

Draft Fifth Act amending the Chemicals Act

Impact assessment – extract from the Draft Bill, p. 13-14)

VI. Impact of the legislation

The draft Act provides legal certainty for the economic operators concerned by adapting national law to the new EU-F Gas Regulation and to Regulation (EU) 2024/590 by adapting Articles 12i and 12j. The clarification in Article 12j(8) and the deletion in Article 16f also serve to ensure legal certainty for the stakeholders concerned.

1. Legal and administrative simplification

It repeals the provisions that are now regulated at EU level. Thus, the provision in Article 12i(1), according to which the transfer of products, equipment and containers is prohibited if they were made available on the market in breach of the quota regime of the EU-F Gas Regulation, is deleted, as this is now directly contained in the EU-F Gas Regulation.

2. Sustainability aspects

The draft Act is relevant for Goal 13.1 (Climate protection: Reducing greenhouse gases). The regulations on fluorinated greenhouse gases aim to reduce gases with a high global warming potential (GWP). These are subject, inter alia, to a quota system. The provisions of the draft Act accompany the provisions of the EU-F-Gas Regulation with documentation and proof requirements for monitoring compliance with the quota system.

The draft Act contributes to the achievement of the objectives of Transformation area No. 6 Pollutant-free environment of the German Sustainability Strategy. The further development of the rules on F-gases and ozone-depleting substances will improve the implementation of the EU-F Gas Regulation and Regulation (EU) 2024/590 in Germany, which aim, inter alia, to reduce the release of climate-damaging and ozone-depleting gases. There are no conflicts with other sustainability goals.

3. Budgetary expenditure without compliance costs

There is no budgetary expenditure without implementing costs. The adjustments made are purely of a technical nature. Additional budgetary expenditure does not arise either for the states or municipalities or for the Federal Government.

4. Compliance costs

4.1. Compliance costs for citizens

There are no compliance costs for citizens. If new requirements are contained in individual cases in the draft Act, for example in Article 12 k, these are addressed exclusively to commercial undertakings.

4.2. Compliance costs for businesses

There are compliance costs for businesses. The new obligation introduced in Article 12k, according to which a corresponding quota must be obtained for pre-filled equipment and products placed on the market without a quota, does not constitute an additional burden, since the equipment and products made available in breach of the quota obligation are in any case not marketable. In this respect, the purpose of the provision is to retrospectively legalise an unlawful state that creates a better situation for the addressee. This is because without the regulation, the F-gases contained would have had to be destroyed.

4.3. Compliance costs for the administration

The administration will not incur any added compliance costs. The ordering and enforcement of the additional ban in Article 23a of the Chemicals Act is unlikely to have a measurable influence on the compliance costs for the authorities, as only a few cases per year are expected nationwide.

5. Other costs

The exercise of prosecution and criminal justice by courts and public prosecutors in application of this Act does not lead to any measurable additional costs, as only minor adjustments are made to the rules for fines. No impact is expected on individual prices or price levels, in particular consumer price levels.

6. Other legal consequences

In accordance with Article 2 of the Act on the Equal Opportunities of Women and Men in the Federal Administration and the Federal Courts and in accordance with Article 2 of the Joint Rules of Procedure of the Federal Ministries, the impact of gender equality policy was examined on the basis of the working aid of the Inter-ministerial Working Group on Gender Mainstreaming in the Preparation of Legislation. The audit showed that women and men are not directly or indirectly affected differently by the Act.