



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
Directorate A - International and Mainstreaming and Policy Coordination
CLIMA.A.2 - Climate Finance, Mainstreaming, Montreal Protocol

Brussels
CLIMA.A.2/PO/XM

Mr Olivier Janin
Secretary General
AREA
secgen@area-eur.be

Subject: Implementation of certain obligations contained in Regulation (EU) No 517/2014 during the COVID-19 crisis

Dear Mr Janin,

Thank you for your letter dated 3 April 2020 where you enquire as to whether it would be possible to derogate from certain binding deadlines envisaged in Regulation (EU) No 517/2014 due to the COVID-19 crisis.

Allow me first to clarify that neither the Commission nor any individual Member State has the authority to set aside or amend any binding deadlines or other obligations established in EU legislation. This is for the legislator to do, namely the European Parliament and the Council.

At the same time, Member States are required to apply any national provisions on penalties for infringements of EU legislation under due consideration of the principle of proportionality. In this context, when Member States assess the need for imposing penalties under Article 25(1) of Regulation (EU) No 517/2014 they must take into account any exceptional, unforeseen circumstances that inhibit actors from complying with their legal obligations under that Regulation. This is particularly relevant where the fulfilment of obligations necessitates on-site visits, which cannot take place due to national measures established in response to the pandemic. Such cases could include checks on repaired equipment and regular leak checks as envisaged under Articles 3(3) and 4(3) of the F-Gas Regulation, normally performed by external staff.

Finally, allow me to clarify that the F-Gas Regulation does not envisage time-limits on the validity of certificates issued under Article 10. Any concerns in this context will need to be assessed under the relevant national laws and practices.

Please note that all Member States' authorities are in copy of this letter. I trust that you will inform you members accordingly.

Yours sincerely,

Philip OWEN
Head of Unit

c.c.: Competent F-gas authorities in Member States