

Synopsis of responses to the consultation on the draft Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018
(“the draft F-gas Regulations”)

Background:

Fluorinated Greenhouse Gases (“F-gases”) have a very high Greenhouse Warming Potential, and are listed as greenhouse gases under the Kyoto Protocol.

F-gases are used in a number of different business sectors in Northern Ireland (“NI”), including:

- refrigeration systems
- air conditioning (including in motor vehicles)
- heat pump equipment
- F-gas based solvents
- high-voltage switchgear
- insulation foam
- refrigerated lorries and trailers
- aerosols
- fire protection
- magnesium smelting and casting
- Organic Rankine Cycles (“ORCs”), and
- chemical manufacturers and suppliers.

The *Fluorinated Greenhouse Gases Regulations (NI) 2015* (“the existing F-gas Regulations”) were brought into operation in January 2016, in order to comply with European Union (“EU”) legislative requirements, and to help control NI’s emissions of F-gases.

The Department of Agriculture, Environment and Rural Affairs (“the Department”) plans to introduce the draft F-gas Regulations to update the existing F-gas Regulations. This would ensure compliance with further new EU requirements on F-gas provisions.

The public consultation on the draft F-gas Regulations ran from 31st August 2018 until 26th October 2018.

Detail:

The draft F-gas Regulations include the following new provisions:

1. Changes to business activities for which certification is required for work with F-gases,
2. Provisions on the online listing of certification, evaluation and attestation bodies (“CEAs”) for certificates for legally allowed work with F-gases,
3. Update to offences on labelling of products containing F-gases,
4. Inclusion of work with refrigeration units of refrigerated trucks and trailers in F-gas offences,
5. Requirement for businesses transferring F-gas work to another business to ensure appropriate certification,
6. New certification requirement for stationary refrigeration and air conditioning, heat pumps and the refrigeration units of lorries and trailers, and
7. New provisions on certification for work with F-gases in electrical switchgear.

Number of responses:

Eight different consultees replied to the consultation. These were:

1. Information Commissioner’s Office (ICO)
2. BESA/REFCOM (certification and evaluation body for work with F-gases in stationary refrigeration, air-conditioning or heat pump equipment)
3. Seagate Technologies (company providing modern technological services)
4. Belfast City Council
5. L.E. Blackburne & Co (chemical suppliers)
6. Armagh City, Banbridge and Craigavon Borough Council,
7. NI Electricity/NIE Networks (certification and evaluation body for electrical switchgear), and
8. BEIS (GB department for Business, Energy & Industrial Strategy)

Of the eight consultees who replied, none made any comments that required any changes to be made to the text of the draft F-gas Regulations.

Some commented more on the practicalities of enforcing the requirements of the future F-gas Regulations.

Other consultees simply offered nil returns/no comments.

There were no especially major issues for any stakeholder, and none objected to the coming into operation of the draft F-gas Regulations.

Summary table of issues mentioned in responses:

Consultee	Substance of comments	Departmental response and proposed way forward
Information Commissioner's Office (ICO)	None/nil return.	Response noted. No action required.
BESA/REFCOM	Technical comments on wording of consultation document in relation to qualifications for work with F-gases in refrigerated trucks and trailers. Request for civil penalties to also be introduced in NI for F-gas offences.	Technical comments on wording were noted but it was of course too late to now update consultation document. Request for civil penalties could not be granted due to EU Exit deadline pressure and lack of agreement for the need for this from any other stakeholder. But this issue may be considered in future draft F-gas legislation.
Seagate Technologies	Wishes to update a labelling requirement for electrical switchgear, saying that the statement on the label would be unrealistic. Believes that the labelling requirement should only apply to electrical switchgear above a determined mass of refrigerant.	Was unable to update because this is a requirement of EU law. This update would also have been a difference of EU policy within the EU Member State. Consultee was content with this response.
Belfast City Council	Request for an extension until 7 th November to submit comments. No actual comments submitted on draft F-gas Regulations.	Reply given that an extension was possible only for comments not requiring an update to the text of the draft F-gas Regulations. This is because the text needs to be finalised a.s.a.p. before the EU Exit deadline.
L.E. Blackburne & Co	Nil return – confirmed only that company does not use F-gases in any way.	Response noted. No action required.

<p>Armagh City, Banbridge and Craigavon Borough Council</p>	<p>Confirmed existing arrangements for this council's enforcement of F-gas provisions. No new comments on any of the provisions.</p>	<p>Response noted. No action required.</p>
<p>NI Electricity/NIE Networks</p>	<p>Said that NIE Networks' training documents will need to be updated for around 300 staff. Queried exact date of coming into operation of draft F-gas Regulations so that NIE Networks could plan for this.</p> <p>Checked that NIE Networks would remain as a certification authority for certificates for work with F-gases in electrical switchgear in NI after draft F-gas Regulations come into operation.</p>	<p>Department could not give an exact date for draft F-gas Regulations coming into operation but said t hoped to achieve this by EU Exit Day (currently 29th March 2019).</p> <p>Confirmed that NIE Networks would indeed remain as a certification authority after draft F-gas Regulations come into operation.</p>
<p>GB Department for Business, Energy & Industrial Strategy (BEIS)</p>	<p>Queried whether provisions on offshore installations were being retained despite the omission of offshore installations in the section on "extent".</p>	<p>Reassured stakeholder that provisions on F-gases on offshore installations were indeed being retained and that it was sufficient to say that the provisions apply to "Northern Ireland" and this automatically includes offshore installations. Stakeholder was content.</p>