

CONSULTATION

The draft *Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018*

Air and Environmental Quality Unit

**Regulatory and Natural
Resources Policy Division**

August 2018



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk

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1. Purpose

This consultation paper seeks your comments on the Department of Environment, Agriculture and Rural Affairs (NI)'s ("the Department") proposed draft new law on fluorinated greenhouse gases ("F-gases").

These draft Regulations aim to amend existing NI F-gases Regulations, in line with EU requirements, and help to control Northern Ireland's ("NI") greenhouse gas emissions and help limit global warming.

F-gases are used in NI in the following sectors of business/industry:

- a) refrigeration systems,
- b) air conditioning (including in motor vehicles),
- c) heat pump equipment,
- d) F-gas based solvents,
- e) high-voltage switchgear,
- f) insulation foam,
- g) refrigerated lorries and trailers,
- h) aerosols,
- i) fire protection,
- j) magnesium smelting/casting,
- k) Organic Rankine Cycles ("ORCs"), and
- l) chemical manufacturers and suppliers.

European Union ("EU") legislation allows these business activities to continue but only by adhering to means by which emissions of F-gases are limited. These draft Regulations allow EU provisions to apply in NI.

2. How to respond

Please forward your comments on the consultation document to:

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3. Closing date

Responses should be submitted by **26th October 2018**, although earlier responses would help to administer the draft legislation sooner.

A summary of the responses received will be issued after the consultation has closed. We will not respond individually to the points you raise nor will we acknowledge receipt of individual responses unless requested.

Additional copies of this consultation paper are available on written request to the address or email above or by telephoning 028 905 69541.

It is also available at:

<https://www.daera-ni.gov.uk/consultations>

4. Confidentiality of Consultations

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely the Department in this case. This includes information provided in response to a consultation. The Department cannot automatically consider information supplied to it in response to a consultation to be confidential.

However, it does have a responsibility to decide whether any information provided by you in response to a consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response. However, please be aware that confidentiality cannot be guaranteed, except in very particular circumstances.

The Department will process your personal data in accordance with the Data Protection Act 1998, should you respond in an individual capacity. This means that your personal information will not be disclosed to third parties should you request confidentiality.

You should be aware that the Department will publish a synopsis of responses to the consultation.

5. European Regulations and EU Exit

EU Regulations on F-gases are directly applicable in NI. These place a duty on EU Member States to “lay down the rules on penalties applicable to infringements of this Regulation and take all measures necessary to ensure that they are implemented”.

The referendum on 23 June 2016 resulted in a decision that the United Kingdom (“UK”) should leave the EU. However, until such time as exit negotiations are concluded, the UK remains a full Member of the EU, and all the rights and obligations associated with EU membership remain in place.

EU legislation will continue to be negotiated, implemented and applied during this period. It is the outcome of those exit negotiations that will determine the arrangements that should apply in relation to legislation in the future once the UK has left the EU.

6. Summary and key questions

6.1 What are F-gases?

F-gases include:

- a) hydrofluorocarbons (“HFCs”),
- b) perfluorocarbons (“PFCs”) and
- c) sulphur hexafluoride (“SF6”).

6.2 What are the effects of F-gas emissions?

F-gases are believed to have a very high Global Warming Potential (“GWP”), are generally long-lived, and are included in the greenhouse gases listed in the Kyoto Protocol.

F-gas emissions are therefore a contributory factor to the long term greenhouse effect.

6.3 What is the name of the new Regulations being proposed?

The name of the new Regulations being proposed is the draft *Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018* (“the draft NI F-gas Amendment Regs”).

6.4 Which stakeholders will the draft NI F-gas Amendment Regs affect?

The sectors of business named in the first section named “purpose” are the main stakeholders, i.e. the following:

- a) refrigeration systems,
- b) air conditioning (including in motor vehicles),
- c) heat pump equipment,
- d) F-gas based solvents,

- e) high-voltage switchgear,
- f) insulation foam,
- g) refrigerated lorries and trailers,
- h) aerosols,
- i) fire protection,
- j) magnesium smelting/casting,
- k) ORCs, and
- l) chemical manufacturers and suppliers.

However, the F-gas provisions also affect the certification, evaluation and attestation bodies (“CEAs”) who assess training performance and award the certificates which are legally required for work with F-gases in the above sections of industry.

In addition, enforcing authorities, including NI district councils, may also consider the draft NI F-gas Amendment Regs to have an effect on their work duties.

The Department will also consult internally and with other government departments, as necessary.

However, this list of consultees need not be seen as being exhaustive. The Department remains open-minded as to any other potential stakeholder who may consider that the draft NI F-gas Amendment Regs affects them or their work. Any person or organisation may submit views to the Department as part of the consultation process.

7. Current provisions on F-gases

The current *Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015* (“the 2015 NI Regs”) ensure that stakeholders working with F-gases in industry can carry out their roles with only limited leakage of F-gases into the atmosphere. This is the existing legislation before the introduction of these new proposed draft NI F-gas Amendment Regs.

Provisions of the 2015 NI Regs include requirements for:

- a) all users to ensure that F-gases are not intentionally released in to the atmosphere,
- b) individuals and companies to be qualified for work with F-gases,
- c) companies to record and report to the EU on their use of F-gases (large scale use only),
- d) the labelling of products containing F-gases,
- e) leakage checks and repairs for large products containing F-gases, including during production and transportation of products,
- f) placing F-gases on the market,
- g) using F-gases within quantities laid out in quotas,
- h) recovery of F-gases after use of the product,
- i) restrictions on the use of F-gases for some types of industrial processes, and
- j) all users of F-gases to co-operate with regulators during inspections

Enforcement notices and fines can already be imposed for failure to comply with the 2015 NI Regs. The 2015 NI Regs arise from the requirements of earlier EU legislation on F-gases. As the EU legislation is updated, the provisions of the 2015 NI Regs also need to be revised to ensure that the references to the EU legislation remain correct. The draft NI F-gas Amendment Regs fulfil this requirement.

The latest EU legislation prescribes requirements on the labelling of products containing F-Gases, and the training and certification of technicians that handle F-Gases.

This consultation document has been compiled to inform all stakeholders of the new powers, duties and offences that will be introduced by updating the 2015 NI Regs, in accordance with EU legislation.

8. New provisions

8.1 Offshore installations:

There is a slight change to the definition of an offshore installation in draft reg 6, making an amendment to reg 4(1) of the 2015 NI Regs – text in italics is new:

““Northern Ireland offshore installation” means an installation or a structure (other than a ship), which is situated in the marine area and used, *or intended to be used or has been used*, in connection with any of the following activities (...).”

This is to account for offshore installations which are engaged in hydrocarbon-related activities or which are between contracts (for example in transit from one location to another, while cold stacked or while sheltering from the weather).

8.2 Service of information notices and enforcement notices:

There are new provisions on the service of information notices and enforcement notices that affect enforcing authorities/authorised persons (draft reg 7, inserting a new reg 5A into the 2015 NI Regs). These provisions include:

- a) the terms under which it would be acceptable to send a notice by electronic means to a person (paragraphs (3), (7) and (8) of new reg 5A), and
- b) acceptable methods of delivery of a written notice, including to business partnerships to companies (paragraphs (4) to (6) of new reg 5A).

8.3 Provisions on Certification, Evaluation and Attestation bodies (“CEAs”)

CEAs are the existing providers of examination, training and assessment for the required certificates for businesses and employees to work legally with F-gases in an environmentally sound way.

The Department will, once the draft NI F-gas Amendment Regs come into operation, need to consult the equivalent departments in England, Scotland and Wales before appointing a new CEA to provide training for, or award qualifications on, work with F-gases in NI (draft reg 8, updating reg 6(1) of the 2015 NI Regs).

The Department may also charge fees under these new provisions to allow the Department to recoup any reasonable financial costs incurred whilst reviewing an organisation’s application to become a CEA (draft reg 8, introducing new reg 6(2) to the 2015 NI Regs).

The Department may also terminate an organisation’s designation as a CEA, if the equivalent departments in England, Scotland and Wales also approve of this (draft reg 8, introducing new reg 6(3) to the 2015 NI Regs). This must be done in writing.

8.4 Changes to the business activities for which certification is required

The business activities for which certification is required for work with F-gases are updated by draft reg 13, which updates current reg 16(a) and (c) of the 2015 NI Regs.

The business activities are (in addition to activities under existing NI F-gas laws):

For work with stationary refrigeration, air conditioning and heat pump equipment, and the refrigeration units of refrigerated trucks and trailers:

- a) leakage-checking of equipment containing 5 tonnes of CO₂ equivalent or more of F-gases and not contained in foams, unless the equipment is hermetically sealed, is labelled as such and contains F-gases in quantities of less than 10 tonnes of CO₂ equivalent,
- b) repair, and
- c) decommissioning.

For work with the refrigeration units of refrigerated trucks and trailers:

- a) recovery,
- b) installation, and
- c) maintenance or servicing.

For work with electrical switchgear:

- a) installation,
- b) servicing,
- c) maintenance,
- d) repair, and
- e) decommissioning.

8.5 Provisions on the online listing of CEAs

The CEAs, who provide training for, or award qualifications on, businesses' and employees' work with F-gases in NI, will no longer be listed in legislation. Instead, the legislation would allow for them to be listed in a format of the Department's choosing (draft reg 15, introducing new reg 17A of the 2015 NI Regs).

The format is most likely to be a web-page on a government web-site. The web-site is currently planned to be a page within this web-site (use search function):

<http://www.gov.uk/>

The web-page may be (for companies):

<https://www.gov.uk/guidance/certification-for-companies-working-on-equipment-containing-f-gas>

Or (for individuals) (N.B these two web addresses may be subject to updates):

<https://www.gov.uk/guidance/qualifications-required-to-work-on-equipment-containing-f-gas>

New CEAs or any editing made to the list would only be carried out after full consultation between the Department and the equivalent departments in England, Scotland and Wales (draft reg 15, introducing new reg 17A of the 2015 NI Regs).

The information on the CEA to be included on the list would need to be the following (draft reg 15, introducing new reg 17A of the 2015 NI Regs):

- a) name;
- b) company number, where relevant;
- c) postal address;
- d) telephone number; and

e) e-mail address.

This would mean that the list of CEAs would be more flexible and more readily updateable, as and when is necessary. It would no longer be necessary for new legislation to be drafted, should the list change in any way.

8.6 New power to the Department on issuing directions on district councils' enforcement

The district councils would be obliged, under the terms of the draft NI F-gas Amendment Regs, to comply with any direction issued by the Department stating that the Department must enforce certain sections of the 2015 NI Regs. (draft reg 16(3), introducing new reg 18(7) to the 2015 NI Regs)

The Department would also be able to revoke or modify existing directions on the enforcement of the provisions of the 2015 NI Regs. (draft reg 16(3), introducing new reg 18(8) to the 2015 NI Regs)

8.7 Change in terminology for person/organisation carrying out enforcement

The powers in the provisions of regulations 22 and 23 of the 2015 NI Regs to issue information notices and enforcement notices remain the same (with the exceptions detailed in points 8.8 and 8.9 below).

However, the power to issue these notices becomes the power of the “enforcing authority” in each case in regulations 22 and 23 of the 2015 NI Regs, where it used to be the power of the “authorised person”.

This change is introduced by draft regs 17 and 18(2) of the draft NI F-gas Amendment Regs.

8.8 Update to offences on labelling of products containing F-gases

Draft reg 18(3) of the draft NI F-gas Amendment Regs updates reg 23(1)(c) of the 2015 NI Regs. This introduces new provisions on the potential failure to label products containing F-gases correctly.

The same types of product need to be labelled as before, but there are now new provisions on the type of label required. This new offence is punishable by enforcement notice. The provisions are:

a) as well as all the previous types of equipment, the labelling requirements now also apply to:

- aerosol dispensers that contain F-gases, except for metered dose inhalers for the delivery of pharmaceutical ingredients,
- F-gas based solvents, and
- ORCs.

b) the label on all types of equipment must now also include the following additional information:

- the quantity expressed in tonnes of CO₂ equivalent of F-gases contained in the product or equipment (or the quantity of F-gases for which the equipment is designed),
- the global warming potential of those gases,

- the weight of F-gases will still need to be expressed, but now it must be in kilograms, and
- in the case of electrical switchgear, a reference that the electrical switchgear has a tested leakage rate of less than 0.1 % per year as set out in the technical specification of the manufacturer.

c) when the F-gases in products and equipment are intended to serve certain uses, the following text must be included in the label, if any of the following criteria apply:

- ‘100 % Reclaimed’ or ‘100 % Recycled’ (*N.B. the label must include the postal address of the reclamation or recycling facility*),
- ‘Imported for destruction only’,
- ‘For direct bulk export outside EU only’,
- ‘For use in military equipment only’,
- ‘For etching/cleaning in semiconductor industry only’,
- ‘For feedstock use only’, and

- ‘For MDI production only’: for F-gas quantities intended for the delivery of pharmaceutical ingredients in metered-dose inhalers (MDIs).

d) in the case of refrigeration, air conditioning equipment and heat pumps, which are insulated with foam blown from F-gases, the label must include the text: *“Foam blown with fluorinated greenhouse gases.”*

e) the label must be:

- clearly readable,
- indelible,
- placed beside the service ports for charging or recovering the F-gases, on the part of the product or equipment that contains the F-gases, and
- in the official language(s) of the Member State(s) in which it is to be placed on the market.

8.9 Inclusion of work with refrigeration units of refrigerated trucks and trailers in F-gas offences

An enforcement notice may now be served on workers with qualifications on work with F-gases in the refrigeration units of refrigerated trucks and trailers, if they fail to comply with the requirements of regs 23(4) or 23(5)(c) of the 2015 NI Regs.

This because of the introduction of draft reg 18(5)(a) of the draft NI F-gas Amendment Regs.

The requirement still applies to workers with qualifications for work with F-gases in stationary refrigeration, air conditioning and heat pump equipment, as it did before, in the existing 2015 NI Regs.

This means that the workers with qualifications on work with F-gases in the *refrigeration units of refrigerated trucks and trailers* must now comply with all the following requirements of EU Regulation 1516/2007, on leakage checking of equipment containing F-gases, which can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:335:0010:0012:EN:PDF>

Article 3 (checking equipment records) – before carrying out leakage checks, certified personnel must check the equipment records.

Article 4 (systematic checks) – the following parts of the equipment containing F-gases must be systematically checked:

- a) joints;
- b) valves including stems;
- c) seals, including seals on replaceable driers and filters;
- d) parts of the system subject to vibration; and
- e) connections to safety or operational devices.

Article 5 (choice of measuring method) – either a direct or an indirect measuring method must be chosen.

Article 6 (direct measuring methods) – if a direct measuring method is chosen, certified personnel must use one or more of the following direct measuring methods:

- a. check of circuits and components representing a risk of leakage with gas detection devices adapted to the refrigerant in the system. N.B. these devices must be checked every 12 months to ensure that they are still working effectively. The sensitivity of portable gas detection devices must be at least five grams per year,
- b. application of ultraviolet (UV) detection fluid or suitable dye in the circuit – to only be undertaken if the manufacturer of the equipment has approved that such detection methods are technically possible. The method shall only be undertaken by personnel certified to undertake activities which entail breaking into the refrigeration circuit containing fluorinated greenhouse gases; and/or
- c. proprietary bubble solutions/soapsuds.

N.B. some further conditions apply here - Prior to pressure testing with Oxygen-Free-Nitrogen (OFN) or another suitable pressure testing gas to check for leakage, fluorinated greenhouse gases shall be recovered from the whole system by personnel certified to recover F-gases from the specific type of equipment.

Article 7(1) (indirect measuring methods) - to identify a leakage of F-gases, certified personnel must carry out a visual and manual check of the equipment and analyse one or more of the following parameters:

- a) pressure,
- b) temperature,
- c) compressor current,
- d) liquid levels, and/or
- e) recharge volume.

Article 7(2) (examination using a direct method) - any presumption of F-gas leakage from an indirect measuring method must be followed by an examination for leakage using a direct method as is described in the section on Article 6 above.

Operators of the refrigeration units of refrigerated trucks and trailers must ensure that the following requirements of Commission Regulation 1516/2007 are carried out by a person qualified in relation to stationary equipment containing F-gases:

Article 8 (repair of leakage) - The operator must ensure that the repair is carried out by personnel certified to undertake that specific activity. Before repairing, a pump-down or recovery shall be carried out, where necessary.

The operator must ensure that a leakage test with OFN or another suitable pressure testing and drying gas is carried out where necessary, followed by evacuation, recharge and leakage-test.

Before pressure testing with OFN or another suitable pressure testing gas, F-gases must be recovered from the whole application where necessary.

The cause of the leakage must be identified as far as possible, to avoid recurrence.

Article 10 (Requirements for newly commissioned equipment) - newly installed equipment must be checked for leakage immediately after it has been put into service.

8.10 New reasons acceptable for contesting an enforcement notice

In the section on appeals against enforcement notices issued for alleged breach of the F-gas provisions (draft reg 19 of the draft NI F-gas Amendment Regs), 4 main reasons are given as being acceptable for contesting an enforcement notice. These are that the notice was:

- (a) based on an error of fact;
- (b) wrong in law;
- (c) wrong for any other reason; or
- (d) unreasonable.

8.11 Requirement for businesses transferring F-gas work to ensure appropriate certification

Draft reg 22 of the draft NI F-gas Amendment Regs introduces a new offence, punishable by enforcement notice.

An organisation which assigns a work task with F-gases to another business/organisation must ensure that the employees and/or the business as a whole hold the necessary certificates for the specific type of work with F-gases.

The work tasks referred to in the paragraph above are the following types of work with F-gases in equipment:

- a) installation,
- b) servicing,
- c) maintenance,
- d) repair or decommissioning,
- e) leak checks, and/or
- f) the recovery of F-gases.

The relevant equipment is:

- a) stationary refrigeration equipment,
- b) stationary air-conditioning equipment,
- c) stationary heat pumps,
- d) fire protection equipment,
- e) refrigeration units of refrigerated trucks and trailers,
- f) electrical switchgear, and/or
- g) ORCs.

8.12 New certification requirement for SRAC, heat pumps and refrigeration units of trucks and trailers

Draft regulation 23(2) of the draft NI F-gas Amendment Regs makes changes to the existing offences on the requirements for both individual workers and companies to obtain certificates to continue to work legally with F-gases.

The relevant types of company are:

- a) stationary refrigeration,
- b) stationary air-conditioning,
- c) heat pumps, and
- d) refrigeration units of refrigerated trucks and trailers (an entirely new category).

The offences are still punishable by enforcement notice and the new offences relate to the following:

Personnel certificates:

a) certificates are now required for the *personnel* carrying out work with F-gases in the sectors above, and doing the following types of work:

- repair,
- decommissioning, and
- leakage checks of equipment containing F-gases in quantities of 5 tonnes of CO₂ equivalent or more, and not contained in foams, unless:

- i the equipment is hermetically sealed,
- ii it is labelled to show it is hermetically sealed, and
- iii it contains F-gases in quantities of less than 10 tonnes of CO₂ equivalent.

N.B. certificates are now also required for *personnel* with refrigeration units of refrigerated trucks and trailers for the following types of work with F-gases, as is already the case (under previous legislation) for stationary refrigeration, stationary air conditioning and heat pumps:

- recovery,
- installation, and
- maintenance or servicing.

N.B. *personnel* may already work legally with F-gases on the above activities with refrigeration units of refrigerated trucks and trailers through an alternative existing certificate that covers some or all of the requirements on F-gas certification.

In this case, the *personnel* may only be required to complete some of the requirements for a new certificate for F-gas work under these draft NI F-gas Amendment Regs.

b) Category III certificate holders may carry out recovery for all the types of equipment containing F-gases mentioned above if:

- the equipment contains less than 3kg of F-gases, or

- if the equipment is a hermetically sealed system that is labelled as such, with less than 6kg of F-gases.

(N.B. this is a new exception to an existing offence, rather than a new offence as such)

Company certificates:

a) Certificates are now required for the *companies* in the sectors of business mentioned above carrying out the following activities with F-gases:

- repair, and
- decommissioning.

N.B. certificates are now also required for *companies* with refrigeration units of refrigerated trucks and trailers for the following types of work with F-gases, as is already the case (under previous legislation) for stationary refrigeration, stationary air conditioning and heat pumps:

- installation, and
- maintenance/servicing.

b) *Company* certificates must now also display the maximum charge size, expressed in kg, of the equipment concerned, for all the businesses mentioned in the sectors above.

All the original requirements to be displayed on *company* certificates now also apply to *company* certificates for work with F-gases in the refrigeration units of refrigerated trucks and trailers.

8.13 New provisions on certification for work with F-gases in electrical switchgear

Under the provisions of draft reg 23(3) of the draft NI F-gas amendment Regs certificates are now required to work legally with F-gases in electrical switchgear whilst undertaking the following activities:

- a) installation,
- b) servicing,
- c) maintenance,
- d) repair, and
- e) decommissioning.

The requirement to obtain the relevant certificate to work legally with F-gases in stationary electrical switchgear whilst undertaking *recovery* remains in law, as it was in the 2015 NI Regs.

Breach of this provision is punishable by enforcement notice.

Please note that there are two new requirements on the minimum knowledge and skills required for a certificate for work with F-gases in electrical switchgear:

- a) reduction of leakage and leak checks, and
- b) basic knowledge of relevant technologies to replace or to reduce the use of F- gases and their safety handling.

(N.B. this is more of a new requirement than an actual offence)

9. Introduction of equivalent F-gas provisions in other parts of the UK

9.1 Application of *Fluorinated Greenhouse Gases (Amendment) Regulations 2018* (“the GB F-gas Amendment Regs”) to NI

The Department of the Environment, Food and Rural Affairs (“DEFRA”) has already carried out a consultation and brought analogous F-gas amendment Regulations into operation on F-gases for England, Scotland and Wales.

This legislation is the GB F-gas Amendment Regs (see full name of legislation in title above). This implements broadly similar provisions to those of the draft NI F-gas Amendment Regs, for England, Scotland and Wales only (although also partly for NI, as is described below).

9.2 Provisions of the GB F-gas Amendment Regs which affect NI

There are provisions contained within the draft GB F-gas Amendment Regs which deal with *import and export controls and trade with any place outside the United Kingdom, within the meaning of paragraph 20 of Schedule 3 to the Northern Ireland Act 1998* (“import/export provisions”).

These apply directly to NI, as this is a reserved matter for which the UK government legislates for NI. For this reason, these provisions will not be discussed here, as they were already covered by the terms of the equivalent DEFRA consultation for the draft GB F-gas Amendment Regs.

However, a brief summary of these provisions is listed below, and should you have any further queries, please feel free to request information using the contact details on page 5.

- a) The same new provisions on the issuance of information and enforcement notices described for NI in section 8.2 on page 12 above also apply in GB, and in the case of import/export provisions, in NI.
- b) The requirement for importers of equipment charged with HFCs to supply the customs authorities with a copy of the declaration of conformity when the customs declaration is submitted, and
- c) The requirement for importers of equipment containing F-gases to submit the verification document using the reporting tool made available by the European Commission by 31st March every year.

9.3. Provisions of GB F-gas Amendment Regs for which equivalent provisions are not being introduced in NI

A number of provisions of the GB F-gas Amendment Regs are not currently due to be introduced in the draft NI F-gas Amendment Regs. These are listed below.

If any stakeholders have any views on these, and/or wish them also to apply in NI, please feel free to submit your views as part of the consultation process. Contact details are available at page 5.

a) Civil penalty provisions

The GB F-gas Amendment Regs have introduced civil penalty provisions for enforcing authorities in England and Scotland (but not in Wales or NI) and in the relevant marine areas.

To this end, they have updated many of the offences contained in the current Fluorinated Greenhouse Gases Regulations 2015 (“the 2015 GB Regs”) so that they are no longer offences punishable through the courts, but instead incur a civil penalty.

Civil penalties may therefore now be issued in England and Scotland for breaches of the 2015 GB Regs. Penalties range in scale from £1,000 to £200,000, based on factors including the severity of the infringement and the size of the business, in line with the enforcement and sanctions guidance of the relevant enforcement body.

The Department does not propose to update the 2015 NI Regs in the same way. Instead, it is proposed to continue enforcing the 2015 NI Regs via the courts in the current way, also with the use of information notices and enforcement notices.

This current means is laid out in regulations 22 (information notices), 23 (enforcement notices), 26 (offences) and 28 (penalties) of the 2015 NI Regs.

b) Information sharing between HMRC and enforcing authorities

The GB F-gas Amendment Regs allow for information sharing between HMRC and the enforcing authorities, if the information is relevant to the enforcement of the GB F-gas provisions.

This currently applies to all of the following enforcing authorities, though none are currently from NI:

- the Environment Agency,
- the Secretary of State,
- the Natural Resources Body for Wales,
- the Welsh Ministers,
- the Scottish Environmental Protection Agency, and
- the Scottish Ministers.

N.B. it is an offence for any of the organisations mentioned above to divulge information to the public, which has been obtained from HMRC, for the purpose of their enforcement of the GB F-gas provisions.

10. Stakeholder engagement

During the preparation of the draft NI F-gas Amendment Regs, views have been sought from a number of pre-consultees who would be directly affected by the potential provisions.

These include government departments in England, Scotland and Wales, to whom the Department has also provided comment on the equivalent GB F-gas Amendment Regs, where they relate to Northern Ireland.

All enforcing bodies, i.e. the NI district councils and the NI Environment Agency, have been consulted in advance, as has the Department of Justice, regarding all new offences, powers and duties mentioned in the draft NI F-gas Amendment Regs.

In addition, the one CEA exclusively based in NI (NI Electricity) has been informed of the new provisions.

Pre-consultees may still comment on the provisions of the draft NI F-gas Amendment Regs during the full consultation period, if desired.

11. Impact Assessments

11.1 Equality Impact Assessment

Under Section 75 of the *Northern Ireland Act 1998*, public authorities have a statutory duty to promote equality of opportunity. This legislation can be found at:

<http://www.legislation.gov.uk/ukpga/1998/47/section/75>

Preliminary screening exercises have been undertaken on the draft NI F-gas Amendment Regs and there is no evidence that the proposed measures will have any impact on any of the groups specified in Section 75. Therefore, the Department does not consider a full Equality Impact Assessment to be necessary.

However, any differing views that any stakeholders may have on equality-related aspects of the draft NI F-gas Amendment Regs will be taken into account by the Department.

The groups specified in Section 75 are:

- (a) persons of different:
 - (i) religious belief,
 - (ii) political opinion,
 - (iii) racial group,
 - (iv) age,
 - (v) marital status, or
 - (vi) sexual orientation,

- (b) between men and women generally,
- (c) between persons with a disability and persons without, and
- (d) between persons with dependants and persons without.

Copies of all screened policies are available from the Department's website at:

<https://www.daera-ni.gov.uk/daeras-equality-scheme>

The Equality Commission will receive copies of this consultation document as part of the consultation exercise. Any comments that the Equality Commission might have will be taken into account.

11.2 Human Rights Impact Assessment

The *Human Rights Act 1998* ("HRA") implements the European Convention on Human Rights ("ECHR"), which makes it unlawful for any public authority to act in a way that is incompatible with these rights.

Since the implementation of the HRA, all legislation must be checked to ensure compliance with the rights set out in the ECHR.

Screening exercises have been completed which concluded that the draft NI F-gas Amendment Regs are compatible with the HRA. However, the Department welcomes any alternative views that stakeholders may have on human rights issues in the draft NI F-gas Amendment Regs, which you are welcome to express as part of this consultation.

The HRA can be found on the following web-page:

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

The text of the ECHR can be found on the following web-page:

<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

11.3 Rural Proofing

Rural proofing is a process to ensure that all the Department's policies are examined carefully and objectively. It determines whether or not those policies have a different impact in rural areas from that elsewhere, given the particular characteristics of rural areas.

Consideration should be given to the policy adjustments that could be made to reflect rural needs so that, as far as possible, public services are accessible on a fair basis to the rural community. The Department believes that rural areas are not impacted differently, in any significant way, from urban areas by the introduction of the provisions in the draft NI F-gas Amendment Regs.

The one possible minor exception to this is the placement of details of CEAs online. This may cause some issues for people in rural areas that have limited internet access.

However, telephone numbers and postal addresses are also made available as an alternative means for stakeholders to contact the CEAs. Further details of the Department's Rural Needs Impact Assessment on rural proofing are available on request (see page 5 for contact details for making a request).

Should any stakeholders have any concerns about the effects of the provisions of the draft NI F-gas Amendment Regs on rural areas, the Department invites you to make these known as part of the consultation process.

12. Partial Regulatory Impact Assessment

The Department has carried out a Partial Regulatory Impact Assessment on the policy implications for the draft NI F-gas Amendment Regs. At present, no significant financial burdens are anticipated by the Department for any stakeholders.

However, the Department remains open-minded as to any financial effects arising from the draft provisions that may not have occurred to it, and stakeholders are invited to submit their opinions on any concerns, monetary or otherwise, that they may have in relation to the measures contained in the draft NI F-gas Amendment Regs (see page 5 for how to submit replies to this consultation).

Each of the new provisions of the draft NI F-gas Amendment Regs have been listed below with the Department's assessment of how they may (or may not) potentially affect stakeholders in a financial way:

12.1 Offshore installations:

(draft reg 6, making an amendment to reg 4(1) of the 2015 NI Regs, also described on page 12 of this document)

As there are currently no relevant offshore installations known to the Department in NI waters, the Department does not anticipate any financial burdens as a result of this provision for any stakeholders.

However, should any stakeholders know of any offshore installations in NI waters, or of any monetary implications arising from this measure, please feel free to share your views with us.

12.2 Service of information notices and enforcement notices:

(draft reg 7, inserting a new reg 5A to the 2015 NI Regs, as is described on page 12 of this document)

As these provisions merely clarify the means by which an enforcement notice can be delivered, the Department assumes that there will be no extra financial costs for either the businesses using F-gases or for the enforcing authorities.

In addition, the supplementary option for the enforcing authority to send an enforcement notice by electronic communication, as opposed to posting printed documents, will (most likely) save the enforcing authority money in postage and printing costs.

The Department would, on the other hand, be interested to hear any opinions from stakeholders who disagree with this assessment, and who feel that there may be financial implications for their organisation as a result of this proposed measure.

12.3 Provisions on CEAs

(draft reg 8, making a substitution to current reg 6 of the 2015 NI Regs, as is described on page 13 of this document)

The Department's new power to charge fees to recoup any reasonable financial costs incurred whilst reviewing an organisation's application to become a CEA may cause concern to existing CEAs.

The Department would be interested to hear existing or potential future CEAs' views on this provision, including their opinions on the term "reasonable financial costs".

In addition, CEAs may wish to express views on the proposed measure that would allow the Department and equivalent departments in England, Scotland and Wales to come to a collective decision to terminate an organisation's designation as a CEA.

12.4 Changes to the business activities for which certification is required

(draft reg 13, updating reg 16(a) and (c) of the current 2015 NI Regs, as is detailed on pages 13 and 14 of this document)

Businesses using F-gases in:

- a) stationary refrigeration,
- b) air conditioning,
- c) heat pump equipment,
- d) the refrigeration units of refrigerated trucks and trailers, and
- e) electrical switchgear

may be concerned about additional financial costs arising from this draft measure.

The financial costs would be for training staff to work legally with F-gases in the activities listed on page 14 of this document. The Department would be willing to discuss any projected figures for these costs that stakeholders may have.

12.5 Provisions on the online listing of CEAs

(draft reg 15, introducing new reg 17A to the 2015 NI Regs, as is detailed on pages 15 and 16 of this document)

It is unlikely that any CEA or company working with F-gases in equipment will incur any financial costs as a result of this provision.

The provision introduces an online list of CEAs for qualifications for work with F-gases, which is more easily updated, as and when required, than the current list of CEAs in legislation. Other than that, there are no changes as a result of this particular provision.

The names, company numbers, postal addresses, telephone numbers and e-mail addresses of the current CEAs are already listed online in any case, in the web-page displaying the 2015 NI Regs:

<http://www.legislation.gov.uk/nisr/2015/425/made>

However, should any stakeholders have any issues with this, the Department is willing to consider your views as part of the consultation.

12.6 New power to the Department when issuing directions on district councils' enforcement of F-gas provisions

(draft reg 16(3), introducing new reg 18(7) to the 2015 NI Regs, as is detailed on page 16 of this document)

District councils may wish to consider if they anticipate any undue financial implications from being legally obliged to comply with a direction from the Department on the enforcement of any of the F-gas related provisions in NI.

N.B. directions can also be issued by the Department to district councils under the current 2015 NI Regs, but there would now be an extra provision stating: *“The district council must comply with a direction given to it under paragraph (2).”*

12.7 Change in terminology for person/organisation carrying out enforcement

(draft regs 17 and 18(2), introducing updates to regs 22 and 23 of the 2015 NI Regs, as is detailed on pages 16 and 17 of this document)

No financial implications should arise in practice from this change in terminology, as the provisions of the legislation itself remain unaffected.

However, the Department welcomes any views, financial or otherwise, that stakeholders may wish to share on the effects of this measure.

12.8 Update to offences on labelling of products containing F-gases

(draft reg 18(3), updating reg 23(1)(c) of the 2015 NI Regs, as is detailed on pages 17 to 19 of this document)

There may be some extra financial costs for businesses using F-gases to comply with all the necessary requirements to label their products containing F-gases.

The Department would be willing to hear stakeholders' views on these costs, preferably if figures, as precise as possible, can be given to support these views.

In addition, labelling requirements will also apply to three new sectors of business, who may also wish to offer their views.

12.9 Inclusion of work with refrigeration units of refrigerated trucks and trailers in F-gas offences

(draft reg 18(5), introducing new reg 23(11)(c)(i) to (iii) to the 2015 NI Regs, as is detailed on pages 19 to 23 of this document)

The requirements in this provision for workers with refrigerated lorries and trailers containing F-gases may incur financial costs upon this sector of businesses in NI.

The requirements are to carry out the checks for leakages into the atmosphere of F-gases, and, if necessary, to repair any leakage that there may be.

If stakeholders believe that these measures may impose excessive financial costs upon their business, they are invited to inform the Department, preferably making as accurate an estimate as possible of the potential costs.

12.10 New reasons acceptable for contesting an enforcement notice

(draft reg 19, adding new reg 24(6) to the 2015 NI Regs, as is detailed on page 23 of this document)

The Department expects that these new provisions will not impose an excessive financial burden upon the courts or the enforcing authorities, and will instead clarify the reasons why an enforcement notice may potentially be contested.

Should any stakeholder disagree with this assessment, however, the Department would be willing to hear your views.

12.11 Requirement for businesses transferring F-gas work to ensure appropriate certification

(draft reg 22, making an amendment to Schedule 2 of the 2015 NI Regs, as is described on page 24 of this document)

This provision requires businesses to ensure that whoever undertakes work with F-gases on their behalf also holds the requisite qualifications. Some stakeholders may incur financial costs as a result of administering this verification process.

As with all other provisions, the Department welcomes stakeholder comments on this matter, preferably backed by estimated figures on the costs.

12.12 New certification requirement for SRAC, heat pumps and refrigeration units of trucks and trailers

(draft reg 23(2), substituting a new table 1 in Schedule 3 of the 2015 NI Regs, as is described on pages 25 to 27 of this document)

Individuals and companies working in the sectors mentioned above (with “SRAC” standing for “stationary refrigeration and air-conditioning”) will need to obtain the relevant certificates for several types of work with F-gases, including repair, recovery, installation, maintenance/servicing, decommissioning, and leakage checks.

This will clearly involve expenditure for a number of sectors of business. Stakeholders are welcome to submit views to the Department on their estimated costs.

12.13 New provisions on certification for work with F-gases in electrical switchgear

(draft reg 23(3), substituting a new table 3 in Schedule 3 of the 2015 NI Regs, as is described on page 28 of this document)

The list of work activities with F-gases in electrical switchgear, for which certificates are legally required, is due to be lengthened.

This may mean that more training and certification is required for workers in the electrical switchgear sector. Stakeholders are invited to provide estimates of the costs and the feasibility of carrying this out for their business.

Annex 1

Text of the draft NI F-gas Amendment Regs

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2018 No.000

ENVIRONMENTAL PROTECTION

The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018

Made - - - - - ***

Coming into operation - - - - - ***

The Department of Agriculture, Environment and Rural Affairs, being a department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the environment, makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation, commencement and application

1—(1) These Regulations may be cited as the Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 and come into operation on [].

(2) These Regulations apply to Northern Ireland only in so far as they do not deal with import and export controls and trade with any place outside the United Kingdom, within the meaning of paragraph 20 of Schedule 3 to the Northern Ireland Act 1998⁽³⁾.

Amendment of the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015

2. The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015⁽⁴⁾ are amended in accordance with regulations 3 to 23.

Amendment of regulation 1 (citation, commencement and application)

3. In regulation 1(2), the words “and Northern Ireland offshore installations” are omitted.

Amendment of regulation 2 (interpretation: general)

4—(1) In regulation 2(1)—

(a) before the definition of “authorised person”, insert the following definition—

⁽¹⁾ S.I. 2008/301

⁽²⁾ 1972 c. 68. Section 2(2) is amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

⁽³⁾ 1998 c. 47.

⁽⁴⁾ S.R. 2015 No. 425.

“the Interpretation Act” means the Interpretation Act (Northern Ireland) 1954⁽⁵⁾”; and

(b) for “Department of the Environment” substitute “Department of Agriculture, Environment and Rural Affairs”.

(2) For regulation 2(2) substitute—

“(2) The Interpretation Act applies to these Regulations as it applies to an Act of the Assembly.

(3) Section 20A (references to EU instruments) of the Interpretation Act 1978⁽⁶⁾ applies to these Regulations as it applies to Acts of Parliament.”.

Amendment of regulation 3 (interpretation: EU Regulations)

5-(1) Regulation 3 is amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

(a) the following definitions are omitted—

(i) “Commission Regulation 1494/2007⁽⁷⁾”;

(ii) “Commission Regulation 303/2008⁽⁸⁾”;

(iii) “Commission Regulation 305/2008⁽⁹⁾”; and

(iv) “Commission Regulation 308/2008⁽¹⁰⁾”;

(b) after the definition of “Commission Regulation 308/2008”, omit “and”;

(c) in the definition of “Commission Regulation 1191/2014”, for “, as amended from time to time.”, substitute “;”;

(d) after the definition of “Commission Regulation 1191/2014”, insert—

““Commission Regulation 2015/2065” means Commission Implementing Regulation (EU) 2015/2065 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States⁽¹¹⁾;

“Commission Regulation 2015/2066” means Commission Implementing Regulation (EU) 2015/2066 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear⁽¹²⁾;

“Commission Regulation 2015/2067” means Commission Implementing Regulation (EU) 2015/2067 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases⁽¹³⁾; and

“Commission Regulation 2015/2068” means Commission Implementing Regulation (EU) 2015/2068 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament

⁽⁵⁾ 1954 c. 33 (N.I.)

⁽⁶⁾ 1978 c. 30

⁽⁷⁾ OJ No L 150, 20.5.2014, p 195.

⁽⁸⁾ OJ No L 92, 3.4.2008, p 3.

⁽⁹⁾ OJ No L 92, 3.4.2008, p 17.

⁽¹⁰⁾ OJ No L 92, 3.4.2008, p 28.

⁽¹¹⁾ OJ No L 332, 18.12.2007, p 25.

⁽¹²⁾ OJ No L 301, 18.11.2015, p 22.

⁽¹³⁾ OJ No L 301, 18.11.2015, p 28.

and of the Council, the format of labels for products and equipment containing fluorinated greenhouse gases⁽¹⁴⁾.”

(3) For paragraph (2)(b) to (j), substitute—

- “(b) Commission Regulation 1497/2007⁽¹⁵⁾;
- (c) Commission Regulation 1516/2007⁽¹⁶⁾;
- (d) Commission Regulation 304/2008⁽¹⁷⁾;
- (e) Commission Regulation 306/2008⁽¹⁸⁾;
- (f) Commission Regulation 307/2008⁽¹⁹⁾;
- (g) Commission Regulation 1191/2014⁽²⁰⁾;
- (h) Commission Regulation 2015/2065;
- (i) Commission Regulation 2015/2066;
- (j) Commission Regulation 2015/2067; and
- (k) Commission Regulation 2015/2068.”

(4) For paragraph (3), substitute—

“(3) A reference in these Regulations to Commission Regulation 1191/2014 is a reference to that Commission Regulation as amended from time to time.”

Amendment of regulation 4 (interpretation – offshore installations)

6—(1) Regulation 4(1) is amended in accordance with paragraphs (2) and (3).

(2) For “, other than a ship,”, substitute “(other than a ship)”; and

(3) After “used”, insert “, or intended to be used or has been used,”.

Insertion of new regulation 5A (service of notices)

7. After regulation 5 (competent authority), insert—

“Service of notices

5A.—(1) Section 24 (service of documents) of the Interpretation Act applies to the service of notices subject to this regulation and any specific provision made in these Regulations for a particular type of notice.

(2) A notice takes effect when served.

(3) A notice may, subject to paragraph (8) and without prejudice to the application of section 24(2) of the Interpretation Act, be served on a person by sending it to the person by electronic means.

(4) A notice to a partnership may be given to a partner or a person who has the control or management of the partnership business at the address of the principal office of the partnership.

(5) For the purposes of this regulation, the principal office of a company registered outside the United Kingdom, or of a partnership undertaking business outside the United Kingdom, is its principal office within the United Kingdom.

(6) If a person has specified an address in the United Kingdom, other than the person’s address within the meaning of paragraph (4) or section 24 of the Interpretation Act, as the one at which the person or

⁽¹⁴⁾ OJ No L 301, 18.11.2015, p 39.

⁽¹⁵⁾ OJ No L 333, 19.12.2007, p 4.

⁽¹⁶⁾ OJ No L 335, 20.12.2007, p 10.

⁽¹⁷⁾ OJ No L 92, 3.4.2008, p 12.

⁽¹⁸⁾ OJ No L 92, 3.4.2008, p 21. There is a relevant corrigendum (OJ No L 280, 23.10.2008, p 38).

⁽¹⁹⁾ OJ No L 92, 3.4.2008, p 25.

⁽²⁰⁾ OJ No L 318, 5.11.2014, p 5

someone on the person's behalf will accept notices of the same description as a notice, that address is also treated for the purposes of this regulation and section 24 of the Interpretation Act as the person's address by which service may be effected.

(7) A notice may be sent to a person by electronic means only if—

- (a) the person has indicated that notices of the same description as the notice may be given to the person by being sent to an electronic address and in an electronic form specified for that purpose; and
- (b) the notice is sent to that address in that form.

(8) A notice sent to a person by electronic means is, unless the contrary is proved, to be treated as having been given at 9am on the working day immediately following the day on which it was sent.

(9) In this regulation—

- (a) “electronic address” means any number or address used for the purposes of sending or receiving documents or information by electronic means; and
- (b) “notice” means an information notice served under regulation 22 or an enforcement notice.”.

Substitution of regulation 6 (certification and evaluation bodies: stationary refrigeration, air conditioning and heat pump equipment)

8. For regulation 6, substitute—

“Appointment of certification, attestation and evaluation bodies

6.—(1) The Department, after consulting the Scottish Ministers, the Welsh Ministers and the Secretary of State, may appoint such person and on such terms as the Department thinks fit to be—

- (a) in relation to Commission Regulation 304/2008—
 - (i) a certification body for the purposes of Article 5 (personnel certificates);
 - (ii) an evaluation body for the purposes of Article 5; and
 - (iii) a certification body for the purposes of Article 8 (company certificates);
- (b) for the purposes of Commission Regulation 306/2008—
 - (i) a certification body; and
 - (ii) an evaluation body;
- (c) for the purposes of Commission Regulation 307/2008, an attestation body;
- (d) for the purposes of Commission Regulation 2015/2066—
 - (i) a certification body; and
 - (ii) an evaluation body;
- (e) in relation to Commission Regulation 2015/2067—
 - (i) a certification body for the purposes of Article 4 (certificates for natural persons);
 - (ii) an evaluation body for the purposes of Article 4; and
 - (iii) a certification body for the purposes of Article 6 (company certificates).

(2) The Department may charge such fees as it considers will enable the recovery of any reasonable expenses incurred in reviewing an application to be appointed as a certification, evaluation and/or attestation body under paragraph (1).

(3) The Department may, after consulting the Scottish Ministers, the Welsh Ministers and the Secretary of State, decide to terminate the appointment of a person appointed under paragraph (1) by giving that person notice of the decision, with reasons, in writing.”.

Amendment of regulation 7 (certificates relating to stationary refrigeration, air conditioning and heat pump equipment, issued in EEA States and Great Britain)

9. In regulation 7, for “Article 5 or 8 of Commission Regulation 303/2008”, for each time that it appears, substitute “Article 4 or 6 of Commission Regulation 2015/2067”.

Omission of regulations 8 and 10

10. Regulations 8 (certification and evaluation bodies: fire protection systems and fire extinguishers) and 10 (certification and evaluation bodies: high-voltage switchgear) are omitted.

Amendment of regulation 11 (certificates relating to high-voltage switchgear issued in EEA States and Great Britain)

11—(1) Regulation 11 is amended in accordance with paragraphs (2) and (3).

(2) In the heading, for “high-voltage”, substitute “electrical”; and

(3) For “Article 4 of Commission Regulation 305/2008”, for each time that it appears, substitute “Article 3 of Commission Regulation 2015/2066”.

Omission of regulations 12 and 14

12. Regulations 12 (certification and evaluation body: fluorinated greenhouse gas-based solvents) and 14 (attestation bodies: air conditioning systems in certain motor vehicles) are omitted.

Amendment of regulation 16 (obligation of employers to employ qualified employees)

13. In regulation 16—

(a) in sub-paragraph (a), for “303/2008”, substitute “2015/2067”; and

(b) in sub-paragraph (c), for “305/2008”, substitute “2015/2066”.

Amendment of regulation 17 (obligations on certification bodies, attestation bodies and evaluation bodies to provide information)

14. In regulation 17—

(a) in paragraph (1)(a), for “303/2008”, substitute “2015/2067”;

(b) in paragraph (1)(c), for “305/2008”, substitute “2015/2066”; and

(c) in paragraph (4), for “308/2008”, substitute “2015/2065”.

Insertion of new regulation 17A (publication of details of certification bodies, attestation bodies and evaluation bodies)

15. After regulation 17, insert—

“Publication of details of certification bodies, attestation bodies and evaluation bodies

17A.—(1) The Department, after consulting the Scottish Ministers, the Welsh Ministers and the Secretary of State, must publish the following information about any person appointed as a certification body, attestation body or evaluation body under regulation 6—

- (a) name;
- (b) company number, where relevant;
- (c) postal address;
- (d) telephone number; and
- (e) e-mail address.

(2) Publication under this regulation is to be in such a manner as the Department considers appropriate.”.

Amendment of regulation 18 (enforcement)

16-(1) Regulation 18 is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1), for “(5)”, substitute “(8)”; and

(3) After paragraph 18(6), insert—

“(7) The district council must comply with a direction given to it under paragraph (2).

(8) A direction given under paragraph (2) may be revoked or modified by a further direction given under that paragraph.”.

Amendment of regulation 22 (information notices)

17. In regulation 22, for “authorised person”, substitute “enforcing authority”.

Amendment of regulation 23 (enforcement notices)

18—(1) Regulation 23 is amended in accordance with paragraphs (2) to (5).

(2) For “authorised person”, for each time that it appears, substitute “enforcing authority”.

(3) In paragraph (1), for sub-paragraph (c), substitute—

“(c) fails, where labelling for products and equipment is required under Article 12 of the 2014 Regulation, to comply with Article 2 of Commission Regulation 2015/2068 (labelling format);”.

(4) In paragraph (10), for each time that it appears, after “enforcing authority”, insert “which served the notice”.

(5) In paragraph (11)(c)—

(a) in head (i), for “Article 5 of Commission Regulation 303/2008”, substitute “Article 4 of Commission Regulation 2015/2067”;

(b) in head (ii), for “Article 4(3)(a) or (c) of Commission Regulation 303/2008”, substitute “Article 3(3)(b) or (4) of Commission Regulation 2015/2067”; and

(c) for head (iii), substitute—

“(iii) is exempt from holding such a certificate by virtue of Article 3(3)(a) of Commission Regulation 2015/2067 where the person is suitably qualified for the purposes of the essential safety requirements in paragraph 21(3) (permanent joining) of Part 3 of Schedule 2 to the Pressure Equipment (Safety) Regulations 2016⁽²¹⁾.”.

Amendment of regulation 24 (appeals against enforcement notices)

19. After regulation 24(5), insert—

“(6) The grounds for an appeal brought under this regulation are that a decision to serve the enforcement notice was—

(a) based on an error of fact;

(b) wrong in law;

(c) wrong for any other reason; or

(d) unreasonable.”.

⁽²¹⁾ S.I. 2016/1105

Amendment of regulation 27 (offences committed by bodies corporate, partnerships and unincorporated associations)

20. In regulation 27(1)(a), the words “(Northern Ireland) 1954” are omitted.

Omission of Schedule 1 (certification and evaluation bodies (high voltage switchgear))

21. Schedule 1 is omitted.

Amendment of Schedule 2 (2014 Regulation provisions)

22. In Schedule 2, in the table, after the entry entitled “Article 8(3)”, insert—

“Article 10(11)	Requirement on undertakings assigning tasks referred to in Article 10(1) to another undertaking to take reasonable steps to ascertain that the latter holds the necessary certificates for the required tasks.”.
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Amendment of Schedule 3 (Commission Regulation provisions)

23—(1) Schedule 3 is amended in accordance with paragraphs (2) and (3).

(2) For Table 1 (certification for stationary refrigeration, air conditioning and heat pump equipment), substitute—

“Table 1

Certification for stationary refrigeration, air conditioning and heat pump equipment

<i>Provision of Commission Regulation 2015/2067</i>	<i>Summary of subject matter</i>
Article 3(1) (read in association with Articles 2, 3(3) and (4))	Requirement on natural persons carrying out activities referred to in Article 2(1) (scope) to hold a certificate as referred to in Article 4 (certificates for natural persons) for the corresponding category, as set out in Article 3(2) (certification of natural persons).
Article 5	Requirement on companies referred to in Article 2(2) to hold a certificate as referred to in Article 6 (company certificates).”.

(3) For Table 3 (certification for recovery of fluorinated greenhouse gases from high voltage switchgear), substitute—

“Table 3

Certification for electrical switchgear

<i>Provision of Commission Regulation 2015/2066</i>	<i>Summary of subject matter</i>
Article 2(1) (read in association with Articles 2(2) and (3) and 9)	Requirement on natural persons carrying out the activities referred to in Article 1 (subject matter and scope) to hold a certificate as referred to in Article 3 (issuance of certificates to natural persons).”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on [].



Dave Foster

A senior officer of the Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make updates to existing Regulations on fluorinated greenhouse gases (“F-gases”).

F-gases are, in the short term, harmless to humans, animals and plants. However, in the long term, they have a very high Global Warming Potential (“GWP”), much higher than carbon dioxide, contributing to rising global temperatures.

EU legislation therefore requires that the use of F-gases is restricted and monitored. Laws on F-gases have therefore been compiled for Northern Ireland (including on offshore installations in Northern Ireland waters), as F-gases are used in a number of sectors of industry in Northern Ireland.

Some of the features of these amending Regulations are the introduction of new requirements for businesses on labelling of equipment containing F-gases, the inclusion of work with refrigeration units of refrigerated trucks and trailers in several F-gas offences, and a new requirement for businesses transferring F-gas work to another organisation.

The Regulations also contain a new certification requirement for work with F-gases in stationary refrigeration, air conditioning, heat pumps and the refrigeration units of trucks and trailers. There is also a variation in the existing provisions on certification for work with F-gases in electrical switchgear.

A full impact assessment of the effect that these Regulations would have upon the costs of business is available from the Department of Agriculture Environment and Rural Affairs (DAERA), Klondyke Building, 1 Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA.

Annex 2

List of consultees

The following businesses and organisations were invited to respond to the consultation, although responses are also accepted from any other stakeholder:

Individual businesses in the following NI sectors of industry:	
ABBATOIRS, MEAT SUPPLIERS, FIRE PROTECTION, ELECTRICAL SWITCHGEAR, REFRIGERATION, AIR CONDITIONING, HEAT PUMPS, VEHICLE AIR CONDITIONING, VEHICLE DISMANTLERS, REFRIGERATED LORRIES AND TRAILERS, SUPERMARKET CHAINS, ORGANIC RANKINE CYCLES (ORCS), CHEMICAL SUPPLIERS AND AEROSOLS.	
COLLECTIVE BUSINESS ORGANISATIONS	
GMB Trade Union	Irish Congress of Trade Unions – NI Committee (ICTUNI)
Ulster Farmers’ Union	UNISON
Unite the Union	Amalgamated Transport & General Workers Union
Union of Shop, Distributive & Allied Workers	NIPSA
SIPTU	
PROPOSED CERTIFICATION ORGANISATIONS	
ABB Limited	Alstom Grid UK Limited
Bureau Veritas UK Limited	City and Guilds of London Institute
Construction Industry Training Board	EA Technology Limited
Electricity Northwest Limited	Fire Industry Association
Fraser Technologies	IMI Awards Limited
Institute of Road Transport Engineers	Institute of the Motor Industry
Lucy Electric	National Grid Electricity Transmission plc
Northern Ireland Electricity	Quidos Limited (F-gas Register)

Refcom/Welplan	Schneider Electric Limited
Scottish Power Energy Network Holdings Limited	Siemens Transmission and Distribution Limited
UK Power Networks (Operations) Limited	Western Power Distribution plc (East Midlands, South Wales, South West & West Midlands)
Building Engineering Services Association (BESA)	Logic Certification Ltd
ABC Awards	
ENFORCING AUTHORITIES	
NI Environment Agency	Department for Business, Energy and Industrial Strategy (BEIS) (GB)
DISTRICT COUNCILS OF NI & ASSOCIATED ORGANISATIONS	
Antrim & Newtownabbey Borough Council	Ards & North Down Borough Council
Armagh City, Banbridge & Craigavon Borough Council	Belfast City Council
Causeway Coast & Glens Borough Council	Derry City & Strabane District Council
Fermanagh & Omagh District Council	Local Government Staff Commission
Lisburn & Castlereagh City Council	Mid & East Antrim Borough Council
Mid Ulster District Council	National Association of Councillors
Newry Mourne & Down District Council	NI Audit Office
NI Local Government Association (NILGA)	Society of Local Authority Chief Executives and Senior Managers (SOLACE)
GOVERNMENT DEPARTMENTS	
NI Assembly	The Executive Office
Department for Communities	Department of Education

Department for the Economy	Department of Finance
Department for Infrastructure	Department of Health
Department of Justice	DEFRA (GB)
Scottish Government Directorate of Energy & Climate Change	Welsh Government People and Environment Division
Department for Business, Energy and Industrial Strategy (GB)	Environmental Protection Agency (RoI)
POLITICAL ORGANISATIONS AND INDEPENDENT POLITICIANS	
Alliance Party of NI	CISTA
Claire Sugden MLA	Cross Community Labour Alternative
Democratic Unionist Party	Green Party
Labour Party NI	Lady Sylvia Hermon MP
NI Conservatives	People Before Profit Alliance
Progressive Unionist Party	SDLP
Sinn Fein	Traditional Unionist Voice
UKIP	Ulster Unionist Party
Workers Party	
OTHER CONSULTEES	
An Munia Tober	Autism NI
Advice NI	Age NI
ACSONI African and Caribbean Support Organisation of Northern Ireland	Agri-Food & Biosciences Institute (AFBI)
AWARE Defeat Depression	Action on Hearing Loss NI
Belfast Hebrew Congregation	BBC Northern Ireland
Bishop of Down and Connor	British Deaf Association (NI)
Bryson Charitable Group	Bryson Inter-Cultural
Belfast Butterfly Club	Baha'i Council for NI

Barnardos	Belfast Islamic Centre
Belfast Jewish Community	Children with Disabilities Strategic Alliance
Community Foundation for NI	Council for Maintained Schools
Conradh na Gaelge	Coiste-na n-iarchimi
Community Places	Cedar Foundation
CO3 Chief Officers of Third Sector	Carers Northern Ireland
Children's Law Centre	Children in NI
Chinese Welfare Association	Commissioner for Older People NI
Committee on the Admin of Justice (CAJ)	Community Development & Health Network (NI)
Community Foundation for NI	Community Relations Council (CRC)
Council for the Homeless (NI)	Confederation of Community Groups
Cruse Bereavement Care (NI)	Chrysalis Women's Centre
Catholic Bishops of NI	Derry Well Woman
Disability Action	DAERA Disability Forum
Down's Syndrome Association	European Commission Office in NI
Employers for Disability NI	Early years – The organization for young children
Employers' Forum on Disability	Equality Coalition
Equality Commission for NI Statutory Duty Team	Equality Forum NI
Falls Women's Centre	Focus: the Identity Trust
Foyle Women's Information Network	FPA (NI) Formerly Family Planning Association
Falls Community Council	Foras na Gaeilge
Foyle, Carlingford & Irish Lights	Grand Orange Lodge of Ireland
Gay Lesbian Youth Northern Ireland	General Consumer Council

Guide Dogs for the Blind Association	Institute of Directors
Include Youth	Information Commissioners Office
Indian Community Centre	Lord Chief Justice's Office
Leonard Cheshire	Here NI
Lesbian Line	Livestock & Meat Commission for NI
Loughs Agency	Magherafelt Women's Group
Men's Action Network	MENCAP
Methodist Church in Ireland	National Beef Association (NBA)
NI Association for Mental Health (NIAMH)	NI Association for the Care and Resettlement of Offenders (NIACRO)
National Autistic Society Northern Ireland	NI Rural Development Council
NI Commissioner for Children and Young People	Newry and Mourne Women Ltd
Newtownabbey Senior Citizens Forum	NI Dyslexia Association
NI Agricultural Consultant's Association (NIACA)	NI Council for Ethnic Minorities (NICEM)
NI Muslim Family Association	NI Council for Voluntary Action
NI Human Rights Commission (NIHRC)	NI Rural Women's Network
NI Women's Aid Federation	NIAPA
NIPSA	North West Community Network
Northern Ireland Youth Forum	NSPCC
Oi Kwan Chinese Women's Group	Omagh Ethnic Communities Support Group
Omagh Women's Area Network	Playboard NI
Parenting NI	Parents & Professionals & Autism
POBAL	Press for Change
Presbyterian Church in Ireland	Queer Space

Rainbow Project	Rare Breeds Survival Trust
RNIB	Rural Community Network
RSPB	Rural Development Council
Rural Support	Roman Catholic Church
Schomberg Society	Save the Children
Strategic Investment Board	Senior Citizen's Consortium, Sperrin Lakeland
Sense NI	Sikh Community Centre
Sikh Women's and Children's Assoc	South Tyrone Empowerment Programme (STEP)
The Trans Forum	The Women's Centre
Training for Women Network Ltd	The Participation Network
Traveller and Gay (TAG)	Ultach
Ulster Federation of Credit Unions (UFCU)	Ulster-Scots Agency
Volunteer Now	Women's Support Network
Women's Centre	Waterways Ireland
Women's Information Group	Women's Forum NI
Women of the World (WOW)	Women's Resource & Development Agency
Youth Action	Youth Council for Northern Ireland