
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations revoke and remake with amendments the Fluorinated Greenhouse Gases Regulations 2009 (S.I. 2009/261).

These Regulations give effect to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases (OJ No L 150, 20.5.2014, p 195) (“the 2014 Regulation”). These Regulations also give effect to the following Commission Regulations relating to certain fluorinated greenhouse gases (“the Commission Regulations”)—

- (a) Commission Regulation (EC) No 1494/2007 (OJ No L 332, 18.12.07, p 25);
- (b) Commission Regulation (EC) No 1497/2007 (OJ No L 333, 19.12.07, p 4);
- (c) Commission Regulation (EC) No 1516/2007 (OJ No L 335, 20.12.07, p 10);
- (d) Commission Regulation (EC) No 303/2008 (OJ No L 92, 3.4.08, p 3);
- (e) Commission Regulation (EC) No 304/2008 (OJ No L 92, 3.4.08, p 12);
- (f) Commission Regulation (EC) No 305/2008 (OJ No L 92, 3.4.08, p 17);
- (g) Commission Regulation (EC) No 306/2008 (OJ No L 92, 3.4.2008, p 21);
- (h) Commission Regulation (EC) No 307/2008 (OJ No L 92, 3.4.2008, p 25);
- (i) Commission Regulation (EC) No 308/2008 (OJ No L 92, 3.4.2008, p 28); and
- (j) Commission Implementing Regulation (EU) No 1191/2014 (OJ No L 318, 5.11.2014, p 5).

The Regulations provide that references to Commission Regulation 1493/2007 and to Commission Regulation 1494/2007 are references to those Commission Regulations as amended from time to time.

The Regulations extend to Great Britain. They also extend to Northern Ireland for the purposes of import and export controls and trade with any place outside the United Kingdom. The Regulations apply to offshore installations, Scottish offshore installations and Northern Ireland offshore installations. (The terms “offshore installation”, “Scottish offshore installation” and “Northern Ireland offshore installation” are defined in regulation 4).

The Regulations designate the competent authority for the 2014 Regulation (regulation 5). They also provide for the designation of certification, evaluation and attestation bodies required by the Commission Regulations (Part 3).

Part 4 of the Regulations sets out powers given to enforcing authorities to enforce the 2014 Regulation and the Commission Regulations. This includes, in regulation 25, the power to issue enforcement notices for failing to comply with the 2014 Regulation or the Commission Regulations. Those provisions are listed in Schedules 2 and 3. Certain breaches of the 2014 Regulation, as well as a failure to comply with an enforcement notice, are among the criminal offences set out in regulation 29.

An assessment of the effects that this instrument will have on the costs of business is available from the Stratospheric Ozone and Fluorinated Greenhouse Gases Team, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is annexed to the Government's response to the consultation on www.gov.uk/government/consultations. The Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Fluorinated Greenhouse Gases Regulations 2015.