
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 184

**The Fluorinated Greenhouse Gases
Regulations (Northern Ireland) 2009**

PART 2

General provisions

Leakages

4. The operator of a stationary application commits an offence if the operator fails to comply with—

- (a) Article 3.1 of the 2006 Regulation (prevention and repair of leakage); or
- (b) Article 3.2 of the 2006 Regulation (checks for leakage), as qualified by Article 3.4 of the 2006 Regulation.

Leakage checks of stationary equipment

5.—(1) A qualified person commits an offence if the qualified person fails to comply with Article 3, 4, 5, 6, 7.1, 7.2 or 9 of Commission Regulation 1516/2007 (checks of records and equipment, measuring methods and follow-up checks).

(2) The operator of stationary equipment commits an offence if the operator fails to ensure that—

- (a) a repair, a pump-down or recovery referred to in Article 8.1 of Commission Regulation 1516/2007 is carried out;
- (b) Articles 8.2 and 8.3 of Commission Regulation 1516/2007 (leakage tests and identification of cause) are complied with; or
- (c) a check of newly installed equipment under Article 10 of Commission Regulation 1516/2007 is carried out,
by a qualified person.

(3) In this regulation—

- (a) “stationary equipment” means stationary refrigeration, air conditioning or heat pump equipment which contains 3 kilograms or more of fluorinated greenhouse gases; and
- (b) “qualified person” means an individual who—
 - (i) holds a valid certificate issued under Article 5 of Commission Regulation 303/2008 which relates to leakage checking of stationary equipment, or
 - (ii) is exempt from holding such a certificate by virtue of regulation 17(4), (5), (7) or (8).

Leakage checks of fire protection systems

6.—(1) A qualified person commits an offence if the qualified person fails to comply with Article 3, 4.1, 4.2 or 6 of Commission Regulation 1497/2007 (checks of records, carrying out of checks and follow-up checks).

(2) The operator of a fire protection system commits an offence if the operator fails to ensure that—

- (a) a check of pressure gauges or weight-monitoring devices under Article 4.4;
- (b) a repair, a replacement or a leakage test referred to in Article 5; or
- (c) a check of newly installed equipment under Article 7, of Commission Regulation 1497/2007 is carried out by a qualified person.

(3) In this regulation—

- (a) “fire protection system” means a fire protection system, within the meaning given in Article 1 of Commission Regulation 1497/2007, containing 3 kilograms or more of fluorinated greenhouse gases; and
- (b) “qualified person” means an individual who—
 - (i) holds a certificate issued under Article 5 of Commission Regulation 304/2008 which relates to leakage checking of fire protection systems, or
 - (ii) is exempt from holding such a certificate by virtue of regulation 24(3) or (4).

Leakage detection systems

7.—(1) The operator of a stationary application, other than an existing fire protection system, which contains 300 kilograms or more of fluorinated greenhouse gases, commits an offence if the operator fails to ensure that a leakage detection system is fitted to the stationary application.

(2) The operator of an existing fire protection system commits an offence if the operator fails to ensure that a leakage detection system is fitted to that fire protection system.

(3) The operator of a stationary application, which contains 300 kilograms or more of fluorinated greenhouse gases, commits an offence if the operator fails to ensure that a leakage detection system fitted to the stationary application is checked in accordance with Article 3.3.

(4) In this regulation, “existing fire protection system” means a fire protection system which—

- (a) contains 300 kilograms or more of fluorinated greenhouse gases; and
- (b) was fitted before 4th July 2007.

Records

8.—(1) The operator of a stationary application containing 3 kilograms or more of fluorinated greenhouse gases commits an offence if the operator fails to comply with Article 3.6.

(2) The operator of a fire protection system commits an offence if the operator fails—

- (a) to comply with Article 2.1 or 2.3 of Commission Regulation 1497/2007 (operator’s details and determination of gas); or
- (b) to ensure that Article 2.2 of Commission Regulation 1497/2007 is complied with (indication of gas in record systems).

(3) Paragraph (4) applies to the operator of stationary refrigeration, air conditioning or heat pump equipment which—

- (a) contains 3 kilograms or more of fluorinated greenhouse gases; and

- (b) is not excepted equipment.
- (4) The operator of any such equipment commits an offence if the operator fails—
 - (a) to comply with Article 2.1 or 2.3 of Commission Regulation 1516/2007; or
 - (b) to ensure that Article 2.2 or 2.4 of Commission Regulation 1516/2007 is complied with.
- (5) In this regulation—
 - (a) “excepted equipment” means equipment with a hermetically sealed system which—
 - (i) is labelled as having such a system, and
 - (ii) contains less than 6 kilograms of fluorinated greenhouse gases; and
 - (b) “fire protection system” means a fire protection system containing 3 kilograms or more of fluorinated greenhouse gases.

Recovery of fluorinated greenhouse gases

9.—(1) The operator of the equipment referred to in paragraph (2) commits an offence if the operator fails to comply with Articles 4.1 and 4.4.

- (2) The equipment is—
 - (a) the cooling circuit of—
 - (i) refrigeration equipment,
 - (ii) air-conditioning equipment, and
 - (iii) heat pump equipment;
 - (b) equipment containing fluorinated greenhouse gas based solvents;
 - (c) a fire protection system;
 - (d) a fire extinguisher; and
 - (e) high-voltage switch gear,which is not normally in transit during operation.

(3) The user of a refillable or a non-refillable fluorinated greenhouse gas container commits an offence if the user fails to comply with Article 4.2 and 4.4.

- (4) Paragraph 5 applies to—
 - (a) the operator of any equipment containing a fluorinated greenhouse gas other than—
 - (i) equipment referred to in paragraph (2), and
 - (ii) mobile equipment used in military operations; and
 - (b) the user of any product containing a fluorinated greenhouse gas, other than a gas container referred to in paragraph (3).

(5) A person to whom this paragraph applies must ensure that any fluorinated greenhouse gas is recovered from the equipment or the product in accordance with Article 4.3.

- (6) A person commits an offence if that person fails to comply with paragraph (5).

Taking delivery of fluorinated greenhouse gases

- 10.**—(1) Any person who—
 - (a) carries out an activity referred to in Article 3 or 4; and
 - (b) takes delivery of fluorinated greenhouse gases,

commits an offence if an employee of that person employed to carry out work involving fluorinated greenhouse gases is not a qualified person.

- (2) In this regulation, “qualified person” means—
- (a) an individual who—
 - (i) holds a valid certificate issued under Article 5 of Commission Regulation 303/2008, or
 - (ii) is exempt from holding such a certificate by virtue of regulation 17(4), (5), (7) or (8);
 - (b) an individual who—
 - (i) holds a valid certificate issued under Article 5 of Commission Regulation 304/2008, or
 - (ii) is exempt from holding such a certificate by virtue of regulation 24(3) or (4);
 - (c) an individual who—
 - (i) holds a valid certificate issued under Article 4 of Commission Regulation 305/2008, or
 - (ii) is exempt from holding such a certificate by virtue of regulation 31(2) or (3); or
 - (d) an individual who—
 - (i) holds a valid certificate issued under Article 3 of Commission Regulation 306/2008, or
 - (ii) is exempt from holding such a certificate by virtue of regulation 34(2) or (3); or
 - (e) an individual who—
 - (i) holds a valid attestation issued under Article 3 of Commission Regulation 307/2008, or
 - (ii) is exempt from holding such an attestation by virtue of regulation 37(2) or (3).

Reporting requirements and the provision of information

11.—(1) A person who produces fluorinated greenhouse gases in Northern Ireland and who produces more than one tonne of such gases in the Community each year commits an offence if that person fails to comply with the requirements of Article 6.1(a) within the time limits set out in Article 6.1.

(2) A person who exports fluorinated greenhouse gases from Northern Ireland and who exports more than one tonne of such gases from the Community each year commits an offence if that person fails to comply with the requirements of Article 6.1(c) within the time limits set out in Article 6.1.

(3) A person commits an offence if that person fails within a reasonable time to provide such information as the Department may reasonably request to enable the Department to acquire emission data for the purposes of Article 6.4.

(4) A person commits an offence if the person communicates to the Commission a defective report.

(5) In this regulation, “defective report” means a report under Article 6 which is not in the format required under [Commission Regulation \(EC\) No 1493/2007](#) establishing, pursuant to the 2006 Regulation, the format for the report to be submitted by producers, importers and exporters of certain fluorinated greenhouse gases.

Labelling

12.—(1) A person commits an offence if the person places on the market within Northern Ireland a product or equipment referred to in paragraph (2) containing a fluorinated greenhouse gas or gases unless—

- (a) a proper label is affixed to the product or equipment in accordance with the provisions of—
 - (i) the first paragraph of Article 7.1 of the 2006 Regulation,
 - (ii) Article 4 of Regulation 1494/2007; and
 - (b) the proper label is in English, whether or not it is in any other language.
- (2) The product or equipment referred to in paragraph (1) is—
- (a) a refrigeration product or equipment which contains—
 - (i) perfluorocarbons, or
 - (ii) preparations containing perfluorocarbons;
 - (b) a refrigeration or air conditioning product or equipment, except where such product or equipment is in a motor vehicle, which contains—
 - (i) hydrofluorocarbons, or
 - (ii) preparations containing hydrofluorocarbons;
 - (c) a heat pump, a fire protection system or a fire extinguisher which contains—
 - (i) hydrofluorocarbons, or
 - (ii) preparations containing hydrofluorocarbons;
 - (d) switchgear which contains sulphur hexafluoride or preparations containing sulphur hexafluoride; or
 - (e) a fluorinated greenhouse gas container.
- (3) In this regulation, “proper label” means a label which—
- (a) contains the information referred to in Articles 2.1, 2.2 and 2.3; and
 - (b) is in a form which complies with Article 3, of Commission Regulation 1494/2007.

Instruction manuals

13. A person commits an offence if the person places on the market a product or equipment referred to in regulation 12(2) containing a fluorinated greenhouse gas or gases unless the instruction manual provided with the product or equipment contains—

- (a) a statement that the product or equipment contains such gas;
- (b) information about the fluorinated greenhouse gas in the product or equipment, including—
 - (i) the chemical name and the quantity of the gas, and
 - (ii) its global warming potential; and
- (c) a statement whether or not the product or equipment is hermetically sealed.

Prohibition on the use of sulphur hexafluoride

14. A person commits an offence if the person uses sulphur hexafluoride or preparations of that substance in contravention of Article 8.1 or 8.2 of the 2006 Regulation.

Placing on the market

15.—(1) Subject to paragraph (2), a person commits an offence if the person places on the market a product or equipment referred to in Annex II to the 2006 Regulation in contravention of Article 9.1 on or after—

- (a) the date on which these Regulations come into operation; or
- (b) the date specified in that Annex referable to the product or equipment in question, whichever is the later.

(2) It is a defence for the person to prove that the product or equipment in question was manufactured before the date specified in Annex II to the 2006 Regulation referable to the product or equipment.