

2020 No. 304

ENVIRONMENTAL PROTECTION

EXITING THE EUROPEAN UNION

**The Fluorinated Greenhouse Gases and Ozone-Depleting
Substances (Amendment) (EU Exit) Regulations (Northern
Ireland) 2020**

Made - - - - 4th December 2020

Coming into operation in accordance with regulation 1(2).

The Department of Agriculture, Environment and Rural Affairs makes these Regulations in exercise of the powers conferred by Part 1C of Schedule 2 to the European Union (Withdrawal) Act 2018(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Fluorinated Greenhouse Gases and Ozone-Depleting Substances (Amendment) (EU Exit) Regulations (Northern Ireland) 2020.

(2) These Regulations come into operation as follows.

- (a) this regulation and regulation 4 come into operation immediately before IP completion day; and
- (b) regulations 2 and 3 come into operation on IP completion day.

(3) They apply to Northern Ireland 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(b).

Amendment of the Controls on Ozone-Depleting Substances Regulations (Northern Ireland) 2011

2.—(1) The Controls on Ozone-Depleting Substances Regulations (Northern Ireland) 2011(c) are amended as follows.

(2) In regulation 2(1), in the definition of “the Department”, for “the Department of the Environment”, substitute “the Department of Agriculture, Environment and Rural Affairs”.

(3) At the beginning of Part 2, insert—

(a) 2018 c.16. Part 1C of Schedule 2 was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 (2020 c. 1).
(b) 1998 c.47, to which there are amendments not relevant to these Regulations.
(c) S.R. 2011 No. 239, as amended by S.I. 2019/281

“The competent authority

4. The Department is the competent authority for the purposes of the EU Regulation.”

Amendment of the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015

3.—(1) The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015(a) are amended as follows.

(2) At the end of regulation 1(2), add “or they do not deal with gases, products and equipment traded between Great Britain and Northern Ireland.”

(3) In Schedule 2—

(a) in the following rows, in the second column, at the end, add “or to the European Commission”;

(i) Article 6(2);

(ii) Article 6(3), as read in association with Article 11(4).

(b) in the rows Article 19(1) to (5), in the second column of each, after “the competent authority”, insert “or to the European Commission”.

(c) in the row Article 19(6), in the second column, at the end, add “or to the European Commission”.

Amendment of the Fluorinated Greenhouse Gases and Ozone-Depleting Substances (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

4.—(1) The Fluorinated Greenhouse Gases and Ozone-Depleting Substances (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(b) are amended as follows.

(2) The following regulations are revoked—

(a) regulation 2(3); and

(b) regulation 4(4).

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 4th December 2020.



Dave Foster

A senior officer of the
Department of Agriculture, Environment and Rural Affairs

(a) S.R. 2015 No. 425, relevant amending Regulations are S.I. 2019/281.

(b) S.I. 2019/281

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to legislation in the field of ozone depleting substances (“ODS”) (regulations 2 and 4) and fluorinated greenhouse gases (“F-gases”) (regulations 3 and 4).

As Northern Ireland still retains some responsibilities to the European Commission (“EC”) under the Northern Ireland Protocol, some requirements for businesses which use ODS and F-gases are reinstated through these Regulations.

These requirements concern businesses which report data on, or make records available about, their use of F-gases and ODS to the EC. Information must also be provided in an EC inspection.

An impact assessment has not been produced for these Regulations as no significant effects on any sector are foreseen.

Further information on these Regulations is available from the Chemicals and Industrial Pollution Policy Branch, Department of Agriculture, Environment and Rural Affairs, Klondyke Building, 1 Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA.

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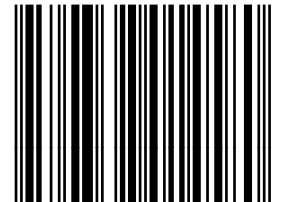
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