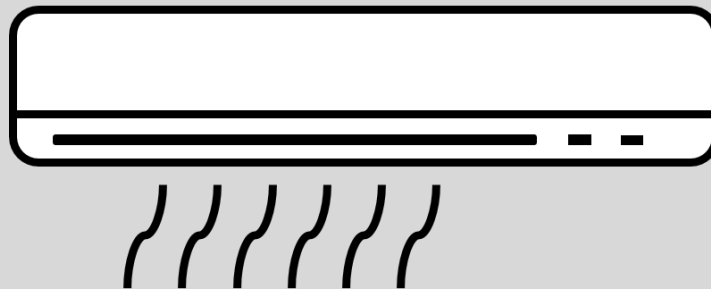
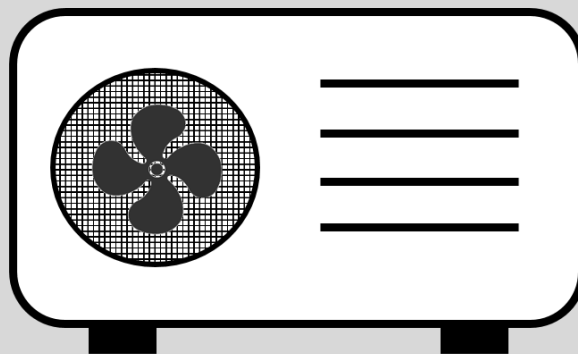




*The Voice of European Air-Conditioning, Refrigeration and Heat Pumps Contractors*

# FAQ

## Sale of pre-charged equipment



Edition 1 – November 2017

### **DISCLAIMER**

The principles contained in this Guide are not legally binding, and following them gives no legal guarantee. A binding interpretation of EU legislation is the exclusive competence of the European Court of Justice. AREA also recommends to readers, when using this Guide, to always refer to the national legislation, and guidance if any, of the Member State they are dealing with.

## Foreword

Pre-charged equipment (split systems) must be installed by a certified company. This obligation, that already 'existed under the old F-Gas Regulation 842/2006, has been reinforced by the new F-gas Regulation 517/2014, which sets some requirements related to the sale of pre-charged equipment.

This FAQ provides practical explanations as to how the requirements are to be fulfilled, notably by the two most impacted actors: retailers and end users.

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### 1- What is the general principle?

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Article 11(5) of Regulation 517/2014 on fluorinated greenhouse gases provides that *“non-hermetically sealed equipment charged with fluorinated greenhouse gases shall only be sold to the end user where evidence is provided that the installation is to be carried out by [a certified] undertaking (...).”*

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### 2- To which type of equipment does the requirement apply?

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The requirements of Article 11(5) apply to the sale of:

- **“non-hermetically sealed equipment”**: equipment in which all fluorinated greenhouse gas containing parts are not made tight by welding, brazing or similar permanent connection<sup>1</sup>.
- **“charged with fluorinated greenhouse gases”**: equipment sold empty or containing a refrigerant that is not a fluorinated greenhouse gas is not included.

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### 3- What kind of evidence is required?

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The evidence required must demonstrate that the installation will be performed by a certified undertaking. The combination of two pieces of information can prove that:

- 1- The name and details of the undertaking, and,
- 2- The certification number of the undertaking

**The company must be certified for “installation”**. Indeed, some company certifications are limited to “maintenance and servicing”, and these are not valid to comply with the obligation of Article 11(5).

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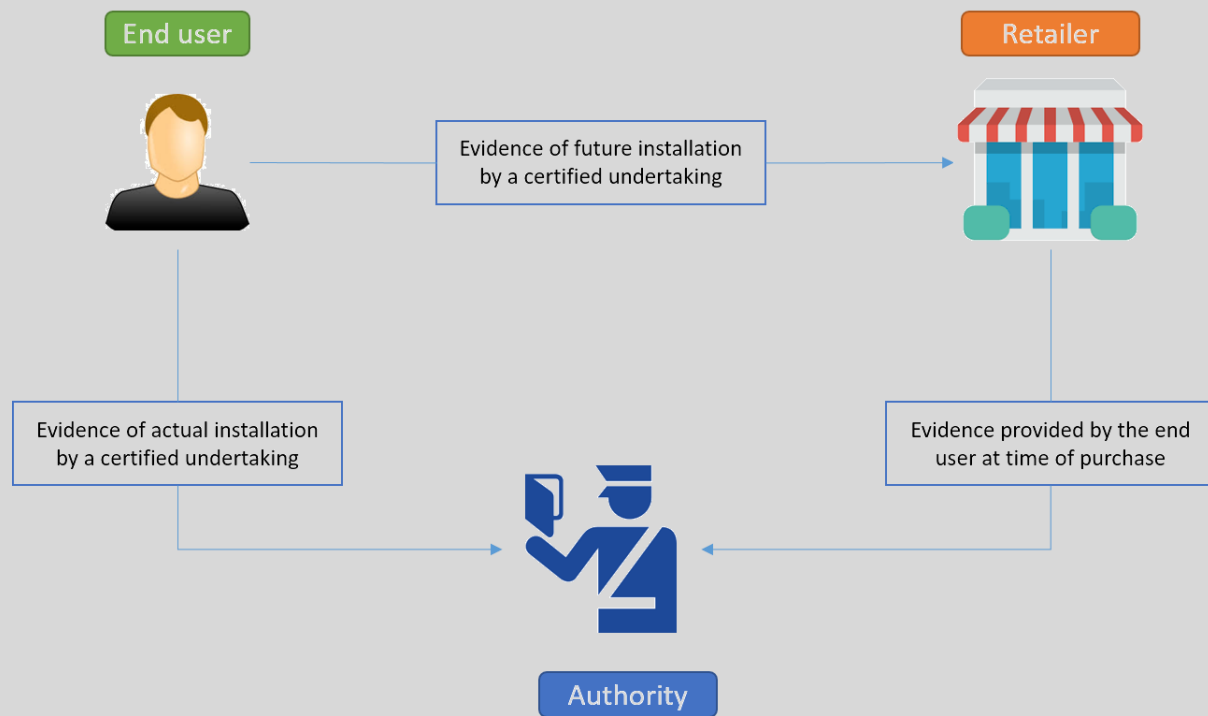
<sup>1</sup> See definition of « hermetically sealed equipment » in Article 2(11) of the F-Gas Regulation

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#### 4- To whom should the evidence be provided?

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The evidence must be provided to the seller but also ultimately to the competent authorities in charge of controlling that the requirement is respected. The diagram below summarises the chain of evidence submission.



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#### 5- How could the evidence be provided?

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There could be several possibilities to ensure the respect of the requirement, e.g.:

- The equipment's sale price includes the installation service by a certified company;
- Buyers fill in a form indicating their details, the equipment details (serial number), the purchase date, and the name and certification number of the company that will carry out the installation. Retailers then keep records of this information and pass it on to competent authorities for possible controls. Buyers are made aware of possible inspections and penalties in case of infringement.

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#### 6- What happens if pre-charged equipment is not installed by a certified undertaking?

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**The end user**, who could not prove that the pre-charged equipment was installed by a certified undertaking would be infringing the F-Gas Regulation and therefore be liable to penalties, which are set by Member States.

Moreover, in such a case the end user would also most probably lose the manufacturer's warranty on the equipment.

**The retailer** who would sell to an end user who did not provide evidence that the pre-charged equipment would be installed by a certified undertaking would also be infringing the Regulation and therefore be liable to penalties set by Member States.

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## 7- What are my obligations as an end user?

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Before the purchase	During the purchase	After the purchase
<ul style="list-style-type: none"><li>➤ find an undertaking that is certified for installation</li></ul>	<ul style="list-style-type: none"><li>➤ Provide the retailer with:<ul style="list-style-type: none"><li>○ My details</li><li>○ The name and details of the contractor) undertaking,</li><li>○ The certification number of the (contractor) undertaking</li></ul></li></ul>	<ul style="list-style-type: none"><li>➤ Have the pre-charged equipment effectively installed by the certified undertaking indicated</li><li>➤ Keep records of the installation in case of control</li></ul>

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## 8- What are my obligations as a retailer?

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During the purchase	After the purchase
<ul style="list-style-type: none"><li>➤ Receive from the buyer:<ul style="list-style-type: none"><li>○ His details</li><li>○ The name and details of the (contractor) undertaking,</li><li>○ The certification number of the (contractor) undertaking</li></ul></li></ul>	<ul style="list-style-type: none"><li>➤ Keep records of the information provided by the buyer</li></ul>

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## 9- Under which conditions can pre-charged equipment be sold to a contractor?

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Retailers should ensure that they get evidence from the purchaser (whoever the purchaser is) that the installation will be carried out by a certified contractor.

*If the purchaser is a certified contractor, he can provide this evidence by giving his certification details.*

*If the purchaser is a non-certified contractor, he must provide evidence that the installation will be carried out by a certified contractor.*

Retailers can refuse sale if they are concerned that an attempt is being made to circumvent installation by a certified contractor.