

Draft Legislation

of the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety

Ordinance implementing Regulation (EU) 2024/573 on fluorinated greenhouse gases and strengthening the circular economy for hydrofluorocarbons

A. Problem and objective

The new Regulation (EU) 2024/573 on fluorinated greenhouse gases (hereinafter the 'new F-Gas Regulation') ensured that the F-gas sector continues to make an important contribution to achieving climate protection targets. To this end, the previous Regulation (EU) No 517/2014 on fluorinated greenhouse gases (previous F-Gas Regulation) has been fundamentally revised and recast. The aim of this recast text is to adapt the Chemicals Climate Protection Ordinance (ChemKlimaschutzV) to the new F-Gas Regulation. To this end, the existing provisions will be reorganised and supplemented.

The new F-Gas Regulation extends the scope of certification obligations to additional equipment, further fluorinated greenhouse gases (F-gases) and relevant alternatives. In addition, the minimum requirements for the certification of natural persons and legal entities are amended. The aim is to improve knowledge and skills in order to avoid emissions of F-gases and to reduce hurdles when switching to alternatives. It is therefore necessary to adapt the requirements for issuing certificates of competence and company certificates as well as for the recognition of bodies for conducting examinations and issuing certificates of competence. In addition, provisions must be created to enable a transition to the new minimum requirements for both existing certificates of competence and existing company certificates.

The new F-Gas Regulation requires Member States to ensure that certified natural persons take part in refresher courses at least every seven years in the future. Therefore, requirements are being created to ensure regular participation of experts in refresher courses. To this end, in addition to the experts themselves, the companies employing experts will also be held responsible.

Under the new F-Gas Regulation, operators of certain equipment containing F-gases must ensure that, for example, leak checks and recovery are carried out only by natural persons with a certificate or training attestation. This is intended to reduce emissions and enable circular use. These operator obligations are specified by reference to the national rules implementing the certification requirements.

Some hitherto purely national obligations will be removed, as the new F-Gas Regulation now regulates them with sufficient precision. This applies, for example, to the obligation to carry out leak checks on mobile equipment.

The national take-back obligation for F-gases remains in place. After a transitional period, take-back for partially fluorinated hydrocarbons (HFCs) will be free of charge for the returning party in the future in order to create an incentive to return HFCs in view of the upcoming bans on the use of new F-gases with high greenhouse gas potential and to support the reprocessing and circular economy of used HFCs.

B. Solution

Adoption of this Ordinance recasting the Chemicals Climate Protection Ordinance.

C. Alternatives

None.

D. Budgetary expenditure without compliance costs

None.

E. Compliance costs

For the changeover, a 1:1 implementation was chosen, so the compliance costs are not relevant with regard to the 'one in, one out' rule.

E.1 Compliance costs for citizens

There are no compliance costs for citizens.

E.2 Compliance costs for businesses

Businesses will incur non-recurrent compliance costs of around EUR 52.8 million, phased in until 2029. The annual compliance costs will increase by around EUR 10.8 million from 2032 onwards.

Administrative costs under this heading arising from information obligations

Of the increased annual compliance costs from 2032 onwards, approximately EUR 1 million is attributable to bureaucracy costs arising from obligations to provide information.

E.3 Compliance costs for the authorities

For Federal State administration, non-recurrent compliance costs of around EUR 2.2 million will be incurred, phased in until 2029.

Annual compliance costs will increase by around EUR 4 000.

F. Other costs

Businesses will incur non-recurrent costs from fees amounting to EUR 10.2 million.

Draft bill of the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety

Ordinance implementing Regulation (EU) 2024/573 on fluorinated greenhouse gases and strengthening the circular economy for hydrofluorocarbons¹

Dated ...

On the basis of:

- § 14(1)(3)(a) and (b) and § 17(1)(1)(b) and (c) and Point 2(b) and (d) and Paragraph 5 of the [Chemicals Act \(Chemikaliengesetz\)](#) in the version promulgated on 28 August 2013 (Federal Law Gazette (BGBl.) I p. 3498, 3991), last amended by Article ... of the Act of ... [insert: date of issue and reference of the Fifth Act amending the [Chemicals Act](#)], following consultation with the parties involved, as well as
- § 25(1) Points 2, 7 and 8, and §§ 67 and 68 of the [Circular Economy Act \(Kreislaufwirtschaftsgesetz\)](#) of 24 February 2012 (BGBl. I p. 212), as last amended by Article 5 of the Act of 2 March 2023 (BGBl. 2023 I No 56), following consultation with the parties involved and ... [insert: respecting the rights of the Bundestag OR with the consent of the Bundestag OR taking into account the decision of the Bundestag of ...], the Federal Government orders the following:

Article 1

Ordinance on the protection of the climate from changes caused by the introduction of certain fluorinated greenhouse gases

(Chemicals Climate Protection Ordinance – Chemikalien-Klimaschutzverordnung, ChemKlimaschutzV)

Section 1

Scope and Definitions

§ 1

Scope

This Regulation shall apply in addition to Regulation (EU) 2024/573.

¹ Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17/9/2015, p. 1).

§ 2

Definitions

For the purposes of this Ordinance,

1. 'specific refrigerant loss' means the refrigerant loss of an application as a percentage per year, as determined by appropriate methods, either from the parameters of total refrigerant loss per year and refrigerant charge size upon first entry into service, or from the parameters of refrigerant charge size upon first entry into service, time and the sum of refill quantities of refrigerant;
2. 'normal operation' means the operating state of a stationary system whose functionality is not impaired or excluded due to a leak that is the result of a sudden, exceptional occurrence.

Section 2

Containment and circular use

§ 3

Limitation of the release of refrigerants into the atmosphere

(1) Anyone operating stationary equipment under Article 5(2)(a) to (c) of Regulation (EU) 2024/573, as amended on 7 February 2024, that contains fluorinated greenhouse gases listed in Annex I or Annex II, Group 1, to Regulation (EU) 2024/573, as amended on 7 February 2024, shall ensure that, in addition to the requirements of Article 4(1) and (3) of Regulation (EU) 2024/573, as amended on 7 February 2024, the specific refrigerant loss of the equipment during normal operation does not exceed the following limit values:

1. in the case of refrigeration units that are self-contained in accordance with Article 3(38), of Regulation (EU) 2024/573, as amended on 7 February 2024, with a refrigerant charge size of at least 3 kilograms: 1 per cent;
2. in the case of applications installed at the site after 30 June 2008
 - a) with a refrigerant charge size of less than 10 kilograms: 3 per cent;
 - b) with a refrigerant charge size of 10 to 100 kilograms: 2 per cent; and
 - c) with a refrigerant charge size exceeding 100 kilograms: 1 per cent;
3. in the case of applications installed on site after 30 June 2005 and until 30 June 2008
 - a) with a refrigerant charge size of less than 10 kilograms: 6 per cent;
 - b) with a refrigerant charge size of 10 to 100 kilograms: 4 per cent; and
 - c) with a refrigerant charge size exceeding 100 kilograms: 2 per cent;
4. in the case of applications installed on site until 30 June 2005

- a) with a refrigerant charge size of less than 10 kilograms: 8 per cent;
- b) with a refrigerant charge size of 10 to 100 kilograms: 6 per cent; and
- c) with a refrigerant charge size exceeding 100 kilograms: 4 per cent.

(2) Operators of equipment under Paragraph 1 shall ensure access to all removable connections where technically possible and reasonable.

(3) Paragraphs 1 and 2 shall not apply to hermetically sealed equipment under Article 3(9) of Regulation (EU) 2024/573 that are labelled as such and

- 1. contain less than 10 tonnes of CO₂ equivalent of fluorinated greenhouse gases as defined in Annex I to Regulation (EU) 2024/573; or
- 2. contain less than 2 kilograms of fluorinated greenhouse gases as defined in Annex II, Group 1, to Regulation (EU) 2024/573.

§ 4

Recovery of used fluorinated greenhouse gases

The following persons can delegate the performance of their obligations to third parties:

- 1. operators required under Article 8(1)(1) of Regulation (EU) 2024/573 to recover, recycle, reclaim or destroy fluorinated greenhouse gases from equipment;
- 2. companies required by Article 8(7) of Regulation (EU) 2024/573 to recover fluorinated greenhouse gases from containers in accordance with Annex I and Annex II, Group 1, to Regulation (EU) 2024/573; and
- 3. operators required under Article 8(10) of Regulation (EU) 2024/573 to recover fluorinated greenhouse gases in accordance with Annex I and Annex II, Group 1, to Regulation (EU) 2024/573.

§ 5

Take-back of used fluorinated greenhouse gases

(1) Producers and distributors of fluorinated greenhouse gases shall be obliged to take them back after use or to ensure that they are taken back by a third party designated by them. For fluorinated greenhouse gases according to Annex I, Group 1, to Regulation (EU) 2024/573, as amended on 7 February 2024, the take-back under Sentence 1 shall be free of charge for the returning party. Sentences 1 and 2 shall not apply in so far as the provisions of the [Regulation on the disposal of used halogenated solvents of 23 October 1989 \(BGBl. I p. 1918\)](#), last amended by [Article 7b of the Regulation of 20 October 2006 \(BGBl. I p. 2298\)](#), are to be applied.

(2) The following persons shall keep records of the type and quantity of substances or mixtures taken back or disposed of and of their whereabouts:

- 1. producers and distributors taking back fluorinated greenhouse gases in accordance with Paragraph 1; and

2. operators of disposal facilities disposing of fluorinated greenhouse gases.

The records shall be kept for at least five years after their creation and made available to the competent authority upon request.

(3) Paragraph 2 shall not apply to operators of disposal facilities that, under § 49 of the [Circular Economy Act of 24 February 2012 \(BGBl. I p. 212\)](#), as last amended by [Article 5 of the Act of 2 March 2023 \(BGBl. 2023 I No 56\)](#), in conjunction with Part 3 of the [Ordinance on Waste Recovery and Disposal Records \(Nachweisverordnung\) of 20 October 2006 \(BGBl. I, p. 2298\)](#), as last amended by [Article 5 of the Regulation of 28 April 2022 \(BGBl. I p. 700\)](#), must keep registers on the disposal of fluorinated greenhouse gases. The operators of disposal facilities under Sentence 1 shall also indicate in the register whether recovery or disposal has taken place and specify the substance disposed of or the corresponding group of substances in accordance with Annexes I, II or III to Regulation (EU) 2024/573:

1. when keeping the register pursuant to § 24(2) of the Ordinance on Waste Recovery and Disposal Records, in the accompanying documents to be filed in the register, in the 'Free for remarks' field; and
2. when keeping the registers pursuant to § 24(4) and (5) of the Ordinance on Waste Recovery and Disposal Records, specifying the waste code and the type of waste.

The provisions on electronic evidence and register keeping in accordance with §§ 17 to 22 of the Ordinance on Waste Recovery and Disposal Records shall apply accordingly with the proviso that the interfaces required for the additional information under Sentence 2 pursuant to § 18(1)(2) of the Ordinance on Waste Recovery and Disposal Records shall be notified by the Federal Ministry for the Environment, Climate Action, Nature Conservation and Nuclear Safety.

Section 3

Certificates of competence and company certificates

§ 6

Personal requirements for certain activities

(1) An activity listed in Article 10(1) of Regulation (EU) 2024/573, as amended on 7 February 2024, may only be carried out by natural persons who:

1. hold a certificate of competence covering the activity under § 7(1), (2), (3) or (6) or § 8(1);
2. if the certificate of competence pursuant to § 7(1), (2), (3) or (6) or under § 8(1) was issued more than seven years ago, have taken part in a refresher course under § 9(1) within the past seven years;
3. possess the technical equipment necessary for the activity;
4. are reliable; and

5. in the case of leak checks under Article 5(1)(1) in conjunction with Article 5 Paragraphs 2 and 3, Subparagraph 1 or Paragraph 6 of Regulation (EU) 2024/573, as amended on 7 February 2024, are not subject to instructions concerning that activity.

(2) Certificates and training attestations obtained in another Member State of the European Union or in a State party to the Agreement on the European Economic Area pursuant to Article 10(1) of Regulation (EU) 2024/573 shall be equivalent to the certificate of competence as per Paragraph 1(1).

(3) A refresher course under Article 10(9)(2) of Regulation (EU) 2024/573 conducted in another Member State of the European Union or in another State party to the Agreement on the European Economic Area shall be equivalent to a refresher course as per Paragraph 1(2).

(4) Paragraph 1(1) and (2) shall not apply to natural persons for whom an implementing ordinance enacted on the basis of Article 10(8)(1) of Regulation (EU) 2024/573 lays down an exception to the certification or training attestation requirement.

§ 7

Certificates of competence

(1) Certificates of competence shall be issued to natural persons upon application, provided that they provide evidence that they have successfully completed technical or craft-based vocational training relevant to the activity in question and that they have successfully passed a theoretical and practical examination corresponding to the activity in question, in accordance with the following minimum requirements:

1. in the case of activities under Article 2(1) of Implementing Ordinance (EU) 2024/2215, in accordance with the respective minimum requirements set out in Annex I to this Implementing Ordinance;
2. in the case of activities under Article 1 of Implementing Regulation (EU) 2025/623, in accordance with the minimum requirements set out in Annex I to this Implementing Ordinance;
3. in the case of activities under Article 1(1) of Implementing Regulation (EU) 2025/625, in accordance with the minimum requirements set out in Annex I to this Implementing Ordinance; or
4. in the case of activities under Article 1(1) of Implementing Regulation (EU) 2025/627, in accordance with the minimum requirements set out in Annex I to this Implementing Ordinance.

(2) Certificates of competence shall be issued to natural persons upon request, provided that, in the case of activities under Article 1 of Implementing Regulation (EU) 2025/XX [number to be inserted prior to the cabinet decision at the latest], they demonstrate successful participation in a training programme in accordance with the respective minimum requirements set out in Annex I to this Implementing Ordinance. Where the training programme is limited to knowledge and skills for certain mobile equipment, the certificates of competence shall also be issued only for that equipment. Certificates of competence as per Sentence 1 shall also be issued on application to natural persons who fulfil the conditions laid down in Paragraph 1(1).

(3) By way of derogation from Paragraphs 1 and 2, certificates of competence shall be issued on application to natural persons holding a diploma in successfully completed technical or craft-based vocational training for the activities in question:

1. whose final examination covers the minimum requirements under Paragraph 1 that are relevant to the activity in question; or
2. the training content of which covers the minimum requirements as per Paragraph 2(1).

(4) In the cases under Paragraph 1, the requirement to provide evidence of successfully completed technical or craft-based vocational training shall be waived, provided that:

1. a certificate in accordance with Annex 1 to the [Vocational Training Assessment Procedure Ordinance \(Berufsbildungsfeststellungsverfahrensverordnung\)](#) of 6 November 2024 (BGBl. 2024 I No 346) is presented, or
2. the certificate of competence for the recovery of fluorinated greenhouse gases from equipment pursuant to Annex 1(1) to the [Electrical and Electronic Equipment Act \(Elektro- und Elektronikgerätegesetz\)](#) of 20 October 2015 (BGBl. I p. 1739), as last amended by Article 1 of the Act of 8 December 2022 (BGBl. I p. 2240), that have a charge size of at least 3 kilograms of fluorinated greenhouse gases and more than 5 tonnes of CO₂ equivalents is to be issued and the recovery is to be carried out in an establishment that is certified as a primary treatment facility in accordance with § 21 of the Electrical and Electronic Equipment Act.

(5) In individual cases, a natural person shall, on application, be exempted from the requirement to provide evidence of successfully completed technical or trade-based vocational training as per Paragraph 1 if the person:

1. has been entered in the official register of handicrafts pursuant to § 7 of the [Trade and Crafts Code \(Handwerksordnung\)](#) in the version published on 24 September 1998 (BGBl. I p. 3074; 2006 I p. 2095), as last amended by Article 2 of the Act of 3 April 2025 (BGBl. 2025 I No 106) in a relevant craft or fulfils the conditions for such entry; or
2. otherwise proves that they are comparably qualified for technical or craft-based activities.

(6) By way of derogation from Paragraph 1, a certificate of competence shall also be issued upon application to a natural person holding a vocational training diploma whose final examination only partially covers the respective minimum requirements under Paragraph 1, provided that they have passed a theoretical and practical examination for the minimum requirements not covered by the final examination.

(7) The certificate of competence must indicate the date by which the next participation in a refresher course under § 9(1) must have taken place.

§ 8

Changeover to certificates of competence under Regulation (EU) 2024/573

(1) A certificate of competence pursuant to § 7(1) or (2) shall also be issued to a natural person who has a certificate of competence or a certificate pursuant to § 5(1)(1)(1) of the Chemicals Climate Protection Ordinance in the version in force until the end of ... [in-

sert: the date of the day before the date of entry into force under Article 3 of this Ordinance] and has taken part in a refresher course under § 9(1) for the activity in question.

(2) The certificate of competence must indicate the date by which participation in the next refresher course under § 9(1) must have taken place.

§ 9

Refresher courses

(1) Refresher courses shall include a refresher of the relevant theoretical knowledge and practical skills resulting from the minimum requirements of § 7(1) or (2) for the activity in question. A practical part is not required if the natural person can prove that they have carried out activities under § 7(1) or (2) during the two years preceding the refresher course. The evidence shall be provided by means of a self-declaration listing the activities as referred to Sentence 2.

(2) Upon application, a natural person shall be certified as having taken part in the refresher course on the certificate of competence pursuant to § 7(1), (2), (3) or (6) or pursuant to § 8(1). The certificate under Sentence 1 shall contain the date by which the next participation in a refresher course under Paragraph 1 must have taken place.

§ 10

Recognition of bodies

(1) The competent authority may, on request, recognise vocational and training institutions and companies as entitled to conduct examinations and issue certificates of competence under § 7(1):

1. if and in so far that the examination complies with the respective minimum requirements set out in Annex I to Implementing Regulation (EU) 2024/2215 and the conditions laid down in Article 7(1)(2), Paragraphs 2 and 3 and Article 8(1)(2) and Paragraphs 2 to 4 of this Implementing Ordinance are met;
2. if and in so far that the examination complies with the minimum requirements set out in Annex I to Implementing Regulation (EU) 2025/623 and the conditions laid down in Article 4(1)(2), Paragraphs 2 and 3 and Article 5(1)(2) and Paragraphs 2 to 4 of this Implementing Ordinance are met;
3. if and in so far that the examination complies with the minimum requirements set out in Annex I to Implementing Regulation (EU) 2025/625 and the conditions laid down in Article 6(1), Subparagraph 2, Paragraphs 2 and 3 and Article 7(1)(2) and Paragraphs 2 to 4 of this Implementing Ordinance are met;
4. if and in so far that the examination complies with the minimum requirements set out in Annex I to Implementing Regulation (EU) 2025/627 and the conditions laid down in Article 4(1)(2), Paragraphs 2 and 3 and Article 5(1)(2) and Paragraphs 2 to 4 of this Implementing Ordinance are met.

The recognition under Sentence 1 presupposes that the vocational and training institution or the company can assess whether technical or craft-based training covers the activities for which the certificate of competence is issued.

(2) The competent authority may, on request, recognise vocational and training institutions and companies as entitled to carry out training programmes and issue certificates of competence under § 7(2) if and in so far as the training programme complies with the respective minimum requirements set out in Annex I to Implementing Regulation (EU) 2025/XX [number to be inserted prior to the cabinet decision at the latest] and the conditions set out in Article 4(1), Subparagraph 2, Paragraphs 2 and 3 of this Implementing Ordinance are met. Where the training programme is limited to knowledge and skills for certain mobile equipment, recognition shall also be limited to the issue of certificates of competence for that equipment.

(3) The competent authority may, on request, recognise training and vocational institutions and companies as entitled to provide refresher courses under § 9(1), to certify participation in refresher courses under § 9(2) and to issue certificates of competence under § 8(1) if and in so far as they can prove that the refresher courses comply with the requirements in accordance with § 9(1) and are carried out by personnel who have knowledge of the relevant theoretical and practical minimum requirements under § 7(1) or Paragraph 2(1) for the activity in question.

§ 11

Certification of legal entities and associations of persons

(1) Anyone who carries out the activities under Article 10(2) of Regulation (EU) 2024/573, as amended on 7 February 2024, shall be able to produce a company certificate under Paragraph 2. Company certificates issued in another Member State of the European Union or in another State party to the Agreement on the European Economic Area pursuant to Article 10(2) of Regulation (EU) 2024/573 shall be equivalent to the company certificate under Sentence 1. Sentence 1 shall also apply to units of legal entities or associations of persons that carry out activities for them independently of their direction.

(2) The competent authority shall grant, upon request, a company certificate to legal entities and associations of persons:

1. in the case of activities under Article 2(2) of Implementing Regulation (EU) 2024/2215, provided that the conditions laid down in Article 6(1) of that Implementing Regulation are met; or
2. in the case of activities under Article 1(2) of Implementing Regulation (EU) 2025/625, provided that the conditions laid down in Article 5(1) of this Implementing Ordinance are met.

In addition to the information referred to in Article 6(2) of Implementing Regulation (EU) 2024/2215 or in Article 5(2) of Implementing Regulation (EU) 2025/625, the company certificate shall indicate at least the registered office of the legal entity or association of persons. The company certificate can be refused if the natural persons employed there do not meet the requirement under § 6(1)(2).

(3) A legal entity or association of persons registered in accordance with Article 13 of Regulation (EC) No 1221/2009 and carrying out activities under Article 10(2) of Regulation (EU) 2024/573 shall receive the company certificate referred to in Paragraph 2, provided that the environmental statement or the environmental audit report shows compliance with the conditions set out in Paragraph 2 and contains the information required by Article 6(2) of Implementing Regulation (EU) 2024/2215 or Article 5(2) of Implementing Regulation (EU) 2025/625 and Paragraph 2(2).

(4) The competent authority can attach ancillary provisions to the company certificate.

(5) Anyone holding a company certificate shall ensure that any natural persons they employ who hold a certificate of competence pursuant to § 7(1), (2), (3) or (6) or under § 8(1) and carry out activities under § 6(1) take part in a refresher course under § 9(1) at least every seven years.

(6) If the application referred to in Paragraph 2 was submitted before the expiry of 12 March 2029, the legal entity or association of persons may satisfy the conditions laid down in Paragraph 1(1) for nine months by submitting a company certificate under § 6(2) of the Chemicals Climate Protection Ordinance in the version in force until the expiry of... [insert: the date of the day before the date of entry into force in accordance with Article 3 of this Ordinance] and provide evidence of an acknowledgement of receipt of the application, unless the competent authority objects within two weeks of receipt of the application.

§ 12

Responsibility

(1) Responsibility for administering examinations and issuing certificates of competence under § 7(1), also in conjunction with (4), executing training programmes and issuing certificates of competence under § 7(2), executing refresher courses under § 9(1) and certifying participation in refresher courses under § 9(2), and issuing certificates of competence under § 8(1) lies with:

1. guilds of trades, in so far as they have been authorised by the competent chamber of crafts pursuant to § 33(1)(1) of the Trade and Crafts Code to administer examinations, and otherwise the chambers of crafts;
2. chambers of industry and commerce; and
3. the bodies recognised under § 10 by the competent authority.

(2) The chambers of skilled trades and crafts and guilds of trades under Paragraph 1, as well as chambers of industry and commerce, are also responsible for issuing certificates of competence under § 7(3) and (6).

(3) The chambers of crafts and chambers of industry and commerce under Paragraph 1 shall also be responsible for exemptions under § 7(5). Before making a decision, they can obtain an opinion from the professionally competent guild of trades or professional association.

(4) The authority designated by Federal State law shall be responsible for granting company certificates pursuant to § 11(2) and for recognising bodies pursuant to § 10(1), Paragraphs 2(1) and 3.

§ 13

Procedure

- (1) The following applications must each be decided within a period of three months:

1. an application for issue of a certificate of competence under § 7(1), (2), (3) or (6) or § 8(1);
2. an application for exemption under § 7(5);
3. an application for recognition under § 10(1), (2) or (3); and
4. an application for the granting of a company certificate under § 11(2).

§ 42a(2), Sentences 2 to 4 of the Administrative Procedures Act (Verwaltungsverfahrensgesetz) applies. The procedures for issuing attestations, exemptions, recognition and granting of certificates can be carried out through a single body. The attestations, exemptions, recognitions and certificates referred to in Sentence 1 shall be valid throughout the territory of the Federal Republic of Germany. The competent authority may require that applications under Sentence 1, Points 3 and 4 be submitted electronically if it makes a format available for this purpose.

(2) For the purposes of this Ordinance, evidence of compliance with vocational training requirements pursuant to § 7(1) that is issued in another Member State of the European Union or in another State party to the Agreement on the European Economic Area shall be equivalent to domestic evidence to the extent that it is of equivalent value.

(3) When examining an application for exemption under § 7(5) or an application for recognition under § 10(1), (2) or (3), evidence from another Member State of the European Union or another State party to the Agreement on the European Economic Area shall be equivalent to domestic evidence if it shows that the applicant meets the relevant requirements for exemption under § 7(5) or for recognition under § 10(1), (2) or (3), or the requirements of the issuing State that are essentially comparable in view of their purpose.

(4) The evidence referred to in Paragraphs 2 and 3 shall be submitted to the competent authority as originals or copies at the time of the application. Certification of copies as well as a certified German translation may be requested.

Section 4

Labelling; operator obligations; sale and purchase

§ 14

Labelling and information on products and equipment

(1) Anyone who places on the market, supplies or makes available to third parties products or equipment subject to labelling requirements for use in Germany under Article 12(1) and (2) and (5) to (16) of Regulation (EU) 2024/573, as amended on 7 February 2024 in conjunction with Article 1(1) to (9) and (12) of Implementing Regulation (EU) 2024/2174, as amended on 2 September 2024, shall ensure that the information referred to in Article 12(3) and (5), Sentences 1 and 2, of Regulation (EU) 2024/573, as amended on 7 February 2024, is included in operating manuals and in descriptions used for advertising purposes, in the German language.

(2) Anyone supplying or installing equipment under Article 12(15)(1) of Regulation (EU) 2024/573, as amended on 7 February 2024, shall ensure that the labelling under Article 1(12)(a) of Implementing Regulation (EU) 2024/2174, as amended on 2 September 2024, includes the site-related safety requirements in accordance with Article 3(42) of

Regulation (EU) 2024/573, as amended on 7 February 2024, or national safety standards in the German language.

§ 15

Operator obligations

(1) Anyone who transfers the activities under Article 10(1) or (2) of Regulation (EU) 2024/573, as amended on 7 February 2024, to another company shall ensure that that company has the certificate of competence required to carry out the activity in question in accordance with § 6(1)(1) or the company certificate required to carry out the activity in question in accordance with § 11(1).

(2) The operator of equipment under Article 5(2) or (3) of Regulation (EU) 2024/573, as amended on 7 February 2024, shall ensure that the leak check under Article 5(1), Subparagraph 1, and (6) of Regulation (EU) 2024/573, as amended on 7 February 2024, as well as the check under Article 4(5), Subparagraph 2, of Regulation (EU) 2024/573, as amended on 7 February 2024, is carried out by a natural person who has a certificate of competence that covers those activities in accordance with § 6(1)(1).

(3) The operator of equipment under Article 8(2), (3), (4) and (10), Subparagraph 2, of Regulation (EU) 2024/573, as amended on 7 February 2024, shall ensure that the recovery is carried out by a natural person who has a certificate of competence that covers those activities in accordance with § 6(1)(1).

§ 16

Sale and purchase of fluorinated greenhouse gases

(1) Fluorinated greenhouse gases pursuant to Annex I or Annex II, Group 1, to Regulation (EU) 2024/573, as amended on 7 February 2024, may, for the purposes referred to in Article 11(6), Subparagraph 1(1) of Regulation (EU) 2024/573, as amended on 7 February 2024, only be sold to natural persons who can produce a certificate of competence in accordance with § 6(1)(1) or to legal entities or associations of persons who can produce a company certificate in accordance with § 11(1).

(2) For the purposes referred to in Article 11(6)(1)(1), of Regulation (EU) 2024/573, the fluorinated greenhouse gases under Paragraph 1 may only be purchased by natural persons who have a certificate of competence under § 6(1)(1) or by legal entities or associations of persons who have a company certificate under § 11(1).

(3) Equipment under Article 11(7) of Regulation (EU) 2024/573, as amended on 7 February 2024, may only be sold to end consumers who provide the seller with written evidence that the installation of the equipment is carried out by a natural person who can produce a certificate of competence under § 6(1)(1) or by a legal entity or association of persons who can produce a company certificate under § 11(1).

Section 5

Final provisions

§ 17

Administrative offences

(1) An administrative offence as defined by § 26(1)(5)(c) of the Chemicals Act is committed by anyone who, contrary to § 14(1), intentionally or negligently fails to ensure that the information referred to therein is included.

(2) An administrative offence as defined by § 26(1)(7)(a) of the Chemicals Act is committed by anyone who, intentionally or negligently:

1. contrary to § 3(1), fails to ensure that the refrigerant loss does not exceed a limit value specified therein;
2. contrary to § 3(2), fails to ensure access to a connection;
3. contrary to § 6(1), carries out an activity as referred to therein;
4. contrary to § 11(1)(1), carries out an activity as referred to therein;
5. contrary to § 11(5), fails to ensure that a person as referred to therein takes part in a refresher course;
6. contrary to § 15(1), fails to ensure that a company as referred to therein has a certificate of competence as referred to therein or a company certificate as referred to therein; or
7. contrary to § 15(2) or (3), fails to ensure that an activity as referred to therein is carried out by a person as referred to therein.

(3) An administrative offence as defined by § 26(1)(7)(b) of the Chemicals Act is committed by anyone who, intentionally or negligently:

1. contrary to § 16(1), sells fluorinated greenhouse gases;
2. contrary to § 16(2), purchases fluorinated greenhouse gases; or
3. contrary to § 16(3), sells equipment as referred to therein.

(4) An administrative offence as defined by § 69(1)(8) of the Circular Economy Act is committed by anyone who, intentionally or negligently, fails to take back fluorinated greenhouse gases or fails to ensure take-back by a third party contrary to § 5(1)(1), also in conjunction with Sentence 2.

(5) An administrative offence as defined by § 69(2)(15) of the Circular Economy Act is committed by anyone who, intentionally or negligently:

1. contrary to § 5(2)(1), fails to keep a record as referred to therein, or keeps it incorrectly or incompletely;

2. contrary to § 5(2)(2), fails to keep a record as referred to therein, or keeps it for less than five years; or
3. acts in contravention of an enforceable order under § 5(2)(2).

§ 18

Transitional provisions

(1) § 3(2), § 10(2)(3) and § 10(3) of the Chemicals Climate Protection Ordinance in the version in force until the end of ... [insert: the date of the day before the date of entry into force in accordance with Article 3 of this Ordinance] shall continue to apply until the end of 12 March 2027.

(2) § 5(1)(2) shall apply from 1 January 2027.

(3) The following are considered to be certificates of competence as per § 6(1)(1):

1. certificates of competence and certificates as per § 5(1)(1)(1) of the Chemicals Climate Protection Ordinance in the version in force until the end of ... [insert: the date of the day before the date of entry into force in accordance with Article 3 of this Ordinance] are valid until the end of 12 March 2029, and
2. certificates of competence as per § 5(2)(1) of the Chemicals Climate Protection Ordinance in the version in force until the end of ... [insert: the date of the day before the date of entry into force in accordance with Article 3 of this Ordinance] are valid once issued after the passing of a theoretical and practical test in accordance with the minimum requirements set out in Annex I to Implementing Regulation (EU) 2024/2215, Annex I to Implementing Regulation (EU) 2025/623, Annex I to Implementing Regulation (EU) 2025/627 or Annex I to Implementing Regulation (EU) 2025/625, or after participation in a training programme in accordance with the minimum requirements set out in Annex I to Implementing Regulation (EU) 2025/XX [number to be inserted prior to the cabinet decision at the latest].

(4) § 6(1)(2) shall apply from 13 March 2029.

(5) Vocational and training institutions and companies operating in accordance with § 5(3) of the Chemicals Climate Protection Ordinance in the version in force until the end of ... [insert: the date of the day before the date of entry into force in accordance with Article 3 of this Ordinance] have been recognised in accordance with Articles 7 and 8 of Implementing Regulation 2024/2215, Articles 4 and 5 of Implementing Regulation 2025/623, Articles 4 and 5 of Implementing Regulation (EU) 2025/627, Articles 6 and 7 of Implementing Regulation (EU) 2025/625 or Article 4 of Implementing Regulation (EU) 2025/XX [number to be inserted prior to the cabinet decision at the latest] shall be deemed to be recognised bodies under § 10(1) or (2).

(6) Company certificates pursuant to § 11(1) shall be deemed to be:

1. until the end of 12 March 2029, company certificates and certificates under § 6(1)(1) of the Chemicals Climate Protection Ordinance in the version in force until the end of ... [insert: the date of the day before the date of entry into force in accordance with Article 3 of this Ordinance] and
2. company certificates under § 6(2)(1) of the Chemicals Climate Protection Ordinance in the version in force until the end of ... [insert: the date of the day before the date of entry into force in accordance with Article 3 of this Ordinance] granted in accordance

with Article 6 of Implementing Regulation (EU) 2024/2215 or Article 5 of Implementing Regulation 2025/625.

(7) For equipment under Article 5(3)(b) and (c) of Regulation (EU) 2024/573, §§ 6, 11 and 15 shall apply from 12 March 2027.

Article 2

Repeal

The [Chemicals Climate Protection Ordinance of 2 July 2008 \(BGBl. I, p. 1139\)](#), as last amended by [Article 299 of the Regulation of 19 June 2020 \(BGBl. I p. 1328\)](#) shall be repealed on ... [insert: the date of the day following the promulgation of this Ordinance].

Article 3

Entry into force

This Ordinance shall enter into force on the day following its promulgation.

Approved by the Bundesrat.

EU legal acts:

1. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12)
2. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1, L 303, 17.9.2020, p. 24), as last amended by Regulation (EU) 2023/1199 of 21.6.2023 (OJ L 159, 22.6.2023, p. 1)
3. Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014 (OJ L, 2024/573, 20.2.2024; 2025/90271, 24.3.2025, 2025/90393, 7.5.2025)
4. Commission Implementing Regulation (EU) 2024/2174 of 2 September 2024 laying down rules for the application of Regulation (EU) 2024/573 of the European Parliament and of the Council as regards the format of the labels for certain products and equipment containing fluorinated greenhouse gases and repealing Commission Implementing Regulation (EU) 2015/2068 (OJ L, 2024/2174, 3.9.2024)
5. Commission Implementing Regulation (EU) 2024/2215 of 6 September 2024 establishing, pursuant to Regulation (EU) 2024/573 of the European Parliament and of the Council, minimum requirements for issuing certificates to natural persons and legal entities and the conditions for the mutual recognition of such certificates, as regards stationary refrigeration, air conditioning and heat pump equipment, organic Rankine cycles and refrigeration units of refrigerated trucks, refrigerated trailers, refrigerated light-duty vehicles, intermodal containers and train wagons containing fluorinated greenhouse gases or their alternatives, and repealing Commission Implementing Regulation (EU) 2015/2067 (OJ L, 2024/2215, 9.9.2024)
6. Commission Implementing Regulation (EU) 2025/623 of 28 March 2025 establishing, pursuant to Regulation (EU) 2024/573 of the European Parliament and of the Council minimum requirements for certifi-

cates of natural persons and the conditions for the mutual recognition of such certificates as regards the recovery of fluorinated greenhouse gas-based solvents from equipment and repealing Commission Regulation (EC) No 306/2008 (OJ L, 2025/623, 31.3.2025)

7. Commission Implementing Regulation (EU) 2025/625 of 28 March 2025 establishing, pursuant to Regulation (EU) 2024/573 of the European Parliament and of the Council, minimum requirements for certificates of natural persons and legal entities and the conditions for the mutual recognition of such certificates as regards stationary fire protection equipment containing certain fluorinated greenhouse gases or relevant alternatives and repealing Commission Regulation (EC) No 304/2008 (OJ L, 2025/625, 31.3.2025)
8. Commission Implementing Regulation (EU) 2025/627 of 28 March 2025 establishing, pursuant to Regulation (EU) 2024/573 of the European Parliament and of the Council, minimum requirements for certificates of natural persons and the conditions for the mutual recognition of such certificates, as regards the installation, maintenance or servicing, repair or decommissioning of stationary electrical switchgear containing fluorinated greenhouse gases and recovery of fluorinated greenhouse gases from stationary electrical switchgear and repealing Commission Implementing Regulation (EU) 2015/2066 (OJ L, 2025/627, 31.4.2025)
9. Commission Implementing Regulation (EU) 2025/XX of XX.XX.2025 establishing, pursuant to Regulation (EU) 2024/573 of the European Parliament and of the Council, minimum requirements for training attestations of natural persons and the conditions for the mutual recognition of such training attestations as regards certain mobile equipment containing fluorinated greenhouse gases or alternatives to fluorinated greenhouse gases and repealing Commission Regulation (EC) No 307/2008 (OJ L, 2025/XX, XX.XX.2025) [missing information to be completed at the latest before the cabinet decision]

Justification

A. General part

I. Objective of and need for the provisions

The new Regulation (EU) 2024/573 on fluorinated greenhouse gases (hereinafter the 'new F-Gas Regulation') ensured that the F-gas sector continues to make an important contribution to achieving climate protection targets. To this end, the previous Regulation (EU) No 517/2014 on fluorinated greenhouse gases (previous F-Gas Regulation) has been fundamentally revised and recast. The aim of this recast text is to adapt the Chemicals Climate Protection Ordinance (ChemKlimaschutzV) to the new F-Gas Regulation. To this end, the existing provisions will be reorganised and supplemented, and opportunities will be used to simplify matters for those affected.

The new F-Gas Regulation extends the scope of certification obligations to additional equipment, further fluorinated greenhouse gases (F-gases) and relevant alternatives. In addition, the minimum requirements for the certification of natural persons and legal entities are amended. The aim is to improve knowledge and skills in order to avoid emissions of F-gases and to reduce hurdles when switching to alternatives. It is therefore necessary to adapt the requirements for issuing certificates of competence and company certificates as well as for the recognition of bodies for conducting examinations and issuing certificates of competence. In addition, provisions must be created to enable a transition to the new minimum requirements for both existing certificates of competence and existing company certificates. The aim of these rules is to identify legally certain and efficient ways for interested parties to comply with the new minimum requirements.

The new F-Gas Regulation requires Member States to ensure that certified natural persons take part in refresher courses at least every seven years in the future. Therefore, requirements are being created to ensure regular participation of experts in refresher courses. To this end, in addition to the experts themselves, the companies employing experts will also be held responsible.

Under the new F-Gas Regulation, operators of certain equipment containing F-gases must ensure that, for example, leak checks and recovery are carried out only by natural persons with a certificate or training attestation. This is intended to reduce emissions and enable circular use. These operator obligations are further specified.

Some hitherto purely national obligations will be removed, as the new F-Gas Regulation now regulates them with sufficient precision. This applies, for example, to the obligation to carry out leak checks on mobile equipment.

The national take-back obligation for F-gases remains in place. For hydrofluorocarbons (HFCs), after a transitional period, take-back will be free of charge in the future in order to create an incentive to return HFCs in view of the upcoming bans on the use of new F-gases with high greenhouse gas potential and to support the reprocessing and circular economy of used HFCs.

II. Main content of the draft

The recasting of the Chemicals Climate Protection Ordinance (ChemKlimaschutzV) essentially serves to adapt the requirements for issuing certificates of competence and the

granting of company certificates as well as for the recognition of bodies for conducting examinations and issuing certificates of competence. For this purpose, the requirements for issuing certificates of competence and granting company certificates will be adapted to the new minimum requirements adopted by the Commission by way of implementing regulation. At the same time, the existing system is essentially retained. However, the provisions are rearranged and divided into separate paragraphs for better readability. Finally, new provisions are created to ensure the changeover from existing certificates of competence and company certificates to new certificates of competence and company certificates in accordance with the new minimum requirements under Union law.

The certification requirements primarily concern microenterprises. In order to be able to take into account the practical implications in the preparation of the draft bill, the affected parties were involved from an early stage. The necessary adaptations to the new EU certification requirements were first discussed on the basis of a general discussion paper and then on the basis of a first working draft for the corresponding provisions with representatives from the Federal States as well as with representatives of the German Chamber of Industry and Commerce and the German Confederation of Skilled Crafts (Zentralverband des Deutschen Handwerks). The aim of involving the affected parties was to use the limited regulatory scope in such a way that a practicable changeover to the new requirements succeeds, in particular for natural persons and legal entities that already hold a certificate of competence or a company certificate under the current ChemKlimaschutzV. In addition, discussions were held with the persons and other associations responsible for preparing examination documents and conducting examinations.

Against the background of the new F-Gas Regulation (EU) 2024/573, incentives are to be created for the reclamation of treated HFCs. This is because tightening the 'phase-down' of the new F-Gas Regulation (EU) 2024/573 further artificially reduces the available amount of new HFCs. In addition, the new F-Gas Regulation (EU) 2024/573 provides for prohibitions on the use of certain new virgin HFCs with a particularly high greenhouse gas potential. In order to increase the available amount of used HFCs for reprocessing, used HFCs by producers and distributors should be taken back free of charge after a transitional period.

III. Executive footprint

Interest representatives have not significantly influenced the content of the draft regulation.

IV. Alternatives

There are no alternatives to the recast of the current ChemKlimaschutzV. The existing provisions do not fully comply with the requirements of the new F-Gas Regulation (EU) 2024/573 and the implementing regulations adopted by the European Commission on the basis thereof. In addition, the existing provisions need to be updated, as the current ChemKlimaschutzV contains numerous references to the previous F-Gas Regulation.

V. Regulatory competence

The competence to adopt the regulation arises from §§ 14 and 17 of the Chemicals Act (ChemG). The F-gases covered by the Regulation are dangerous for the environment as defined by § 3a(1)(2) ChemG and thus fall within the scope of the aforementioned powers to issue statutory instruments. In particular, competence is conferred by the following provisions:

- § 17(1)(1)(b) ChemG for the requirements on emission prevention;
- § 25(1)(2) of the Circular Economy Act (KrWG) for the take-back obligations;
- § 25(1)(7) and (8) KrWG for the requirements for keeping records;
- § 17(1)(2)(d) ChemG for the competence requirements;
- § 17(1)(2)(b) ChemG for the company certificates;
- § 14(1)(3)(b) ChemG for the labelling requirements;
- § 17(1)(1)(b) ChemG for the operator obligations; and
- § 17(1)(1)(c) of the ChemG for the requirement on purchase and sale.

The provisions on administrative offences are based on the authorisations invoked in the respective provisions of § 26 ChemG and § 69 KrWG.

VI. Compatibility with European Union law and international treaties

The recast is compatible with European Union law and international law. It essentially implements the mandate laid down in Article 10(3) and (4) of the new F-Gas Regulation (EU) 2024/573, according to which the national rules should be adapted to the new minimum requirements for the certification of natural persons and legal entities. Existing purely national requirements are also partially maintained with the recast and updated only by references to the new F-Gas Regulation. The new national certification schemes will be notified to the Commission in accordance with Article 10(10) of the new F-Gas Regulation (EU) 2024/573 within the one-year following the entry into force of the first Implementing Regulation on certification. The obligation for producers to take back F-gases complements the obligations under Union law both to recover those gases and to ensure their proper, harmless disposal once they become waste.

VII. Consequences of the legislation

In particular, this Ordinance lays down rules to adapt the existing procedures and requirements for the acquisition of the **competence required by Union law of persons and for the certification of companies** carrying out activities under the Regulation to the new minimum requirements for the certification and training programmes under Article 10(8) of the F-Gas Regulation (EU) 2024/573 and to establish mandatory regular refresher courses.

The new minimum requirements have an impact on different stakeholders: Natural persons and legal entities carrying out activities subject to certification require new certificates of competence and company certificates. Refresher courses are required for this purpose. These provisions primarily concern microenterprises. Chambers of industry and commerce, chambers of crafts and guilds that issue certificates of competence to natural persons must adapt procedures and adapt their requirements for issuing certificates of competence. Competent authorities that recognise bodies for issuing certificates of competence and grant company certificates for legal entities must also familiarise themselves with the new requirements and prepare for a large number of applications for the transitional period.

The impact assessment examined the following alternatives with regard to the certification provisions:

1. New minimum requirements for issuing certificates of competence

As before, under the new F-Gas Regulation (EU) 2024/573 and the implementing regulations on certification, only passing an examination is required for issuing certificates of competence. Therefore, consideration was given to refraining from the additional requirement of successfully completing technical or craft-based vocational training in the future. However, this would result in a devaluation of the dual training system. Therefore, this additional requirement will be maintained and, as before, exceptions will be made available to mitigate hardships in individual cases. However, it can be assumed that the establishments concerned have personnel with technical or craft-based vocational training, so that the requirement does not constitute an additional burden. In addition, in the case of professional qualifications recognised by the chambers of industry and commerce, the chambers of crafts and guilds, a certificate of competence can still be issued by them upon presentation of the certificate of completion.

2. Obligation to take part in refresher courses on a regular basis

In accordance with Art. 10(9)(2) of the new F-Gas Regulation, Member States shall ensure that certified persons are required to take part in refresher courses every seven years. In order to facilitate enforcement, consideration was given to limiting certificates of competence in time in future. As the certificates of competence are partly issued upon completion of several years of training, the possibility of a limitation period has been dismissed. Instead, participation in a refresher course was formulated as a prerequisite for activities requiring certification. At the same time, it is stipulated that the certificate of competence must indicate the date by which participation in the next refresher course is to take place. The date on the certificate of competence serves as a reminder and is intended to facilitate enforcement. Finally, holders of company certificates are required to ensure that only experts who have taken part in refresher courses carry out activities requiring certification. In order to reduce the burden of refresher courses on those who regularly carry out activities requiring certification, the practical part can be replaced by a self-declaration.

3. Changeover from old to new certificates of competence

Under the new F-Gas Regulation (EU) 2024/573 and the implementing regulations on certification, all certified persons must have completed an initial refresher course by 12 March 2029 and demonstrated that they have the theoretical knowledge and practical skills required under the new minimum requirements. This requires a one-time changeover for all certified persons. In order to implement this changeover, different options in line with Union law were discussed, such as the need for a review of the new minimum theoretical and practical requirements. Ultimately, in order to minimise the burden on the parties affected, a changeover to the refresher course already required was included in the draft regulation.

4. Company certificates for sole proprietorships

At present, sole proprietorships also require a company certificate in addition to the certificate of competence for activities involving stationary refrigeration equipment, air-conditioning equipment, heat pumps and fire protection equipment. This is to be dispensed with in future, as experts have to take part in refresher courses every seven years and, in addition to their expertise, the only requirement for company certificates to be granted is that the necessary tools must be on hand. The added value of officially checking the tools is not proportionate to the cost of additional official certification.

This Draft Ordinance **also** stipulates that producers and distributors **must take back HFCs free of charge after a transitional period**. This is intended to create incentives for the return of HFCs for reclamation. The transitional period is intended to give producers

and distributors the opportunity to adapt to the obligation to receive HFCs free of charge. It is conceivable, for example, for producers and distributors to introduce a pay-as-you-go system that factors in the cost of take-back. The introduction of a mandatory deposit system for HFCs or equipment and installations charged with HFCs was also examined, but not further pursued. Such a system could only be introduced for the supply of new substances and new equipment and installations. Against the background of the faster phase-down of HFCs required by the new F-Gas Regulation (EU) 2024/573, the bureaucratic burden associated with a mandatory deposit system does not seem justified, particularly given the anticipated minimal additional climate benefits.

1. Legal and administrative simplification

The new minimum requirements laid down by Union law for issuing certificates of competence and the necessary changeover from old to new certificates of competence result in costs for businesses and administration. Provisions have been made to limit the costs.

1. Recognition of bodies by the competent authorities

New recognition of vocational and training institutions as well as of companies to carry out examinations and to issue certificates of competence in accordance with the new implementing regulations is unavoidable.

2. Issuance of certificates of competence in accordance with the new minimum requirements

First of all, the chambers of industry and commerce, the chambers of crafts and the guilds can, as before, issue a certificate of competence upon presentation of a certificate of completion of technical or craft-based vocational training, provided that the theoretical knowledge and practical skills referred to in the implementing regulations of the European Commission are tested during the final examination. This eliminates the additional theoretical and practical examination in accordance with the minimum requirements of the respective implementing regulations of the European Commission. In addition, the training programmes and subsequently also the certificates of competence can be tailored to activities at selected mobile equipment, so that the scope of the training programmes can be reduced as required.

3. Changeover from old to new certificates of competence

In order to change over from old certificates of competence to new ones, this Ordinance only requires participation in a refresher course in which, in accordance with Article 10(9) (3) of the new F-Gas Regulation (EU) 2024/573, all certified persons must take part by 12 March 2029.

4. Granting of company certificates

Just as all certified natural persons must obtain a new certificate of competence in accordance with the new minimum requirements, all legal entities and associations of persons also require a new company certificate. In order to relieve the burden on the competent authorities, applicants shall be required to submit applications electronically where the competent authority offers this option. In addition, legal entities and associations of persons are given the opportunity to continue their activities, provided they submit an application for the granting of a new company certificate in good time. This gives the competent authorities more time to process the applications submitted. Since a company certificate will in future only be required by legal entities and associations of persons and no longer by sole proprietorships, a reduction in the cost of obtaining company certificates is to be expected.

2. Sustainability aspects

This Regulation contributes to sustainable development:

In order to carry out activities subject to certification, this Ordinance shall continue to require the successful completion of technical or craft-based vocational training. This is intended to prevent a certificate of competence from being obtained for these activities solely by means of an examination in accordance with the relevant implementing regulation. The existing incentive for professional qualifications is maintained (**SDG 4.1:** Education: continuously improving education and qualifications). The new F-Gas Regulation (EU) 2024/573 and the new Implementing Regulation on the certification requirements for activities on electrical switchgear strengthen the minimum requirements and thus ensure better qualifications of the persons carrying out these activities. This Regulation implements these new requirements in national law and thereby contributes to reducing emissions from electrical switchgear and thus the climate impact of energy supply (**SDG 7.2:** Renewable energy: expand future-proof energy supply). The new F-Gas Regulation will also require certification of activities performed on other equipment, such as mobile equipment, in future. For this purpose, this Ordinance establishes the framework and thus additional employment opportunities in a future sector (**SDG 8.5:** Employment: increase employment levels). The new F-Gas Regulation creates new minimum requirements for certification through implementing regulations for all sectors affected by it and extends the need for certification to relevant alternatives. This will provide the persons with expertise in the handling of F-gases with additional knowledge and skills in handling relevant alternatives to F-gases. This Regulation establishes the framework for these additional requirements (**SDG 9.1:** Innovation: shape the future sustainably with new solutions). The preferential treatment of registered EMAS sites in company certification increases the incentive for EMAS registration (**SDG 12.2:** Sustainable production: continuously increase the share of sustainable production). Overall, the certification of personnel required by the F-Gas Regulation ensures that activities carried out on equipment and products with F-gases generate fewer emissions. This Regulation establishes the framework for certification and penalties for non-compliance with these requirements. It also increases the incentive for the return of recovered HFCs (**SDG 13.1:** Climate protection: reduce greenhouse gas emissions).

3. Budgetary expenditure without compliance costs

The main purpose of this Ordinance is to adapt the ChemKlimaschutzV to the new F-Gas Regulation and in particular to implement the regulatory mandates for issuing certificates of competence, the granting of company certificates and the recognition of bodies for conducting examinations and issuing certificates of competence. This does not cause any additional budgetary expenditure for the Federal Government, Federal States or municipalities.

4. Compliance costs

For the changeover, a 1:1 implementation was chosen, so the compliance costs are not relevant with regard to the 'one in, one out' rule.

4.1 Compliance costs for individuals by requirement

There are no compliance costs for citizens.

4.2 Compliance costs for businesses by requirement

Below is a description of the compliance cost estimate for businesses by requirement.

Some of the obligations currently laid down in federal law shall cease to apply and shall thereafter apply directly by virtue of the new F-Gas Regulation (EU) 2024/573. In practice, the systematic reorganisation of the legal framework does not reduce the actual costs for companies. In particular, these are the obligations in **§ 3(2)** to carry out **leak checks** (around EUR 380 000 per year) and to **keep record of them** (around EUR 51 000 per year) and to **store** the records (around EUR 29 000 per year).

The new obligation to **take back HFCs free of charge** in **§ 5(1)(2)** can result in actual costs being redistributed between refrigeration unit operators, refrigeration craftsmen and producers and distributors, but in total there are no additional costs. Since the stakeholders in question belong to the business sector to which the regulation is addressed, the legal amendment has no bearing on the presentation of the compliance burden.

§ 14(2) of the Draft Ordinance provides for a new **labelling obligation**. Since the labelling obligation applies only if an exemption from the prohibitions on the placing on the market under the F-Gas Regulation (EU) 2024/573 is to be used for equipment and products, a relatively small number of use cases can be assumed. The annual compliance costs associated with the labelling obligation are therefore negligible.

Compliance costs arise mainly from the implementation of the new certification requirements in **§§ 6 to 13**. This primarily concerns microenterprises. This was taken into account in the preparation of the draft. Sole proprietorships were exempted from the requirement for a company certificate. No other distinctions based on company size were made.

Table 1: Change in compliance costs for businesses

Requirement	§; Description of the requirement; Type of requirement	Annual compliance costs (<i>in thousands of EUR</i>)	Non-recurrent compliance costs (<i>in thousands of EUR</i>)
4.2.1	§ 6(1) in conjunction with §§ 8 and 9; Changeover to new certificates of competence and regular refresher courses; other requirement	9 816	47 055
4.2.2	§ 6(1)(1) and (2) in conjunction with § 7; Application for issuance of a certificate of competence; Obligation to provide information	508	3 182
4.2.3	§ 6(1)(1) and (2) in conjunction with §§ 7, 8 and 13; Processing of applications for issuance of a certificate of competence by chambers, guilds and recognised bodies; Obligation to provide information	192	1 202
4.2.4	§ 10(1) to (3); Application for recognition as a competent body; Information obligation; (a*)	0	22
4.2.5	§ 11(1) to (4); Application for the granting of a company certificate; Information obligation; (b*)	0	648
4.2.6	§ 11(5); Ensuring refresher courses for employees; Obligation to provide information	324	648
Compliance costs (in thousands of EUR)		10 841	52 757
of which information obligations (in thousands of EUR)		1 024	

*Mirror requirements are uniformly marked in the column '§; Description of the requirement'.

Requirement 4.2.1 (further requirement): Changeover to new certificates of competence and regular refresher courses; § 6(1) in conjunction with §§ 8 and 9

F-gases are used in various applications. Anyone who carries out activities related to F-gases shall already demonstrate certain knowledge and skills and obtain a certificate of

competence for this purpose. In accordance with the new F-Gas Regulation (EU) 2024/573 and the associated implementing regulations with minimum requirements for certification, the proposed legislation envisages, among other things, an extension of this certification obligation to additional equipment, additional F-gases and relevant alternatives. It is not assumed that new groups of people will be subject to certification as a result. The implementing regulations formulate new minimum requirements for certification, which in future shall be met by all persons subject to certification. This will result in **non-recurrent** compliance costs by 2029 as a result of the necessary changeover of existing certificates of competence for the full exercise of activities involving stationary equipment under § 7(1) and for activities involving mobile equipment under § 7(2). In addition, there will be an **annual compliance costs** from 2032 onwards, as it is provided for the first time that holders of certificates of competence in both fields of activity must take part in a refresher course every seven years. The updates result in costs in the form of participation in refresher courses (cf. Requirement 4.2.1) as well as for the submission (cf. Requirement 4.2.2) and processing of applications for the issue of certificates of competence (cf. Requirement 4.2.3).

Non-recurrent compliance costs

Number of cases	Time expenditure per case (in minutes)	Hourly pay (in EUR)	Material costs per case (in EUR)	Personnel costs (in thousands of EUR)	Material costs (in thousands of EUR)
54 000	240	44.20	250.00	9 547	13 500
56 250	240	44.20	250.00	9 945	14 063
Compliance costs (in thousands of EUR)				47 055	

For the activities under **§ 7(1)** involving **primarily stationary equipment**, the Draft Ordinance provides for two options by which natural persons already certified today can obtain, by 2029, a new certificate of competence necessary for the future performance of the activities. On the one hand, they can complete a refresher course (cf. § 8(1)). On the other hand, the existing knowledge and skills of persons who have successfully completed technical or craft-based vocational training whose final examination sufficiently covers the relevant content for the pursuit of the activity (cf. § 7(3)) are considered sufficient.

There are no official or unofficial statistics on the number of people already working in the area of stationary equipment outlined (§ 7(1)). Based on the assessment of experts from the business community, this number is conservatively estimated at 80 000, 90% (i.e. 72 000) of whom are expected to change their certificate of competence. The remainder will not change due to their approaching retirement. In addition, it can be assumed that around 25% (i.e. 18 000) of these employees are covered by the provisions of § 7(3) and thus do not have to attend a course or take a separate examination. Thus, a number of cases of 54 000 (= $(80\,000 * 0.9 * 0.75)$) is assumed for § 7(1).

According to representatives of the business community, the time expenditure and costs for participating in a refresher course under § 9(1) can be estimated at around four hours and EUR 250 if existing practical skills can be proven by a self-declaration and a practical course part can therefore be omitted. Since, not least for reasons of occupational health and safety, as well as insurance aspects, employees of reputable companies usually have the necessary theoretical knowledge and practical skills to deal with F-gases and relevant alternatives, it is assumed that all persons will take part in such shortened refresher courses online.

In total, participation in refresher courses for the changeover of the certificates of competence in line with the new certification requirements, at a wage rate of EUR 44.20 per hour (cf. Guideline, Annex 6, economic sector C, intermediate qualification level), results in a non-recurrent cost of around EUR 23 million (= $54\,000 * (4 * 44.20 + 250)$).

For the activities involving **mobile equipment** under § 7(2), the Draft Ordinance provides for two options for already certified persons to obtain a new certificate of competence. Thus, if the relevant conditions are met, the offence under § 7(3) also applies to this group of persons; the other persons must take part in a refresher course (cf. § 8(1)).

The number of persons currently already working in the area of mobile equipment outlined (§ 7(2)) is conservatively estimated at 10 000 in the area of refrigeration and air conditioning technology on the basis of information provided by experts. In addition, on the basis of a survey of vehicle workshops and the assessment of an association, it is assumed that around 70 000 employees in the field of vehicle maintenance and repair have a certificate of competence. As described above, it is also assumed that 90% will change the certificate of competence, and that no one in the refrigeration and air conditioning sector and around 25% in the motor vehicle sector are covered by the provisions of § 7(3). Based on these assumptions, it can be assumed that about 56 250 ($= 10\,000 + 70\,000 \cdot 0.75 \cdot 0.9$) people will take part in a refresher course to change their certificate of competence.

The duration and cost of attending a refresher course for the purpose of changing the certificates of competence to meet the new certification requirements is also estimated at around four hours and EUR 250. At a wage rate of EUR 44.20 per hour, a non-recurrent cost of EUR 24 million ($= 56\,250 \cdot (4 \cdot 44.20 + 250)$) is incurred for participation in refresher courses for the purpose of changing certificates of competence under the previous legal situation.

The **total non-recurrent costs** incurred **up to 2029** amounts to approximately EUR 47 million.

Annual compliance costs

Number of cases	Time expenditure per case (in minutes)	Hourly pay (in EUR)	Material costs per case (in EUR)	Personnel costs (in thousands of EUR)	Material costs (in thousands of EUR)
11 500	240	44.20	250.00	2 033	2 875
11 500	240	44.20	250.00	2 033	2 875
Change in compliance costs (in thousands of EUR)				9 816	

According to § 6(1)(2), after the first issuance of the certificate of competence for the extended scope of Regulation (EU) 2024/573, the certification shall be refreshed at the latest every seven years. This shall be done by attending a **refresher course** under § 9(1). Assuming around 160 000 natural persons who will be active in the areas under § 7(1) and (2), an average of around 23 000 persons (11 500 each for § 7(1) and for § 7(2)) will therefore take part in a corresponding course each year. With a time expenditure of around four hours, material costs of EUR 250 for the course (here, it is again assumed that practical experience is typically already in place) and a wage rate of EUR 44.20 per hour, the **annual compliance costs** amount to around EUR 10 million. These costs will be incurred **at the earliest from 2032**, when the first cohorts will take the initial refresher courses following the changeover of the current certificates of competence.

Requirement 4.2.2 (information obligation): Application for issuance of a certificate of competence; § 6(1)(1) and (2) in conjunction with § 7; ID 2009061614003201

As before, natural persons need a certificate of competence to carry out an activity related to F-gases. While the cost of applying for a certificate of competence for the first time remains unchanged under the proposed legislation, additional costs will arise since, if the activity is to continue to be pursued in the future, all natural persons certified in accordance with the previous legal situation will have to change their certificate of competence

by 2029 (**non-recurrent compliance costs**) and refresh it at least every seven years thereafter (**annual compliance costs**).

Further costs will be incurred for fees paid by the 33 750 persons estimated here for the issuance of a certificate of competence under § 7(3). By definition, these costs are not attributed to the compliance costs but are instead allocated to other costs (cf. Section 5).

Non-recurrent compliance costs

Number of cases	Time expenditure per case (in minutes)	Hourly pay (in EUR)	Material costs per case (in EUR)	Personnel costs (in thousands of EUR)	Material costs (in thousands of EUR)
144 000	30	44.20	0	3 182	0
Compliance costs (in thousands of EUR)				3 182	

It is assumed that the entire cohort of persons certified according to the previous legal situation, who have **to change their previous certificate of competence**, will spend an average of about 30 minutes on the application process (cf. online database of compliance costs (OnDEA) of the StBA, ID 2009061614003201): In the cases referred to in § 7(3), the application together with relevant documents must be submitted to the issuing bodies. Assuming that, in the cases referred to in § 8(1), the training providers automatically issue the certificate after successful participation in a refresher course, course registrations are made instead of application letters and self-declarations are prepared. Assuming 144 000 (= 160 000 * 0.9) changeovers of certificates of competence under the previous legal situation (cf. Requirement 4.2.1.) and a wage rate of EUR 44.20 per hour, non-recurrent costs of around EUR 3.2 million will be incurred. All non-recurrent costs will be spread over the years **up to 2029**.

Annual compliance costs

Number of cases	Time expenditure per case (in minutes)	Hourly pay (in EUR)	Material costs per case (in EUR)	Personnel costs (in thousands of EUR)	Material costs (in thousands of EUR)
23 000	30	44.20	0	508	0
Change in compliance costs (in thousands of EUR)				508	

Due to the obligation to take part in a **refresher course** at least every seven years, an average of around 23 000 (= 160 000 / 7) applications will be submitted per year (cf. Requirement 4.2.1). This is expected to result in annual costs of around EUR 508 000 in future. These costs will be incurred **at the earliest from 2032**, when the first cohorts will take the initial refresher courses following the changeover of the current certificates of competence.

Requirement 4.2.3 (information obligation): Processing of applications for issuance of a certificate of competence by chambers, guilds and recognised bodies; § 6(1)(1) and (2) in conjunction with §§ 7 and 12

Certificates of competence are issued by competent or recognised bodies (including companies, chambers of industry and crafts and vocational and training institutions) (cf. §§ 7 and 12).

Chambers and guilds can pass on their compliance costs by way of fees, and the recognised bodies can do the same for the natural persons to whom the certificates of competence are issued.

One-off compliance costs:

Number of cases	Time expenditure per case (in minutes)	Hourly pay (in EUR)	Material costs per case (in EUR)	Personnel costs (in thousands of EUR)	Material costs (in thousands of EUR)
144 000	15	33.40	0	1 202	0
Compliance costs (in thousands of EUR)				1 202	

Assuming an average processing time of 15 minutes (cf. Guideline, Annex 8 (for administrative activities), Standard activities 3, 4, 11 and 14 in simple complexity), a wage rate of around EUR 33.40 per hour (cf. Guideline, Annex 6, averages for economic sectors P and S, intermediate qualification level) and a number of cases of 144 000 (cf. mirror Requirement 4.2.2), there are **non-recurrent costs of EUR 1.2 million**. The non-recurrent costs will in turn be spread over the **years up to 2029**.

Annual compliance costs:

Number of cases	Time expenditure per case (in minutes)	Hourly pay (in EUR)	Material costs per case (in EUR)	Personnel costs (in thousands of EUR)	Material costs (in thousands of EUR)
23 000	15	33.40	0	192	0
Change in compliance costs (in thousands of EUR)				192	

On the basis of the assumptions for non-recurrent compliance costs and a number of cases of 23 000 (cf. mirror Requirement 4.2.2), an **annual expense of EUR 192 000** will be incurred **from 2032 onwards**.

Requirement 4.2.4 (information obligation): Application for recognition as a competent body; § 10(1) to (3); ID 2009061614003202

One-off compliance costs: EUR 22 000

If vocational and training institutions and companies wish to issue certificates of competence or carry out examinations, training programmes and refresher courses, they must be recognised by the competent authority (cf. § 10(1) to (3)). As provisions for recognition are already in place today, the proposed legislation will only result in additional compliance costs for submitting applications for recognition for the implementation of the new elements for examinations, training programmes and refresher courses, as well as their processing by the competent authorities in each case (cf. mirror Requirement 4.3.1).

According to the assessment of representatives from business and administration, it can be assumed that around 200 institutions and companies will apply for recognition once the legal amendments come into force. It can be assumed that only these equipment institutions can also be recognised for the provision of refresher courses. According to OnDEA (cf. ID 2009061614003202), the time needed to submit an application is approximately three hours, including compiling and submitting personnel and equipment documents. At a wage rate of EUR 36.40 per hour (cf. Guideline, Annex 6, economic sector P, intermediate qualification level), the non-recurrent costs amount to EUR 22 000.

The compliance costs can be passed on by way of fees to the natural persons issued with a certificate of competence or certified as having taken part in a refresher course.

Requirement 4.2.5 (information obligation): Application for the granting of a company certificate; § 11(1) to (4); ID 2009061614003203

One-off compliance costs: EUR 648 000

As in the past, legal entities and associations of persons must also become certified in future if they carry out the activities relating to F-gases as set out in the Draft Ordinance (cf. § 11). The new provisions provide that, because of the new requirements for certificates of competence, **all company certificates must also be renewed**. In addition, the competent authorities are now expressly given the possibility to attach ancillary provisions to company certificates and thus, among other things, limit their validity in time (cf. mirror Requirement 4.3.2). Where an economic unit is a **sole proprietorship, there is no need for a company certificate**, as the certificate of competence of the natural person is sufficient.

Centralised statistics on the number of companies concerned are not available. Based on information from a Federal State about company certificates already issued there and to be expected in future, the **number of companies operating nationwide** (legal entities, sole proprietorships and associations of persons) can be conservatively estimated at around 21 000. The extrapolation is subject to considerable uncertainty and, based on the current state of knowledge, is a cautious estimate at the lower end of the possible number of companies concerned. Experts estimate the **proportion of sole proprietorships to be around 20%**, so that only the other companies are expected to receive around 17 000 applications once for certification changeovers. The case-related time expenditure can be estimated at 30 minutes based on information from businesses and data from the StBA (OnDEA, ID 2009061614003203). At a wage rate of EUR 76.20 per hour (cf. Guideline, Annex 6, economic sector C, high level of qualifications), **non-recurrent costs** of around EUR 648 000 will be incurred. All non-recurrent costs will be spread over the years **up to 2029**.

It is assumed that company certificates are **rarely time-limited**, meaning that the annual compliance costs are negligible.

In addition, companies will incur costs for certifications because they will have to pay fees for official processing. By definition, these costs are not attributed to the compliance costs but are instead allocated to other costs (cf. Section 5).

Requirement 4.2.6 (information obligation): Ensuring refresher courses for employees; § 11(5)

In future, companies will have to ensure that their **employees take part in refresher courses every seven years** (cf. § 11(5)). In addition to the sole proprietorships, which will no longer require a company certificate in future, the around 17 000 remaining companies (cf. Requirement 4.2.5) will incur expenses as a result of this requirement.

One-off compliance costs:

Number of cases	Time expenditure per case (in minutes)	Hourly pay (in EUR)	Material costs per case (in EUR)	Personnel costs (in thousands of EUR)	Material costs (in thousands of EUR)
17 000	30	76.20	0	648	0
Compliance costs (in thousands of EUR)				648	

It is assumed that a non-recurrent **time expenditure of around 30 minutes** will be incurred for each company. They will must familiarise themselves with the requirement once and implement a suitable control tool; a simple Excel table should suffice. In total, this obligation to provide information can be assumed to involve a non-recurrent cost of around EUR 648 000.

Annual compliance costs:

Number of cases	Time expenditure per case (in minutes)	Hourly pay (in EUR)	Material costs per case (in EUR)	Personnel costs (in thousands of EUR)	Material costs (in thousands of EUR)
17 000	15	76.20	0	324	0
Change in compliance costs (in thousands of EUR)				324	

It is assumed that an annual **time expenditure of around 15 minutes** will be incurred for each company. An ongoing burden is incurred for maintaining the controlling process and for the in-house provision of evidence of updated certificates of competence. In total, this obligation to provide information can be assumed to involve an annual cost of around EUR 324 000.

4.3 Administrative compliance costs by requirements

Below is a description of the compliance cost estimate for the administration by requirement.

Table 2: Change in compliance costs for the administration

Requirement	§; Description of the requirement; Administrative level	Annual compliance costs (in thousands of EUR)	Non-recurrent compliance costs (in thousands of EUR)
4.3.1	§ 10(1) to (3); Processing applications for recognition as a competent body; Federal State; (a*)	0	26
4.3.2	§ 11(1) to (4); Processing applications for the granting of company certificates; Federal State; (b*)	0	2 203
4.3.3	§ 17(2) in conjunction with § 6(1)(2); Conducting administrative offence proceedings; Province	4	0
Compliance costs (in thousands of EUR)		4	2 229
of which at federal level (in thousands of EUR)		0	0
of which at federal state level (in thousands of EUR)		4	2 229

*Mirror requirements are uniformly marked in the column '§; Description of the requirement'.

Requirement 4.3.1: Processing of applications for recognition as a competent body; § 10(1) to (3)

One-off compliance costs of the Federal States: EUR 26 000

The competent authorities must process applications for new recognition as a competent body responsible for conducting examinations, providing refresher courses and issuing certificates of competence and certificates of participation in refresher courses. A total of **200 applications can be expected on a non-recurrent basis** (cf. mirror Requirement 4.2.4).

Based on information from a Federal State and the time value table for the administration (cf. Guideline, Annex 7), the time required to process an application is estimated at **around three hours** in the higher civil service with a wage rate of EUR 43.20 per hour (cf. Guideline, Annex 8). Consequently, the non-recurrent cost is estimated at EUR 26 000.

Requirement 4.3.2: Processing of applications for the granting of company certificates; § 11(1) to (4)

One-off compliance costs of the Federal States: EUR 2 203 000

For the one-time processing of the **17 000 applications** for the granting of a company certificate (cf. mirror Requirement 4.2.5), the competent authorities will incur a non-recurrent cost of around EUR 2.2 million with a wage rate of EUR 43.20 per hour and a case-related time expenditure of approximately three hours, as assessed by one Federal State.

It is assumed that company certificates are rarely time-limited, meaning that the annual compliance costs are negligible.

Requirement 4.3.3: Conducting administrative offence proceedings; § 17(2) in conjunction with § 6(1)(2)

Annual compliance costs of the Federal States: EUR 4 000

Carrying out activities without the necessary personal prerequisites is currently already an administrative offence (cf. § 17(2) in conjunction with § 6(1)). The new obligation to **take part in refresher courses on a regular basis** (cf. § 6(1)(2)) extends the scope of administrative-offence provisions, so that additional proceedings can be expected.

At present, there is no usable information available from the experience of past administrative enforcement. It is therefore assumed that companies and employees will generally behave in accordance with the standards. In addition, it can be assumed that the competent authorities, in accordance with their dutiful discretion (cf. § 47 OWiG [Code of Administrative Offences]), do not penalise minor omissions in particular with a fine. In total, the **number of additional proceedings is therefore estimated at 100**.

For administrative offence proceedings, it can be assumed that all proceedings initially involve an **average case-related effort of around 50 minutes** (cf. Guideline, Annex 7, Standard activities 1, 5, 11, 13 and 14, simple complexity). In cases where fines are imposed and enforced in addition to the written hearing, the case-related effort is increased by a further 25 minutes (cf. Standard activities 6, 7 and 12, simple to medium complexity), to a total of 75 minutes per proceeding. Material costs are to be taken into account at a rate of EUR 2 per letter.

Assuming **90 simple and 10 more complex proceedings** at a wage rate of EUR 43.20 per hour, the annual cost is around EUR 4 000.

5. Other costs

As a result of the changes in legislation (cf. Requirement 4.2.1 and 4.2.2), it is estimated that 33 750 (18 000 pursuant to § 7(1) and 15 750 pursuant to § 7(2)) additional applications for the **issuance of a certificate of competence pursuant to § 7(3)** will be submitted on a non-recurrent basis. Chambers of crafts, chambers of industry and commerce and guilds charge fees for this purpose, the amount of which can be set at EUR 50 according to information from an association. This means **a non-recurrent fee of EUR 1.7 million** will be incurred.

Companies have to pay fees for issuing **17 000 company certificates once** (cf. Requirement 4.2.5). These fees vary between Federal States and can range from EUR 150 to EUR 1 000. Assuming an average fee of EUR 500, businesses will incur additional **non-recurrent costs of EUR 8.5 million**.

6. Further regulatory consequences

The Regulation has no impact on consumers, gender equality or demographics. As a federal rule, the equivalence of people's living conditions is maintained.

VIII. Timescales; evaluation

The requirements of the new F-Gas Regulation (EU) 2024/573 apply indefinitely, so there is no need to provide for a time limit for the provisions. An evaluation of the provisions laid down by European law is unnecessary, as an evaluation of the new F-Gas Regulation is planned for 2030 in accordance with Article 35(5) thereof.

B. Special part

Re Article 3 (Regulation on the protection of the climate against changes caused by the introduction of certain fluorinated greenhouse gases)

Re Section 3 (Scope and definitions)

Re § 3 (Scope)

§ 1 updates the **previous § 1(1)** by means of a reference to the new F-Gas Regulation (EU) 2024/573. The exceptions to the scope set out in the **previous § 1(2)** could be deleted, as the hitherto purely national rules on mobile equipment in § 3(2) and (3) are replaced by European provisions and therefore no longer apply.

Re § 3 (Definitions)

The definitions in § 2 are largely identical to those of the previous provision in § 2(1).

The definition of 'refrigeration unit' in the **previous § 2(1)(1)** is deleted, as § 3 now uses the term 'self-contained refrigeration equipment', referring to the definition in Article 3(38) of the new F-Gas Regulation (EU) No 2024/573.

§ 2, Points 1 and 2 contain the previous definitions of 'specific refrigerant loss' and 'normal operation'.

The mere clarification in **§ 2(2)**, according to which the definitions of the new F-Gas Regulation (EU) 2024/573 apply in addition, has been deleted.

Re Section 3 (Containment and circular use)

Re § 3 (Limitation of the release of refrigerants into the atmosphere)

§ 3, like the previous § 3(1), further specifies the general obligation of operators of equipment to reduce emissions under Article 4(1)(2) of Regulation (EU) 2024/573. The previous Paragraphs 2 and 3 are deleted as corresponding obligations now arise directly from Regulation (EU) 2024/573.

The scope of **§ 3(1)** is aligned with Article 5(2) of Regulation (EU) 2024/573, which now also covers stationary equipment with F-gases in accordance with Group 1 of Annex II. By contrast, under Article 5(2)(d), stationary fire protection equipment is excluded from the scope of the limit values because it is not expected to cause a specific refrigerant loss in normal operation. In addition, the limit values of the previous § 3(1)(1) are maintained for stationary equipment.

The obligation under the **previous § 3(1)(2)** to ensure access to all detachable connection points of the equipment now covered by Sentence 1 is also maintained by **§ 3(2)**.

The exemption in the previous § 3(1)(3)(1) is aligned with the exemption for leak checks in Article 5(1)(2) of the new F-Gas Regulation (EU) 2024/573. The charge sizes referred to therein can now be found in **§ 3(3)(1) and (2)**. The exemption in the previous § 3(1)(3)(2) can be deleted, as it was only relevant for stationary fire protection equipment, which is now excluded from the scope of Sentences 1 and 2.

The obligation to carry out leak checks on mobile equipment in the **current § 3(2)** now follows from Article 5(3) of the new F-Gas Regulation (EU) 2024/573. However, as this obligation under Article 5(5) does not apply until 12 March 2027, the current § 3(2) should continue to apply until that date, in accordance with the transitional provisions in § 18(1).

The obligation to repair in the **previous § 3(3)** is deleted as it follows from Article 4(5) of the new F-Gas Regulation (EU) 2024/573.

Re § 3 (Recovery of used fluorinated greenhouse gases)

§ 4 recasts the previous § 4(1). This extends the possibility of transferring recovery obligations to third parties to all recovery obligations in Article 8 of the new F-Gas Regulation (EU) 2024/573. Since Article 8(1), unlike the previous F-Gas Regulation, also requires recycling, reclamation or destruction, these obligations should also be transferable to third parties.

Re § 3 (Take back of used fluorinated greenhouse gases)

Re Paragraph 3

§ 5(1) essentially corresponds to the previous § 4(2).

On the one hand, it is new that the scope of the take-back obligation under **§ 5(1)(1)** extends to all F-gases under the new F-Gas Regulation (EU) 2024/573.

What is also new is that the take-back for F-gases, i.e., for HFCs, in accordance with Annex I, Group 1, to the F-Gas Regulation (EU) 2024/573 must be carried out free of charge for the returning party in future, in accordance with **§ 5(1)(2)**. This is intended to create the conditions for a market with recycled and reclaimed gases in the light of the new F-Gas Regulation (EU) 2024/573. This is because the new F-Gas Regulation provides for a further artificial shortage for the placing on the market of new HFCs via a phase-down and prohibitions on the use of new F-gases with a high global warming potential. At the same time, storing F-gases is currently sometimes even more appealing to maintenance companies than returning them to producers and distributors. However, according to § 18(2), take-back free-of-charge is to be mandatory only from 1 January 2027. This should enable producers and distributors to set up a pay-as-you-go system for possible take-back costs.

§ 5(1)(3) corresponds to the previous § 4(2)(2).

Re Paragraph 3 and Paragraph 3

§ 5(2) and (3) maintain the provisions of the previous § 4(3), but divide them into two Paragraphs in order to make them easier to read.

Re Section 3 (Certificates of competence and company certificates)

Re § 3 (Personal requirements for certain activities)

§ 6 recasts the previous § 5(1). It now only provides for the personal requirements for certain activities for which a certificate or training attestation is required under the new F-Gas Regulation (EU) 2024/573 and further specifies Article 4(7), Subparagraphs 1 and 3. The requirements for issuing a certificate of competence are laid down in § 7, the recognition of bodies in § 10 and the responsibilities in § 12.

Re Paragraph 3

§ 6(1), like the previous § 5(1)(1), lays down the personal requirements for activities by reference to Article 10(1) of the new F-Gas Regulation (EU) 2024/573. This article formulates the activities for which a certificate or a training attestation will be required in future.

What is new is the additional requirement for participation in a refresher course in **§ 6(1)(2)**. This implements Article 10(9)(2) of the new F-Gas Regulation (EU) 2024/573, which requires Member States to ensure that certified natural persons are required to take part in refresher courses or to complete an evaluation process every seven years. If a natural person does not take part in a refresher course under the new § 8(1) every seven years, they will no longer be able to carry out activities. Participation in a refresher course is not formulated as an independent obligation subject to penalties. However, carrying out any activity without a refresher course constitutes an administrative offence under § 17(2)(3).

Re Paragraph 3

The recognition of certificates from other Member States can be found separately in **§ 6(2)**. This implements Article 10(10), Subparagraph 2 of the new F-Gas Regulation 2024/573. The recognition only relates to certificates under the new F-Gas Regulation. Certificates from other Member States under the previous F-Gas Regulation are, on a transitional basis, still recognised under the new § 17(3).

Re Paragraph 3

Article 10(9) of the new F-Gas Regulation (EU) 2024/573 does not specify how Member States are to ensure participation in refresher courses. With **§ 6(3)**, evidence of participation in refresher courses from other Member States is also recognised.

Re Paragraph 3

The implementing regulations adopted by the Commission on the basis of Article 10(8) of the new F-Gas Regulation (EU) 2024/573 also provide for exemptions from the scope. These exemptions are taken into account by **§ 6(4)**. In particular, these are Article 3(3) and (4) of Implementing Regulation (EU) 2024/2215, Article 2(2) of Implementing Regulation (EU) 2025/623, Article 2(2) of Implementing Regulation (EU) 2025/627, Article 2(2) of Implementing Regulation (EU) 2025/625 and Article 2(2) of Implementing Regulation (EU) 2025/XX [number to be inserted prior to the cabinet decision at the latest].

Re § 3 (Certificates of competence)

§ 7, like the previous § 5(2)(1), lays down the conditions under which a certificate of competence is issued to natural persons under the new F-Gas Regulation (EU) 2024/573. Since previous certificates of competence under Article 10(9)(3) can only be used until 12 March 2029 for activities that are already subject to certification under the previous F-Gas Regulation (EU) No 517/2014, all natural persons will need a new certificate of competence in future. The transition and implementation deadlines are set out in § 18(3). How

a changeover from an old certificate of competence to a new one takes place follows from § 8(1).

Re Paragraph 3

§ 7(1) lays down the conditions for the issuance of a certificate of competence for the activities that may be carried out only after passing a theoretical and practical examination. It updates the conditions previously set out in § 5(2)(1) to (4). The requirement for successfully completing technical or craft-based vocational training, which exceeds the requirements of Union law, remains in place. This ensures that the dual training system is not devalued and that, accordingly, a certificate of competence cannot be obtained without prior knowledge only by passing an examination under the corresponding implementing regulation and that activities subject to certification can be carried out. The requirement of successfully completing technical or craft-based vocational training will in future apply to all activities falling within the scope of § 7(1) and thus also to activities involving fire protection systems and high voltage electrical switchgear. This is because natural persons who carry out activities involving fire protection systems and high voltage electrical switchgear have usually successfully completed technical or craft-based vocational training. The scope and minimum requirements for the theoretical and practical examination are set out in the implementing regulations under Points 1 to 4.

Re Paragraph 3

Sentence 1 of **§ 7(2)** lays down the conditions for issuing certificates of competence for activities that may be carried out only after participation in a training programme. It updates the conditions previously set out in § 5(2)(5). Since the new F-Gas Regulation (EU) 2024/573 extended the requirement for a training attestation to activities involving other mobile equipment, the hitherto purely national conditions for activities involving mobile refrigeration and air-conditioning equipment are no longer applicable. In particular, the requirements for the training programme are derived from the implementing regulation. The certificate categories and the minimum requirements set out in the annex to the implementing regulation are not tailored to the different types of mobile equipment. At national level, however, this possibility of tailoring training programmes to specific mobile equipment is to be provided for by **Sentence 2** in order to take account of the diversity of the sector. In this case, the certificate of competence will also be issued only for this mobile equipment. It follows from the implementing regulation that the mobile equipment to which the relevant certificate of competence applies must be indicated on the certificate of competence. **Sentence 3** provides for relief, as § 5(2)(1)(5) previously did. The relief is also provided for in Article 2(1), Subparagraph 2 of Implementing Regulation (EU) 2025/XX [number to be inserted prior to the cabinet decision at the latest].

Re Paragraph 3

§ 7(3), as a further development of the previous § 5(2)(4)(1), allows the issue of certificates of competence under § 7(1) and (2) to graduates of vocational training for whom the chambers of crafts, the chambers of industry and commerce or the craft guilds have determined that they meet the requirements of § 7(1) or (2). This allows certain vocational training courses to be recognised across the board. A certificate of competence can be issued without a separate examination (**Point 1**) in the case of § 7(1) and without participation in an additional training programme (**Point 2**) in the case of § 7(2). Across the board recognition of certain vocational training courses has already been dispensed with in the Regulation, as professional profiles can change over time and this dynamic cannot be taken into account in a legal regulation without delay. The regulation also applies to graduates of such vocational training, for which the final examination already met the minimum requirements of the new implementing regulation in the past. These graduates should be able to obtain a certificate of competence retroactively without re-examination. However, in such cases, the provisions of § 9(3) must be taken into account.

Re Paragraph 3

§ 7(4) contains two exemptions to the requirement of successfully completing technical or craft-based vocational training. If the conditions for the exemptions are met, the natural person will be issued with a certificate of competence, provided that he has passed a theoretical and practical examination under § 7(1).

Point 1 takes into account § 41b(1) of the Trade and Crafts Code and § 50b of the Vocational Training Act (Berufsbildungsgesetz), newly created by the Vocational Training Validation and Digitalisation Act (Berufsbildungsvalidierungs- und -digitalisierungsgesetz), by means of which individual professional capacity is determined and certified on the basis of a recognised training occupation. If the individual professional capacity of a natural person has been determined and certified, this is equivalent to successfully completing technical or craft-based vocational training under § 7(1).

According to **Point 2**, it is not necessary to have successfully completed technical or craft-based vocational training in treatment facilities that are certified as primary treatment facilities under § 21 of the Electrical and Electronic Equipment Act, since the activities there do not require special technical or craft-based skills, but targeted instruction on the proper handling of the relevant substances and equipment concerned meets the objectives of the regulation.

Re Paragraph 3

According to § 7(5), a successfully completed technical or craft-based vocational training course covering the activity in question can be dispensed with by means of an exemption by the chambers of crafts or chambers of industry and commerce responsible pursuant to § 12(3). As a result, the possibility for an exemption under previous § 5(2)(5) is retained. The reference to § 7 of the Trade and Crafts Code in **point 1** clarifies that the possibility of exemption is open, for example, to the engineers referred to in § 7(2) of the Trade and Crafts Code as well as graduates of technical universities and of public or state-recognised vocational schools for engineering and design. Certificates in accordance with Annex 2 to the Vocational Training Assessment Procedure Regulation can be used as other evidence in accordance with **Point 2**.

Re Paragraph 3

§ 7(6) maintains the previous provision on partial qualification and supplementary examination under § 5(2)(4)(2) in order to be able to take account of special professional biographies. The rewording serves to clarify the conditions for issuing certificates of competence. The partial qualification can also be proven by means of a certificate in accordance with Annex 3 to the Vocational Training Assessment Procedure Regulation.

Re Paragraph 3

According to § 7(7), in addition to the requirements of the implementing regulations under § 7(1) and (2), the date by which participation in the next refresher course must have taken place must be entered on the certificate of competence. The date on the certificate of competence serves as a reminder and is intended to prevent natural persons from carrying out activities contrary to § 6(1). In combination with § 9(2), the certificate of competence thus becomes a consolidated record of the required certificate of competence as well as of participation in the refresher courses, thereby simplifying evidence and audit processes for certificate-holders and employers.

Re § 3 (Changeover to new certificates of competence)

§ 8(1) regulates the changeover from the previous certificates of competence under the previous F-Gas Regulation (EU) No 517/2014 to the new certificates of competence under the new F-Gas Regulation (EU) 2024/573. The previous certificate of competence must be presented and evidence of participation in a refresher course must be provided for the changeover. In the event of a changeover, certificates of competence can be issued by all the bodies referred to in § 12(1). Implementing Regulation (EU) 2024/2215 introduces new certificate categories for selected alternatives (carbon dioxide and ammonia). It can be assumed that the previously certified group of persons are already carrying out activities involving these alternatives. These certificates can therefore also be acquired upon presentation of a certificate of competence covering the relevant activities in accordance with Implementing Regulation (EU) 2015/2067 and participation in a refresher course covering the respective alternatives. § 8(2), like § 7(7), serves as a reminder and is intended to facilitate compliance with and enforcement of § 6(1)(2).

Re § 3 (Refresher courses)

It follows from § 6(1)(2) that natural persons may only carry out activities under Article 10(1) of the new F-Gas Regulation (EU) 2024/573, provided that they take part in a refresher course at least every seven years. This implements Article 10(9)(2). This article requires Member States to ensure that certified natural persons are required to take part in refresher courses at least every seven years. § 9 regulates the content of refresher courses and the certificate of participation.

Re Paragraph 3

§ 9(1) further specifies the contents of the refresher courses with reference to the essential requirements of the implementing regulations under § 7(1) and (2). It also follows from these that certified participation in refresher courses must demonstrate that the natural persons have both theoretical knowledge and practical skills. In principle, the refresher course must demonstrate theoretical knowledge and practical skills. It should be possible to dispense with the practical part if the holder of the certificate of competence can prove, by means of a self-declaration, that they regularly carry out the activities subject to certification. The self-declaration should therefore list the activities carried out in the last two years in such a way that practical skills can be demonstrated. This will make it easier for persons who regularly carry out activities subject to certification.

Re Paragraph 3

§ 9(2), like § 7(7), serves as a reminder and is intended to facilitate compliance with and enforcement of § 6(1)(2). In combination with § 7(7), the certificate of competence thus also serves as proof of participation in the refresher courses.

Re § 3 (Recognition of bodies)

§ 10 builds on the previous § 5(3) and updates and supplements the provisions on the recognition of vocational and training institutions and companies as certification bodies. Since the possibility of recognising companies should continue to exist, producers of equipment in particular can also be recognised.

Re Paragraph 3

§ 10(1) regulates the recognition of vocational and training institutions and companies for the administration of examinations and the issue of certificates of competence within the scope of § 7(1). The respective implementing regulations contain minimum requirements for the examinations, as well as for the personnel and equipment of the certification and

testing bodies. § 10(1) does not lay down any additional purely national requirements for recognition. It is the responsibility of the competent authorities to ensure a uniform level.

Re Paragraph 3

§ 10(2)(1) regulates the recognition of vocational and training institutions and companies for the implementation of training programmes and the issue of certificates of competence within the scope of § 7(2). Under § 10(2)(2), the competent authorities can also recognise training programmes tailored to specific mobile equipment. In this case, certificates of competence can also only be issued for activities involving this mobile equipment. See also § 7(2).

Re Paragraph 3

§ 10(3) contains a new, separate provision for the recognition of the providers of refresher courses. Here, only requirements for personnel are formulated. In the event of a changeover from a previous certificate of competence to the certificate of competence in accordance with the new minimum requirements laid down in § 8(1), the providers of the refresher courses can also issue the new certificates of competence.

Re § 3 (Certification of legal entities and associations of persons)

Re Paragraph 3

§ 11(1) updates the previous § 6(1) and determines when legal entities and associations of persons may carry out activities for which a certification requirement pursuant to Article 4(7), Subparagraph 2 and a regulatory mandate to the Member States pursuant to Article 10(2) exists under the new F-Gas Regulation (EU) 2024/573. The new F-Gas Regulation (EU) 2024/573 extends the scope of § 11(1) to additional activities. Due to the changeover to new company certificates under the new implementing regulations, it is not possible to recognise old certificates. The transitional provision of § 18(6) applies here. Due to the definition of companies in Article 3(2)7 of the new F-Gas Regulation (EU) 2024/573, the term 'legal entity and associations of persons' is used to clarify that, in addition to legal entities, associations of persons also have access to company certificates. Sole proprietorships will therefore no longer need to apply for a company certificate. Rather, they can carry out the activities requiring certification using their certificate of competence. As a result, operators will in future also be able to transfer activities under § 15(1) to natural persons holding a certificate of competence. Under § 16(1), F-gases may also be sold to natural persons holding a certificate of competence in accordance with Annex I or Annex II, Group 1.

Re Paragraph 3

As before, § 11(2)(1) sets out the conditions under which legal entities and associations of persons receive a company certificate. The references to the implementing regulations have been updated. The previous Point 2 of § 6(2)(1) has been deleted due to a lack of relevance. However, in addition to the content of the company certificates arising from the implementing regulations, the registered office of the legal entity or association of persons is still to be indicated. The § 11(2)(3) allows the competent authorities to refuse company certificates if the legal entity or association of persons can prove that they have a sufficient number of natural persons holding certificates of competence, but these individuals have not attended a refresher course in good time.

Re Paragraph 3

The privilege for EMAS organisations under § 11(3) is maintained but updated. It dispenses with the requirement to demonstrate that the legal entity employs a sufficient num-

ber of natural persons holding a certificate of competence for the activities in question, as well as the further requirement to prove that all necessary tools and procedures are accessible to those persons who carry out, are trained in and are self-certified for those activities. The privilege makes sense, given that the EMAS organisation itself had to independently verify the requirements as part of the environmental audit. Shortcomings were identified and remedied in order to obtain and maintain the company certificate. The documentation, in turn, ensures that the necessary information is available to the competent authority issuing the company certificate. The privilege therefore avoids duplication, since the applicant legal entity or association of persons reports on the fulfilment of the certification requirements either in the environmental audit report or in the environmental statement.

Re Paragraph 3

§ 11(4) grants the competent authorities, taking into account § 36(1) of the Administrative Procedures Act, the power to attach ancillary provisions to company certificates. For example, time limits are conceivable. In view of frequent changes in staff, this ensures, at regular intervals, that the legal entities or associations of persons employ a sufficient number of natural persons who hold a certificate of competence and take part in refresher courses every seven years. Due to the burden on both the competent authorities and holders of company certificates, the time limit is not mandatory.

Re Paragraph 3

§ 11(5) requires legal entities and associations of persons holding a company certificate to ensure that natural persons employed by them take part in a refresher course under § 9(1) every seven years, provided that they continue to carry out activities for which a certificate of competence is required. An infringement of the obligation to ensure constitutes an administrative offence under § 17(2)(5).

Re Paragraph 6

§ 11(6) is intended to take account of the fact that, in view of the necessary changeover of all company certificates, the competent authorities need time to process applications. These bottlenecks should not adversely affect the performance of activities by legal entities who already hold a company certificate under the previous F-Gas Regulation (EU) No 517/2014 and have submitted a complete application for a company certificate pursuant to § 11(2).

Re § 3 (Responsibility)

§ 12 builds on the previous § 5(2)(3) and provides for the responsibilities with regard to certificates of competence.

Re Paragraph 3

According to § 12(1), in principle, as before, the chambers of crafts, chambers of industry and commerce, guilds and bodies recognised by the competent authorities pursuant to § 10 are responsible for issuing certificates of competence. Within the scope of the certificates of competence under § 7(1), the responsibility also includes the recognition of bodies to administer the examinations under § 7(1). In future, the responsibility will extend to the issue of certificates of competence in accordance with the new minimum requirements upon presentation of a previous certificate of competence under § 8(1) and (2) as well as to the certification of participation in refresher courses under § 9(2). It also includes the provision of refresher courses under § 9(1).

Re Paragraph 3

According to **§ 12(2)**, where certificates of competence can be issued for activities within the scope of § 7(1) without any separate examination or without a fully comprehensive separate examination on the basis of recognised other knowledge and skills, only the chambers of crafts, the chambers of industry and commerce and the guilds are responsible, since only they can professionally assess such prior knowledge and ensure a uniform procedure.

Re Paragraph 3

§ 12(3) provides for the responsibility for exemption from the requirement of successfully completing technical or craft-based vocational training under § 7(5).

Re Paragraph 3

§ 12(4) clarifies that the authorities designated under Federal State law are responsible for granting company certificates and recognising bodies.

Re § 3 (Procedure)

§ 13 largely corresponds to the previous § 12, with certain amendments.

Re Paragraph 3

§ 13(1) **Sentence 1** is updated by reference to the amended Paragraphs; the reference to the applicability of § 42a(2) is replaced by a separate **Sentence 2**. As regards terminology, **Sentence 3** is adapted to Sentence 1. Where procedures are handled by a single entity, the provisions of Section 1a of the Administrative Procedures Act apply. In **Sentence 4**, the certificates were added for clarification compared with the previous Sentence 3. **Sentence 5** has been added to enable the competent authorities to communicate purely by electronic means. As part of the implementation of the requirements of the Online Access Act (Onlinezugangsgesetz), the relevant specialist procedures and online access points for the submission of electronic applications are currently being created nationwide. In order to make efficient use of these possibilities, the competent authorities must be authorised to require electronic applications and provide technical specifications for this purpose.

Re Paragraph 3

§ 13(2) updates the previous § 12(2) by reference to the new § 7.

Re Paragraph 3

In **§ 13(3)**, the references of the previous § 12(3) to other Paragraphs in the Regulation are updated.

Re Paragraph 3

§ 13(4) remains unchanged vis-à-vis § 12(4).

Re Section 3 (Labelling; operator obligations; sale and purchase)

Re § 3 (Labelling and information on products and equipment)

§ 14 contains a recast of the previous § 7.

Re Paragraph 3

§ 14(1) updates previous § 7(1) by reference to the new F-Gas Regulation (EU) 2024/573 and the new Implementing Regulation (EU) 2024/2174 laying down provisions on the format of labelling. As before, certain information in operating instructions and descriptions used for advertising purposes are to be made available in the German language.

Re Paragraph 3

§ 14(2) ensures that the supplier or installer complements the label with the site-specific safety requirements or national safety standards, provided that these have not yet been included. Article 1(12)(a) of Implementing Regulation (EU) 2024/2174 provides for such complementing by the supplier, installer or operator. Because the operator is subject to the obligation to provide evidence and retain records laid down in Article 13(19) and (20), an additional obligation on the operator to complement the label seems unnecessary.

The previous **§ 7(2)** is no longer necessary because the requirements of Article 12(7) of the new F-Gas Regulation (EU) 2024/573 and Article 1(7)(a) and (b) of the new Implementing Regulation (EU) 2024/2174 are sufficiently specific.

Re § 3 (Operator obligations)

§ 15 recasts the operator obligations under the previous § 8.

§ 15 further specifies both the obligation of Article 10(12) of the new F-Gas Regulation (EU) 2024/573, according to which activities may only be transferred to other natural persons and legal entities holding the required certificate, and the obligations of Articles 5 and 8 of the new F-Gas Regulation (EU) 2024/573, according to which operators of equipment may only have activities carried out by certified legal entities or natural persons holding a certificate or training attestation. Unlike the previous § 8, § 15 implements a 1:1 implementation.

The obligations to ensure for building owners and contractors under the Article 8(8)(2) and Article 8(9)(1)(2) of the new F-Gas Regulation (EU) 2024/573, according to which the recovery of F-gases from foam elements or foams in coated panels must be carried out by adequately qualified personnel, are not further specified at national level, as no such recovery is currently carried out in practice at national level.

If operators commission natural persons to carry out activities, they only need to have the certificate of competence presented to them, but they do not need to check whether they have taken a refresher course in good time. This is intended to reduce the burden on operators, in particular when they commission natural persons from other Member States for whom it is not already possible to determine from the certificate whether a refresher course has been taken in good time.

Re Paragraph 3

§ 15(1) further specifies Article 10(12) of the new F-Gas Regulation (EU) 2024/573 by reference to the national certification scheme.

Re Paragraph 3

§ 15(2) clarifies the obligations to ensure under Article 5(3), Subparagraph 2, Article 5(4) and Article 4(5), Subparagraph 2, of the new F-Gas Regulation (EU) 2024/573, relating to leak checks, by reference to the national certification scheme.

Re Paragraph 3

§ 15(3) further specifies the obligations to ensure relating to recovery under Article 8(1)(2) and Article 8(4) of the new F-Gas Regulation (EU) 2024/573.

Re § 3 (Sale and purchase of fluorinated greenhouse gases)

§ 16 recasts the previous § 9.

The **previous § 9(1)** is deleted because the prohibition on the placing on the market of HFCs without prior allocation of a quota under Article 16(1) of the new F-Gas Regulation (EU) 2024/573 and the prohibition on the placing on the market of pre-charged products and equipment without HFCs covered by the quota system under Article 19(1) are now sufficiently specified.

Re Paragraph 3 and Paragraph 2

Like the previous § 9(2), **§ 16(1) and (2)** further specify the requirements of Article 11(6) of the new F-Gas Regulation (EU) 2024/573 on the sale and purchase of F-gases under Annex I and Annex II, Group 1, by reference to the national certification scheme. However, sales and acquisitions involving natural persons holding a certificate of competence are now also possible in order to take account, in particular, of sole proprietorships.

Re Paragraph 3

§ 16(3), like the previous § 9(3), further specifies the requirements of Article 11(7) of the new F-Gas Regulation (EU) 2024/573 for the sale of non-hermetically sealed equipment charged with F-gases listed in Annex I and Annex II, Group 1, by reference to the national certification scheme. However, in future, it should also suffice for the customer to prove that the installation is carried out by a natural person holding a certificate of competence.

Re Section 3 (Final provisions)

Re § 3 (Administrative offences)

Like the previous § 10, § 17 contains offences that could result in a fine.

In comparison with the previous § 10, the fine for infringements of the obligations to ensure under § 11(5) with regard to refresher courses (**§ 17(2)(4)**) is new.

Another change is that carrying out activities contrary to § 6(1) without a refresher course now constitutes an administrative offence (**§ 17(2)(3)**).

Under **§ 17(3)**, § 26(1)(7)(b) is relevant for infringements of § 16, since the basis of authorisation for § 16 is § 17(1)(1)(c).

Re § 3 (Transitional provisions)

Re Paragraph 3

Under **§ 18(1)**, the previous § 3(2) shall continue to apply until the end of 12 March 2027. From this date, according to Article 5(5) of the new F-Gas Regulation (EU) 2024/573, the obligation to check leaks applies directly to mobile equipment under Article 5(3)(b) and (c). The same applies to the associated previous fines in § 10(2)(3) and § 10(3). These shall also continue to apply until the end of 12 March 2027.

Re Paragraph 3

§ 18(2) postpones the newly introduced obligation to take back F-gases free of charge under § 5(1)(2) of Annex I, Group 1, to the F-Gas Regulation (EU) 2024/573. This should give producers and distributors the opportunity to set up a pay-as-you-go system for possible take-back costs.

Re Paragraph 3

Re Point 3

§ 18(3)(1) allows natural persons to continue carrying out activities with their previous certificates of competence and certificates from other Member States until 12 March 2029. This applies both to activities already subject to certification under the previous F-Gas Regulation (EU) No 517/2014 and to activities relating to F-gases or relevant alternatives to F-gases that are newly subject to certification under the new F-Gas Regulation (EU) 2024/573 and its implementing regulations. From that date, only certificates of competence and certificates that comply with the minimum requirements of the implementing regulations adopted on the basis of Article 10(8) of the new F-Gas Regulation (EU) 2024/573 can be used. The changeover shall take place in accordance with § 7(3) or by means of refresher courses in accordance with § 9(1) and must be completed by the relevant deadline. Since the previous certificates of competence and certificates under the F-Gas Regulation (EU) No 517/2014 are no longer valid, it will no longer be possible to recognise certificates from other Member States. The deadline for the changeover (12 March 2029) follows from Article 10(9)(3) of the new F-Gas Regulation (EU) 2024/573.

Re Point 3

§ 18(3)(2) contains relief for natural persons who have already passed an examination in accordance with the new minimum requirements after the entry into force of the new implementing regulation on the minimum requirements for certification or training attestations, but before the entry into force of the recast Chemicals Climate Protection Ordinance. Accordingly, they do not have to take part in a refresher course before 12 March 2029, but rather seven years after passing this examination.

Re Paragraph 3

According to § 18(4), natural persons will only be required to provide proof of participation in a refresher course from 13 March 2029 in order to carry out activities for which they require a certificate of competence. The deadline follows from Article 10(9)(3) of the new F-Gas Regulation (EU) 2024/573, according to which certified persons must have taken part in a refresher course by 12 March 2029.

Re Paragraph 3

On the basis of the previous § 5(3), the competent authorities have already recognised vocational and training institutions and companies to conduct examinations and provide training programmes and to issue the corresponding certificates of competence in accordance with the new implementing regulations adopted on the basis of Article 10(8) of the F-Gas Regulation (EU) 2024/573. § 18(5) is intended to prevent these from merely having to be re-recognised on a pro forma basis.

Re Paragraph 3

§ 18(6)(1) lays down for legal entities carrying out activities what § 18(3) lays down for natural persons carrying out activities. Company certificates under the previous § 6, cov-

ering the scope of the previous Implementing Regulation (EU) 2015/2067 or Regulation (EC) No 304/2008, should continue to be valid for carrying out activities until 12 March 2029, including activities newly subject to certification under the F-Gas Regulation (EU) 2024/573. After that date, they shall lose their validity.

§ 18(6)(2) provides that company certificates issued before the entry into force of this Ordinance on the basis of the previous § 6(2) in accordance with the minimum requirements of the new implementing regulations are to remain valid beyond 12 March 2029 in order to avoid unnecessary redesignations by companies and public authorities.

Re Paragraph 7

§ 18(7) takes into account Article 5(5) and Article 8(5) of the F-Gas Regulation (EU) 2024/573, according to which leak checks and the recovery of fluorinated greenhouse gases from the aforementioned mobile equipment are mandatory only from 12 March 2027.

Re Article 3 (Repeal)

Article 2 provides for the repeal of the previous Chemicals Climate Protection Ordinance.

Re Article 3 (Entry into force)

The Regulation shall enter into force on the day after promulgation. It adapts the Chemicals Climate Protection Ordinance to the new F-Gas Regulation (EU) 2024/573, which entered into force on 11 March 2024. In addition, in §§ 6 to 13, it implements the implementing regulations laying down minimum requirements for issuing certificates and training attestations. In accordance with Article 10(3) and (4) of the F-Gas Regulation (EU) 2024/573, Member States have one year after the entry into force of the relevant implementing regulation to comply. The implementation deadline for the first of the five implementing regulations, Implementing Regulation (EU) 2024/2215, is September 2025.

In so far as certain provisions are not intended to be directly applicable, transitional and implementation deadlines have been set out in the transitional provisions.