Air conditioning & Refrigeration European Association

AREA

May 2005 Newsletter

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Editorial

Dear Members,

HUNGARY did a excellent job in disseminating the results of the Leonardo da Vinci project "The Refrigeration Craftsman" (page 9 of this newsletter).
I shall not explain again why it is so important that each Member Association reaches the same objective with the Refrigeration Vocational Education & Training Body of its country.

What AREA expects from you is that you inform the following parties :

- the National VET Body covering the refrigeration and air conditioning sector,
- the Ministries of Education, of the Environment (their Representatives are sitting in the ODS and GHG Committees) and maybe of Employment,
- the Leonardo da Vinci National Agency,
- and the major RAC schools,

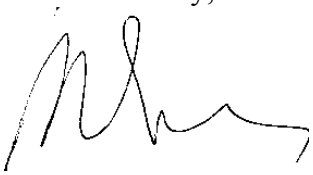
about :

- the motivation underlying our Leonardo project,
- the way we completed a European wide survey interviewing a large number of craftsmen,
- the use of the portfolio of competence, qualifications and skills and
- the opportunity of using our portfolio in the minimum requirements (and the mutual recognition) for training programmes and certification systems imposed by the ODS and GHG European Regulations.

It is essential to remember : we had a bottom up approach, getting, analysing and consolidating the RAC contractors' needs and we presented the results in a manner to allow the Member States to organize themselves their educational, training and certification systems (subsidiarity principle).

We have one historic chance of helping the harmonization of RAC training and certification in the Union : let us grab it!

Yours sincerely,



Robert Berckmans
Secretary General

Environment

F-Gas Regulation issue

You have been informed in the April Newsletter about the legal opinion of Jurisconsult (Legal Service to the European Parliament) stating that the only correct legal basis of the Regulation should be Article 175 (Environment) and not the dual basis with Article 95 (Internal Market) which was the positive result reached at the Council after the First Reading.

Parliamentary questions

ORAL QUESTION H-0232/05

for Question Time at the part-session in April 2005 (We expect the question will be dealt with tomorrow in the late afternoon)
pursuant to Rule 109 of the Rules of Procedure

by Avril Doyle to the Commission

Subject: Fluorinated greenhouse gases: dual environment-internal market legal basis

Given the doubts expressed in Parliament about the legal certainty and applicability of a dual environment-internal market legal basis in the common position on the proposal for a regulation on certain greenhouse gases (COM(2003)0492 final), and given the environmental objectives underpinning the proposal for a regulation, can the Commission indicate whether it would accept a sole environment legal basis under Article 175 of the Treaty or would it accept a further splitting of the regulation into two separate instruments, with the provisions concerning labelling, control of use and placing on the market being governed by a regulation based on Article 95 of the Treaty and the remainder being governed by a regulation based on Article 175 of the Treaty?

EPEE European Partnership for Energy and the Environment organized a fast reaction :

Commissioner Stavros Dimas
European Commission
200 Rue de Loi
B -1049 Brussels
BELGIUM

April 6th, 2005

Dear Commissioner,

Re: Opinion of the European Parliament's Legal Service on the proposal for a Regulation on fluorinated gases

We are writing to you in our capacity as authorised representatives of the European Partnership for Energy and the Environment (EPEE), a group of responsible companies, national associations and European associations active in the European air-conditioning, heat pump and refrigeration industry that rely on hydrofluorocarbons (HFCs), a group of fluorinated greenhouse gases, as refrigerants. EPEE is dedicated to contributing to the development of effective European policies that reduce greenhouse gas emissions through responsible use while recognising the societal and energy-efficient attributes of HFCs.

On 7 March 2005, the Legal Service of the European Parliament produced a legal opinion concerning the choice of legal base in relation to the proposal for a regulation on certain fluorinated greenhouse gases (F-Gas Proposal). The existence of this opinion came to the attention of EPEE on 16 March 2005, when a copy was posted on the internet site of a news publication.

Although the Legal Service of the European Commission and the European Parliament's Committee on Legal Affairs have already concluded that the whole text should be based upon Article 95, the Legal Service of the European Parliament is of the opinion that the proposal should be based solely on Article 175. By adopting this position, the Legal Service of the European Parliament (EP) has, we believe, been very selective in what it has chosen to consider; as a result, its opinion lacks objectivity.

EPEE believes that the background to the Council's decision to agree to a dual legal basis in the Common Position is extremely significant. Fluorinated gases are used in a wide range of equipment, including air-conditioners, refrigeration, and medical preservation systems that are supplied widely to the EU single market. **The choice of a dual legal base was the result of lengthy discussions and a compromise between Member States in the Council - a compromise subscribed to by the European Commission.** EPEE believes that this compromise is an appropriate way to successfully marry single market and environmental concerns, thus supporting the competitiveness goals of the Lisbon Agenda.

It is also noteworthy that, during its first reading, the European Parliament rejected amendments for both a dual legal base and a single environmental legal base, thereby supporting the Internal Market legal base of the Commission's original proposal.

Objective of the Regulation

In justifying its opinion, the Legal Service refers to the aim and content of the Regulation and claims that no objective is cited other than the reduction of F-gas emissions covered by the Kyoto Protocol. In fact, Recital 12 of **the original proposal states that the regulation has a *dual* objective**, namely "to protect the environment *and* to preserve the internal market."[1]

Which legal base?

Although the objective of the F-Gas Regulation is connected with the Kyoto Protocol, and although Council Decision 2002/358 approving the Protocol has Article 175 as its legal base, the F-Gas Regulation should not automatically be based on Article 175. **Article 95 places a responsibility on Community legislature to ensure a high level of environmental**

[1] Emphasis added.

protection, so the fact that a measure concerns environmental protection does not mean that it should necessarily have Article 175 as its legal base. For cases where a piece of legislation affects the establishment and functioning of the internal market, Article 95 is the appropriate legal base. Therefore, the link between the Kyoto Protocol and Article 175 is overstated in the EP's legal opinion.

Articles 7(Labelling), 8(Control of Use) and 9(Placing on the Market) of the Common Position are the only provisions based on Article 95 that clearly concern the functioning of the internal market. The fact that Articles 8 and 9 contain prohibitions on the use of certain F-Gases for specified applications does not change this. There exist other measures based on Article 95 that ban substances for certain applications for reasons of environmental protection (e.g. RoHS). This shows that – contrary to the Legal Service's opinion – a ban can contribute to the establishment and functioning of the internal market. This has also been confirmed by the European Court of Justice.

Furthermore, the idea (developed in the EP legal opinion) that provisions on labelling, control of use and placing on the market are only found in internal market legislation when used in conjunction with free movement clauses is incorrect. Various examples prove the contrary (e.g. Directive 2000/13/EC on labelling of foodstuffs; Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment; Regulation 1829/2003 on genetically modified food and feed).

Therefore, contrary to the assertion at paragraph 13 of that opinion, the provisions in question benefit economic operators by removing obstacles to free movement of goods in the internal market. This important aspect of the Regulation is ignored in the opinion.

References to the Court of Justice

The references made to the Court of Justice's case-law are very selective and, at times, incorrect. The Legal Service fails to mention that **the Court has set out conditions to be met for recourse to Article 95 as legal base, and that all of these conditions are met by the Regulation**. Instead, the Legal Service focuses on requirements of "added value" for the internal market, which are never mentioned in the Court's case-law.

Legal certainty

Although the Regulation has two legal bases under the current revised Commission proposal established in the Council's Common Position, each provision of the Regulation has only one legal base. This is clear and precise and will give rise to no further legal difficulties for persons affected by the Regulation. On the other hand, Article 175 provides greater scope than Article 95 for Member States to adopt more stringent measures. Therefore, **reliance on Article 175 would result in multifarious national laws and be counterproductive to achieving the goal of legal certainty**. The Legal Service states that recourse to Article 95 would breach the principle of legal certainty. EPEE disagrees. Failure to base internal market related issues on Article 95 would constitute a defect, capable of leading to the invalidity of the Act.

In the context of the Lisbon Agenda, the adoption of a proposal based solely on Article 175 would be a backward step. It would send the wrong signal to Member States. It would encourage further growth in the plethora of different conditions that Member States have already started to put in place in this sector, some of which have been recently challenged by two infringement proceedings initiated by the Commission.

We hope that you are able to support our views. Should you require more information on our position, please let your cabinet contact the EPEE Secretariat on secretariat@epeeglobal.org or by calling +32 (0)2 739 1614. EPEE aims to continue to provide constructive comment on this important regulation.

Respectfully,

Friedrich Busch,
Director General EPEE
EPEE-Secretariat
Av. Cortenbergh 118, box 8
1000 Brussels/Belgium

Egon Wiethoff
EPEE-Chairman
Copeland Europe
Holzhauser St. 180
D-13509 Berlin/Germany

Enclosures:

- Legal Critique of the European Parliament's Legal Opinion (10 pages)

Copied to:

President José Manuel BARROSO
Director General Michel PETITE, Legal Service
Commissioner Günther VERHEUGEN, Enterprise and Industry
Director Patrick HENNESSY, Directorate G (Air and Chemicals)
Commissioner Markos KYPRIANOU, Health and Consumer Protection
Director Agne PANTELOURI, Directorate B (Consumer Affairs)
Commissioner Peter MANDELSON, Trade
Director Joao AGUIAR MACHADO, Directorate G (Services, agricultural trade questions, sustainable development, bilateral trade relations III)
Commissioner Charlie McCREEVY, Internal Market
Director Anne HOUTMAN, Directorate B (Horizontal Policy Development)

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TIMING : it now appears that the time to introduce the proposed amendments to the MEP will be the Summer period (holidays!) and the most active and useful time to visit them will be the first 2 weeks of September!

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ECSLA (Cold storages and logistics)

Extract of ECSLA Newsletter 06/2005

"Dear Members,

ECSLA continues to lobby on the **F- gases** issue which is now under discussion in second reading in the European Parliament. The Rapporteur Avril Doyle seems to be very open to the idea of cost effective inspection checks which not involve unnecessary burden on industry.
In the meantime, **AREA lobbies to amend the actual article 5** about **Training and certification which actually states "***By the date of entry into force of this Regulation, on the basis of information received from Member States and in consultation with the relevant sectors, the Commission shall establish, in accordance with the procedure laid down in Article 11(2), minimum requirements and the conditions for mutual recognition in respect of training programmes and certification for the relevant personnel and for the companies and their personnel involved in the activities provided for in Articles 3 and 4."*
AREA strongly insists on changing the wording of the end of the paragraph as follows :
"…minimum requirements and the conditions for mutual recognition in respect of training programmes and certification for the relevant personnel and for the companies and their personnel involved in ***installing, commissioning, servicing***

the equipment concerned by this Regulation and the activities provided for in Articles 3 and 4."
This proposed amendment had been included in the draft working document of the Regulation dated May 4, 2004, as the result of careful work sessions between the Industry, the Commission and Members of the Environment Committee of the European Parliament. Thereafter the added words have been dropped without any explanation. According to AREA, the objective of the Regulation is to achieve an efficient containment. The need for minimum qualifications and skills starts with proper planning and execution of the installation, it follows with professional preventive maintenance and servicing and it should not be limited to inspection and recovery activities.

ECSLA members are invited to comment this AREA proposal."

The ECSLA Members haven accepted the AREA position provided the word "or" is added before commissioning, and servicing.

And on the same subject, an opinion raised by Mr. Martin Dieryckx to all the EPEE Members :

EUROVENT? / DAIKIN

"Without expressing an agreement or disagreement with the intention of the additional text "installing, commissioning, servicing the equipment concerned by this Regulation" I worry about the extensive scope of activities that this text covers.
As the extensive scope may result in high cost, that we have not under control, I do not see the merit for us to make such an extension.
Based on the information I got from our Netherland distributor, the certification is not so extensive. For example, the installation can be done by a technician without the certification but the follow up and the final inspection is done by a certified installer.
For the normal maintenance activities where no special skills are required, there is no need for certification.
It believe it is not the intention of AREA to go so far in the requirement for certification, but I worry about the control we have on the committee making the requirements.
So for the moment I think it is better, from strategy point of view, to limit the scope now and see how it works. At the moment of the next revision we can then evaluate the need to extend the scope."

NEEDLESS TO SAY THAT THIS POSITION WAS NOT ACCEPTED BY AREA.

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General information forwarded by EPEE on April 12 :

The WMO/UNEP Intergovernmental Panel on Climate Change (IPCC) met in Addis Ababa, Ethiopia from 6 - 8 April 2005 to finalise the Special Report on "Safeguarding the ozone layer

and the global climate system: issues related to hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs)".

The summary for Policy makers was made public today at noon. The full report which runs to around 350 pages will be published in mid-2005.

The report was requested by the Parties to the United Nations Framework Convention on Climate Change and to the Montreal Protocol on Substances that Deplete the Ozone Layer. It has been prepared jointly by Working Groups 1 and 3 of the IPCC in cooperation with the Montreal Protocol's Technology and Economic Assessment Panel (TEAP). The report aims 'to prepare a balanced scientific, technical and policy relevant report regarding alternatives to ozone-depleting substances (ODSs) that affect the global climate system.'

A copy of the summary for Policy makers can be consulted at:
http://www.ipcc.ch/press/SPM.pdf

This Special Report:

- describes both scientific and technical information regarding alternatives to ozone-depleting substances (ODSs) that may affect the global climate system.
- Looks at scientific linkages between stratospheric ozone depletion and climate change, and how the phase-out of ODSs is affecting climate change. HFCs have no ozone-depleting potential but are greenhouse gases, and are used as replacements for ODSs in applications such as refrigeration and air-conditioning, foams, aerosol and solvents, fire protection.
- assesses options to reduce emissions of these greenhouse gases, explores their technical feasibility and cost, and addresses environmental, safety and health considerations.

The summary explain the role of HFCs in ODS phase out and fits their expected growth by 2015 in emissions to total emissions. The report states that reduction of direct Greenhouse gases emissions is achieved through:

- improved containment of substances;
- reduced charge of substances in equipment;
- end-of-life recovery and recycling or destruction of substances;
- increased use of alternative substances with a reduced or negligible global warming
- potential; and
- not-in-kind technologies.

The report stresses that 'Methods for determining which technology option has the highest GHG emission reduction potential address both direct emissions of halocarbons or substitutes and indirect energy-related emissions over the full life cycle.'
It also states that through application of current best practices and recovery methods, there is potential to halve the BAU (business as usual) direct emissions from ODSs and their GHG substitutes by 2015. About 60% of this potential would come from HFC emissions. In refrigeration applications direct GHG emissions can be reduced by 10% to 30%. Direct GHG emissions of residential and commercial air conditioning and heating equipment (SAC) can be reduced by about 200 MtCO2-eq yr-1 by 2015 relative to the BAU scenario.

You can read the reaction of the NGO **MIPIGGS** in the NGO section of the letter, followed by a rare rebuttal of the **UN**!

Education & vocational training

The Refrigeration Craftsman project

AREA/Leonardo Project EUR/02/C/F/NT- 84604

Agreement N° 2002-4549/001-001LE2X

Encouraging comments received :

FETA / BRA reported :"We have been informed by Honeywell (which has an RAC service department in UK) that they are impressed with the portfolio and may apply it to each of their craftsmen/technicians."

We got also a very positive feedback from York, Europe-Middle East and Africa.

Mr. Giovanni Piola, Italian Member of ECSLA and Vice-President Commission D1 of IIR has congratulated AREA for its initiative and would like to be kept informed and to participate in the dissemination of the project.

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Hungary sets an example of dissemination : to be followed by others!

Mr. Attila Zoltan, Managing Director of HKVSZ, explains how the "dissemination" of the AREA Leonardo Project works in Hungary.

"1. We have organized the first Hungarian Skills Competition for the Refrigeration and Air Conditioning Craftsmen (ten people in each group) in February 2005 with one of our Basic school, Ferenc Móra in Szeged, South Hungary. The choice of the tasks, questions, organization and equipment was/is based on the principles/results of the AREA Leonardo project, and what we have seen in Maintal and Springe, Germany (last year). The Members of the Jury came from the Hungarian VET-Body. The first two winners (with their teachers/trainers) of the Competition will take part and represent Hungary on the IKK this year.


WERKZEUGE-TOOLS-OUTILLA
WILO


KE KELIT

2. The Hungarian VET Body and the Tempus Foundation (Organizer of the Hungarian Leonardo Projects) have accepted the results of our 2004 Leonardo Mobility project. Last year 24 Hungarian teachers were in Germany for a week and worked out a new 3-year thematic Refrigeration Craftsman educational profile. It is only in the Hungarian language, and it has now to be worked over into a modular teaching system, and from 2006 this will be the unique allowed one, naturally based on the AREA project too.

3. Evidence of Hungarian creativity : some teachers, experts and we have visited, photographed and seen the AREA Skills Competition's ice rink in Nurenberg and we made a small copy of it that can be kipped, covered, moved, ... Next year it can be the installation and the task of the Refrigeration Competition.

4. And last but not least : we have opened a new specialized center in our above mentioned Basic school in Szeged, and it was named after our late Honorary Director and AREA Member, the "László Gaál Education Center".

Mrs. Eva Gaal, her daughter and her son

There are also some articles in Hungarian newspapers and periodicals that we shall bring to Nice at the next AREA General Assembly."

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DG Environment has answered our proposal to help in the implementation of article 16-17 of ODS 2037/2000 and article 5 of the future F-gas Regulation. They have sent a copy of our portfolio of competence to the Member States.

"Dear Mr Berckmans,

Please let me answer on behalf of Dr Tom Batchelor who thanks you for the mail from 8 March together with the attachment (portfolio of competence). **We have informed our Member States about this.**

With kind regards,
Marcus Wandinger "

Dipl.-Ing. Marcus Wandinger
European Commission
Directorate-General Environment
Climate, Ozone and Energy Unit (ENV.C2)
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BU-9 06/132
B - 1049 Brussels
Belgium

Phone: +32 - (0)2 - 29 87391
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e-mail: Marcus.Wandinger@cec.eu.int

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Letter received from DG Enterprise about the European Charter for Small Enterprises :

EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Promotion of SMEs and Competitiveness
Entrepreneurship

Brussels, 16 march 2005
Entrepreneurship/SB D(2005) 7257

Mr R. Berckmans
AREA
Beau site Première Avenue, 88
B-1330 Rixensart

Dear Mr. Berckmans,

Subject: European Charter for Small Enterprises, exchange of good practice in the refrigeration and air conditioning sectors, mutual recognition and availability of skills.

Thank you for your letter on the above subject to Mr Koopman, presenting an analysis that could be applied to other sectors as well than refrigeration and air conditioning. I am replying on his behalf.

Many sectors in Europe are facing a lack of qualified workers, and have problems in attracting and retaining skilled labour. The lack of specific skills is recognised as a major obstacle for the growth of companies, and small firms meet special constraints. In this sense, improving the mutual recognition of professional qualifications is certainly an important priority.

At policy level, the so called "Copenhagen process" coordinated by the Directorate General "Education and Culture" aims to create a single **European reference framework** within which competencies and qualifications are made transparent, comparable, transferable and recognised.

As regards activities of dissemination of good practice, as you know a wide range of actions are being developed under current programmes of the Directorate General "Education and Culture", including **Leonardo da Vinci**, with the aim of **disseminating the results of the projects supported** and encouraging their take-up, exploitation and, where appropriate, **integration into systems and practices at all levels**. Therefore, I believe that making use of these actions and instruments is the best opportunity for disseminating the results of your project and maximise its impact.

The 2005 Implementation Report of the **European Charter for Small Enterprises** highlighted as a priority area "Skills shortages, especially measures to overcome lack of skilled technicians and engineers". Different reports presented the situation in the EU Member States and Norway, the candidate countries, Moldova and the countries of the Western Balkans, with recommendations for action [1].

[1] http://europa.eu.int/comm/enterprise/enterprise_policy/charter/reports.htm

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11.
Office: SC27, 03/04. Telephone: direct line (32-2) 295 3311. Fax: (32-2) 296 6278.

However, I need to point out that the Charter Report has the main objective of reviewing **policy measures**, i.e. initiatives taken by governments at national or local level, and to disseminate good practice cases in implementing this type of measures. Therefore this instrument is not suitable for making an inventory of initiatives taken by the private sector.

The European Commission, together with the Luxemburg Presidency, is organising a **Conference on the European Charter for Small Enterprises** in Luxemburg from 15 to 16 June 2005. In that context, one Workshop will address the issue of the availability of skills. You are welcome to participate. Although the programme is already fixed, so it will not be possible to give you the opportunity of presenting the project promoted by AREA, a discussion will take place at the end of the Workshop where some information on this initiative might be briefly conveyed to participants. The Agenda of the Conference, and all the details for participation, can be found on our web pages at:

http://europa.eu.int/comm/enterprise/events/charter/conf_2005.htm

Finally, for environment related issues you can also contact our Unit B.4, Michel Catinat (tel. 29 69529). For specific questions related to the refrigeration and air conditioning sector, you can address Unit H.6, Cornelis Brekelmans (tel. 29 56600).

Yours sincerely,

p.o. Christian Weinberger

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EHPA European Heat Pump Association is working on education and training for HP installers :

"Progress on the training manual has progressed well and a comprehensive draft is now available. Further work needs to be carried out to cover the topics of 'warranties' and fault diagnoses – these are scheduled for review at the next meeting in Sweden in June.

The running of the actual training courses are due to commence in 2006.This aspect of the project is well advanced as most partners have identified a suitable training institute. Running parallel with this will be the need to train the trainers and decide on the type of examination or tests required. During the Munich meeting a visit to the training laboratory of Solarteur- Schule was undertaken. The visit gave an insight into the type of training and facilities that could be provided for heat –pump installers. The training facilities were impressive and if funding was available then this would be what we would want to replicate in our own training centres.

The meeting in June 2005 will consider the setting up of the 'Certification Board'. One proposal is to adopt the EU standard EN 17024; however with such an approach each participating country would need to check whether this standard was valid in their own country and whether the training institute running the course would be able to or want to adopt this standard

Dissemination activities have included the up-loading to the EHPA web-site of regular progress reports from the meetings as well as documentation on the training manual and training facilities. Additionally a logo and standard template have been designed and are being used.

Meetings have been held in Brussels, Vienna and Munich."

Certification

Email sent to DG Enterprise on April 19, 2005 concerning an AREA proposal for a project supported by the Commission and establishing Guidelines and Criteria for an harmonized certification of RAC contracting companies :

Following our constructive meeting on April 12, I wrote the attached memo which outlines the need for national certifications of refrigeration contractors complying with minimum requirements set by the Commission, the advantages, the disadvantages and a preliminary list of criteria that will have to be addressed.
As we discussed, the project would make a proposal for those minimum requirements. The first year would put together an inventory of existing and working systems in Europe (I believe that 5-7 EU countries should be partners in the project; we need a good and fair representation of the Union but a limited number to assure work efficiency), analyze the systems, take out what could be broadly applied to all Member States, make a proposal for the minimum requirements for national certification schemes, test the findings with the target groups' representatives and possibly make adjustments.
The second year would be devoted to dissemination / valorisation using the most effective channels (internet, mailings, workshops, conferences, presence at IKK, ...).
The experience gained in our Leonardo da Vinci project allows to guess a first approx. estimated budget of 200.000 EUR (about one half in each of the 2 years). AREA will have its General Assembly in Nice on April 29-30 and I shall present the opportunity of the project to all our members. It would be useful to receive some indication about the usual grants of DG Enterprise (amount or percentage of budget for similar projects).

(signed by Secretary General)

MEMO to DG ENTERPRISE
18/04/2005

Implementation of the Article 5 of the proposed F-gas Regulation

AREA is currently carrying out the Leonardo da Vinci Project EUR/02/C/F/NT- 84604 / Agreement N° 2002-4549/001-001LE2X (December 2002-December 2005); the result of the project is a portfolio of the minimum qualifications and skills required from a basic European refrigeration -and air conditioning- craftsman working with fluorinated gases.
AREA is now interested in working on the assignment of specifying the minimum requirements to certify refrigeration -and air conditioning- contracting enterprises across the European Union.

Competent refrigeration and air conditioning (RAC) personnel and certification of RAC companies : both are needed

Against the background of the technical and, in particular, environment and safety regulation aspects, it must be guaranteed that the construction, maintenance and dismantling of installations are conducted by approved contractors and qualified personnel.

The scheme for certified contractors and personnel must be observed to ensure the best possible standard of quality-assured installations.

Europe has the duty to specify the minimum or essential requirements in a related legislation.

The Member States will be responsible for organizing their own systems taking into account their own characteristics.

The question is : "What have the certified RAC companies to possess, command, achieve and control?"

Minimum requirements and guidelines have to comply with the applicable European norms (EN378 for instance) and legislation.

The main items of relevance are :

1 Competence of the organisation and personnel

1.1 Training and knowledge (see EN 378 part 1)
Persons, who are responsible for design, construction, installation, inspection, testing, operation, maintenance, repair, disposal and assessment of refrigerating systems and their parts shall have the necessary training and knowledge for their task to achieve competence.

1.1.1 Competence in different tasks
Competence in each task shall be required for health, safety, environmental protection and energy conservation purposes.

1.2 Hazards to persons, property and environment (see EN 378 part 2)
Refrigerating systems and components shall be designed and constructed with the intention to eliminate possible hazards to persons, property and the environment.

1.2.1 Testing and commissioning
Before putting into service any refrigerating system, all the components or the whole refrigerating system shall undergo the following tests: strength pressure test, leakage test, functional test of safety devices, test of the complete installation before putting it into operation.

1.2.2 Inspection by a competent person
The inspection of a refrigerating system by a competent person shall include the following items:
a) checking of documentation relating to pressure vessels;
b) checking of safety equipment;
c) checking that selected welds on piping are in accordance with appropriate; existing standards;
d) checking of piping;
e) checking the record of the leakage test of the refrigerating system;

f) visual inspection of the refrigerating system.

1.2.3 Log-book for installations with a total refrigerant charge of 3 kg and more

The log-book shall either be kept in the machinery room or the data shall be stored in a computer of the party concerned with a printout in the machinery room in which case the information shall be accessible to the competent person when servicing or testing. The log-book shall include the following checklists and results (see EN378 part 2):

- checklist for external visual inspection of the installation (annex A);
- checklist for external visual inspection (annex B);
- written proof of In-service inspection (annex C);
- written proof of corrosion inspection (annex D);
- written record in kilograms of the nominal filling of the installation and the refrigerant used and recovered during the lifetime of the equipment.

1.3 Operation, maintenance, repair and recovery (see EN378 part 4)

1.3.1 Operational instructions

Care shall be taken to ensure that the person charged with the operation, supervision and maintenance of the refrigerating system is adequately instructed and is competent with respect to his tasks. The installer of the refrigerating system shall draw attention to the necessity for adequate instruction of operating and supervision personnel.

1.3.2. Personnel in charge of the refrigerating system shall have knowledge and experience of the mode of functioning, operation and day-by-day monitoring of this system.

1.3.3 Instruction of operating personnel

Before a new refrigerating system is put into service, the person concerned shall ensure that the operating person is instructed on the basis of the instruction manual about the construction, supervision, operation and maintenance of the refrigerating system as well as the safety measures to be observed and the properties and handling of the refrigerant used.

1.3.4. Maintenance

Maintenance shall be undertaken in such a way that:

a) accidents to personnel are minimised;
b) damage to goods is prevented;
c) the components of the system remain in good working order;
d) the purpose and availability of the system are maintained;
e) leakage of refrigerant or oil is identified and remedied;
f) waste of energy is minimised.

1.3.5 Repair

Repairs on components containing refrigerant shall be carried out in the following order, if appropriate:

a) instruction of maintenance staff;
b) disconnecting and safeguarding of the components to be repaired (e.g. powerdrive, pressure vessel, piping);
c) emptying and evacuating (see EN 378 part 2);
d) cleaning and purging respectively (e.g. with nitrogen);
e) releasing for repair;
f) carrying out the repair;
g) testing and checking of the repaired component (pressure test, leakage test and functional test, see EN 378 part 2);

h) replacing, evacuating and recharging with refrigerant and recording in kilograms in the log-book and refrigerant administration (preferably by means of a software program).

1.3.6 Refrigerant leaks shall be identified and repaired as soon as practicable by a competent person and the system shall only be put into service again when all leaks have been repaired.

1.3.7 Maintenance and repair requiring the assistance of other skilled personnel (such as welders, electricians, measuring and control specialists) shall be carried out under the supervision of a person competent in refrigeration.

1.3.8 A competent person shall only carry out welding and brazing.

1.3.9 Replacements of components or changes to the refrigerating system shall be ordered and carried out by a competent person.

1.4 Change of refrigerant type

In the event of a change of the refrigerant type used in the refrigerating system, the following shall be observed:

a) verify the refrigerating system manufacturer permits the refrigerant type change;
b) pay special attention to the content of the gas cylinders to ensure that the correct refrigerant is added;
c) examine all materials used in the refrigerating system to ensure they are compatible with the new refrigerant type;
d) verify the lack of possibility of exceeding the allowable pressure;
e) verify the new refrigerant type can be used without re-certifying the pressure vessels;
f) verify the motor capacity;
g) pay attention to the refrigerant classification;
h) replace or readjust, if necessary, control and safety devices;
i) verify the content of the liquid receiver;
j) prevent mixtures with residual refrigerant and residual oil;
k) amend all indications as to the refrigerant type used;
l) update the log-book and documentation including machine card;
m) ensure the original refrigerant is recovered in accordance with paragraph 6 of the EN 378 part 4.

1.5 Requirements for recovery, reuse and disposal

Recovery, reuse, recycle, reclaim and disposal shall only be undertaken by competent persons.

1.6 Operating requirements

1.6.1 Training, operation and maintenance

Every refrigerating system needs to be supervised and maintained in an appropriate way, taking into account its size and its nature. The personnel in charge of servicing, if applicable, shall be correctly instructed, shall be sufficiently qualified and shall have proper knowledge of the concerned equipment.

1.6.2 Requirements for training or refresher training assessment and maintenance of competence: see EN 13313 category A, B and C.

1.6.3 Implementation in the Member States

Each Member State, in close co-ordination with its National Professional Organisations(s), shall specify the National educational degrees, certificates or other National accreditation needed to comply with the requirements of the European norms mentioned here above.

2 Auxiliary equipment

Minimum Operative Technical Instrumentation of Specialist Enterprises.

The technical equipment required in addition to the normal standard implements must comply with the current state of the art of technology, with regard to metrological equipment, specialist tools and necessary facilities and appliances, and observe the current norms, guidelines and laws.
The appliances and means of measurement used in the execution of the leakproofness inspection must be checked, cleaned, serviced and calibrated at regular intervals, in line with the standard job instruction. Logs of this activity must be kept. If requested, access by governmental authorities to these records must be granted. The necessary documents must be kept up-to-date and must be known to the expert personnel.

List of Appliances and Equipment

Documentation:
Production test/completion certificates;
Operator's log of the facility;
Refrigeration agent certification;
Refrigeration agent flow stickers.

Specialist Tools:
Gas-welding facilities;
Personnel protective equipment;
Soldering appliance, braze welding up to 800°C;
Leading tongs with lead seal;
Ratchet key;
Torque wrench.

Specialist Appliances:
Extraction appliance / Filling facility;
Leak detection equipment;
(Minimum detection limit of at least 5 ppm);
Filling tubes;

Mountable filling and testing unit;
Vacuum pump (minimum 270 Pa).

Fuels and Accessory Agents:
Forming gas;
Refrigerator oil;
Refrigeration agent;
Nitrogen, dry nitrogen;
Refrigerant bottles(virgin and recycled) .

Measuring and testing devices:
Measuring equipment (electric current, voltage, resistance)
Acid tester;
Temperature measuring device (appropriate for verification, including the necessary measuring filler);
Vacuum measuring device (minimum 270 Pa);
Pair of scales (appropriate for verification).

3 Certification and control procedure

Each Member State shall officially appoint one (or more) National Organisation responsible for delivering mandatory certifications to refrigeration companies and personnel and for controlling the proper implementation of the certification scheme as well as the continuity of the compliance with the required competence and qualifications. The selected organisation shall be experienced within the refrigeration and air conditioning sector.

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If a Regulation, with the objective of reducing gas emissions, strictly addresses the containment, use, recovery, disposal, destruction and recording of quantities of F-gases, on one

hand, it can not allow any party without the proper qualification and competence to handle those gases, on the other hand.

The certification of the companies is needed to guarantee the technical expertise of the management, his concern for environmental protection, the necessary related work procedures and the availability of adequate equipment.

A qualified and certified RAC technician cannot professionally perform if he has not the support of his supervisor, his management, i.e. his company. The ultimate legal and practical responsibility of the installation rests with the company.

Important differences in educational schemes and certification systems do exist between European countries. Refrigeration companies have their own specificity and culture; they cannot be put in the same professional category as the building contractors. Advanced countries do not want to accept companies from other Member States with insufficient qualifications and competence. This cannot be a long lasting situation while building up the European Union.
Harmonized certifications are a condition of the implementation of the mutual recognition concept and the European objectives of trans-national mobility.

There is a recurrent and general shortage of skilled refrigeration and air conditioning technicians. Young people need to be attracted to the trade but across the border transfers will help the situation.

The vast majority of the refrigeration and air conditioning installation companies are SME. As the issues to be dealt with, are global issues, the question of a minimum level of professional competence has to be addressed in the European context.

Finally we may generally say that harmonized National certifications will contribute to well known European objectives : Lisbon Strategy, Copenhagen / Maastricht Declarations, European Charter for SME, …

Certification makes sense if it is controlled and enforced : enforcement can be addressed to the RAC companies, and not directly to the RAC craftsmen.

Positive points and advantages

Referring to the environmental nature of the Regulation, leakages will decrease (average rate below 5%), energy efficiency and quality of the installations will improve.

Environmental awareness and behaviour will be improved across the Union.

Many companies will work with better process and quality control from design and installation to maintenance and repair.

Best practices will be advertised, poor practices will be reduced.

The European level of professionalism and qualification will increase to comply with minimum requirements in the sector.

Rogue traders and non professional contractors will be eliminated as unfair competition.
As the access to certification/registration will be open, there will be no barrier to trade and no discrimination. The Internal Market will be properly regulated without restrictions to trade and

allowing movement of labour and enterprises across borders. This should have a positive impact on mobility and the specific shortage of skilled RAC personnel.

Safety issues will be controlled. The harmonized training and certification programmes of the Member States will be ready when the technological R&D will bring on the market, in some applications, other refrigerating fluids (high pressure, explosive or toxic substances …) dangerous to handle (safety issues).

The way that the RAC industry is perceived by customers and other engineering trades will improve.

National associations, members of AREA, support the project.

Negative points and precautions to take

Extra financial burden : there will be a cost involved but the overall cost increase should be more than compensated by the advantages.

Only the companies meeting the minimum requirements can be certified; the process has to be fair open, and controllable. Appealing against a decision should be possible.

Also make sure that the certification procedure will not be too constraining or too bureaucratic on the enterprises.

Criteria for certification and questions to be handled

We may list at this initial stage the following titles.

- Expertise of the management
- Technical and organizational standards
- Quality control
- Answering environmental issues
- Answering safety issues
- Tools and instruments
- Working procedures according to best practices
- Adequate documentation
- Qualifications and skills of the technical personnel
- Enforcement of the certification scheme
- Structure and frequency of the control cycle
- Characteristics of the independent National authority to certify (with experience in the RAC sector).

Other relevant information

- Extract (page 37) from the Report on Refrigeration Sector – Achievements and Challenges - the International Institute of Refrigeration (World Summit on Sustainable Development, Johannesburg, September 2002)

"In the US refrigeration and air conditioning installers have to demonstrate their proficiency by achieving North American Technician Excellence (NATE).
NATE certification encourages proper installation and servicing of RAC equipment. As a result, equipment owners enjoy energy savings and can be assured that refrigerant is not vented to the atmosphere. NATE is endorsed by the US Department of Energy because equipment that

is properly installed will operate at peak efficiency, helping utilities achieve load and energy goals.
…
Efforts must of course continue on a global scale and would be facilitated by the development of common internationally recognized certification standards defining practitioner certification."

- Extract from the minutes of the ECCP/STEK Workshop (The Hague, December 9, 2002)

"The STEK system is essentially a licence-based system. A company that wants to carry out inspections on installations needs to obtain a licence. In addition, the individuals working within the company need to obtain a license as well. The question was raised why a 'dual' license system is required while having certified individuals could suffice. It was pointed out that the ultimate responsibility rests with the company since the company is audited and not the individuals working for the company. The two-tier system currently in place seems to work quite well. Companies, which are licensed to do the inspections, organise their own schedule. It has been observed that over time the operators of RAC systems have shifted from handling emergency calls (to fix broken installations) to doing pro-active maintenance. The question was raised how such a system could work on European level. The point was made that a system of mutual recognition for the licenses is needed so that a contractor from Belgium may carry out inspections in the Netherlands and vice-versa (free-movement of services). In addition, it also occurs that producers of large installations have 'remote-detection' systems in place, an installation e.g. produced in Italy or France but sold to Denmark can be partially serviced on an on-line basis."

…

Check ups and maintenance to be carried out by qualified personnel, certification of contractors or a kind of 'quality assurance' , administration and enforcement are regarded as essential.

Standardisation

AREA is invited by the Hungarian Standards Institution MSZT to the 1st CEN-CENELEC Annual Meeting to be held on June 7-8, 2005 in the Building of the Hungarian Parliament in Budapest.
www.cenorm.be
www.cenelec.org
The theme of the meeting is "STANDARDIZATION : ADVANCING THE LISBON STRATEGY".

Mr. Attila Zoltan, Managing Director of HKVSZ, will be asked to represent AREA.

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The following TC 182 plan mentions that European organizations may send observers to the meetings under certain conditions. AREA has written to CEN to receive this advantage.

BUSINESS PLAN

CEN/TC 182
Refrigerating systems; Safety and environmental requirements

EXECUTIVE SUMMARY

Business Environment

- Refrigerating systems, heat pumps, air conditioning systems and automotive systems are marketed in all sizes (from refrigerators to large industrial plants) for all kind of application. They are delivered in large quantities as complete factory made refrigerating systems or installed directly on site. Refrigerating systems and heat pumps are traded all over the world. For the purpose of this business plan refrigerating systems mean all applications and all systems.
- Parties involved:
  - Industry;
  - Consumers;
  - Public authorities;
  - non governmental organisations
    and their existing representativ organisations.

Benefits

- To limit the impacts on the safety, health and environment of refrigerating systems
- Since 1990, more than 15 standards were adopted, main topic was the development of the basic standard EN 378 for refrigerating systems (horizontal standard)

Priorities

Priority in the work of CEN/TC 182 has been given to:

- Standards that fulfill the essential requirements of the Directive on Pressure Equipment 97/23/EC
- Standards that fulfill the essential requirements of the Directive on Machinery Safety 98/37/EC

1 BUSINESS ENVIRONMENT OF THE CEN/TC

1.1 Description of the Business Environment

The following political, economic, technical, regulatory, legal, societal and/or international dynamics describe the business environment of the industry sector, products, materials, disciplines or practices related to the scope of this CEN/TC, and they may significantly influence how the relevant standards development processes are conducted and the content of the resulting standards:

- Political factors:
  Increased political awareness of environmental aspects energy consumption which is differing from country to country.

- Economical factor:

The annual turn –over of the manufacturing industries is approximately 50 billion Euro

- Social factors

Society is pushing to minimize possible hazards to persons, property and the environment from refrigerating systems and refrigerants.

- Technical factors:

New refrigerating fluids, efforts to limit emissions and efforts to improve energy efficiency all contribute to the optimization of systems operations.

- Legal factors:

On the basis of the Montreal and Kyoto Protokol and European Regulations refrigerants with high ODP (Ozone Depletion Potential) are no longer permitted in future. New solutions are required.

A number of work items of CEN/TC 182 are currently being prepared under M/071. They are candidate for harmonization within the context of the directive on pressure equipment 97/23/EC.

- International trade and standardization aspects:

Recognised European standards also facilitate the exchange of goods on the international market. This concerns a market that is relatively open and where exchanges are important. The other two production poles are the USA and Japan along with Southeast Asia.

ISO/TC 86 and IEC 61 also deal with standards linked to the field of work of CEN/TC 182.

1.2 Quantitative Indicators of the Business Environment

The following list of quantitative indicators describes the business environment in order to provide adequate information to support actions of the CEN /TC 182:

The annual turn-over of the manufacturing industries is approximately 50 billon Euros.

2 BENEFITS EXPECTED FROM THE WORK OF THE CEN/TC

- Fixing a common level of safety
- Limitation of the impacts on health and environment
- Supporting European legislation
- Removing barriers to trade

3 PARTICIPATION IN THE CEN/TC

All the CEN national members are entitled to nominate delegates to CEN Technical Committees and experts to Working Groups, ensuring a balance of all interested parties. Participation as observers of recognized European or international organizations is also possible under certain conditions. To participate in the activities of this CEN/TC, please contact the national standards organization in your country.

4 OBJECTIVES OF THE CEN/TC AND STRATEGIES FOR THEIR ACHIEVEMENT

4.1 Defined objectives of the CEN/TC

Objectives are the elaboration of standards in three main fields:

1) Basic standards covering safety and environmental requirements for the complete system

2) Standards on design, testing installation, operation, maintenance and repair of the relevant components

3) Increasing the competence of personel with regard to design, installation, operation, maintenance and repair of the relevant components.

The objective is to limit the impacts on the safety, health and environment of refrigerating systems by an effective risk analysis and the correct processing of the associated requirements throughout the entire lifetime of the system. The limitation of refrigerating fluid emissions is included in this objective.

4.2 Identified strategies to achieve the CEN/TC.s defined objectives.

The field of refrigerating systems covers a large technical field. For this reason working groups have been created to cover special aspects.

A joint working group has been created with CEN/TC 54 "Simple pressure vessels".

Furthermore liaisons have been established with:

• AREA	Airconditioning and Refrigeration European Association
• ASERCOM	Association of European Refrigerating Compressor and Controls Manufacturers
• CECED	European Committee of Domestic Equipment Manufacturers
• CLEPA	European Association of Automotive Suppliers
• ECSLA	European Cold Storage and Logistics Association
• EUROVENT/CECOMAF	European Committee of Air Handling & Refrigeration Equipment Manufacturers

- IIF Institut International du Froid
- CEN/TC 69

Furthermore ISO/TC 86/SC 1/WG 1 documents and ISO/TC 86/SC 8/WG 5 are distributed within CEN/TC 182 in order to adapt ISO 5149 to EN 378.

5 FACTORS AFFECTING COMPLETION AND IMPLEMENTATION OF THE CEN/TC WORK PROGRAMME

- The rescources of the different experts are decreasing.

Eurostat

Letter sent to Eurostat :

EUROSTAT
Mr. Daniel Defays
Head of Unit B-1
Bâtiment Jean Monnet
Rue Alcide de Gasperi
L – 2920 Luxembourg

April 1, 2005

Dear Mr. Defays,

Re : draft NACE 2007 code for our trade/activities :
Installation, maintenance and repair of refrigeration and air conditioning (and heat pump) equipment

The code referring to our industry, as recently published, is 41.23, in the "Building installation" section.

As we said earlier, the activities linked to the "Installation/maintenance/repair of refrigeration, air conditioning and heat pump equipment" are very generally not part of the construction sector. It is obvious that air conditioning equipment is installed in buildings. But the very large majority of the refrigeration and air conditioning equipment is installed in industrial sites. The refrigeration in the food sector is a good example : freezing and cooling equipment is installed in factories, storages, distribution centers, supermarkets, shops, trains, lorries, trucks, vans, display cabinets, vending machines, … Specific air conditioning , for instance, is installed in pharmaceutical facilities, electronic telecommunications centers or in vehicles.
Also, typical building and construction installations are controlled by standardized specifications, but the refrigeration activities have to meet their own standards, norms and

specifications which are of an industrial nature. This explains why several Member States (e.g. France, Spain, Belgium, …) are not classifying "Installation of refrigeration, air conditioning and heat pump equipment" under the heading "construction", and they are correct in doing so.

As you kindly mentioned in your letter of July 4, 2004, the new section 33 would fit the needs of our industry. Codes 33.1 and 33.2 refer to installation, maintenance and repair of industrial machinery and equipment. Would it be possible to forward our position to the NACE/CPA Working Group?
Thanking you for considering our request and staying at your disposal for any further information, we remain,

Yours truly,

Robert H. Berckmans
Secretary General

For additional information, please visit the website:
http://forum.europa.eu.int/irc/dsis/nacecpacon/info/data/en/index.htm

And the answer from EUROSTAT :

[redacted] EUROPEAN COMMISSION eurostat

EUROSTAT

Directorate B: Statistical methodologies and tools
Unit B-1: Coordination of methods

Luxembourg, 14 April 2005
ESTAT D(2005)/B1/DD/dj/10044

AREA
Attn.: Mr. Robert H. Berckmans
Beau Site Première avenue, 88
B-1330 Rixensart

Subject: Your letter dated 1 April 2005

Dear Mr. Berckmans,

As indicated in your letter dated 10 June 2004, NACE Rev. 1.1. class 45.33 (plumbing) is foreseen to be split up in two NACE classes in NACE Rev. 2, with the following headings and draft codes:

- 40.22 - Plumbing and sanitary installation
- 40.23 - Installation of heating, ventilation, refrigeration or air conditioning equipment and ducts

Your proposal is to further isolate "installation of refrigeration, air conditioning and heat pump equipment" preferably under new group 32.2 (installation of industrial machinery and equipment).

Due to the commitment that NACE be aligned with ISIC, a move of "installation of refrigeration, air conditioning and heat pump equipment", from draft NACE Rev. 2 division 40 (specialized construction activities) to draft division 32 (repair, maintenance and installation of machinery and equipment) would subsequently imply that the activity be moved accordingly in ISIC, a move that is not supported by ISIC.

It is however possible to isolate "installation of refrigeration, air conditioning and heat pump equipment" – within construction - as a split of draft NACE Rev. 2 class 40.23 (installation of heating, ventilation, refrigeration or air conditioning equipment and ducts), resulting the following NACE structure:

- 40.22 - Plumbing and sanitary installation
- 40.23 - Installation of heating, ventilation equipment and ducts
- 40.24 - Installation of refrigeration, air conditioning and heat pump equipment

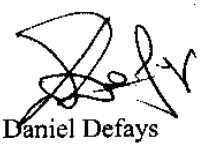
This alternative proposal that to a great extent would meet the needs of your industry will be submitted to the NACE/CPA Working Group.

Results on the ongoing work on the NACE revision are regularly posted on our dedicated web site that can be accessed at http://forum.europa.eu.int/irc/dsis/nacecpacon/info/data/en/index.htm.

Postal address: Bâtiment Jean Monnet - rue Alcide De Gasperi, L-2920 Luxembourg-Kirchberg
Offices: Bâtiment Joseph Bech - 5, rue Alphonse Weicker, L-2721 Luxembourg-Kirchberg
Telephone: (+352) 4301-1 (Switchboard) - Telex: COMEUR LU 3423/3446

Should you have further questions, please contact Mr. Michael Mietzner, Tel. +352-4301-35801, E-Mail michael.mietzner@cec.eu.int.

Yours sincerely,



Daniel Defays
Head of Unit

The Secretariat will contact EUROSTAT again in May to see if the refrigeration part, alone, of the trade has a possibility to be moved to the manufacturing coding.

European Commission

DG Environment's "Green Week 2005" is taking place next month, on 31st May -3rd June.

This year's theme is Climate Change. The conference will address the problem of rising European and global temperatures and the fact that these are primarily caused by human activities which emit carbon dioxide and other greenhouse gases.

Participants will include local, regional and national decision makers; business; non-governmental organizations and the general public. DG Environment wants Green Week to be used as a sort of 'brainstorming' session to share and develop ideas for addressing the issue of climate change, using the human factor angle - suggested areas for change will include way of life, production, consumption and transport.

Green Week will involve both a conference programme and exhibition with stands. The Conference programme is still being finalized, but so far we know that the first few days will examine less well known causes of climate change and their impact on the environment (e.g. air pollution), the potential impact of climate change, and the tools available to combat climate change (with a particular emphasis on industry, including the European Emissions Trading Scheme). On the last day, the floor will be opened up to the key politicians involved in climate change, who will take questions from a panel of teenagers.

Key sessions of interest include:

- "The climate challenge in the 21st century"
- "Hot campaign or Cool campaign" *(organised by Green Spider Network)*
- "Broadcasting the message"
- "Flying on strange wings": stakeholder conference on climate change and aviation
- Thematic Strategy on air pollution
- "Road transport's global environmental challenge: the policies and technologies needed worldwide to tackle pollution from road vehicles. " *(organised by Friends of Europe)*
- "Emissions trading - 6 months on, a first evaluation"
- "A low carbon economy" *(Organised by Respect in cooperation with WWF)*
- "A Green Agenda for Global business: defining the roles and responsibilities of
- manufacturing and consumer industries" *(Organised by Friends of Europe)*

This event is a good way to meet key stakeholders in the environmental field, and to hear their views and ideas and to project yours.

European Parliament

Published in the European Voice – week 12

Fluorinated gas - will the Parliament go green?

By Caroline Chaumont

Will the proposal to ban fluorinated gases from cars' air-conditioning systems be 'greener' after a second reading in the European Parliament? Observers says Irish centre-right MEP Avril Doyle, the new rapporteur who is drawing up the Parliament's response, wants to make the text greener. But the car industry and environmentalists are waiting to see what this might mean as the text comes back for an open second reading in July.

"I think there was some unease in the environment committee over the report of my predecessor," Doyle said. Robert Goodwill, a UK Conservative MEP and the previous rapporteur, amended the text to give more time to the car industry to adapt to requested technological changes.
An initial proposal from the Commission planned to ban HFC-134a, a highly polluting gas, with effect from 2009 for all new models and by 2013 for the production of existing models, through a complex system of progressive phase-out. The Parliament got rid of the quota system proposed by the Commission and pushed back by two years, to 2011, the point at which the ban should begin for newly approved models and by one year, 2014, for existing models.
Environmentalists were disappointed that it would take longer for polluting gases to be banned. "The equivalent of 40 million tonnes of CO2 are emitted per year of delay, the equivalent of Portugal's emissions," said Mahi Sidiridou, climate policy advisor at Greenpeace.
The car industry claims that it needs those years to make the technological changes and to overcome safety problems. "We will not use a new system unless we are sure it is 100% safe, reliable and functioning," said Kai Lücke at ACEA, the car manufacturers' association, explaining that the industry fears a massive call-back which could cost millions of euro. It claims it will not be able to produce new models using an alternative gas and technology before 2012 and not before 2018 for existing models. They need six to seven years between the two dates for reasons of engineering and production cycles.
"We need to be fair to the car industry and not make their life more difficult," said Avril Doyle who also said she wants to get closer to the Council [of Ministers] position. The Council decided last October to ban the HFC-134a from new models by 2011 and from existing models by 2017. But she said everything is open and she wants to hear the views of the environment committee. Socialists and Greens are keen to have a more environmentally friendly approach. In particular Dorette Corbey, the socialist shadow rapporteur, is in favour of banning one of the alternative gases HFC-152a, another fluorinated gas with a global warming potential much less than the HFC-134a, and only use carbon dioxide which is the less polluting solution.
At first reading the Parliament decided to ban HFC 152a. The Council thought both gases should be used. "It is fine for policymakers to set performance standards but it is not up to them to mandate specific technologies," said Kai Lücke. He believes there is no environmental justification for mandating one or the other technology. Campaign groups say manufacturers have been working for years on CO2 technologies and it would be better to use directly the more environmentally friendly solution.
Initially scheduled for April, the second reading will only start in July because of delays caused by legal wrangling over the legal base of another proposal on fluorinated gas of stationary emissions, part of the same legislative package.

- *Caroline Chaumont is a Brussels-based freelance journalist.*

European Council

Meeting of the Heads of State and Government in Brussels on March 23-24
On Climate Change

Regarding the issue of climate change, the Council confirms that "the global annual mean surface temperature increase should not exceed 2°C above pre-industrial levels". It also reaffirms the EU's intention to re-launch international negotiations by exploring options for a post-2012 arrangement in the context of the UN climate change process.

It will also look into the development of a medium to long term strategy to combat climate change. It would in particular like to explore strategies for achieving emission reductions in the order of 15-30% by 2020 in developed countries.

Finally, it would also like to further promote cost-efficient measures to cut emissions.

European legislation

Information received on March 29 from FETA / BRA
On Ecolabelling for heat pumps

Stockholm, March 7th 2005

Dear Colleagues and Friends,

We would like to announce that SIS Ecolabelling in Sweden has been appointed by the Commission to take responsibility for the project to develop "**Ecolabelling criteria for heat pumps**" within the European Ecolabelling System.

We are looking forward to working with the project and we are going to work from a "heating system point of view", as you can find in the memo, "Possible basis for Eco Labelling project concerning heating sources in Europe" that you can find on the web (the Commission's home page).

We are especially looking forward to working with the new countries within the EU.

In this work we need your help to get in contact with representatives from the industry producing heat pumps, the branch organisations, as well as with the authorities handling questions concerning the installation and use of heat pumps. We are asking you to get in contact with the relevant people as soon as possible, so they get the information about the project and have the possibility to get in contact. We would also appreciate it if you could nominate the experts of your country, who would like the possibility to be on our mailing list.

The first AHWG meeting is planned to be hold in September this year in Brussels. EUEB will later decide if phase two will actually happened.

Please do not hesitate to contact us if you have any questions.

Kind regards

Marianne Pettersson
direct phone no +46 8 5555 2428
e-mail: Marianne.pettersson@sismab.se

Kerstin Sahlén
Direct phone no +46 8 5555 2406
e-mail: kerstin.sahlen@sismab.se

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Czech comments on the explosive directive **ATEX** - Information received from Mr. Jiri Broz

For a better insight, here is an example:

It is the case of an oil refinery. The full area of this refinery plant is declared as an area with a risk of explosion . But for air-conditioning, for refrigeration in kitchens, storage rooms or similar, it is possible to use refrigeration or air conditioning equipment with a normal design.

Refrigeration equipment in not explosive-proof designed.

It exists one Czech exception to this rule, and this is an electrical installation in an ice arena for ice-hockey, using as refrigerant ammonia. The electrical installation in this case must be fully in explosion-proof construction in the machine room and in all non public rooms in the stadium.

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Public **Consultations** about the **Simple Pressure Vessels Directive** (SPDV) and the **Pressure Equipment Directive** (PED) are now open.

Questionnaire is available in the following languages: DE-EN-ES-FR-IT-PL

The results of the Comparative study on Pressure Equipment Standards (EN 13445 vs. ASME VIII) are now available (EN). You can get a copy at the secretariat.

Sister Associations

ASERCOM

"ASERCOM Energy Efficiency Award" for 2005
win 10 000 EURO for the top concept

Due to the participation and its success in 2003 and 2004 the Association of European Refrigeration Compressor and Controls Manufacturers "ASERCOM" is proud to announce again the sponsorship of the "ASERCOM Energy Efficiency Award" for 2005.

The award, which has a value of € 10 000, is given for the most valuable energy saving concept or system in refrigeration/air conditioning (including heat pumps). If you want to participate applications must present a new concept, technically practicable, and economically acceptable. An international panel of technical experts will evaluate the applications and make a final judgment.

Award details are presented on ASERCOM internet pages www.asercom.org
For additional information contact
ASERCOM Office, Motzstr.91, D-10779 Berlin, Germany
Phone +49 30 21 47 98 72 fax +49 30 21 47 98 71 email winkler@asercom.org

Application deadline: 30 June 2005

Note:
ASERCOM will honor an outstanding innovative approach to improved energy efficiency because:
Energy consumption is responsible for the major part of greenhouse gas emissions over the lifetime of refrigeration and air conditioning systems - substantially more than any direct emissions of HFC refrigerants. One example: these systems account for 14% of Germany's power consumption, and the figure is similar for other European countries. Hence efficiency improvements represent the way forward for refrigeration and air conditioning to contribute to emission reduction. This award is therefore focused on energy saving concepts.

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EURAMMON

The Secretary has approach the ammonia association (Dr Karin Jahn) to propose an exploratory meeting to better cooperate in the future. Indeed we cannot afford not to stay informed about the evolution of 'so called' natural refrigerants.
His motivation was also to inquire about the interest of Eurammon in participating with AREA in a portfolio of competence (NH^3, CO^2 handlers).
A meeting will take place on May 17 with Mr. G. Hoeterickx, Member of the Eurammon Board.

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ECSLA (Cold storages and logistics)

An interesting summary of the Secretary General in her Newsletter of April 2005 :

Dear Members,

Dutch and French members met at ECSLA offices on April 5th to discuss and compare the implementation of national laws regarding the use of ammonia in their own country. As the majority of Dutch and French cold storage companies use HCFC as refrigerants, they feel very concerned about the retrofit of their instillations. It appears that the Dutch legislation facilitates the use of ammonia through national subsides and new construction rules. On the contrary, the French

authorities continue to restrict the use of ammonia. It makes the set up of retrofit projects into natural refrigerants very difficult due to legal and economical barriers.
This discussion was followed by a meeting with members from the European Food and Drinks Federation (CIAA) from the brewers, dairy, biscuits, ice cream, sugar, frozen food sectors. The food industry faces the same problem as the cold storage sector regarding the use of natural and synthetic refrigerants. The two functionaries from DG Enterprise (European Commission) in charge of HFC, HCFC and Ammonia issues attended this meeting and understood our problems.
They summarized the last Commission updates about refrigerants.

Regarding the use of HFCs:

- The future F- gases regulation is actually discussed in second reading in the European parliament. The Green and socialist MEPs will certainly vote against the interest of users especially regarding the inspection frequency. If ECSLA obtained in first reading a frequency of two times per year, this might be amended in second reading. CIAA decided to join us in this lobbying.
- DG Environment is organizing a study to set up the standards of inspection requirements. ECSLA sent already a position letter. CIAA will do the same for each type of applications in the food industry.
- DG Environment launches a study for the use of HFC in foams and the refrigerated transport sector. The F- gases regulation might be extended to the refrigerated transport and foams.

Regarding the use of HCFCs:

- DG environment will launch a study about technical alternatives and economical feasibility regarding the ban of HCFC (R22). After our meeting held on February 3rd, DG Enterprise is now involved in this issue. The idea of the Commission is to study the possibility to advance the deadline to use HCFC at 2012 (not 2010) or to move it up to 2019. DG Enterprise wants to keep the deadline at 2015.

Regarding the use of Ammonia

- DG Enterprise and DG Environment are studying the possibility to classify ammonia as dangerous substances according to the Directive 67/548/EEC. This would have effect on insurance costs for our industry. We had already discussions with DG Enterprise and get a support.

Best regards,

Carole PRIER

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Press release from **EFCTC**

European Fluorocarbons Technical Committee
HFCs contribution to climate change likely to remain below 1% by 2015 notes IPCC Special Report
Brussels, 11 April. Contribution of HFCs to climate change likely to remain below 1% by 2015 notes IPCC Special Report.
EFCTC welcomes the publication of the Summary for Policymakers of the '*Special Report on Safeguarding the Ozone Layer and the Global Climate System'*, published today by the Intergovernmental Panel on Climate Change (IPCC) and the Technology and Economic Assessment Panel (TEAP) of the

Montreal Protocol. The Summary for Policymakers (SPM), approved at the IPCC meeting 6-9th April in Addis Ababa, highlights the importance of HFCs, as replacements to CFCs. It states clearly that whilst atmospheric concentrations of HFCs are rising, their contribution to direct radiative forcing is expected only to be about 1% by 2015, whilst their adoption has contributed to a threefold reduction in the global warming emissions of all halocarbons. The decreased climate impact of halocarbons associated to HFCs uses
The summary acknowledges the actions taken under the Montreal Protocol, such as the replacement of CFCs, has begun to reduce atmospheric chlorine loading, which is expected to lead to a slow recovery of the ozone layer in the coming decades. Importantly, it recognises that because replacements, including HFCs, generally have lower Global Warming Potentials (GWPs), and because total halocarbon emissions have decreased, their impact on climate change has also been dramatically reduced.
"The report that underpins this summary has been a major undertaking involving many experts from around the world," noted Tim Vink, vice-chairman of EFCTC, "it represents the best state of knowledge on issues related to HFCs and PFCs at the present time."
The benefit of containment
"The summary highlights the improvement made because of CFC replacements such as HFCs and it also notes the benefit of containment during use, and recovery at end of life, to further minimise their impact. Measures such as those proposed by the draft EU F-Gas Regulation, which focus on containment, are supported by this document as an effective means of delivering HFC emission reductions," said Vink.
Because of improved containment much of the HFC used in refrigeration and air-conditioning systems is held in equipment and this 'bank' of refrigerant is expected to increase. The Summary for Policymakers takes this improvement into account as part of its statement that HFC contribution to direct radiative forcing in 2015, under Business As Usual, will be about 1%. This gives a clear perspective of the contribution of HFCs towards *reducing* overall global warming.
The importance of energy efficiency
The publication of this important summary confirms to policymakers that energy efficiency and the containment of fluorocarbons should be the main focus. Most notably it highlights that actions to reduce greenhouse gas emissions based only on HFCs have a limited impact. The report summary recognises in particular that greenhouse gas emissions related to energy consumption may be reduced significantly for refrigeration and air-conditioning applications, as well as improved insulation using HFCs.
"Besides being profitable, energy efficiency improvements can have a major impact on reducing greenhouse gases emissions, and the whole industry is already working to deliver these improvements using HFCs, achieving much improved efficiencies compared to 5 years ago" adds Vink.

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EHPA European Heat Pump Association

SHERPHA project - the first steps

The global aim of the SHERPHA project is to develop the next generation of heat pump systems using natural refrigerants such as ammonia, carbon dioxide and propane. These refrigerants have zero ozone depletion and low global warming potential.

The project is an unusual partnership in that it is a collaboration between 19 small manufacturing enterprises and 10 research and technical institutions with two International Organisations as coordinators (GRETH and EHPA). Some 13 countries are represented with a good representation from southern Europe and CEE countries in addition to one accession country (Bulgaria) and 1 associate country (Ukraine). The total budget is euros 3.1 million and is being part funded by the EU's Framework 6 program.

The technical challenges are quite clear in that natural refrigerants have different thermodynamic and chemical properties to existing refrigerants. This requires redesigning the principal components like heat exchanges and compressors to optimise the heat transfer. At the same time, appropriate control strategies will be developed considering both the application and the types of components used. Other challenges involve material compatibility and requirement imposed by EU regulations to minimise the amount of refrigerant in the system.

Two project meetings have been held - the launch meeting in Bruxelles in October 2004 and the second meeting in Grenoble on April 7/8 associated with the 2005 Heat Set conference.

The initial performance of components will be checked in various laboratory rigs such as the heat transfer loop at CEA in Grenoble. This will help to determine parameters like mass flow rates, durability, leakage and control parameters and will also build confidence in the ability of the various components to be successfully integrated. As a result of various preliminary studies it is likely that as many as 8 prototype systems will be evaluated with sizes ranging from 3 to 100 kW.

The project will also cooperate with various compressor manufacturers who are not part of the project and who are developing prototype components which can be evaluated as part of the rig and field testing.

The outputs of the project will be widely disseminated in order to build confidence in the use of natural refrigerants and reports will be released periodically including background studies. Some of these reports will have restricted circulation and only be available to EHPA and GRETH members.

Some 4 of the partners are members of the EHPA and an invitation has been extended to other partners to join the EHPA.

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ACCA Air Conditioning Contractors of America

SNEFCCA has helped a former President of ACCA with some information on the French RAC market. As a consequence, some interest in cooperating with AREA may be generated; news are expected from ACCA CEO, Paul Stalknecht. SNEFCCA will keep us informed.

NGO

From the Multisectorial Initiative on Potent Industrial Greenhouse Gases

MIPIGGS Calls On Governments Not To Accept UN F-Gas Report

MIPIGGs is writing to the UK, Danish, Austrian and Swiss Governments asking them not to accept a new report by a joint group of the IPCC and TEAP, which it says could lead them to allow a 'vast' increase in HFC emissions. The report fails to set out policy options, hugely underplays the scope for Not In Kind alternatives and shows 'pie-in-the-sky optimism' over what containment can achieve, says MIPIGGs.

It asks Ministers "in the interests of safeguarding the climate, to ensure that this report does not become the basis for decision-making on HFCs in your countries, the EU or more widely".

MIPIGGs lists ten key concerns based on the Executive Summary of the report IPCC/TEAP SPECIAL REPORT: SAFEGUARDING THE OZONE LAYER AND THE GLOBAL CLIMATE SYSTEM:ISSUES RELATED TO HYDROFLUOROCARBONS AND PERFLUOROCARBONS, SUMMARY FOR POLICYMAKERS (http://www.ipcc.ch/press/SPM.pdf). The full report is not yet available and IPCC says it will be published by Cambridge University Press in the summer of 2005.

Analyst Eric Johnson of Atlantic Consulting who has published on the containment issue says: "My main criticism of the F-gas report is that it fails to address its own remit. According to its scoping paper (attached, see p 3, Part B), one might have expected to see comparisons of policy options, eg bans vs containment vs taxes vs whatever. Surely this is what policy-makers might want, ie a comparison of policies. What should we do? That is the question."

He adds: "Unfortunately, the report does not bother to answer the question. The Summary for Policy Makers - the most important part of the report - does not do this (and neither does the rest). It leaps to containment as the answer, with no obvious logic, and then makes various statements about the effects of containment. Notwithstanding that these statements could well be incredible, they mean little without comparison to other policy options."

MIPIGGs Comments On The IPCC/TEAP Report Based On The Executive Summary

1. This report is a huge missed opportunity that will probably make climate change worse not better because it will lead governments to allow HFC emissions to increase vastly, when they could be largely eliminated.

2. By mixing up HFCs, CFCs and HCFCs in its discussion and diagrams the Executive Summary will confuse many politicians and officials who often don't appreciate the differences, and disguises the fact that HFCs are an emerging, growing problem while the other gases are already in industrial decline. The HFC threat is being cloaked in the ODS agenda.

3. It hugely and consistently underplays the scope for avoiding and reducing HFCs through NIK (Not In Kind) alternatives. This is despite the fact that in the original decision to commission the study in 2003 the IPCC said it was responding to 'The need for a scientific/technical , policy neutral, comprehensive and user-friendly and complete information package'.

4. It fails to set out clear policy options for decision makers.

5. Given that HFCs are, as it notes, increasing at 13 - 15% (or more) a year in the atmosphere, its reliance on supposed success in containment in reducing future HFC emissions is pie in the sky optimism, not borne out by experience. In reality containment is a failed policy.

6. On p2 it says the 2015 threshold used throughout the report is chosen because "reliable literature on replacement options" exists up to but not after that time. This makes no sense in a report designed to protect climate, as there are already proven NIK technologies for almost

every HFC use, so there's no scientific or technical excuse for assuming that HFCs have to be used in the 2005 - 2015 period.

It compounds this error by saying that it ignores SRES scenarios showing increasing HFC emissions (on BaU) after 2015 despite their showing 'significant growth'. This is an historic mistake because it will mislead politicians into thinking that HFCs are not a serious threat.

7. In its BaU scenario it forsees a threefold increase in the large emissions of HFCs from refrigeration but this could be avoided by use of NIK such as NH3 and HC or CO2 or in some cases water systems.

8. Its section 4 on options to reduce use and emissions of F-gases is seriously inadequate and its greatest weakness. Government reviewers should have picked this up as it contains elementary errors. For example its description of NIK technologies is relegated to a footnote (17) and even then, focuses on the minor replacement uses of MDIs, deodorant aerosols and foam/mineral wool insulation (largely done in the UK for example), and completely fails to mention the massive potential to use HC, CO2 or NH3 to avoid F-gases in refrigeration or air conditioning. This section reads like a policy text from the F-gas industry. Containment is put first as an option and NIK last. Three of the five options all involve continued use of F-gases.

9. On page 12 S4 it says there are 'relatively few transparent comparisons' of alternatives - what about the massive German EPA study showing scope for replacement of HFCs, sector by sector ? The Danish Government (for one) has also done extensive research into the viability of alternatives which is how it was able to come up with its phase out programmes. What works in Austria, Germany, Denmark or Switzerland can work in the US, UK or France.

10. The whole report mixes data based on the objective scientific appraisal of the impact of emissions with data based on wholly political assumptions about technology choices and market development. The picture created is spurious. These are not technical questions but the result of politics and the influence of the f-gas industry on politics and policy. As a result the report is a prescription for un-necessary continued HFC pollution, storing up a completely avoidable addition to climate change.

AND THE REBUTTAL OF THE UNITED NATIONS :

UN panel rebuts allegations of HFC favoritism
Environment Daily 1862, 19/04/05

The Intergovernmental panel on climate change (IPCC) has issued a rare rebuttal after environmental group Mipiggs claimed that it favoured containing HFC gases over substituting them with non-climate altering alternatives in a recent report. Mipiggs' accusations are "unfounded", it said on Tuesday.

However, an IPCC spokesperson also questioned claims by the HFC producing and using industries that the report provides an endorsement of containment. The report considers all options, co-chair of the IPCC working group on mitigation Bert Metz told Environment Daily. "Anybody who wants to pull it in one direction, we have to say: 'sorry'."

The UN expert panel's report evaluated a wide range of options for limiting emissions of fluorinated greenhouse gases (f-gases) used as substitutes for ozone-depleting CFCs and halons. It concludes that global emissions of HFCs, currently rising fast, can be held in check to 2015.

In its response, Mipiggs alleged that the report "consistently underplays" the scope for avoiding HFCs through not in kind alternatives and relies too much on the "failed policy" of containment. One section "reads like a policy text from the f-gas industry", Mipiggs complained.

But it is Mipiggs' call on governments to ignore the report's conclusions that appears to have stung IPCC into action. "We are normally hesitant in giving rebuttals", said Dr Metz. But "we considered that this was a pretty strong attack." It had also been widely circulated to government officials involved in climate change policy negotiations, he added.

IPCC insisted that its report "does pay ample attention to replacement of HFCs". The Kyoto protocol - the international legal text underlying its investigation - controls HFC emissions and not their production or consumption, it added. The panel also issued a point-by-point rebuttal of ten specific criticisms levelled by Mipiggs.

* Clarification: IPCC's report projects that, under business as usual, by 2015 HFCs will account for 1% of global warming contribution of all greenhouse gases in the atmosphere. This is not the same thing as their share of emissions in that year, and way IPCC projects that HFCs will account for 2% of global greenhouse gas emissions in 2015.
We want to clarify this point because in our first article on the IPCC report (ED 11/04/05 http://www.environmentdaily.com/articles/index.cfm?action=article&ref=18561)
we juxtaposed its projection for HFCs' share of radiative forcing with earlier predictions for share of emissions, which may have been misleading.

Events

Mail received from the International Institute of Refrigeration :

It is our pleasure to invite you on the International Conference Ammonia Refrigerating Systems, Renewal and Improvement will be held on May 6-8, 2005 in Ohrid, Macedonia.

Keynote speakers:
Forbes Pearson: "Ammonia Refrigeration; Yesterday, Today and For Ever"
Anders Linborg: "Large Ammonia Refrigeration Systems - The necessity, Risks and 130 Years of Operation"
Predrag Hrnjak: "Charge Minimization in Ammonia Refrigeration Systems"
Herman Halozan: "Heat Pump Systems with Ammonia as Refrigerant"

Special guests:
Ronald Vallort, President of ASHRAE: "The Future of Refrigeration"
Rajendra Shende, Head of OzonAction, UNEP: "Importance of natural refrigerants in safeguarding the climate system and ensuring the sustainable development"

You are cordially invited to attend the excellent event such as this Conference in Ohrid 2005. We would like to remind you that the early registration fee (350 EUR) is available by March 31, 2005.

Yours sincerely,

Anders Lindborg,
President of the Scientific Committee

Risto Ciconkov
President of the Organising Committee

Round Table

"Latest News in Techniques, Codes and Standards in Industrial and Commercial Ammonia Refrigeration"

Ammonia as refrigerant has kept its position and gained new opportunities in industrial refrigeration and commercial refrigeration in supermarkets. In some cases carbon dioxide is a complement together with ammonia. Important is to improve safe and reliable ammonia installations which under no condition can be observed by neighbours. Still the smell of ammonia is one of important assets besides high efficiency and high availability, economical operation.

Highly Developing Countries are invited to a discussion with representatives from Developed Countries in order to make better contacts and support each other in safer and better ammonia refrigeration.

Representatives from Macedonia, Serbia & Montenegro, Ukraine, Romania, Bulgaria and Turkey will give short reports (5 minutes each) regarding ammonia refrigeration in their country

- What is the current situation?
- What are the economical obstacles?
- What is the level of present knowledge? Demand for education and training?
- What kind of Codes and Standards, Pressure Directives are in force?
- Other subject?

A panel chaired by
Mr Anders Lindborg (Ammonia Partnership AB, Sweden)
and invited persons
Mr Brian Marriott (York Refrigeration Systems - North America)
Mr Bernhard Schrempf (TÜV Industrie Service - TÜV SÜD Group, Germany)
will guide the discussion with the audience.

Contact:
Prof. Dr. Risto Ciconkov, President of the Organizing Committee
ristoci@ukim.edu.mk
www.mf.ukim.edu.mk/web_ohrid2005/ohrid-2005.html - conference website

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The **5th International Conference on Cold Climate Heating, Ventilation and Air Conditioning** will take place in Moscow on May 21-24, 200**6**.
www.abok.ru/CC2006
brodatch@abok.ru

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