

## **EXPLANATORY MEMORANDUM TO**

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

**SR 2018 No.206**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs 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 in relation to the environment and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Regulations make several amendments to the extant Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015.
- 2.2. The purpose of the amendment is to take account of a number of EU Regulations, which set new requirements for some sectors of industry within Northern Ireland which use fluorinated greenhouse gases.
- 2.3. A number of new offences is therefore included in the new Regulations for businesses and employees in Northern Ireland using fluorinated greenhouse gases.
- 2.4. The new offences include changes to the business activities for which certification for work with fluorinated greenhouse gases is required, updates to the offences on the labelling of products containing fluorinated greenhouse gases, and the inclusion of work with refrigeration units of refrigerated trucks and trailers in offences on fluorinated greenhouse gases.
- 2.5. Further offences include a requirement for businesses transferring work with fluorinated greenhouse gases to another business to ensure that the second business has the appropriate certification to work legally with fluorinated greenhouse gases.

#### **3. Background**

- 3.1. Fluorinated greenhouse gases include hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>).
- 3.2. Fluorinated greenhouse gases are believed to have a very high Global Warming Potential, and are therefore a contributory factor to the long term worldwide greenhouse effect. It is therefore necessary to control Northern Ireland's emissions of fluorinated greenhouse gases.
- 3.3. Fluorinated greenhouse gases are used in a number of sectors of business in Northern Ireland, including refrigeration, air-conditioning, heat pumps, fire protection equipment, insulation foam, aerosols, Organic Rankine Cycles and high-voltage switchgear.

- 3.4. These Regulations further extend the Northern Ireland legal provisions on fluorinated greenhouse gases to also include refrigerated lorries and trailers.

#### **4. Consultation**

- 4.1. The Department launched a public consultation on 31st August 2018 on the Regulations. The consultation closed on 26th October 2018.
- 4.2. All relevant stakeholders were consulted, but no comments requiring any changes to the text of the Regulations were received from any stakeholders.
- 4.3. In addition, no stakeholders were opposed to the coming into operation of the Regulations.

#### **5. Equality Impact**

- 5.1. Preliminary screening exercises have been undertaken on the Regulations and there is no evidence that the measures would have any impact on any of the groups specified in Section 75 of the Northern Ireland Act 1998.
- 5.2. Therefore, the Department does not consider a full Equality Impact Assessment to be necessary. In addition, no stakeholders raised any concerns over any equality issues during the consultation period.

#### **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment was carried out as part of the public consultation process.
- 6.2. Some new financial requirements are being imposed upon some Northern Ireland stakeholders, but none of these were deemed to be excessive.
- 6.3. These include requirements for the relevant businesses, and also the enforcing authorities, and the certification, evaluation and attestation bodies for qualifications for work with fluorinated greenhouse gases.
- 6.4. No stakeholder anticipated any excessive burdens during the consultation process and no stakeholders opposed the coming into operation of the Regulations.

#### **7. Financial Implications**

- 7.1. There are no excessive financial implications for any stakeholder in Northern Ireland as a result of any of the provisions of these Regulations.
- 7.2. Some stakeholders, such as the businesses concerned, will have some financial requirements for the training of staff and the administration of the training. This will also apply to the certification, evaluation and attestation bodies.
- 7.3. However, no stakeholder deemed these costs to be excessive during the consultation period.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Statutory Rule complies with the provisions set out in section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. Four EU Regulations on fluorinated greenhouse gases have been introduced. These have repealed and replaced four other EU Regulations, also on fluorinated greenhouse gases.
- 9.2. The purpose of these Regulations is to take account of the requirements of the four new EU Regulations, which introduce a number of new offences concerning fluorinated greenhouse gases.
- 9.3. All the requirements of the EU legislation have been introduced for Northern Ireland in these Regulations without any extra burdens being placed upon any stakeholders.

## **10. Parity or Replicatory Measure**

- 10.1. Similar new provisions on fluorinated greenhouse gases have been brought into equivalent legislation for the UK, with the sections of the UK legislation relating to importation also applying in Northern Ireland.
- 10.2. The relevant legislation is the Fluorinated Greenhouse Gases (Amendment) Regulations 2018, which came into force partly on 22nd February 2018 and partly on 1st April 2018.

## **11. Additional Information**

- 11.1. Not applicable.