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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,  
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### COMMISSION REGULATION

**establishing minimum requirements and the conditions for mutual recognition in respect of training programmes for personnel as provided for in Article 5 (1) of Regulation (EC) No 842/2006 of the European Parliament and of the Council with respect to air conditioning systems in motor vehicles**

Proposal for a

## COMMISSION REGULATION

**establishing minimum requirements and the conditions for mutual recognition in respect of training programmes and certification for personnel as provided for in Article 5 (1) of Regulation (EC) No 842/2006 of the European Parliament and of the Council with respect to air conditioning systems in motor vehicles**

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<sup>1</sup>, and in particular Article 5 thereof;

Whereas:

- (1) The provisions of Article 5 (1) of Regulation (EC) No 842/2006 require that the Commission shall establish minimum requirements and the conditions for mutual recognition in respect of training programmes and certification for personnel involved in the activities provided in Article 3.
- (2) The provisions of Article 3 (3) of Regulation (EC) No 842/2006 require that the fluorinated greenhouse gases contained in products and equipment, including mobile equipment unless it is serving military operations, shall, to the extent that it is technically feasible and does not entail disproportionate cost, be recovered by appropriately qualified personnel to ensure their recycling, reclamation or destruction.
- (3) The provisions of Article 6 of Directive 2006/40/EC require that air-conditioning systems designed to contain fluorinated greenhouse gases with a global warming potential higher than 150 shall not be retrofitted to vehicles type-approved from 1 January 2011 and to any vehicles as of 1 January 2017.
- (4) In establishing these minimum requirements and the conditions for mutual recognition the Commission has consulted with relevant sectors and received information from the Member States

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<sup>1</sup> OJ L 161, 14.6.2006, p. 1

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 12(1) of Regulation (EC) No 842/2006.

HAS ADOPTED THIS REGULATION:

### *Article 1*

#### **Scope**

This Regulation establishes minimum requirements and the conditions for mutual recognition in respect of training programmes for personnel involved in recovery of fluorinated greenhouse gases from air conditioning systems fitted to motor vehicles.

The Regulation applies to motor vehicles of categories of categories M1 and N1 as defined in Annex II of Directive 70/156/EEC. For the purpose of these provisions, vehicles of category N1 are limited to those of class I as described in the first table in point 5.3.1.4 of Annex I to Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles<sup>2</sup>, as inserted by Directive 98/69/EC of the European Parliament and of the Council<sup>3</sup>.

### *Article 2*

#### **Definitions**

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

1. "attestation of competence" means a formal document issued by an entity identified by a national law or regulation, or designated by competent authorities of a Member State or other entities entitled to do so, as being allowed to issue an attestation of competence for the activity referred to in Article 1, on the completion of a course of training which covers the modules as set out in Annex I.
2. "provisional attestation of competence" means a formal document issued by an entity identified by a national law or regulation, or designated by competent authorities of a Member State or other entities entitled to do so, as being allowed to issue provisional attestations of competence to personnel involved in the activity referred to in Article 1, which provide evidence that the holder fulfils the national provisional criteria to undertake the activity referred to in Article 1.

### *Article 3*

#### **Requirements for personnel training**

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<sup>2</sup> OJ L 76, 6.4.1970, p.1. Directive as last amended by Commission Directive 2003/76/EC (OJ L 206, 15.8.2003, p.29),

<sup>3</sup> OJ L 350, 28.12.1998, p.1.

1. Personnel shall not be involved in the recovery of fluorinated greenhouse gases from air conditioning systems fitted to motor vehicles unless they hold an attestation of competence certificate.
2. The attestation of competence shall:
  - (a) mention the name of the issuing entity in a form that enables its authentication, the full name of the holder and a Registration number;
  - (b) mention the activity which the holder of the certificate is entitled to perform;
  - (c) be dated and signed.
3. When an existing course of training covers the modules set out in Annex I but the associated existing certificate or diploma does not meet the requirements of paragraph 2, personnel may automatically be issued an attestation of competence.
4. Member States may impose additional criteria for granting certification to personnel but these additional criteria shall not be taken into consideration for the mutual recognition of certificates issued in another Member State.
5. By 4 July 2008 Member States shall establish or adapt their own training and certification requirements on the basis of the requirements of this Article.

#### *Article 4*

#### **Transitional arrangements**

1. By way of derogation from Article 3 the following personnel may be involved in the recovery of fluorinated greenhouse gases from air conditioning systems fitted to motor vehicles provided that they have been granted a provisional attestation of competence:
  - (a) Personnel involved in the recovery of fluorinated greenhouse gases from air conditioning systems fitted to motor vehicles before the day on which Member States satisfy the requirements of Article 3 (5).
  - (b) Personnel certified to undertake one or more of the activities provided for in Article 1, under existing national requirements, before the day on which Member States satisfy the requirements of Article 3 (5).
2. Member States shall define the national provisional criteria based on which a person shall be issued or deemed as a holder of a provisional attestation of

competence. Such criteria shall at least include a specific level of knowledge and/or professional experience.

3. Provisional attestations of competence shall expire on 4 July 2010 at the latest for personnel covered under paragraph 1 (a) and on 4 July 2009 at the latest for personnel covered under paragraph 1 (b).

4. By 4 July 2008, Member States shall notify the Commission of their intention to use provisional attestations of competence, of the criteria defined under paragraph 2 and of the entitled issuing entities of provisional certificates.

#### *Article 4*

### **Conditions of mutual recognition**

1. By 4 October 2008, Member States shall notify the Commission of the names and contact details of entities entitled to issue attestations of competence which comply with the requirements Articles 2 and 3, using the format established by the Commission Regulation .....

2. The Commission shall communicate all completed notification forms to all Member States within three months of receipt.

3. Member States shall immediately give recognition to the attestations of competence included in the notifications of all Member States, submitted under paragraph 1.

4. Member States may require holders of attestations of competence issued in another Member State to provide a certified translation of the certificate in another language.

#### *Article 5*

### **Entry into force**

This Regulation shall enter into force on the 20<sup>th</sup> day following 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*

[...]

*Member of the Commission*

## ANNEX I

### Content of course of training

Training module		Module type
<b>1. Operation of air conditioning systems containing fluorinated greenhouse gases in motor vehicles, environmental impact of fluorinated greenhouse gas refrigerants and corresponding environmental regulations</b>		
1.1	Have a basic knowledge of the operation of air conditioning systems in motor vehicles	Theoretical
1.2	Have a basic knowledge of the use and properties of the fluorinated greenhouse gases used as refrigerants in air conditioning systems in motor vehicles, the impact of the emissions of these gases on the environment (order of magnitude of their Global Warming Potential in relation to climate change).	Theoretical
<b>2. Environment-friendly recovery of fluorinated greenhouse gases.</b>		
2.1	Knowledge of recovery procedures of fluorinated greenhouse gases	Theoretical
2.2	Handle a refrigerant cylinder	Practical
2.3	Connection and disconnection of a recovery set to the service ports of an F-gas motor vehicle air conditioning system containing fluorinated greenhouse gases	Practical
2.4	Operation of a recovery set	Practical

