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EFCTC Recommends the destruction of seized illegal HFCs

The European Fluorocarbons Technical Committee (EFCTC) has issued a Position paper which analyses the options available to the authorities in Member States for the treatment and disposal of Hydrofluorocarbons (HFCs) that have been confiscated for non-compliance with the EU F-Gas regulation (517/2014), the Dangerous Goods Transportation rules (2008/65/EC), or the EU Customs code.

“More and more Member States are taking action at their borders to stop and confiscate illegal HFCs entering the European Union”, stated Dr Nick Campbell, Chairman of EFCTC, “We expect this effort will intensify over the next 18 months and it is vital that illegal HFCs are stopped as they can have major environmental and safety impacts. Once confiscated, Member States have a number of options on how to deal with the products.”

EFCTC detail in the Position paper a number of ways in which non-compliance can occur, including imports by companies that either do not have adequate HFC quotas or in prohibited non-fillable containers. It is recommended that the products are placed in quarantine and then one of several options can be considered including: destruction of the material, auctioning it to legitimate quota holders or returning the product to the country of origin. A re-evaluation and possible harmonisation of the penalties for those caught import HFCs illegally is further recommended.

In conclusion, Nick Campbell stated that, “EFCTC believes that destruction (incineration) is the most desirable option. It provides a clear signal to the market that non-compliant product will not be tolerated and that offenders must carry the associated cost. In practice, it is well possible that the offending undertaking will be unable to cover the associated costs. We recommend that the European Commission sets up a fund that would underwrite the associated costs”. He also stressed that “EFCTC would strongly recommend avoiding returning the material to the country of origin/dispatch as the risk of recidivism is very high and that auctions could be considered under specific circumstances but should be designed in a way that avoids market disruption. In case of non-refillable or otherwise non-compliant cylinders, an exemption clause should be considered enabling the purchaser to transfer the material into compliant cylinders”.

The European FluoroCarbons Technical Committee is a Cefic Sector Group that monitors legislation related to HFCs (hydrofluorocarbons), and HFOs (hydrofluoro-olefins) in the EU and at global level. Fluorocarbons are used as feedstock, as refrigerants, as solvents and as blowing agents for insulation plastic foams.

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