

EIGA

EUROPEAN INDUSTRIAL GASES ASSOCIATION

**Evolution of the European
legislation and the role of
EIGA in supporting the
industry of gases**



The Green Deal with

Short acronyms, high EU impact



1. ETS, 2. RED-II & RED-III, 3. REpowerEU, 4. CBAM, 5. SAG/CEEAG, 6. gas package, 7. Electricity Market Reform, 8. NetZeroIndustryAct, 9. ETD

Environment
Cylinders and end-of-life
Cooling gases

10.IED, 11. WFD, 12. WFD, 13. Packaging waste directive, 14.O3 regulation

Transport regulation is driven by ADR

15.ADR

Medical use is strictly regulated via MDR

16.MDR

Food safety, food packaging and pesticides

17. Food contact regulation
18. PPP

Cylinder labels follow CLP,
REACH will restrict PFAS,
BPR will restrict ethylene oxide

19. CLP
20.REACH
21.BPR

Safety requirements via Seveso-III

22. Seveso-III



And even growing importance

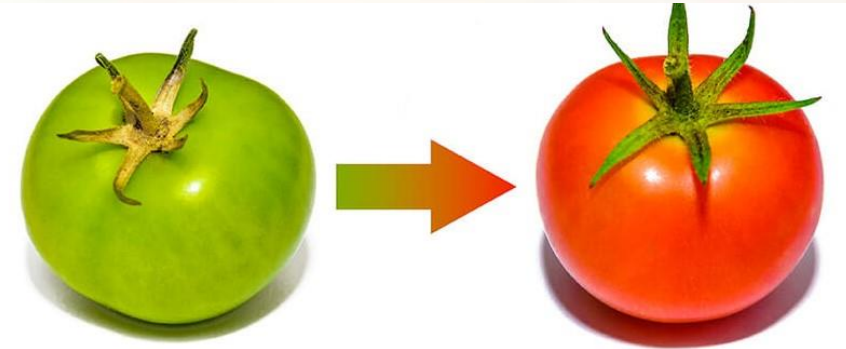
- Brexit shows how deep EU legislation is intertwined in our lives
- One may think of the Green Deal,
- but let's first have a look at other files

- Let me start with a pessimistic message
- Surprises & collateral damage



PPP

- Pesticides in mind
- Ethylene used for controlled ripening
- Since decades, until inspection
- Active substance renewal
- Mixtures approvals
- Trainings



co-ordination of active substance renewal

- Task Force since 2018
- Incl ethylene generator manufacturers (Catalytic Generator, Restrain)
- Rapporteur MS = Dutch CTGB → Dutch LingeAgroconsultancy
- Mutualise costs 1,5M€-2M€
- EC extended deadline for decision to 30 November 2026
- (country authorisations still required for commercial (typical 4%) mixtures)

Medical

- Mindset on syringes, pills or blisters, not on gases or cylinders
- CO₂ for laparoscopy or endoscopic procedures, the medical device classification remains Class II and not the much more demanding Class III
- EIGA mirror group to ISO/TC 121 to assess technical and clinical implications of a variable concentration of O₂, from PSA's

Ethylene Oxide

- Continuing legal use as a sterilising agent at risk
- Hospital sterilising moved from BPR to MDR
- EC announced to NOT approve EO as active substance end 2023
- With up to 12 months transition → end 2024
- Obtaining CE marking under MDR for EO takes at least 3 years → end 2026

EIGA advocates

- Training Video aimed to the users of VIPR's, explaining how to open, close and set flows of integrated cylinder valves
- Doc 153 Best Practice and Safe Use of Medical N₂O. In order to promote its dissemination, a communication letter was shared with National Gas Associations. All companies will distribute the material within their customers.
- MGC members and EIGA staff continue to participate in EMA working groups, such as the Industry Standing Group and Multi-stake Workshops.

N2O

- reclassification as a category 1B reproductive toxicant &
- as hazardous to the Earth's ozone layer



- used in anaesthesia for over 150 years &
- used in micro electronics fabrication

- It is EIGA's opinion that trying to prevent any misuse by changing the classification is not the proper route to effect change.



Energy and Climate

- Also crucial domain, given the extreme energy intensity of our sector
- indirect emissions example
 - Our ASU are no important emitters of CO₂
 - But they are highly electricity intensive
 - Indirect CO₂ emissions from that electricity are eligible for State Aid
- direct emissions example
 - CO₂ emissions from SMR
 - Credits received as per “benchmark”

Guidelines on State aid for climate, environmental protection and energy (CEEAG)

the proposal no longer included Industrial Gases (NACE 20.11).

Member States would no longer be able

1. to award State aid to renewable and low-carbon energy developments and
2. to compensate specific electro-intensive industries for the cost of levies intended to pay for that State aid.

The impact for the sector is important ;

- 0.6 billion euro per year (2020 data)
- distortion of level playing field between insourced and outsourced production

**Internally,
AHG-R.3 met ± biweekly.**

**Externally,
advocacy with ...**



Eurometaux



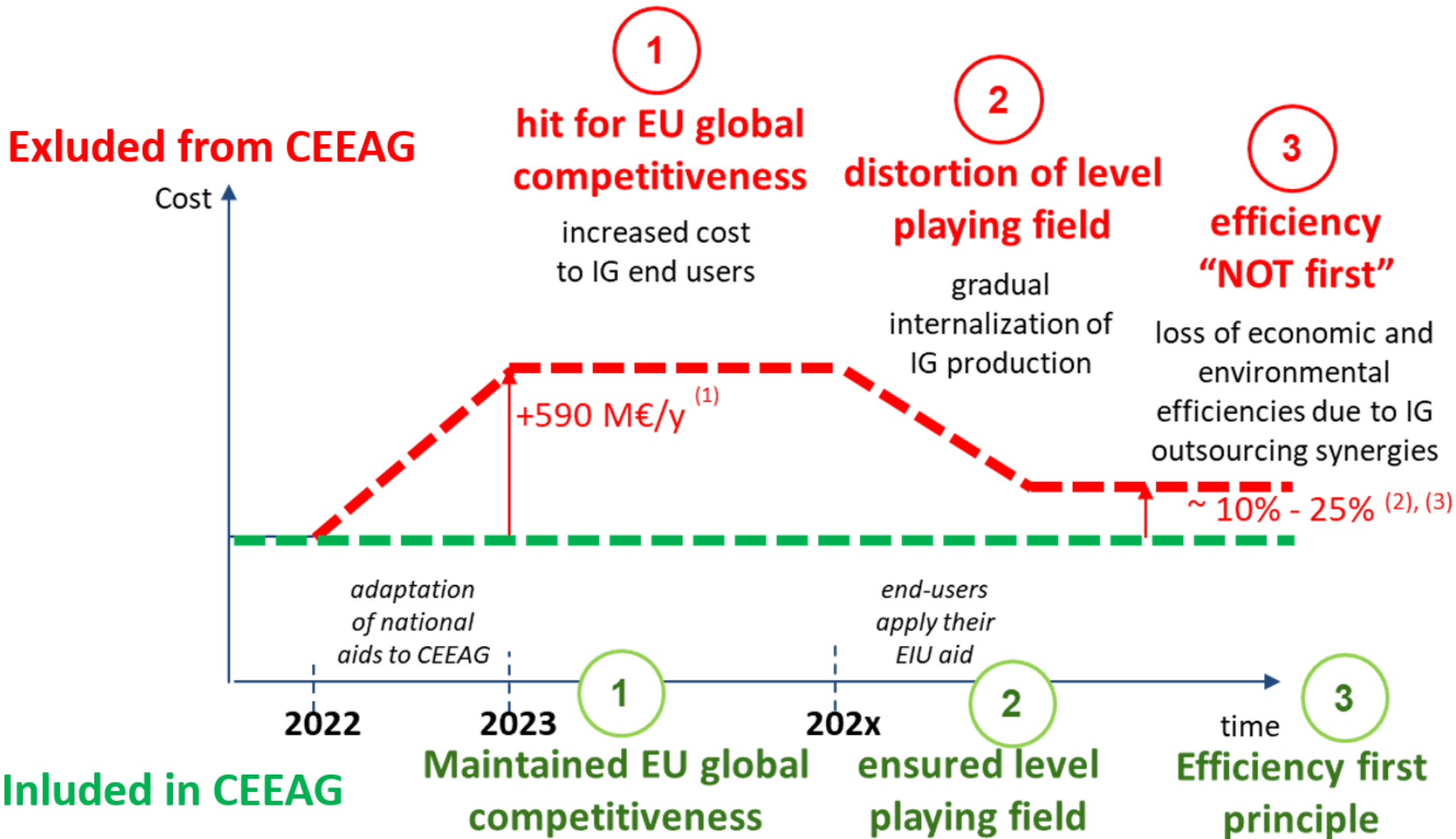
Verband der Industriellen
Energie- & Kraftwirtschaft
Energie für die Industrie



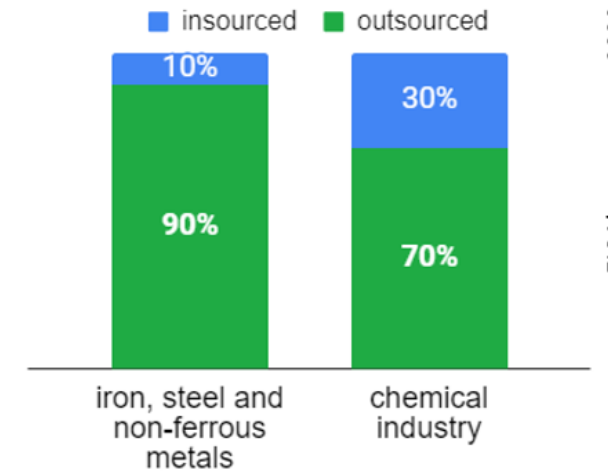
Wirtschaftsvereinigung
Stahl



Advocacy along these lines



% of outsourced O₂ and N₂ production in Europe



(1) amount of avoided cost for outsourced IG production by EIGA members, due to EEAG aids for EIU in 2020

(2) 25% increase in the CO₂ emissions as per Deloitte final report 02.09.2008 "Assisting EIGA in analyzing the post 2012 EU-ETS potential impacts on the European Industrial Gases sector" with regards to possible economic and environmental impacts of the internalization risk at EU level - p.34

(3) increased indirect emissions [extra 0.8 -> 2 MtCO₂ /y] and electricity consumption [extra 2.75 -> 6.9 TWh /y]

Gas package

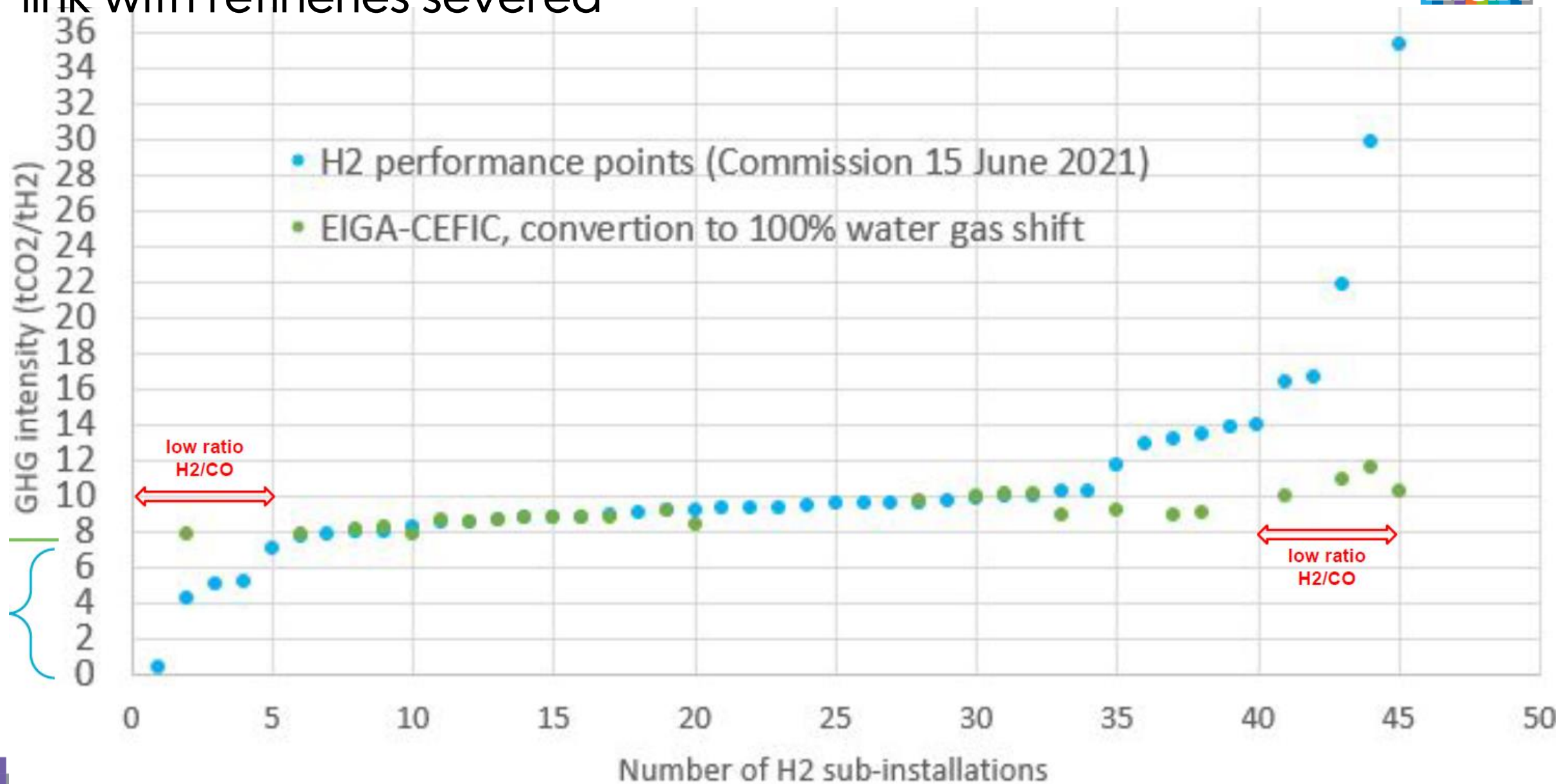
- Impact: To develop a dedicated hydrogen infrastructure and market
- EIGA position:
 - avoiding mandatory unbundling for private hydrogen infrastructure.
 - ensuring a working mechanism for certifying low carbon gases
 - NH₃ dissociation is production (e.g. electrolyser), not conversion (e.g. storage)

EU ETS (revision)

- Impact: restricts the volume of greenhouse gases that can be emitted by energy-intensive industry. The cap is reduced over time so that the amount of emissions gradually decreases
- EIGA position: Equal treatment of insourced and outsourced production

Currently : ETS benchmark

link with refineries severed



PFAS update

The European Chemicals Agency (ECHA) published a [proposal to ban PFAS from the environment](#).

See annexed PFAS-note for background and timelines.

Please see annexes for EIGA's response to ECHA's [consultation](#).

1. For already mentioned derogations:

For the derogations indicated between square brackets, the dossier submitters invite stakeholders to provide data.

If no supportive data are made available during the consultation period to minimise uncertainties, the

RELATED DOCUMENTS

- > [PFAS - note](#) (DOCX)
- > [PFAS-letter to supplier](#) (PDF)
- > [EIGA pfas initial reponse to public consultation](#) (DOCX)
- > [Waste incineration of PTFE](#) (PDF)
- > [EIGA Comments on PFAS restriction propo](#) (PDF)
- > [answers to questions public consultation PFAS](#) (DOCX)
- > [FINAL- Joint statement on importance of fluoropolymers-wider initiative](#) (PDF)



**EUROPEAN INDUSTRIAL
GASES ASSOCIATION (EIGA)**

**COMMENTS ON
PFAS ANNEX XV
RESTRICTION PROPOSAL**

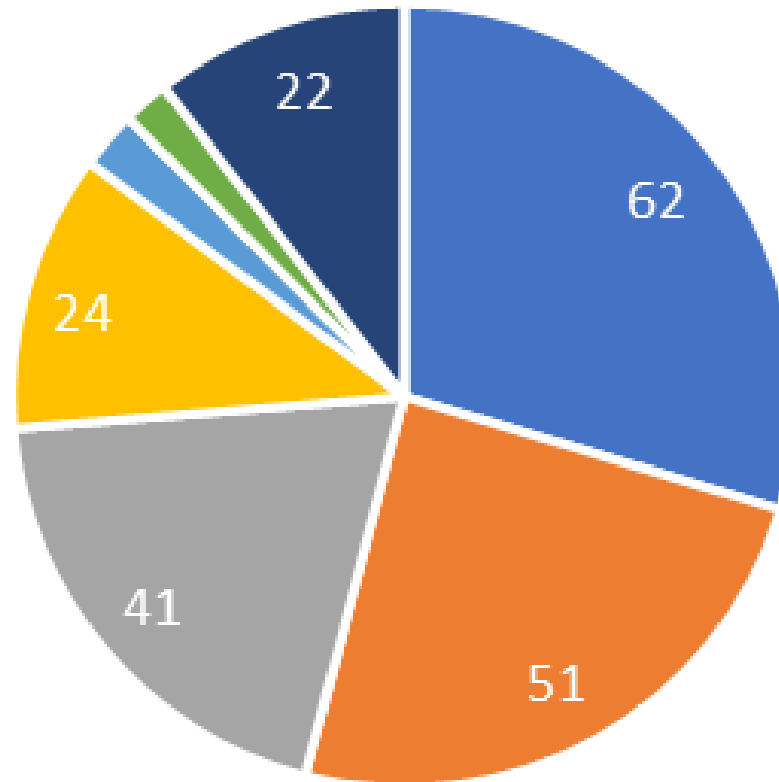
1	Introduction	1
2	Lubricants (Annex E.2.14.)	1
2.1	Use of Lubricants containing PFAS in Gas Industry	1
2.2	Key Functionalities	1
2.3	Emissions	1
2.4	Alternatives	2
2.5	Concluding Remarks	2
3	PTFE-Tape (Construction products - Annex E.2.13.)	3
3.1	Use of PTFE thread sealing tape in Gas Industry	3
3.2	Key Functionalities	3
3.3	Emissions	4
3.4	Alternatives	4
3.5	Concluding Remarks	5
4	PFAS lined hoses	6
4.1	Use of flexible hoses with PFAS for filling gas in cylinders	6
4.2	Key functionalities	6
4.3	Emissions	6
4.4	Alternatives	6
4.5	Concluding Remarks	7
5	Cryogenic applications in the (Industrial Bulk) Gas Industry	8
5.1	Use of PFAS in the cryogenic part of the Gas Industry	8
5.2	Key functionalities	9
5.3	Emissions	9
5.4	Alternatives	9
5.5	Concluding Remarks	9
6	Non-cryogenic applications in the (Industrial Bulk) Gas Industry	11
6.1	Use of PFAS gaskets, sealing and o-rings in non-cryogenic application	11
6.2	Key functionalities	11
6.3	Emission	11
6.4	Alternatives	11
6.5	Concluding Remarks	12
7	Closing statement	13
	Annex 1 Compatibility of materials with different gases	14

Standardisation

- Nobody knows who is engaged in what standard development.
 - Risk of fragmented involvement in std-development
 - Risk of others defining standards
 - while we have expertise
 - which we'll have to implement
1. Inventory (see later) ; # > 200
 2. Intensified commitment, e.g. Robert accepted as convenor of JTC 6/WG 3 = "hydrogen safety"



standardisation



#expert participations

■ Hydrogen ■ Cylinders ■ Medical ■ Tanks ■ Analysis ■ ADR ■ rest



Hydrogen

Shape EU files of interest more effectively by

1. engaging earlier and more prominently in EU topics of interest
2. increasing awareness on items related to H₂, O₂, N₂

through

1. the creation of **Assets** focussed with facts & figures on Safety & Technology in the H₂ value chain, and
2. proactive **Outreach**, engagement and communications to build EIGA's wider profile in Brussels



Assets

done

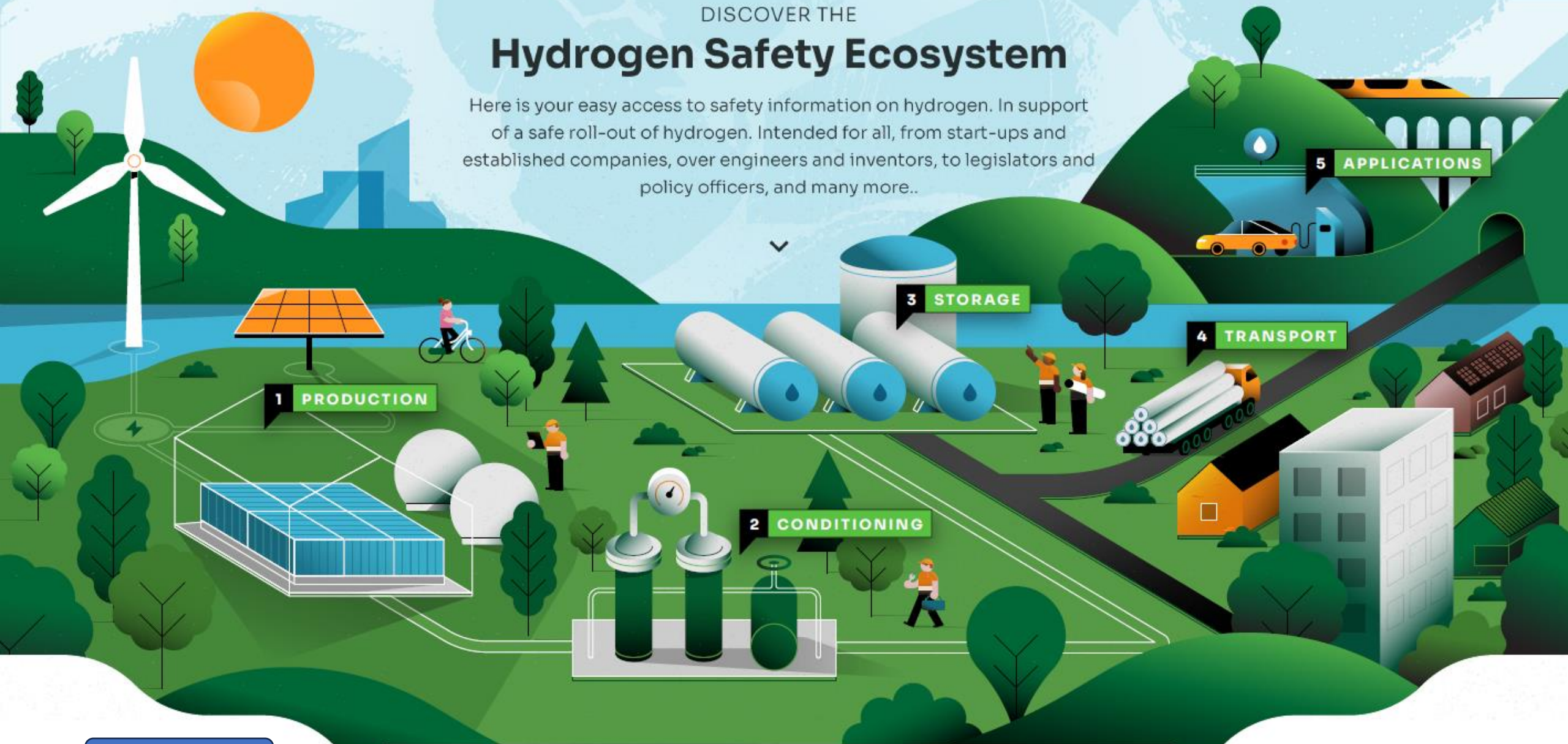
- Enlarge & promote our global **H2 Ecosystem** www.H2safety.info
- Maintain **database of members experts** participating in CEN & ISO
- Take **governor ship CEN WG3 H2 Safety**
- Participate in **CEN & ISO** committees
- Lead IHC “**IHC Hydrogen Taskforce**” (standardisation, Training material)

ongoing

- Update EIGA slides Safety & Technology
- Set up in EIGA, a permanent ISO/CEN **H2 mirror Adhoc group**.
- Update **EIGA’s H2 section on website**
- Tutoring a **H2 Master Class** in the Winter Summit 2024 ‘Hydrogen & Sustainability’
- Continue with **e-Learning & videos**

DISCOVER THE Hydrogen Safety Ecosystem

Here is your easy access to safety information on hydrogen. In support of a safe roll-out of hydrogen. Intended for all, from start-ups and established companies, over engineers and inventors, to legislators and policy officers, and many more..



- a. Social:** weekly LinkedIn
- b. Owned:** Ecosystem, website, eLearning, fact sheets, videos
- c. Press releases:** through appropriate media channels, IG news and aligned statements are published aimed at defined stakeholders. Published paid ads in Gasworld & 'H₂ View' magazine.
- d. Videos:** several short videos and/or infographics advocating/highlighting 1 specific topic/gas can be used on Youtube, EIGA's website, LinkedIn
- e. (Re)presentations in H2 events**

EIGA's 3 main objectives in 2023-2025



Focus on:

- Operators & drivers
- Emergency services

Any material:

e-learning, short videos, ppts, handout,...



Matrix on all EIGA members & staff participation in ISO & CEN committees

Lead IHC TF H2 in developing industry standards



Set-up increase efforts through all media channels, active contribution in events, direct approach to EU officials & MEPs

Employment of PA Head



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