STATUTORY INSTRUMENTS

# 2015 No. 310

# ENVIRONMENTAL PROTECTION

## The Fluorinated Greenhouse Gases Regulations 2015

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| *Made - - - -* | *16th February 2015* |
| *Laid before Parliament* | *19th February 2015* |
| *Coming into force - -* | *19th March 2015* |

The Secretary of State is a Minister designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to the environment.
These Regulations make provision for a purpose mentioned in that section and it appears to the Secretary of State that it is expedient for references to the following Commission Regulations to be construed as references to those Regulations as amended from time to time—

(a) Commission Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases [F3]; and

(b) Commission Regulation (EC) No 1494/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases [F4].

These Regulations are made by the Secretary of State in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 [F5].

**F1** S.I. 2008/301.

**F2** 1972 c. 68. Section 2(2) is amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions in or as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales.

**F3** OJ No L 318, 5.11.2014, p 5.

**F4** OJ No L 332, 18.12.2007, p 25.

**F5** Paragraph 1A is inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and is amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and by S.I. 2007/1388.

# PART 1

## Introductory provisions

### Citation, commencement [F6and extent]

**1.**—(1) These Regulations—

(a) may be cited as the Fluorinated Greenhouse Gases Regulations 2015; and

(b) come into force on 19th March 2015.

(2) They extend to Northern Ireland only in so far as they 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 F7**[**F8or they deal with controls on gases, products and equipment traded between Great Britain and Northern Ireland**]**.

F9(3) . . . . . .

**F6** Words in reg. 1 heading substituted (22.2.2018) by The Fluorinated Greenhouse Gases (Amendment) Regulations 2018 (S.I. 2018/98), regs. 1(2), **3(2)**

**F7** 1998 c. 47.

**F8** Words in reg. 1(2) inserted (E.W.S.) (31.12.2020) by S.I. 2019/583, regs. 1(1), **35(1)(1A)** (as amended by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(2)(18)(a)(b)**); 2020 c. 1, Sch. 5 para. 1(1); and inserted (N.I.) (31.12.2020) by S.I. 2019/583, regs. 1(1), **35A(1)(2)** (as amended by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(2)(19)**); 2020 c. 1, Sch. 5 para. 1(1)

**F9** Reg. 1(3) omitted (22.2.2018) by virtue of The Fluorinated Greenhouse Gases (Amendment) Regulations 2018 (S.I. 2018/98), regs. 1(2), **3(3)**

### Interpretation: general

**2.**—(1) In these Regulations—

"authorised person" means a person authorised under regulation 21;

**[**F10"civil penalty notice" means a notice served under paragraph 1 (as read with paragraphs 4 and 5) of Schedule 4;**]**

**[**F10"enforcement cost recovery notice" means a notice served under paragraph 6 of Schedule 4;**]**

"enforcement notice" means an enforcement notice served under regulation 25;

"enforcing authority" means—

(a) as regards England, the Environment Agency, the local authority, the port health authority or the Secretary of State;

(b) as regards Wales, the Natural Resources Body for Wales, the local authority, the port health authority or the Welsh Ministers;

(c) **[**F11as regards Scotland, subject to paragraphs (e) and (f)—

i each local authority;

ii SEPA;

iii the Scottish Ministers;**]**

(d) as regards Northern Ireland, **[**F12the Department of Agriculture, Environment and Rural Affairs**]** or the local authority;

(e) as regards offshore installations, the Secretary of State;

(f) as regards Scottish offshore installations, the Scottish Ministers;

(g) as regards Northern Ireland offshore installations—

(i) in relation to installations used in connection with any of the activities described in regulation 4(4)(a) to (g), the Secretary of State;

(ii) in relation to installations used in connection with any of the activities described in regulation 4(4)(h) and (i), **[**F12the Department of Agriculture, Environment and Rural Affairs**]**;

"premises" includes—

(a) land;

(b) a vehicle or trailer;

(c) an aircraft;

(d) a ship;

(e) an offshore installation or part of an offshore installation;

(f) a Scottish offshore installation or part of a Scottish offshore installation;

(g) a Northern Ireland offshore installation or part of a Northern Ireland offshore installation;

**[**F13"relevant enforcing authority" means—

(a) as regards England—

(i) the Environment Agency;

(ii) the Secretary of State;

(b) as regards Scotland, and subject to sub-paragraphs (c) and (d)—

(i) SEPA;

(ii) the Scottish Ministers;

(c) as regards offshore installations, the Secretary of State;

(d) as regards Scottish offshore installations, the Scottish Ministers;**]**

**[**F14"Scotland" is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998;**]**

**[**F14"SEPA" means the Scottish Environment Protection Agency;**]**

"ship" includes a hovercraft, submersible craft and any other floating craft but not a vessel which permanently rests on or is permanently attached to the seabed.

(2) In paragraph (1)—

"local authority" means—

(a) as regards England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

(b) as regards Wales, a county council or a county borough council;

(c) as regards Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 **F15**;

(d) as regards Northern Ireland, a district council, within the meaning of section 44 of the Interpretation Act (Northern Ireland) 1954 **F16**;

"port health authority" means—

(a) in relation to the London port health district (within the meaning given by section 7(1) of the Public Health (Control of Disease) Act 1984 [F17]), the Common Council of the City of London;

(b) in relation to any port health district constituted by order under section 2(3) of that Act, the port health authority for that district constituted by order under section 2(4) of that Act.

**F10** Words in reg. 2(1) inserted (E.S.) (1.4.2018) by The Fluorinated Greenhouse Gases (Amendment) Regulations 2018 (S.I. 2018/98), regs. 1(2), **4(a)**
**F11** Words in reg. 2(1) substituted (22.2.2018) by The Fluorinated Greenhouse Gases (Amendment) Regulations 2018 (S.I. 2018/98), regs. 1(2), **4(b)(i)**
**F12** Words in reg. 2(1) substituted (22.2.2018) by The Fluorinated Greenhouse Gases (Amendment) Regulations 2018 (S.I. 2018/98), regs. 1(2), **4(b)(ii)**
**F13** Words in reg. 2(1) inserted (E.S.) (1.4.2018) by The Fluorinated Greenhouse Gases (Amendment) Regulations 2018 (S.I. 2018/98), regs. 1(2), **4(c)**
**F14** Words in reg. 2(1) inserted (22.2.2018) by The Fluorinated Greenhouse Gases (Amendment) Regulations 2018 (S.I. 2018/98), regs. 1(2), **4(d)**
**F15** 1994 c. 39. Section 2 is amended by paragraph 232(1) of Schedule 22 to the Environment Act 1995 (c. 25).
**F16** 1954 c. 33 (N.I.).
**F17** 1984 c. 22.

## Interpretation: EU Regulations

**3.**—(1) In these Regulations—

"the 2014 Regulation" means Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases [F18];

[F19]...

"Commission Regulation 1497/2007" means Commission Regulation (EC) No 1497/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases [F20];

"Commission Regulation 1516/2007" means Commission Regulation (EC) No 1516/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases [F21];

[F22]...

"Commission Regulation 304/2008" means Commission Regulation (EC) No 304/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases [F23];

[F24]...

"Commission Regulation 306/2008" means Commission Regulation (EC) No 306/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment [F25];

"Commission Regulation 307/2008" means Commission Regulation (EC) No 307/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases [F26];

[F27]…

"Commission Regulation 1191/2014" means Commission Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases.

**[**[F28]"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;**]**

**[**[F28]"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;**]**

**[**[F28]"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;**]**

**[**[F28]"Commission Regulation 2015/2068" means Commission Implementing Regulation (EU) 2015/2068 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format of labels for products and equipment containing fluorinated greenhouse gases;**]**

**[**[F28]"Commission Regulation 2016/879" means Commission Implementing Regulation (EU) 2016/879 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, detailed arrangements relating to the declaration of conformity when placing refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons on the market and its verification by an independent auditor**]**

(2) Expressions used but not defined in these Regulations and used in the following legislation have the same meaning as they have in that legislation—

(a) the 2014 Regulation;

**[**[F29](b) Commission Regulation 1497/2007;

(c) Commission Regulation 1516/2007;

(d) Commission Regulation 304/2008;

(e) Commission Regulation 306/2008;

(f) Commission Regulation 307/2008;

(g) Commission Regulation 1191/2014;