Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2015 No. 425

ENVIRONMENTAL PROTECTION

The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015

Made - - - - 21st December 2015

Coming into operation 31st January 2016

The Department of the Environment, being a department designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to the environment, makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, that Act [F3].

These Regulations make provision for a purpose mentioned in that section and it appears to the Department that it is expedient for references to—

(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 [F4]; 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 [F5],

to be construed as references to those Commission Regulations as amended from time to time.

F1 S.I. 2008/301.

F2 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).

F3 Paragraph 1A is inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51). The relevant amendments are section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

F4 OJ No L 318, 5.11.2014, p 5.

F5 OJ No L 332, 18.12.2007, p 25.

PART 1

Introductory provisions

Citation, commencement and application

1.—(1) These Regulations may be cited as the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015 and come into operation on 31st January 2016.

(2) They apply to Northern Ireland [F6]... 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 [F7].

F6 Words in reg. 1(2) omitted (17.1.2019) by virtue of The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **3**

F7 1998 c. 47.

Interpretation: general

2.—(1) In these Regulations—

[[F8]"the Interpretation Act" means the Interpretation Act (Northern Ireland) 1954;**]**

"authorised person" means a person authorised under regulation 19;

"the Department" means the **[**[F9]Department of Agriculture, Environment and Rural Affairs**]** ;

"enforcement notice" means an enforcement notice served under regulation 23;

"enforcing authority" means—

(a) as regards Northern Ireland, the Department or the district council, except where otherwise provided for in sub-paragraph (b);

(b) as regards Northern Ireland offshore installations—

(i) in relation to offshore installations used in connection with any of the activities described in regulation 4(1)(a) to (f), the Secretary of State;

(ii) in relation to offshore installations used in connection with any of the activities described in regulation 4(1)(g), the Department;

"premises" includes—

(a) land;

(b) a vehicle or trailer;

(c) an aircraft;

(d) a ship;

(e) a Northern Ireland offshore installation or part of a Northern Ireland offshore installation; and

"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.

[[F10](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 applies to these Regulations as it applies to Acts of Parliament.**]**

F8 Words in reg. 2(1) inserted (17.1.2019) by The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **4(1)(a)**

F9 Words in reg. 2(1) substituted (17.1.2019) by The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **4(1)(b)**

F10 Reg. 2(2)-(3) substituted for reg. 2(2) (17.1.2019) by The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **4(2)**

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 and repealing Regulation (EC) No 842/2006[F11];

[F12]...

"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 [F13];

"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 [F14];

[F15]...

"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 [F16];

[F17]...

"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 [F18];

"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 [F19];

[F20]... [F21]...

"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 [F22][F23];]

[F24"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;

"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;

"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; and

"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.**]**

(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;

[[F25](b) Commission Regulation 1497/2007;**]**

[[F25](c) Commission Regulation 1516/2007;**]**

[[F25](d) Commission Regulation 304/2008;**]**

[[F25](e) Commission Regulation 306/2008;**]**

[[F25](f) Commission Regulation 307/2008;**]**

[[F25](g) Commission Regulation 1191/2014;**]**

[[F25](h) Commission Regulation 2015/2065;**]**

[[F25](i) Commission Regulation 2015/2066;**]**

[[F25](j) Commission Regulation 2015/2067; and**]**

[[F25](k) Commission Regulation 2015/2068.**]**

[[F26](3) A reference in these Regulations to Commission Regulation 1191/2014 is a reference to that Commission Regulation as amended from time to time.**]**

F11 OJ No L 150, 20.5.2014, p 195.

F12 Words in reg. 3(1) omitted (17.1.2019) by virtue of The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **5(2)(a)(i)**

F13 OJ No L 333, 19.12.2007, p 4.

F14 OJ No L 335, 20.12.2007, p 10.

F15 Words in reg. 3(1) omitted (17.1.2019) by virtue of The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **5(2)(a)(ii)**

F16 OJ No L 92, 3.4.2008, p 12.

F17 Words in reg. 3(1) omitted (17.1.2019) by virtue of The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **5(2)(a)(iii)**

F18 OJ No L 92, 3.4.2008, p 21. There is a relevant corrigendum, OJ No L 280, 23.10.2008, p 38.
F19 OJ No L 92, 3.4.2008, p 25.
F20 Words in reg. 3(1) omitted (17.1.2019) by virtue of The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **5(2)(a)(iv)**
F21 Word in reg. 3(1) omitted (17.1.2019) by virtue of The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **5(2)(b)**
F22 OJ No L 318, 5.11.2014, p 5
F23 In reg. 3(1) semicolon substituted (17.1.2019) by The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **5(2)(c)**
F24 Words in reg. 3(1) inserted (17.1.2019) by The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **5(2)(d)**
F25 Reg. 3(2)(b)-(k) substituted for (17.1.2019) by The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **5(3)**
F26 Reg. 3(3) substituted (17.1.2019) by The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), **5(4)**

Interpretation: offshore installations

4.—(1) In these Regulations, "Northern Ireland offshore installation" means an installation or a structure **[**[F27](other than a ship)**]** which is situated in the marine area and used **[**[F28], or intended to be used or has been used,**]** in connection with any of the following activities—

(a) the exploitation, or exploration with a view to exploitation, of mineral resources in the marine area;

(b) the exploration of any place in the marine area, with a view to the storage of gas;

(c) the conversion of any place in the marine area for the purpose of storing gas;

(d) the storage of gas in the marine area or the recovery of gas so stored;

(e) the unloading of gas at any place in the marine area;

(f) the conveyance of things by means of a pipe, or system of pipes, constructed or placed in the marine area; and

(g) the production of energy from water or wind.

(2) In paragraph (1)—

(a) references (in whatever form) to storing gas include storing gas with a view to its permanent disposal; and

(b) "gas" means—

(i) gas within the meaning of section 2(4) of the Energy Act 2008 [F29]; or

(ii) carbon dioxide.

(c) "marine area" means the area (together with the places above and below it) comprising the waters of, or on or under the seabed in—

(i) the Northern Ireland inshore region; or

(ii) the sea in any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 [F30] in respect to which any Northern Ireland department has functions designated by an order made under section 41(4) of that Act.

(d) each of the activities described include the provision of access to or accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, in connection with such an activity.