Commission Implementing Decision (EU) 2020/1604 of 23 October 2020 determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values for the period 1 January 2021 to 31 December 2023 for each producer or importer which has lawfully placed hydrofluorocarbons on the market in the Union from 1 January 2015, as reported under that Regulation (notified under document C(2020) 9500) (Only the Bulgarian, Czech, Croatian, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovakian, Slovenian, Spanish and Swedish texts are authentic) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1604

of 23 October 2020

determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values for the period 1 January 2021 to 31 December 2023 for each producer or importer which has lawfully placed hydrofluorocarbons on the market in the Union from 1 January 2015, as reported under that Regulation

(notified under document C(2020) 9500)

(Only the Bulgarian, Czech, Croatian, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovakian, Slovenian, Spanish and Swedish texts are authentic)

(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 the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006[1], and in particular Article 16(3) thereof,

Whereas:

(1) To implement the gradual reduction of the quantities of hydrofluorocarbons that can be placed on the Union market, Regulation (EU) No 517/2014 subjects the placing on the Union market of at least 100 tonnes of CO_2 equivalent of hydrofluorocarbons per year to quantitative limits.

(2) A reference value should be determined by the Commission, every three years, for each importer and producer that has lawfully placed on the market hydrofluorocarbons for a relevant reference period as reported under Article 19 of Regulation (EU) No 517/2014. The quantitative limits, within the 3 years period, for each of these undertakings for the placing on the market of hydrofluorocarbons per year will subsequently be determined

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1604. (See end of Document for details)*

and allocated yearly on the basis of their individual reference values in accordance with Annex VI to Regulation (EU) No 517/2014 and may also include additional quantities allocated in accordance with Article 16(4) and Annex VI to that Regulation.

(3) In accordance with Article 16(3) and Annex V to Regulation (EU) No 517/2014, the reference value for each producer and importer should be calculated on the basis of the annual average of the quantities of hydrofluorocarbons lawfully placed on the market from 1 January 2015 for the years available, as reported under Article 19 of Regulation (EU) No 517/2014, while excluding quantities of hydrofluorocarbons for the usage referred to in Article 15(2) of that Regulation during the same period, on the basis of available data.

(4) The annual average of the quantities lawfully placed on the market by an importer or producer should be calculated on the basis of the formula laid down in parameter 4M of the Annex to Commission Implementing Regulation (EU) No 1191/2014[(2)] and adding any authorisations to use quota carried out in accordance with Article 18(2) of Regulation (EU) No 517/2014 by that same importer or producer in the calendar year concerned.

(5) For determining the reference values for the period 2021-2023, any data reported by producers and importers in accordance with Article 19 of Regulation (EU) No 517/2014 for 2015, 2016, 2017 and 2018, and for 2019 should be taken into account, as well as additional verified data for 2015, 2016 and 2017 as submitted by companies established within the United Kingdom.

(6) For determining the reference values for the period 2021-2023, only the period starting with the year for which quota had been allocated for the first time in accordance with Article 16(5) of Regulation (EU) No 517/2014, or only the period starting with the year in which the undertaking lawfully placed hydrofluorocarbons on the market for the first time as reported under Article 19 of that Regulation, whichever event occurred first, should be taken into account. This rule should not apply if an undertaking has been placing hydrofluorocarbons on the market on the basis of quota, which includes quota transferred to that undertaking in accordance with Article 18(1) of Regulation (EU) No 517/2014, and the sum of quota transferred in all years starting with 2015 is equal or above the 100 tonnes of CO_2 equivalent limit set out in Article 15(2) of that Regulation. In this latter case, the period starting from 2015 should be taken into account, since the transferred quota was originally carried out on the basis of placing on the market in earlier years.

(7) In accordance with Article 7(1) of Commission Implementing Regulation (EU) 2019/661[(3)], all importers or producers that share the same beneficial owner(s) are considered as one single undertaking for the purpose of the determination of reference values. The undertakings covered by Article 7(1) of Implementing Regulation (EU) 2019/661 should be determined with regard to the factual situation which can be proven to exist up until the time of the adoption of this Decision.

(8) In accordance with Article 7(1) of Implementing Regulation (EU) 2019/661, where all undertakings of the same beneficial owner(s) are considered as one single importer or producer, only one reference value should be determined. Unless indicated otherwise

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1604. (See end of Document for details)*

by the beneficial owner(s), the single undertaking for which the sole reference value for all undertakings of the same beneficial owner(s) is established, is the undertaking of the same beneficial owner(s) that was registered first in the registry established on the basis of Article 17 of Regulation (EU) No 517/2014. For this purpose, the sum of the individual reference values determined for each undertaking of the same beneficial owner(s) should be established as a reference value of the importer or producer considered as the single undertaking of the same beneficial owner(s).

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

HAS ADOPTED THIS DECISION:

Article 1

Reference values

For the purpose of the quota allocation, the reference values for each importer and producer shall be those set out in the Annex.

Article 2

Period of validity

This Decision shall apply from 1 January 2021 and shall expire on 31 December 2023.

Article 3

Addressees

This Decision is addressed to the following undertakings:

	Registry-ID	**Name of undertaking and address**
1.	21322	Agatex Feinchemie GmbH Aichham 11 4650 Lambach AUSTRIA
2.	13431	AIR-COND Klimaanlagen Handelsgesellschaft m.b.H. Haushamer Straße 2 8054 Graz AUSTRIA
3.	34293	ait-austria GmbH Straße 15, Obj. 77, Stg. 4, 2.7 2355 Wiener Neudorf AUSTRIA

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4.	9683	Daikin Airconditioning Central Europe GmbH Lemböckgasse 59/1/1 1230 Wien AUSTRIA
5.	30788	Donau Kälte GmbH Triester Str. 186 1230 Wien AUSTRIA
6.	27785	Ginner GmbH Walter-Jurmann-Gasse 11 1230 Wien AUSTRIA
7.	31903	Johannes Gschaider Juchgasse 28 1030 Wien AUSTRIA
8.	33020	Leotaurus GmbH Linzerstraße 451c 1140 Wien AUSTRIA
9.	9885	Linde Gas GmbH Carl von Linde Platz 1 4651 Stadl-Paura AUSTRIA
10.	27009	Messer Austria GesmbH Industriestraße 5 2352 Gumpoldskirchen AUSTRIA
11.	33872	M-TEC Energie.Innovativ GmbH Arnreit 51 4122 Arnreit AUSTRIA
12.	33848	M-TEC GmbH Aumühlweg 20 4844 Pinsdorf AUSTRIA
13.	34501	M-TEC Kältetechnik GmbH Hintere Zeile 8 4120 Neufelden AUSTRIA
14.	21805	OCHSNER WÄRMEPUMPEN GmbH Krackowizerstraße 4 4020 Linz

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1604. (See end of Document for details)*

		AUSTRIA
15.	34698	PERNAUER Chemiewerke GmbH Schafwiesenstraße 135 4600 Wels AUSTRIA
16.	16030	Westfalen Austria GmbH Betriebsstraße 6 2440 Gramatneusiedl AUSTRIA
17.	9658	Balchem NV Westvaartdijk 85 1850 Grimbergen BELGIUM
18.	30127	BVBA RADIATOREN PEETERS-VAN TONGEL Belcrownlaan 24 2100 Antwerpen BELGIUM
19.	32923	CIAT Belgium Alfons Gossetlaan 28A 1702 Dilbeek BELGIUM
20.	9678	CRC Industries Europe BVBA Touwslagerstraat 1 9240 Zele BELGIUM
21.	10022	CREALIS BELGIUM SA Avenue Carton de Wiart 79 1090 Bruxelles BELGIUM
22.	27525	Daikin Air Conditioning Saudi Arabia LLC as represented by: Daikin Europe N.V. Zandvoordestraat 300 8400 Oostende BELGIUM
23.	9680	Daikin Airconditioning Belgium N.V. Avenue Franklin 1b 1300 Wavre BELGIUM
24.	27430	Daikin Airconditioning Egypt (S.A.E.) as represented by: