practical skills needed for the examination, provided that they are supervised by certified personnel.

(4) Personnel qualified to undertake brazing, soldering or welding should be allowed to undertake those specialised activities in the context of one of the activities for which certification is required, provided that they are supervised by certified personnel.

(5) Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)[(2)] sets out technical requirements for companies undertaking treatment and storage of waste appliances in treatment plants, including, *inter alia*, refrigeration, air conditioning and heat pump

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equipment. The level of qualification needed for personnel recovering refrigerant in such plants is lower compared to that needed by personnel carrying out on-site recovery, because of the types of automated recovery equipment available in fridge decommissioning treatment plants.

(6) A number of Member States do not currently have qualification or certification systems in place. A limited period should therefore be allowed for personnel and companies to obtain a certificate.

(7) For the purpose of avoiding undue administrative burden, it should be allowed to build a certification system on existing qualification schemes provided that the skills and knowledge covered and the relevant qualification system are equivalent to the minimum standards envisaged by this Regulation.

(8) Examination is an effective means of testing the ability of a candidate to carry out properly the actions which can directly cause leakage, as well as those that can indirectly cause leakage.

(9) To enable training and certification of personnel currently active in the areas covered by this Regulation without interrupting their professional activity, an adequate interim period is required during which certification should be based on existing qualification schemes and professional experience.

(10) Officially designated evaluation and certification bodies should ensure compliance with the minimum requirements set out in this Regulation and thereby contribute to the effective and efficient mutual recognition of certificates throughout the Community.

(11) Mutual recognition should not apply to interim certificates since the requirements for obtaining those certificates may be significantly lower than existing requirements in some Member States.

(12) Information on the certification system issuing certificates subject to mutual recognition should be notified to the Commission in the format established by Commission Regulation (EC) No 308/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States[(3)]. Information on interim certification systems should be notified to the Commission.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 18(1) of Regulation (EC) No 2037/2000 of the European Parliament and of the Council[(4)],

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes minimum requirements for the certification referred to in Article 5(1) of Regulation (EC) No 842/2006 in relation to stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases

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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 personnel carrying out the following activities:

a leakage checking of applications containing 3 kg or more of fluorinated greenhouse gases and of applications containing 6 kg or more of fluorinated greenhouse gases with hermetically sealed systems, which are labelled as such;

b recovery;

c installation;

d maintenance or servicing.

2 It shall also apply to companies carrying out the following activities:

a installation;

b maintenance or servicing.

3 This Regulation shall not apply to any manufacturing and repairing activity undertaken at manufacturer's sites for stationary refrigeration, air conditioning or heat pump equipment containing fluorinated greenhouse gases.

Article 3

Definitions

For the purposes of this Regulation the following definitions shall apply:

1. ‘installation’ means joining two or more pieces of equipment or circuits containing or designed to contain fluorinated greenhouse gas refrigerant, with a view to assembling a system in the location where it will be operated, including the action by which refrigerant conductors of a system are joined together to complete a refrigerant circuit irrespective of the need to charge the system after assembly;

2. ‘maintenance or servicing’ means all activities, excluding recovery and checks for leakage as defined in Articles 2(14) and 3(2) of Regulation (EC) No 842/2006 respectively, that entail breaking into the circuits containing or designed to contain fluorinated greenhouse gases, in particular supplying the system with fluorinated greenhouse gases, removing one or more pieces of circuit or equipment, re-assembling two or more pieces of circuit or equipment, as well as repairing leakages.

Article 4

Certification of personnel

1 Personnel carrying out the activities referred to in Article 2(1) shall hold a certificate as referred to in Article 5 or Article 6 for the corresponding category as set out in paragraph 2 of this Article.

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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 personnel:

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) and (d) of Article 2(1) in relation to refrigeration, air conditioning and heat pump equipment containing less than 3 kg, or, if hermetically sealed systems which are labelled as such are concerned, less than 6 kg 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 refrigeration, air conditioning and heat pump equipment containing less than 3 kg, or, if hermetically sealed systems which are labelled as such are concerned, less than 6 kg 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:

a for a maximum period of two years, to personnel undertaking one of the activities referred to in Article 2(1) and enrolled in a training course for the purpose of obtaining a certificate covering the relevant activity, provided that they carry out the activity under the supervision of a person holding a certificate covering this activity;

b to personnel undertaking 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;

c to personnel undertaking recovery of fluorinated greenhouse gases from equipment covered by Directive 2002/96/EC with a fluorinated greenhouse charge of less than 3 kg, in premises covered by a permit in accordance with Article 6(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 the Annex to this Regulation verified by an attestation of competence issued by the permit holder.

4 Member States may decide that paragraph 1 shall not apply for a period which shall not exceed the date referred to in Article 5(4) of Regulation (EC) No 842/2006, to personnel undertaking one or more of the activities provided for in Article 2(1) of this Regulation before the date referred to in Article 5(2) of Regulation (EC) No 842/2006.

Such personnel shall, for the period referred to in the first subparagraph, be deemed certified as regards those activities for the purposes of the requirements of Regulation (EC) No 842/2006.

Article 5

Personnel certificates

1 A certification body as referred to in Article 10 shall issue a certificate to personnel who have passed a theoretical and practical examination organised by an evaluation body as

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referred to in Article 11, covering the minimum skills and knowledge set out in the Annex, 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 personnel certification as specified in Article 4(2) and the associated activities which the holder of the certificate is entitled to perform;

c issuing date and issuer's signature.

3 Where an existing examination-based certification system covers the minimum skills and knowledge set out in the Annex for a particular category and meets the requirements of Articles 10 and 11, but the related attestation does not contain the elements laid down in paragraph 2 of this Article, a certification body referred to in Article 10 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 meets the requirements of Articles 10 and 11 and partially covers the minimum skills of a particular category as set out in the Annex, 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 11.

Article 6

Interim certificates for personnel

1 Member States may apply a system of interim certification for personnel referred to in Article 2(1) in accordance with paragraphs 2 or 3, or paragraphs 2 and 3, of this Article.

The interim certificates referred to in paragraphs 2 and 3 shall expire on 4 July 2011 at the latest.

2 Personnel holding an attestation issued under existing qualification schemes for activities referred to in Article 2(1) shall be deemed holders of an interim certificate.

Member States shall identify attestations qualifying as interim certificates for the corresponding category referred to in Article 4(2).

3 Personnel with professional experience in the activities corresponding to the categories referred to in Article 4(2), acquired before the date referred to in Article 5(2) of Regulation (EC) No 842/2006, shall be issued with an interim certificate by an entity designated by the Member State.

The interim certificate shall indicate the category referred to in Article 4(2) and the expiry date.

Article 7

Certification of companies

1 Companies referred to in Article 2(2) shall hold a certificate as referred to in Article 8 or Article 9.