

EXPLANATORY MEMORANDUM TO
the Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland)
2014

S.R. 2014 No. 77

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. To amend the definition of an offshore installation in regulation 2 of the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 ("the current F-gas Regulations"), so that offshore installations with the purpose of the production of energy from water or wind are included in the definition.
- 2.2. To appoint DOE as the enforcing authority of the current F-gas Regulations on offshore installations used for renewable energy generation.
- 2.3. To make a technical correction of a minor misquote in regulation 48 of the current F-gas Regulations on corporate offences.

3. Background

- 3.1. Fluorinated Greenhouse Gases ("F-gases") have a high Greenhouse Warming Potential when emitted into the atmosphere. They are used in Northern Ireland ("NI") in the following sectors of business: stationary refrigeration, air conditioning and heat pump equipment, fire protection equipment, F-gas based solvents, high-voltage switchgear, and motor vehicle air conditioning. The current F-gas Regulations were put into operation in order to control emissions of F-gases and achieve compliance with EU Regulations relating to F-gases.
- 3.2. The current F-gas Regulations apply to any offshore installations (oil, gas and carbon capture and storage) in NI waters, but not to those used for renewable energy generation. Therefore this type of installation needs to be added to the definition of an offshore installation in the current F-gas Regulations.
- 3.3. As it is intended to amend the definition of an offshore installation in the current F-gas Regulations, it is necessary to state which organisation will enforce the current F-gas Regulations on these offshore installations used for renewable energy generation. The Department of the Environment is designated as this organisation.

- 3.4. In the current F-gas Regulations, a part of another piece of legislation is incorrectly quoted. Therefore, the incorrect text is amended to instead quote the correct text.

4. Consultation

- 4.1. A consultation was carried out and five consultees offered responses. No consultees offered any comments that necessitated any changes to the text of the draft Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2014 ("the 2014 F-gas Amendment Regulations"). Also, none of the consultees made any objections to any provisions in the 2014 F-gas Amendment Regulations.

5. Equality Impact

- 5.1. Preliminary screening exercises have been undertaken and there is no evidence that the measures would 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.

6. Regulatory Impact

- 6.1. It is believed that none of the amendments made to the current F-gas Regulations would cause any significant additional financial impact on businesses or the voluntary sector. No stakeholders anticipated any financial consequences for any sector during the consultation period. Therefore a Regulatory Impact Assessment was not undertaken.
- 6.2. The 2014 F-gas Amendment Regulations could impose a financial cost on the operators of offshore renewable installations, as they would need to ensure that equipment containing F-gases on offshore renewable installations is checked for leakage, correctly labelled, and that records are maintained, etc.
- 6.3. However, a Regulatory Impact Assessment ("RIA") was previously carried out on the current F-gas Regulations. The RIA did not identify any prohibitively burdensome costs associated with complying with the current F-gas Regulations. The Department therefore believes that the costs of compliance for offshore renewable energy businesses proposed in the 2014 F-gas Amendment Regulations is of a similar magnitude. No stakeholders offered any disagreement to the Department's stance on this issue.
- 6.4. It is proposed to amend the current F-gas Regulations so that the DOE becomes the enforcing authority for offshore installations used for the generation of renewable energy.
- 6.5. The Department does not consider that this will have any financial implications for business stakeholders, as the requirements for businesses will remain the same, merely being enforced, in some cases, by a different government department. Again, no stakeholders objected to the Department's views on this issue.
- 6.6. The provision to rectify an incorrect quote on the current F-gas Regulations will have no financial affect on any stakeholder. No consultees offered any views on this issue whatsoever during the consultation period.

7. Financial Implications

- 7.1. As stated in point 6 above, it is believed that none of the three amendments made to the current F-gas Regulations would cause any additional significant financial impacts for any stakeholders in NI. No stakeholders anticipated any financial consequences for any sector during the consultation period.
- 7.2. Although the Department of the Environment has been tasked with a new enforcement role, it is not anticipated that this will impose any substantial financial costs upon the Department. This is because the Department's enforcement will primarily entail the examination of the relevant companies' land-based records, in relation to company certification, personnel qualification, and equipment specification requirements.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The 2014 F-gas Amendment Regulations comply with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. There are no equivalent Regulations for Great Britain ("GB"). This is because the GB-wide Fluorinated Greenhouse Gases Regulations 2009, as amended, already apply to offshore installations used for renewable energy generation, and already designate the relevant enforcing authority.

11. Additional Information

- 11.1. Not applicable.