

# **Draft Regulation adapting national chemicals legislation to European Union law by amending the Chemicals (Ozone Layer) Regulation and the Chemicals Prohibition Regulation**

Impact assessment – extract from the draft legislation (p. 10-11)

## **VII. Consequences of the legislation**

The amendment to the Chemicals (Ozone Layer) Regulation (ChemOzonSchichtV) provides legal certainty by adapting the rules to the new Regulation (EU) 2024/590. It also serves the purpose of simplification, as national rules that are no longer necessary are revoked.

### **1. Legal and administrative simplification**

The amendments consolidate the legal framework by adapting the existing rules to the new Regulation (EU) 2024/590 and avoiding a duplication of rules.

In addition, recording and record-keeping obligations for the withdrawal of ozone-depleting substances have been revoked, as the obligations under waste law are sufficient to ensure that records are kept.

Finally, expert competence to carry out certain activities using ozone-depleting substances should in future only be able to be proven by means of a certificate of expertise in accordance with the Chemicals (Climate Protection) Regulation. This removes, among other things, the recognition of specialist training courses conducted under the auspices of the competent federal state authorities, which have no longer had any practical relevance in recent years.

### **2. Sustainability aspects**

The draft Regulation amending the Chemicals (Ozone Layer) Regulation accompanies the EU rules implementing the Montreal Protocol for protecting the ozone layer. It thus serves objective 3.2 (Air pollution: Maintain a healthy environment), as the reduction in ozone-depleting substances protects humans and the environment from excessive UV radiation. Since many ozone-depleting substances simultaneously have a negative impact on the climate, it also serves objective 13.1 (Climate protection: Reduce greenhouse gases). Finally, it is relevant to Sustainable Development Principles 2 (Assume global responsibility) and 3 (Safeguard natural resources). No conflict with any other sustainability goals is expected.

### **3. Budgetary expenditure without compliance costs**

The main purpose of this Regulation is to adapt the Chemicals (Ozone Layer) Regulation to the new Regulation (EU) 2024/590 and to revoke national provisions that are no longer necessary. Therefore, no additional budgetary expenditure is incurred by the Federal Government, the federal states or the municipalities.

### **4. Compliance costs**

#### ***Compliance costs for citizens***

The compliance costs for citizens remain unchanged.

#### ***Compliance costs for businesses***

For businesses, the amendment to the Chemicals (Ozone Layer) Regulation reduces annual compliance costs by approximately EUR 444 000. This saving constitutes an 'out' within the meaning of the Federal Government's 'one in, one out' rule.

Some of the obligations laid down in federal law cease to apply from today, and are subsequently directly applicable by virtue of the new Regulation (EU) 2024/590. Specifically,

these are the obligations under **Section 4(2) and (3) ChemOzonSchichtV** to carry out **leak checks** and to **record them** (approximately EUR 38 000 per year). These national burdens will be eliminated from now on. In practice, however, this reorganisation of the legal system does not reduce the actual costs for companies.

The recording and record-keeping obligations relating to the withdrawal or disposal of ozone-depleting substances in the current **Section 3(3) ChemOzonSchichtV** are revoked. However, an annual case number of only 30 000 records can be assumed. Therefore, with an assumed annual effort of three minutes to fulfil both obligations and at wage costs of EUR 37.40 per hour, the annual savings are approximately EUR 56 000 and are to be regarded as minor.

In practice, the amendment to **Section 2 ChemOzonSchichtV** does not lead to any additional compliance costs, as the reporting of information on halons was already mandatory under Article 26(1)(d) of the previous Regulation (EC) No 1005/2009.

### ***Compliance costs for the authorities***

The simplifications brought about by the Chemicals Prohibition Regulation have no impact on compliance costs for the authorities. The recast **Section 5 ChemOzonSchichtV** removes the requirement to undertake activities for the **recognition of training courses** under the auspices of the competent federal state authorities. In practice, however, this change in the law does not lead to any actual relief, as the aforementioned activities have not played any role in recent years. A consultation with the federal states has shown that either there are no recognised further training courses at all, or such courses have not been offered for a long time. In addition, in the opinion of relevant industry representatives, there are no longer any persons who carry out activities exclusively at facilities using ozone-depleting substances. Following the change in the law, proof of expert competence can only be provided by means of a certificate of expertise in accordance with the Chemicals (Climate Protection) Regulation.

### **5. Other costs**

None.

### **6. Further consequences of the legislation**

The Regulation has no impact on consumers, equality policy or demographics. Being federal legislation, the parity of living conditions is maintained.