

STATUTORY INSTRUMENTS

**2019 No. 583**

**EXITING THE EUROPEAN UNION  
ENVIRONMENTAL PROTECTION**

**The Ozone-Depleting Substances and Fluorinated Greenhouse  
Gases (Amendment etc.) (EU Exit) Regulations 2019**

*Made - - - - 14th March 2019*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 <sup>M1</sup>.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Marginal Citations**

**M1** 2018 c. 16.

**PART 1**

Introduction

**[<sup>F1</sup>Citation, commencement and extent]**

1.—<sup>F2</sup>(1) These Regulations may be cited as the Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

<sup>F3</sup>(2) Regulations 2 and 35 extend to Great Britain only.

(3) Regulation 35A extends to Northern Ireland only.]

**F1** Reg. 1 heading substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(2)(a)**

**Changes to legislation:** There are currently no known outstanding effects for the The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- F2** Reg. 1 renumbered as reg. 1(1) (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(2)(b)**
- F3** Reg. 1(2)(3) inserted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(2)(c)**

**Commencement Information**

- I1** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

## PART 2

### Ozone-depleting substances

#### SECTION 1

##### *Amendment of subordinate legislation*

#### The Ozone-Depleting Substances Regulations 2015

2. In the Ozone-Depleting Substances Regulations 2015 <sup>M2</sup> omit regulation 3.

**Commencement Information**

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Marginal Citations**

- M2** [S.I. 2015/168](#).

#### SECTION 2

##### *Amendment and saving of retained direct EU legislation*

#### Regulation (EC) No 1005/2009

3. Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer is amended in accordance with regulations 4 to 30.

**Commencement Information**

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Article 3 (definitions)

- 4.—(1) Article 3 is amended as follows.

[<sup>F4</sup>(2) After paragraph 3 insert—

“(3A) ‘part of Great Britain’ means, as the case may be, England, Scotland or Wales;

(3B) ‘Scotland’ is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998;

(3C) ‘Wales’ is to be construed in accordance with section 158(1), (3) and (4) of the Government of Wales Act 2006;

(3D) ‘appropriate authority’ means—

(a) in relation to England, the Secretary of State;

(b) in relation to Scotland, the Scottish Ministers;

(c) in relation to Wales, the Welsh Ministers;

(3E) ‘appropriate regulator’—

(a) in relation to England, means the Environment Agency;

(b) in relation to Scotland, is to be read in accordance with Article 3A;

(c) in relation to Wales, is to be read in accordance with Article 3B;”.]

(3) In paragraph 13, for “the Community” substitute “any part of [<sup>F5</sup>Great Britain]”.

(4) In paragraph 14 omit “and the Community”.

(5) In paragraph 17, for “a Member State” substitute “any part of [<sup>F6</sup>Great Britain]”.

[<sup>F7</sup>(6) In paragraph 18, for the words from “the customs territory of the Community” to the end substitute “Great Britain”.

(7) In paragraph 19, for the words from “the customs territory of the Community” to the end substitute “Great Britain of substances, products and equipment covered by this Regulation;”.]

(8) In paragraph 20—

(a) for “the Community” in the first and third place it occurs substitute “any part of [<sup>F8</sup>Great Britain]”;

(b) omit the words from “, and includes the release” to “Regulation (EC) No 450/2008”.

(9) After paragraph 25, insert—

“**25A** ‘third country’ means a country other than the United Kingdom [<sup>F9</sup>and for the purpose of Article 14 of this Regulation includes Northern Ireland];”.

**F4** Reg. 4(2) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(a)**

**F5** Words in reg. 4(3) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(b)**

**F6** Words in reg. 4(5) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(b)**

**F7** Reg. 4(6)(7) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(c)**

**F8** Words in reg. 4(8)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(d)**

**F9** Words in reg. 4(9) inserted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(3)(e)**

**Commencement Information**

**I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

**Insertion of new Articles 3A and 3B**

5. After Article 3, insert—

*“Article 3A*

*Appropriate regulator: Scotland*

1. The appropriate regulator in relation to Scotland is, subject to paragraph (2), the Scottish Environment Protection Agency.

2. The Scottish Ministers may direct that a person or body other than the Scottish Environment Protection Agency is the appropriate regulator in relation to cases of a particular description or in a particular case.

3. Before making a direction under paragraph (2), the Scottish Ministers must consult the Secretary of State.

*Article 3B*

*Appropriate regulator: Wales*

1. The appropriate regulator in relation to Wales is, subject to paragraph (2), Natural Resources Body for Wales.

2. The Welsh Ministers may direct that a person or body other than Natural Resources Body for Wales is the appropriate regulator in relation to cases of a particular description or in a particular case.

3. Before making a direction under paragraph (2), the Welsh Ministers must consult the Secretary of State”.

**Commencement Information**

**I5** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

## Article 7 (production, placing on the market and use of controlled substances as feedstock)

- 6.—(1) Article 7 is amended as follows.
- (2) In paragraph 2, in the second subparagraph—
- (a) in the first sentence, for “Commission may” substitute “ appropriate authority may, by regulations,”;
  - (b) omit the second sentence.

### Commencement Information

- I6** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

## Article 8 (production, placing on the market and use of controlled substances as process agents)

- 7.—(1) Article 8 is amended as follows.
- (2) In paragraph 3, in the second subparagraph—
- (a) in the first sentence, for “Commission may” substitute “appropriate authority may, by regulations,”;
  - (b) omit the second sentence.
- (3) In paragraph 4, in the first subparagraph—
- (a) for “Commission” substitute “appropriate authority”;
  - (b) omit “in accordance with the management procedure referred to in Article 25(2),”.
- (4) In paragraph 4, in the second subparagraph—
- (a) omit “maximum”;
  - (b) for “the Community shall not exceed 1 083 metric tonnes per year” substitute “any part of [<sup>F10</sup>Great Britain] shall not, when added to the amounts that may be used as process agents in the other parts of [<sup>F10</sup>Great Britain], exceed a maximum amount of [<sup>F11</sup>130.4] metric tonnes per year”;
  - (c) in the third subparagraph—
    - (i) omit “maximum”;
    - (ii) for “the Community shall not exceed 17 metric tonnes per year” substitute “any part of [<sup>F12</sup>Great Britain] shall not, when added to the amounts that may be used as process agents in the other parts of [<sup>F12</sup>Great Britain], exceed a maximum amount of [<sup>F13</sup>2.0] metric tonnes per year”.
- (5) In paragraph 5, in the first subparagraph—
- (a) in the words before point (a), for “Commission shall” substitute “Secretary of State shall, by regulations”;
  - (b) omit the second subparagraph.

- F10** Words in [reg. 7\(4\)\(b\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), [regs. 1\(2\), 2\(4\)\(a\)\(i\)](#)

- F11** Word in reg. 7(4)(b) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(4)(a)(ii)**
- F12** Words in reg. 7(4)(c)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(4)(b)(i)**
- F13** Word in reg. 7(4)(c)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(4)(b)(ii)**

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**Commencement Information**

- I7** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Article 9 (placing on the market of controlled substances for destruction or reclamation and of products and equipment containing or relying on controlled substances for destruction)**

**8.** In Article 9, for “the Community”, in each place it occurs, substitute “any part of [<sup>F14</sup>Great Britain]”.

- F14** Words in reg. 8 substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(5)**

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**Commencement Information**

- I8** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Article 10 (essential laboratory and analytical uses of controlled substances other than hydrochlorofluorocarbons)**

- 9.—(1)** Article 10 is amended as follows.
- (2) In paragraph 2—
- (a) for “Commission” substitute “appropriate authority”;
  - (b) omit “in accordance with the management procedure referred to in Article 25(2),”;
  - (c) for “the Community” substitute “any part of [<sup>F15</sup>Great Britain]”.
- (3) In paragraph 3—
- (a) in the second subparagraph—
    - (i) in the first sentence, for “Commission may” substitute “appropriate authority may, by regulations,”;
    - (ii) omit the second sentence;
  - (b) in the third subparagraph—
    - (i) in the second sentence, for “Commission may” substitute “appropriate authority may, by regulations,”;
    - (ii) omit the third sentence.
- (4) In paragraph 4, for “Commission” substitute “appropriate regulator”.
- (5) In paragraph 5, for “Commission”, in each place it occurs, substitute “appropriate regulator”.

- (6) In paragraph 6—
- (a) in the first subparagraph, for “Commission” substitute “appropriate regulator”;
  - (b) in the second subparagraph, for “110 ODP tonnes” substitute “[<sup>F16</sup>13.2] ODP tonnes”;
  - (c) in the third subparagraph—
    - (i) in the first sentence, for “Commission” substitute “appropriate authority”;
    - (ii) after “importers” insert “and publish the determination”;
    - (iii) omit the second sentence.
- (7) In paragraph 7—
- (a) in the first subparagraph, for the words from “competent authority” to “situated” substitute “appropriate authority”;
  - (b) omit the second subparagraph.
- (8) In paragraph 8—
- (a) in the first subparagraph, for the words from “competent authority” to “situated” substitute “appropriate authority”;
  - (b) omit the second subparagraph.

- F15** Words in reg. 9(2)(c) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(6)(a)**
- F16** Word in reg. 9(6)(b) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(6)(b)**

**Commencement Information**

- I9** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Article 11 (production, placing on the market and use of hydrochlorofluorocarbons and placing on the market of products and equipment containing or relying on hydrochlorofluorocarbons)**

- 10.**—(1) Article 11 is amended as follows.
- (2) In paragraph 5, for “Commission” substitute “appropriate regulator”.
  - (3) In paragraph 8, in the first subparagraph—
    - (a) for “Commission” substitute “appropriate authority”;
    - (b) omit the words from “, following a request” to “Article 25(2),”.

**Commencement Information**

- I10** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Article 12 (quarantine and pre-shipment applications and emergency uses of methyl bromide)**

- 11.**—(1) Article 12 is amended as follows.

- (2) Omit paragraphs 1 and 2.
- (3) In paragraph 3—
  - (a) from the words “Commission” to “Member State,” substitute “appropriate authority may”;
  - (b) for “Directive 91/414/EEC and Directive 98/8/EC” substitute “ Regulation (EC) 1107/2009 and Regulation (EU) 528/2012 ”.

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**Commencement Information**

**I11** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 13 (critical uses of halons and decommissioning or equipment containing halons)**

- 12.**—(1) Article 13 is amended as follows.
- (2) In paragraph 1, for “competent authority of the Member State concerned” substitute “appropriate regulator”.
  - (3) In paragraph 2—
    - (a) in the first subparagraph, for the words from “Commission” to “modifications and” substitute “ appropriate authority shall review Annex 6 and, if appropriate, make regulations to amend Annex 6 and set ”;
    - (b) omit the second subparagraph.
  - (4) In paragraph 4, for the words from “Commission may” to “Article 25(2),” substitute “appropriate authority may, by regulations”.

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**Commencement Information**

**I12** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 14 (transfer of rights and industrial rationalisation)**

- 13.**—(1) Article 14 is amended as follows.
- (2) In paragraph 1—
    - (a) for “the Community” substitute “any part of [<sup>F17</sup>Great Britain]”;
    - (b) for “Commission” substitute “appropriate regulator”.
  - (3) In paragraph 2—
    - (a) in the first sentence—
      - (i) for the words from “competent authority” to “situated” substitute “appropriate authority”;
      - [<sup>F18</sup>(ii) for “the Member State concerned” substitute “Great Britain”];
      - (iii) omit “of that Member State”;
      - (iv) omit “its”;
    - (b) omit the final sentence.
  - (4) Omit paragraph 3.
  - (5) In paragraph 4—



- (a) for “Commission may” substitute “Secretary of State may, by regulations,”;
- (b) omit the words from “both” to “situated and”;
- [<sup>F19</sup>(c) for “Community” substitute “Great Britain”].

- F17** Words in reg. 13(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(7)(a)**
- F18** Reg. 13(3)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(7)(b)**
- F19** Reg. 13(5)(c) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(7)(c)**

#### Commencement Information

- I13** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 15 (imports of controlled substances or of products and equipment containing or relying on controlled substances)

14.—(1) Article 15 is amended as follows.

(2) In paragraph 2(g), for “competent authority of the Member State concerned” substitute “appropriate regulator”.

(3) In paragraph 3—

- [<sup>F20</sup>(a) for “the customs territory of the Community”, in each place it occurs, substitute “Great Britain”];
- (b) for “as referred to in Regulation [\(EC\) No 450/2008](#)” substitute “under the Taxation (Cross-border Trade) Act 2018 <sup>M3</sup>”;
- (c) for “the Community” substitute “any part of [<sup>F21</sup>Great Britain]”;
- (d) for “Commission” substitute “Environment Agency”.

- F20** Reg. 14(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(8)(a)**
- F21** Words in reg. 14(3)(c) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(8)(b)**

#### Commencement Information

- I14** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Marginal Citations

- M3** 2018 c. 22.

## Article 16 (release for free circulation in the Community of imported controlled substances)

15.—(1) Article 16 is amended as follows.

(2) In the heading, for “the Community” substitute “any part of [<sup>F22</sup>Great Britain]”.

(3) In paragraph 1, in the first subparagraph—

(a) for “the Community” substitute “any part of [<sup>F23</sup>Great Britain]”;

(b) for “Commission” substitute “appropriate regulator”;

(c) for “1 January 2010 to 31 December 2010” substitute “the day after that on which [<sup>F24</sup>IP completion day] falls to 31 December [<sup>F25</sup>2021]”;

(d) omit the words from “in accordance” to the end of the sentence.

(4) In paragraph 2, for “Commission”, in each place it occurs, substitute “appropriate regulator”.

**F22** Words in [reg. 15\(2\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(9)(a)**

**F23** Words in [reg. 15\(3\)\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(9)(b)**

**F24** Words in [reg. 15\(3\)\(c\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(9)(c)(i)**

**F25** Word in [reg. 15\(3\)\(c\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(9)(c)(ii)**

### Commencement Information

**I15** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

## Article 17 (export of controlled substances or of products and equipment containing or relying on controlled substances)

16.—(1) Article 17 is amended as follows.

(2) In paragraph 2(e), for “competent authority of a Member State” substitute “appropriate regulator”.

(3) In paragraph 3—

(a) for the words from “Commission may” to “Article 25(2)” substitute “Secretary of State may”;

(b) for “Commission” substitute “Secretary of State”.

(4) In paragraph 4—

(a) for “re-exports” substitute “non-domestic goods”;

[<sup>F26</sup>(b) for “the customs territory of the Community” substitute “Great Britain”];

(c) for “as referred to in Regulation (EC) No 450/2008” substitute “in accordance with the applicable provisions of the Taxation (Cross-border Trade) Act 2018”;

(d) for “re-export” substitute “export”;

(e) for “Commission” substitute “Environment Agency”.

**F26** Reg. 16(4)(b) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(10)**

#### Commencement Information

**I16** Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 18 (licensing of imports and exports)

17.—(1) Article 18 is amended as follows.

(2) In paragraph 1, for “Commission” substitute “Environment Agency”.

(3) In paragraph 3(i), for “competent authority of a Member State” substitute “Environment Agency”.

(4) In paragraphs 4 to 6, for “Commission”, in each place it occurs, substitute “Environment Agency”.

(5) Omit paragraph 7.

(6) In paragraph 8—

(a) for “Commission” substitute “Environment Agency”;

(b) omit “and the Member State concerned”.

(7) In paragraph 9—

(a) in the first sentence, for “Commission may” substitute “Secretary of State may, by regulations,”;

(b) omit the second sentence.

#### Commencement Information

**I17** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 19 (measures for monitoring of illegal trade)

18. In Article 19—

(a) in the first paragraph—

(i) for “Commission may adopt” substitute “appropriate authority may, by regulations, provide”;

[<sup>F27</sup>(ii) for “the customs territory of the Community” substitute “Great Britain”];

(b) omit the second paragraph.

**F27** Reg. 18(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(11)**

#### Commencement Information

**I18** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 20 (trade with a State not party to the Protocol and a territory not covered by the Protocol)

**19.**—(1) Article 20 is amended as follows.

(2) In paragraph 2, in the first sentence—

- (a) for “Commission may adopt rules applicable” substitute “appropriate authority may make regulations in relation”;
- (b) for “the Community” substitute “any part of [<sup>F28</sup>Great Britain]”;
- (c) omit the third sentence.

(3) In paragraph 3—

- (a) in the first sentence, for “Commission” substitute “Secretary of State”;
- (b) omit the second sentence.

(4) In paragraph 4—

- (a) in the second subparagraph, for “Commission” substitute “Secretary of State”;
- (b) omit the third subparagraph.

**F28** Words in [reg. 19\(2\)\(b\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(12)**

#### Commencement Information

**I19** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 21 (list of products and equipment containing or relying on controlled substances)

**20.** Omit Article 21.

#### Commencement Information

**I20** Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 22 (recovery and destruction of used controlled substances)

**21.**—(1) Article 22 is amended as follows.

(2) In paragraph 2, omit “Community and national”.

(3) In paragraph 3—

- (a) in the first subparagraph, for “Commission may” substitute “ appropriate authority may, by regulations, ”;
- (b) omit the second subparagraph.

- (4) In paragraph 4—
- (a) in the second subparagraph—
    - (i) in the first sentence, for “Commission shall” substitute “ appropriate authority shall, by regulations, ”;
    - (ii) in the second sentence, for “Any draft measure to establish such an Annex shall” substitute “ Such regulations shall ”;
    - (iii) in the second sentence, omit the words from “taking into account the individual circumstances of Member States”;
  - (b) omit the third subparagraph.
- (5) In paragraph 5—
- (a) in the first paragraph, for “Member States” substitute “ The appropriate authority ”;
  - (b) in the second subparagraph—
    - (i) for “Commission shall evaluate the measures taken by the Member States” substitute “ appropriate authority shall evaluate such measures ”;
    - (ii) for “adopt measures” substitute “ make regulations ”;
  - (c) omit the third subparagraph.

#### **Commencement Information**

**I21** Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(I)), see reg. 1

### **Article 23 (leakages and emissions of controlled substances)**

- 22.**—(1) Article 23 is amended as follows.
- (2) In paragraph 3, for “competent authority of a Member State and to the Commission” substitute “ appropriate regulator ”.
- (3) In paragraph 4, in the first subparagraph—
- (a) in the first sentence, for “Member States” substitute “ The appropriate authority ”;
  - (b) in the second sentence—
    - (i) omit “taken by the Member States”;
    - (ii) for “Commission may adopt measures” substitute “ appropriate authority may make regulations ”;
    - (iii) omit the second subparagraph.
- (4) In paragraph 7—
- (a) in the first subparagraph, for “Commission may” substitute “ appropriate authority may, by regulations, ”;
  - (b) omit the second subparagraph.

#### **Commencement Information**

**I22** Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(I)), see reg. 1

## Article 24 (new substances)

**23.**—(1) Article 24 is amended as follows.

(2) In paragraph 1—

[<sup>F29</sup>(a) for “the customs territory of the Community” substitute “Great Britain, to exports subsequent to imports already exempted”];

(b) for the words from “as referred to in Regulation (EC) No 450/2008” to the end of the sentence substitute “in accordance with the applicable provisions of the Taxation (Cross-border Trade) Act 2018, unless such imports have been declared to a customs procedure, including outward processing, or exported under the provisions of the Taxation (Cross-border Trade) Act 2018, destroyed or abandoned to the exchequer.”.

(3) In paragraph 2—

(a) in the first subparagraph, for “Commission shall” substitute “appropriate authority shall, by regulations”;

(b) omit the second subparagraph.

(4) In paragraph 3—

(a) in the first sentence, for “Commission shall” substitute “appropriate authority shall, by regulations”;

(b) omit the second sentence.

**F29** Reg. 23(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(13)**

### Commencement Information

**I23** Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

## Amendment of heading for Chapter 7

**24.** For the heading substitute “ Functions, Regulations, Reporting and Inspection ”.

### Commencement Information

**I24** Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

## Article 25 (committee)

**25.** For Article 25 substitute—

*“Article 25*

*Functions*

**1.** A function conferred by or under this Regulation—

(a) on the Scottish Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Scotland; [<sup>F30</sup>and]

(b) on the Welsh Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Wales<sup>[F31.]</sup>

<sup>F32</sup>(c) .....

2. A function conferred under this Regulation—

(a) on a person or body by virtue of a direction of the Scottish Ministers is exercisable only in or as regards Scotland; <sup>[F30.]</sup>and]

(b) on a person or body by virtue of a direction of the Welsh Ministers is exercisable only in or as regards Wales<sup>[F31.]</sup>

<sup>F32</sup>(c) .....

3. In this Article and Articles 25A to 25C, “within devolved competence”—

(a) in or as regards Scotland, is to be construed in accordance with section 54 of the Scotland Act 1998;

(b) in or as regards Wales, is to be construed in accordance with section 108A of the Government of Wales Act 2006<sup>[F33.]</sup>

<sup>F32</sup>(c) .....

*Article 25A*

*Exercise of functions: Scotland*

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Scotland may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Scottish Ministers.

2. Consent given by the Scottish Ministers under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.

3. The Scottish Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Scotland, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.

4. The appropriate regulator in or as regards Scotland must comply with any such directions given to it, and have regard to any such guidance.

*Article 25B*

*Exercise of functions: Wales*

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Wales may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Welsh Ministers.

2. Consent given by the Welsh Ministers under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.

3. The Welsh Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Wales, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.

4. The appropriate regulator in or as regards Wales must comply with any such directions given to it, and have regard to any such guidance.

*Article 25C*

*Exercise of functions: Northern Ireland*

F34 1. ....

F34 2. ....

F34 3. ....

F34 4. ....

*Article 25D*

*Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010<sup>M4</sup>.

F35 3. ....

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.



6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

F357. ....

8. Such regulations may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.

9. Before making any regulations under this Regulation, an appropriate authority shall consult—

- (a) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the appropriate authority may consider appropriate.”.

- F30** Word in reg. 25 inserted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(a)(i)**
- F31** Full stop in reg. 25 substituted for semicolon (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(a)(ii)**
- F32** Words in reg. 25 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(a)(iv)**
- F33** Full stop in reg. 25 substituted for semicolon (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(a)(iii)**
- F34** Words in reg. 25 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(b)**
- F35** Words in reg. 25 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(c)**

**Commencement Information**

- I25** Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

**Marginal Citations**

- M4** [2010 asp 10](#).

**Article 26 (reporting by the Member States)**

26.—(1) Article 26 is amended as follows.

- (2) In the heading omit “by the Member States”.
- (3) In paragraph 1—
  - <sup>F36</sup>(a) for “Each year by 30 June Member States” substitute “By 30 June 2022, and by 30 June of each year thereafter, the appropriate authority”];
  - (b) omit “in an electronic format to the Commission”.
- (4) For paragraph 2 substitute—

“2. The appropriate authority shall publish a report under paragraph 1 in a manner which the appropriate authority considers appropriate.”

- (5) In paragraph 3—
  - (a) in the first subparagraph, for “Commission may” substitute “ Secretary of State may, by regulations, ”;
  - (b) omit the second subparagraph.

**F36** Reg. 26(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(15)**

**Commencement Information**

**I26** Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Article 27 (reporting by undertakings)**

27.—(1) Article 27 is amended as follows.

<sup>F37</sup>(2) In paragraph 1, for the words from “Each year” to “concerned,” substitute “By 31 March 2022, and by 31 March each year thereafter, each undertaking must communicate to the appropriate regulator”.]

- (3) In paragraphs 2(b), (c) and (h), for “the Community” substitute “any part of <sup>F38</sup>Great Britain”.
- (4) In paragraphs 3(a) and (e), for “the Community” substitute “any part of <sup>F39</sup>Great Britain”.
- (5) In paragraph 4(c), for “the Community” substitute “any part of <sup>F40</sup>Great Britain”.
- (6) In paragraph 7—
  - <sup>F41</sup>(a) for the words from “Each year” to “concerned,” substitute “By 31 March 2022, and by 31 March each year thereafter, each producer or importer which holds a licence under Article 10(6) must, for each substance for which an authorisation has been received, report to the appropriate regulator”];
  - (b) for “the Community” substitute “any part of <sup>F42</sup>Great Britain”.
- (7) In paragraph 8, for “Commission” substitute “appropriate regulator”.
- (8) For paragraph 9 substitute—

“9. The Secretary of State may determine the format of the reports referred to in paragraphs 1 to 7 and publish the determination.”

- (9) In paragraph 10—

- (a) in the first subparagraph, for “Commission may” substitute “appropriate authority may, by regulations,”;
- (b) omit the second subparagraph.

- F37** Reg. 27(2) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(a)**
- F38** Words in reg. 27(3) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(b)**
- F39** Words in reg. 27(4) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(b)**
- F40** Words in reg. 27(5) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(b)**
- F41** Reg. 27(6)(a) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(c)(i)**
- F42** Words in reg. 27(6)(b) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(c)(ii)**

#### Commencement Information

- I27** Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

#### Article 28 (inspection)

- 28.**—(1) Article 28 is amended as follows.
- (2) In paragraph 1—
    - (a) in the first sentence—
      - (i) omit “Member States shall conduct” and begin the sentence with “Inspections”;
      - (ii) between the words “Regulation,” and “following” insert “ shall be undertaken in accordance with the Ozone Depleting Substances Regulations 2015 ”;
    - (b) omit the second sentence.
  - (3) Omit paragraphs 2 and 3.
  - (4) In paragraph 4—
    - (a) omit the first subparagraph;
    - (b) in the second subparagraph, for “Commission” substitute “ appropriate regulator ”.
  - (5) Omit paragraph 5.

#### Commencement Information

- I28** Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

## Article 29 (penalties)

29. Omit Article 29.

### Commencement Information

**I29** Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

## Words after Article 31 (entry into force)

30. After Article 31, omit the words from “This Regulation” to “Member States”..

### Commencement Information

**I30** Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

## Commission Decision 2010/372/EU

31. Commission Decision 2010/372/EU on the use of controlled substances as process agents under Article 8(4) of Regulation ([EC](#)) No 1005/2009 of the European Parliament and of the Council is revoked.

### Commencement Information

**I31** Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

## Commission Regulation (EU) No 291/2011

32.—(1) Notwithstanding the amendment of Article 10(2) of Regulation 1005/2009, Commission Regulation (EU) No 291/2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation ([EC](#)) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer continues to apply.

(2) In Commission Regulation 291/2011, after Article 2 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

### Commencement Information

**I32** Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

## Commission Regulation (EU) No 537/2011

33. In Commission Regulation (EU) No 537/2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation ([EC](#)) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer—

- (a) after Article 2 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”;
- (b) in the second subparagraph of paragraph 1 of the Annex, for “110” substitute “ 13.6 ”.

**Commencement Information**

**I33** Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**The EEA agreement**

- 34.** In Annex 20 to the EEA agreement, omit point 21 aa.

**Commencement Information**

**I34** Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

## PART 3

### Fluorinated greenhouse gases

#### SECTION 1

*Amendment of subordinate legislation <sup>F43</sup> applying in England, Wales and Scotland*

**F43** Words in Pt. 3 Section 1 heading inserted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(17)**

### The Fluorinated Greenhouse Gases Regulations 2015

**35.**—(1) The Fluorinated Greenhouse Gases Regulations 2015<sup>M5</sup><sup>F44</sup>, as they apply in England and Wales and Scotland,] are amended as follows.

<sup>F45</sup>(1A) In regulation 1(2), after “1998” insert “or they deal with controls on gases, products and equipment traded between Great Britain and Northern Ireland”.

(1B) Omit regulation 5.]

<sup>F46</sup>(2) In regulation 6, for “the United Kingdom from outside the customs territory of the EU” substitute “Great Britain”.]

<sup>F47</sup>(3) In regulation 7(1), for “the United Kingdom from outside the territory of the EU” substitute “Great Britain”.]

(4) In regulations 9(1), 11(1), 13(1), 15(1) and 17(1) omit “other than the United Kingdom”.

<sup>F48</sup>(5) In regulation 28(1), for “the United Kingdom from outside the territory of the EU” substitute “Great Britain”.]

(6) In Schedule 2—

- (a) in the following entries, in the second column, for “the competent authority” or “a competent authority or to the European Commission” substitute “ the appropriate regulator ”
- (i) “Article 6(2)”;
  - (ii) “Article 6(3)”;
- (b) in the following entries, in the second column, for “European Commission” substitute “ appropriate regulator ”
- (i) “Article 19(1)”;
  - (ii) “Article 19(2)”;
  - (iii) “Article 19(3)”;
  - (iv) “Article 19(4)”;
  - (v) “Article 19(5)”;
- (c) in the entry for “Article 19(6)”, in the second column, for “a competent authority and to the European Commission” substitute “ the appropriate regulator ”.
- (7) In Schedule 3, in Table 6, in the row “Article 4”, in the second column, for the first “Commission” substitute “ appropriate regulator ”.

- F44** Words in reg. 35(1) inserted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(18)(a)**
- F45** Reg. 35(1A)(1B) inserted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(18)(b)**
- F46** Reg. 35(2) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(18)(c)**
- F47** Reg. 35(3) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(18)(d)**
- F48** Reg. 35(5) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(18)(e)**

#### Commencement Information

- I35** Reg. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Marginal Citations

- M5** [S.I. 2015/310](#), amended by [S.I. 2016/1105](#), 2018/98.

## <sup>F49</sup>SECTION 1A

### *Amendment of subordinate legislation applying in Northern Ireland*

- F49** Pt. 3 Section 1A inserted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(19)**

## The Fluorinated Greenhouse Gases Regulations 2015

**35A.**—(1) The Fluorinated Greenhouse Gases Regulations 2015, as they apply in Northern Ireland, are amended as follows.

(2) In regulation 1(2), after “1998” insert “or they deal with controls on gases, products and equipment traded between Great Britain and Northern Ireland”.

(3) In regulation 6, for “the United Kingdom” substitute “Northern Ireland”.

(4) In regulation 7(1), for “the United Kingdom” substitute “Northern Ireland”.

(5) In regulation 28(1), for “the United Kingdom” substitute “Northern Ireland”.]

### SECTION 2

#### *Amendment of retained direct EU legislation*

#### **Regulation (EU) No 517/2014**

**36.** Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases is amended in accordance with regulations 37 to 58.

#### **Commencement Information**

**I36** Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### **Article 2 (definitions)**

**37.**—(1) Article 2 is amended as follows.

[<sup>F50</sup>(2) After point (7) insert—

“(7A) ‘part of Great Britain’ means, as the case may be, England, Scotland or Wales;

(7B) ‘Scotland’ is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998;

(7C) ‘Wales’ is to be construed in accordance with section 158(1), (3) and (4) of the Government of Wales Act 2006;

(7D) ‘appropriate authority’ means—

(a) in relation to England, the Secretary of State;

(b) in relation to Scotland, the Scottish Ministers;

(c) in relation to Wales, the Welsh Ministers;

(7E) ‘appropriate regulator’—

(a) in relation to England, means the Environment Agency;

(b) in relation to Scotland, is to be read in accordance with Article 2A;

(c) in relation to Wales, is to be read in accordance with Article 2B.”.]

(3) In point (8), for “a Member State” substitute “the appropriate regulator”.

(4) In point (10), for “the Union”, in each place it occurs, substitute “any part of [<sup>F51</sup>Great Britain]”.

[<sup>F52</sup>(4A) After point (30), insert—

“(30A) ‘imports’ means gases, products and equipment covered by this Regulation that enter Great Britain;

(30B) ‘exports’ means gases, products and equipment covered by this Regulation that exit Great Britain;”.]

(5) In point (35), for “Member States” substitute “ the United Kingdom ”.

**F50** Reg. 37(2) substituted (31.12.2020 immediately before IP completion day) by *The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020* (S.I. 2020/1616), regs. 1(2), **2(20)(a)**

**F51** Words in reg. 37(4) substituted (31.12.2020 immediately before IP completion day) by *The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020* (S.I. 2020/1616), regs. 1(2), **2(20)(b)**

**F52** Reg. 37(4A) inserted (31.12.2020 immediately before IP completion day) by *The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020* (S.I. 2020/1616), regs. 1(2), **2(20)(c)**

#### Commencement Information

**I37** Reg. 37 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

#### Insertion of new Articles 2A and 2B

**38.** After Article 2, insert—

##### *“Article 2A*

##### *Appropriate regulator: Scotland*

**1.** The appropriate regulator in relation to Scotland is, subject to paragraph (2), the Scottish Environment Protection Agency.

**2.** The Scottish Ministers may direct that a person or body other than the Scottish Environment Protection Agency is the appropriate regulator in relation to cases of a particular description or in a particular case.

**3.** Before making a direction under paragraph (2), the Scottish Ministers must consult the Secretary of State.

##### *Article 2B*

##### *Appropriate regulator: Wales*

**1.** The appropriate regulator in relation to Wales is, subject to paragraph (2), Natural Resources Body for Wales.



2. The Welsh Ministers may direct that a person or body other than Natural Resources Body for Wales is the appropriate regulator in relation to cases of a particular description or in a particular case.

3. Before making a direction under paragraph (2), the Welsh Ministers must consult the Secretary of State.”

#### Commencement Information

**I38** Reg. 38 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Article 4 (leak checks)

39. In Article 4, paragraph 5—

- (a) in the first sentence, for “Commission may, by means of implementing acts” substitute “appropriate authority may, by regulations”;
- (b) omit the second sentence.

#### Commencement Information

**I39** Reg. 39 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Article 6 (record keeping)

40.—(1) Article 6 is amended as follows.

(2) In paragraph 2—

- (a) in the first subparagraph, for “competent authorities of the Member States” substitute “appropriate regulator”;
- (b) in the second subparagraph—
  - (i) for the words from “competent” to “Commission” substitute “appropriate regulator”;
  - (ii) for “Directive 2003/4/EC of the European Parliament and of the Council or Regulation (EC) 1367/2006 of the European Parliament and of the Council” substitute “the Environmental Information Regulations 2004<sup>M6</sup> or the Environmental Information (Scotland) Regulations 2004<sup>M7</sup>”.

(3) In paragraph 3, in the third subparagraph—

- (a) for the words from “competent” to “Commission” substitute “appropriate regulator”;
- (b) for “Directive 2003/4/EC or Regulation (EC) 1367/2006” substitute “the Environmental Information Regulations 2004 or the Environmental Information (Scotland) Regulations 2004”.

(4) In paragraph 4—

- (a) in the first sentence, for “Commission may, by means of an implementing act” substitute “appropriate authority may, by regulations”;
- (b) omit the second sentence.

#### Commencement Information

**I40** Reg. 40 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Marginal Citations

**M6** [S.I. 2004/3391](#), amended by paragraphs 306 to 309 of Schedule 19 to the [Data Protection Act 2018](#) (c. 12) and [S.I. 2015/1897](#).

**M7** [S.S.I. 2004/520](#).

### Article 8 (recovery)

**41.** In Article 8, in paragraph 3—

- (a) in the second subparagraph, for the words from “Directive” to “Council” substitute “the Motor Vehicles (Refilling of Air Conditioning Systems by Service Providers) Regulations 2009<sup>M8</sup>”;
- (b) in the third subparagraph, for “Directive [2006/40/EC](#)” substitute “the Motor Vehicles (Refilling of Air Conditioning Systems by Service Providers) Regulations 2009”.

#### Commencement Information

**I41** Reg. 41 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Marginal Citations

**M8** [S.I. 2009/2194](#).

### Article 9 (producer responsibility schemes)

**42.** In Article 9—

- (a) in the first paragraph—
  - (i) omit “Union”;
  - (ii) for “Member States” substitute “the appropriate authority”.
- (b) omit the second paragraph.

#### Commencement Information

**I42** Reg. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 10 (training and certification)

**43.—**(1) Article 10 is amended as follows.

(2) In paragraph 1—

- (a) for “Member States”, in each place it occurs, substitute “The appropriate authority”;
- (b) for “establish or adapt” substitute “enable the establishment or adaptation of”.

(3) In paragraph 2—

- (a) for “Member States” substitute “ The appropriate authority ”;
- (b) for “Directive 2006/40/EC” substitute “ the Motor Vehicles (Refilling of Air Conditioning Systems by Service Providers) Regulations 2009 ”.
- (4) In paragraph 6, for the words “Member States shall establish or adapt” substitute “ The appropriate authority shall enable the establishment or adaptation of ”.
- (5) In paragraphs 8 and 9, for “Member States” substitute “ The appropriate authority ”.
- (6) For paragraph 10 substitute—

“10. Certificates and training attestations issued in any part of the United Kingdom, or issued in a member State in accordance with Article 10 of Regulation (EU) No 517/2014 as it has effect in EU law and as amended from time to time <sup>M9</sup>, shall be valid in any part of [<sup>F53</sup>Great Britain].”.

- (7) In paragraph 12—
  - (a) in the first sentence, for the words from “to provide” to “implementing acts,” substitute “ the appropriate authority shall, by regulations, ”;
  - (b) omit the second sentence;
  - (c) in the third sentence, for “on it by this paragraph, the Commission” substitute “ by this paragraph, the appropriate authority ”.
- (8) Omit paragraphs 13 and 14.
- (9) In paragraph 15, for “Member States from setting up” substitute “ the appropriate authority from enabling ”.

**F53** Words in [reg. 43\(6\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(21)**

#### Commencement Information

**I43** Reg. 43 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Marginal Citations

**M9** OJ No. L 150, 20.5, 2014, p. 195.

### Article 11 (restrictions on the placing on the market)

- 44.—(1) Article 11 is amended as follows.
- (2) In paragraph 3—
  - (a) in the first subparagraph, omit the words from “Following” to “Member State and” and begin the sentence with “Taking”;
  - (b) for “the Commission may, exceptionally, by means of implementing acts,” substitute “ the appropriate authority may, exceptionally, by regulations ”;
  - (c) omit the second subparagraph.
- (3) Omit paragraph 6.

**Commencement Information**

**I44** Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 12 (labelling and product and equipment information)**

**45.**—(1) Article 12 is amended as follows.

(2) In paragraph 4, omit the second subparagraph.

(3) In paragraph 14—

(a) in the first sentence—

(i) for “Commission may, by means of implementing acts” substitute “ appropriate authority may, by regulations ”;

(ii) omit the words from “and may repeal” to “Regulation (EC) No 842/2006”;

(b) omit the second sentence.

(4) In paragraph 15, for the words from “Commission shall” to “amending” substitute “ appropriate authority may, by regulations, amend ”.

(5) After paragraph 15 insert—

“6. Labels, markings on packages and accompanying documents shall appear in English and may also appear in other languages.”

**Commencement Information**

**I45** Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 14 (pre-charging of equipment with hydrofluorocarbons)**

**46.**—(1) Article 14 is amended as follows.

(2) In paragraph 2, in the second subparagraph—

(a) in point (a), for the words from “Directive” to “Council” substitute—

“Commission Regulation (EU) No 600/2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council”;

(b) in point (b) omit from the words “in accordance” to the end of the sentence.

(3) In paragraph 4—

(a) in the first sentence, for “Commission shall, by means of implementing acts” substitute “ Secretary of State shall, by regulations ”;

(b) omit the second sentence.

#### Commencement Information

**I46** Reg. 46 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Article 15 (reduction of the quantity of hydrofluorocarbons placed on the market)

**47.**—(1) Article 15 is amended as follows.

(2) In paragraph 1—

- (a) for “Commission” substitute “appropriate regulator”;
- (b) for “the Union” substitute “any part of [<sup>F54</sup>Great Britain]”.

(3) In paragraph 2, in the second subparagraph, in points (a) and (c), for “the Union”, in each place it occurs, substitute “any part of [<sup>F55</sup>Great Britain]”.

(4) In paragraph 4—

- (a) in the first subparagraph, in the words before point (a)—
  - (i) omit the words from “Following” to “Member State and” and begin the sentence with “Taking”;
  - (ii) for “the Commission may, exceptionally, by means of implementing acts” substitute “the appropriate authority may, exceptionally, by regulations”;
- (b) omit the second subparagraph.

**F54** Words in reg. 47(2)(b) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), 2(22)

**F55** Words in reg. 47(3) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), 2(22)

#### Commencement Information

**I47** Reg. 47 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Article 16 (allocation of quotas for placing hydrofluorocarbons on the market)

**48.**—(1) Article 16 is amended as follows.

(2) In paragraph 1—

- (a) in the first subparagraph, in the first sentence—
  - (i) for the words from “By 31 October” to “implementing acts,” substitute “The appropriate regulator shall”;
  - (ii) omit “under Article 6 of Regulation (EC) No 842/2006”;
  - (iii) after “reported data” insert “to the appropriate regulator on the quantities of hydrofluorocarbons placed on the market from 2015 to [<sup>F56</sup>2019],”;
  - (iv) for “2009 to 2012” substitute “2015 to [<sup>F57</sup>2019]”;
- (b) for the second subparagraph substitute—

“An appropriate authority for any part of [<sup>F58</sup>Great Britain] shall consult the appropriate authority for each other part of [<sup>F58</sup>Great Britain] before a proposal is made to allocate quota.

A consultation conducted in respect of the above shall have regard to the response of any other appropriate authority and an assessment of the impact of the proposal on any part of [<sup>F58</sup>Great Britain”].

- (3) In paragraph 2—
- (a) in the first subparagraph—
- (i) for “placing on the market hydrofluorocarbons under Article 6 of Regulation (EC) No 842/2006,” substitute “to the appropriate regulator the placing on the market of quantities of hydrofluorocarbons”;
- (ii) omit “reference”;
- (iii) omit “in the following year”;
- (b) in the second and third subparagraphs, for “Commission”, in each place it occurs, substitute “appropriate regulator”.
- (4) In paragraph 3—
- (a) in the first subparagraph, in the first sentence,
- (i) for “31 October 2017” substitute “31st October [<sup>F59</sup>2023]”;
- (ii) for “Commission” substitute “appropriate regulator”;
- (iii) for “1 January 2015” substitute “1 January [<sup>F60</sup>2021]”;
- (b) for the second sentence substitute “The appropriate regulator shall determine those reference values.”;
- (c) omit the second subparagraph.
- (5) In paragraph 5—
- (a) in the first subparagraph—
- (i) for “Commission” substitute “appropriate regulator”;
- (ii) for “2015” substitute “[<sup>F61</sup>2021]”;
- (b) in the second subparagraph, for “the Union”, in each place it occurs, substitute “any part of the United Kingdom”.

<b>F56</b>	Word in reg. 48(2)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by <a href="#">The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616)</a> , regs. 1(2), <b>2(23)(a)(i)</b>
<b>F57</b>	Word in reg. 48(2)(a)(iv) substituted (31.12.2020 immediately before IP completion day) by <a href="#">The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616)</a> , regs. 1(2), <b>2(23)(a)(i)</b>
<b>F58</b>	Words in reg. 48(2)(b) substituted (31.12.2020 immediately before IP completion day) by <a href="#">The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616)</a> , regs. 1(2), <b>2(23)(a)(ii)</b>
<b>F59</b>	Word in reg. 48(4)(a)(i) substituted (31.12.2020 immediately before IP completion day) by <a href="#">The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616)</a> , regs. 1(2), <b>2(23)(b)(i)</b>
<b>F60</b>	Word in reg. 48(4)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by <a href="#">The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616)</a> , regs. 1(2), <b>2(23)(b)(ii)</b>

**F61** Word in reg. 48(5)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(23)(c)**

**Commencement Information**

**I48** Reg. 48 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

**Article 17 (registry)**

**49.**—(1) Article 17 is amended as follows.

(2) In paragraph 1—

(a) in the first subparagraph—

(i) for “1 January 2015” substitute “[<sup>F62</sup>IP completion day]”;

(ii) for “Commission” substitute “appropriate authority”;

(b) in the third subparagraph—

(i) for the first reference to “Commission” substitute “appropriate regulator”;

(ii) for the second reference to “Commission” substitute “appropriate authority”.

(3) In paragraph 2, in the first sentence—

(a) for “Commission” substitute “appropriate authority”;

(b) for “means of implementing acts” substitute “regulations”;

(c) omit the second sentence.

(4) In paragraph 3—

(a) for “Commission” substitute “appropriate regulator”;

(b) omit “via the registry”.

(5) Omit paragraph 4.

**F62** Words in [reg. 49\(2\)\(a\)\(i\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(24)**

**Commencement Information**

**I49** Reg. 49 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

**Article 18 (transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment)**

**50.**—(1) Article 18 is amended as follows.

[<sup>F63</sup>(2) In paragraph 1, for “the Union”—

(a) in the first place it occurs substitute “Great Britain”;

(b) in the second place it occurs substitute “the United Kingdom”].

(3) In paragraph 2—

(a) after the first subparagraph, insert—

“Any producer or importer of pre-charged equipment holding an authorisation in accordance with Article 18(2) of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No. 842/2006 issued prior to [F64IP completion day] for placing pre-charged equipment on the market and who has not yet used that authorisation to place pre-charged equipment on the market, including in any part of [F65Great Britain], may upon application to the appropriate regulator, exchange that authorisation for an authorisation to place pre-charged equipment on the market in any part of [F65Great Britain]. An authorised quantity exchanged under this provision for use in any part of [F65Great Britain] shall not be used again to place pre-charged equipment on the EU market. The use of such authorisations shall be fully documented in accordance with Article 14.”;

(b) In the third subparagraph, for “Commission” substitute “appropriate regulator”.

- F63** Reg. 50(2) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(25)(a)**
- F64** Words in reg. 50(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(25)(b)(i)**
- F65** Words in reg. 50(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(25)(b)(ii)**

#### Commencement Information

- I50** Reg. 50 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 19 (reporting on production, import, export, feedstock use and destruction of the substances listed in Annexes 1 or 2)

51.—(1) Article 19 is amended as follows.

(2) In paragraphs 1 to 5, for “Commission”, in each place it occurs, substitute “appropriate regulator”.

(3) In paragraphs 1 to 4, for “31 March 2015”, in each place it occurs, substitute “31 March [F662022]”

(4) In paragraph 6—

(a) in the first subparagraph—

(i) for “30 June 2015” substitute 30 June [F672022]”;

(ii) in point (a) between the words “pursuant to” and “Directive [2003/87/EC](#)” insert “Commission Regulation (EU) No 600/2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the verification of verifiers pursuant to”;

(iii) in point (b) omit “in accordance with the legislation of the Member State concerned”;

(b) in the second subparagraph, for the words from “competent authority” to “Commission” substitute “appropriate regulator”.

(5) In paragraph 7—

(a) in the first subparagraph—



- (i) for “Commission may, by means of implementing acts” substitute “appropriate authority may”;
- (ii) after “Article” insert “and publish the determination”;
- (b) omit the second subparagraph.
- (6) In paragraph 8, for “Commission” substitute “appropriate regulator”.

- F66** Word in reg. 51(3) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(26)**
- F67** Word in reg. 51(4)(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(26)**

#### Commencement Information

- I51** Reg. 51 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 20 (collection of emissions data)

- 52.** In Article 20, for “Member States” substitute “ The appropriate authority ”.

#### Commencement Information

- I52** Reg. 52 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 21 (review)

- 53.—**(1) Article 21 is amended as follows.

(2) In paragraph 1, for the words from “Commission shall” to “updating of” substitute “ appropriate authority may, by regulations, amend ”.

- (3) In paragraph 2—

(a) in the first subparagraph, for the words from “and on the basis” to “Commission” substitute “ the appropriate authority ”;

[<sup>F68</sup>(b) omit the second paragraph;]

- (c) in the third subparagraph—

(i) in point (b) omit “by the Union and its Member States”;

(ii) in point (c) for “European” substitute “ domestic ”;

(iii) in point (c) omit “in Member States”.

[<sup>F69</sup>(4) Omit paragraphs 3 to 6.]

- F68** Reg. 53(3)(b) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(27)(a)**
- F69** Reg. 53(4) substituted for reg. 53(4)-(6) (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(27)(b)**

**Commencement Information**

**I53** Reg. 53 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

**Article 22 (exercise of the delegation)**

**54.** Omit Article 22.

**Commencement Information**

**I54** Reg. 54 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

**Article 23 (consultation forum)**

**55.**—(1) Article 23 is amended as follows.

(2) For “Commission”, in each place it occurs, substitute “ appropriate authority ”.

(3) Omit “Member States' representatives and”.

**Commencement Information**

**I55** Reg. 55 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

**Article 24 (committee procedure)**

**56.** For Article 24 substitute—

*“Article 24*

*Functions*

**1.** A function conferred by or under this Regulation—

(a) on the Scottish Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Scotland; [<sup>F70</sup>and]

(b) on the Welsh Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Wales[<sup>F71</sup>.]

<sup>F72</sup>(c) .....

**2.** A function conferred under this Regulation—

(a) on a person or body by virtue of a direction of the Scottish Ministers is exercisable only in or as regards Scotland; [<sup>F70</sup>and]

(b) on a person or body by virtue of a direction of the Welsh Ministers, is exercisable only in or as regards Wales[<sup>F71</sup>.]

<sup>F72</sup>(c) .....

3. In this Article and Articles 24A to 24C, “within devolved competence”—
  - (a) in or as regards Scotland, is to be construed in accordance with section 54 of the Scotland Act 1998;
  - (b) in or as regards Wales, is to be construed in accordance with section 108A of the Government of Wales Act 2006<sup>F73</sup>.]
  - <sup>F72</sup>(c) .....

*Article 24A*

*Exercise of functions: Scotland*

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Scotland may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Scottish Ministers.
2. Consent given by the Scottish Ministers under paragraph for the prospective exercise of a function may be withdrawn at any time.
3. The Scottish Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Scotland, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.
4. The appropriate regulator in or as regards Scotland must comply with any such directions given to it, and have regard to any such guidance.

*Article 24B*

*Exercise of functions: Wales*

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Wales may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Welsh Ministers.
2. Consent given by the Welsh Ministers under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.
3. The Welsh Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Wales, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.
4. The appropriate regulator in or as regards Wales must comply with any such directions given to it, and have regard to any such guidance.

*Article 24C*

*Exercise of functions: Northern Ireland*

F74 **1.** .....

F74 **2.** .....

F74 **3.** .....

F74 **4.** .....

*Article 24D*

*Regulations: general*

**1.** Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

**2.** For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

**3.** Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

**8.** Regulations under this Regulation may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.

**9.** Before making any regulations under this Regulation, other than regulations under Article 21, an appropriate authority shall consult—

- (a) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the appropriate authority may consider appropriate.

*Article 24E*

*Regulations: the Secretary of State*

1. Except as specified in paragraph 2, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

2. A statutory instrument containing regulations made by the Secretary of State under Article 21 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

*Article 24F*

*Regulations: the Welsh Ministers*

1. Except as specified in paragraph 2, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

2. A statutory instrument containing regulations made by the Welsh Ministers under Article 21 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

*Article 24G*

*Regulations: the Scottish Ministers*

1. Except as specified in paragraph 2, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

2. Regulations made by the Scottish Ministers under Article 21 are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

*Article 24H*

*Regulations: Northern Ireland*

<sup>F75</sup>1. ....

<sup>F75</sup>2. ....”

**Changes to legislation:** There are currently no known outstanding effects for the The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- F70** Word in reg. 56 inserted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(28)(a)(i)**
- F71** Full stop in reg. 56 substituted for word (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(28)(a)(ii)**
- F72** Words in reg. 56 omitted (31.12.2020 immediately before IP completion day) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(28)(a)(iv)**
- F73** Full stop in reg. 56 substituted for semicolon (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(28)(a)(iii)**
- F74** Words in reg. 56 omitted (31.12.2020 immediately before IP completion day) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(28)(b)**
- F75** Words in reg. 56 omitted (31.12.2020 immediately before IP completion day) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(28)(c)**

#### Commencement Information

- I56** Reg. 56 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

#### Article 25

**57.** In Article 25—

- (a) omit paragraph 1;
- (b) in paragraph 2 omit “In addition to the penalties referred to in paragraph 1,” and begin the sentence with “Undertakings”.

#### Commencement Information

- I57** Reg. 57 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

#### Words after Article 27 (entry into force and date of application)

**58.** After Article 27, omit the words from “This Regulation” to “Member States”.

#### Commencement Information

- I58** Reg. 58 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

#### Annex 5 (calculation of the maximum quantity, reference values and quotas for placing hydrofluorocarbons on the market)

**59.** In Annex 5—

- (a) for “the Union”, in each place it occurs, substitute “any part of [<sup>F76</sup>Great Britain]”;

- (b) in the first paragraph, omit the first sentence;
- (c) in the first paragraph, in the second sentence—
  - (i) omit “From 2018 onwards,” and begin the sentence with “The maximum”;
  - (ii) between the word “during” and “period” insert “the”;
  - (iii) for “2009 to 2012” substitute “2015 to [<sup>F77</sup>2019] plus any necessary adjustment value”;
- (d) in the third paragraph, between the words “allocation period” and “but”, insert “plus any necessary adjustment value”;
- (e) after the fourth paragraph, insert—

“In this Annex, “necessary adjustment value” means a value determined by the Secretary of State to be necessary to ensure that the maximum quantity and reference values are no lower than they would have been if Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 applied to [<sup>F78</sup>Great Britain].

The necessary adjustment value shall expire two years after the entry into force of these Regulations.”

- F76** Words in [reg. 59\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), [2\(29\)\(a\)](#)
- F77** Word in [reg. 59\(c\)\(iii\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), [2\(29\)\(b\)](#)
- F78** Words in [reg. 59\(e\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), [2\(29\)\(c\)](#)

#### Commencement Information

- I59** Reg. 59 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Annex 7 (data to be reported pursuant to Article 19)

- 60.** In Annex 7, for “Union”, in each place it occurs, substitute “any part of [<sup>F79</sup>Great Britain]”.

- F79** Words in [reg. 60](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), [2\(30\)](#)

#### Commencement Information

- I60** Reg. 60 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Commission Regulation (EC) No 1497/2007

- 61.** In Commission Regulation (EC) No 1497/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases, after Article 8

omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

**Commencement Information**

**I61** Reg. 61 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Commission Regulation (EC) No 1516/2007**

**62.** In Commission Regulation (EC) No 1516/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases, after Article 11 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

**Commencement Information**

**I62** Reg. 62 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Commission Regulation (EC) No 304/2008**

**63.—(1)** Commission Regulation (EC) No 304/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases is amended as follows.

(2) Omit Articles 4(3), 6, 7(2) and 9.

(3) In Article 10(1) omit “provided for by a national law or regulation, or designated by the competent authority of a Member State or other entities entitled to do so, as being”.

(4) In Article 11(1) omit “designated by the competent authority of a Member State or other entities entitled to do so,”.

(5) Omit Article 12 (notification).

(6) In Article 13—

(a) in the heading omit “mutual”;

(b) in paragraph 1—

(i) for “Mutual recognition” substitute “ Recognition ”;

(ii) for “other” substitute “ European Union ”;

(c) in paragraph 2—

(i) for “Member States may require holders of certificates issued in another Member State”, substitute “ Holders of certificates may be required ”;

(ii) for “another official Community language”, substitute “ English ”.

(7) After Article 14 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.



#### Commencement Information

**I63** Reg. 63 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Commission Regulation (EC) No 306/2008

**64.**—(1) Commission Regulation (EC) No 306/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment is amended as follows.

(2) Omit Article 2(3).

(3) In Article 4(1), omit “designated by the competent authority of a Member State or other entities entitled to do so, as being”.

(4) In Article 5(1), omit “designated by the competent authority of a Member State or other entities entitled to do so,”.

(5) Omit Article 6.

(6) In Article 7—

(a) in the heading, omit “mutual”;

(b) in paragraph 1—

(i) for “Mutual recognition”, substitute “ Recognition ”;

(ii) for “other”, substitute “ European Union ”;

(c) in paragraph 2—

(i) for “Member States may require holders of certificates issued in another Member State”, substitute “ Holders of certificates may be required ”;

(ii) for “another official Community language”, substitute “ English ”.

(7) After Article 8 omit the words “This Regulation shall be binding in its entirety and applicable in all Member States”.

#### Commencement Information

**I64** Reg. 64 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Commission Regulation (EC) No 307/2008

**65.**—(1) Commission Regulation (EC) No 307/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases is amended as follows.

(2) Omit Article 2(3).

(3) In Article 3(1) omit “or designated by the competent authority of a Member State or other entities entitled to do so”.

(4) Omit Article 4.

- (5) In Article 5—
- (a) in the heading omit “mutual”;
  - (b) for paragraph 1 substitute—

“1. Training attestations issued in European Union member States in accordance with Article 3 shall be valid in any part of [<sup>F80</sup>Great Britain].”;

- (c) in paragraph 2—
  - (i) for “Member States may require holders of training attestations issued in another Member State”, substitute “Holders of certificates may be required”;
  - (ii) for “another official Community language”, substitute “English”.

(6) After Article 6 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

**F80** Words in [reg. 65\(5\)\(b\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(31)**

#### Commencement Information

**I65** Reg. 65 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Commission Implementing Regulation (EU) No 1191/2014

**66.**—(1) Commission Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases is amended as follows.

(2) In Article 1, for “Commission” substitute “appropriate regulator”.

(3) After Article 3 omit the words “This Regulation shall be binding in its entirety and directly applicable in the Member States”.

[<sup>F81</sup>(4) In the Annex—

“(a) for “the Union”, in each place it occurs, substitute “Great Britain”;

(b) in Section 2, in the third paragraph, for the last sentence substitute—

All imports shall be reported, except imports for transit through the territory of Great Britain or imports under other procedures that allow for a temporary movement of the goods on the territory of Great Britain provided that in the latter case the goods remain no longer than 45 days on the territory of Great Britain.”.]

**F81** [Reg. 66\(4\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(32)**

#### Commencement Information

**I66** Reg. 66 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Commission Implementing Regulation (EU) 2015/2065

67. Commission Implementing Regulation (EU) 2015/2065 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States is revoked.

#### Commencement Information

**I67** Reg. 67 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

### Commission Implementing Regulation (EU) 2015/2066

68.—(1) Commission Implementing Regulation (EU) 2015/2066 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear is amended as follows.

(2) In Article 1 omit “mutual”.

(3) In Article 4(1), in the first subparagraph, omit “provided for in national law or designated by the competent authority of a Member State or other entities entitled to do so, as being”

(4) In Article 5(1), omit “designated by the competent authority of a Member State or other entities entitled to do so,”.

(5) Omit Article 6.

(6) In Article 7—

(a) in the heading, omit “mutual”;

(b) for paragraph 1, substitute—

“Certificates issued in a European Union member State in accordance with Article 3 shall be recognised.”;

(c) in paragraph 2—

(i) for “Member States may require holders”, substitute “ Holders ”;

(ii) for “another Member State”, substitute “ a member State are ”;

(iii) for “another official language of the Union”, substitute “ English ”.

(7) After Article 9 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

#### Commencement Information

**I68** Reg. 68 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

### Commission Implementing Regulation (EU) 2015/2067

69.—(1) Commission Implementing Regulation (EU) 2015/2067 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as

regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases is amended as follows.

(2) In Article 1 omit “mutual”.

(3) In Article 7, in paragraph 1 omit “provided for in national law or designated by the competent authority of a Member State or other entities entitled to do so, as being”.

(4) In Article 8, in paragraph 1 omit “designated by the competent authority of a Member State or other entities entitled to do so”.

(5) Omit Article 9.

(6) In Article 10—

(a) in the heading omit “mutual”;

(b) for paragraph 1 substitute—

“1. Certificates issued in a European Union member State in accordance with Article 4 for natural persons and Article 6 for companies shall be recognised.”;

(c) in paragraph 2—

(i) for “Member States may require holders” substitute “ Holders ”

(ii) for “another Member State” substitute “ a member State are ”;

(iii) for “another official language of the Union”, substitute “ English ”.

(7) After Article 12 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

(8) In Annex 1, in the table entry 2.01, for “EU” substitute “ any part of the United Kingdom ”.

#### Commencement Information

**I69** Reg. 69 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Commission Implementing Regulation (EU) 2015/2068

**70.**—(1) Commission Implementing Regulation (EU) 2015/2068 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format of labels for products and equipment containing fluorinated greenhouse gases is amended as follows.

(2) In Article 2(7)—

[<sup>F82</sup>(a) in point (a), for “the Union” substitute “Great Britain”];

(b) in point (c)—

(i) for “EU” substitute “[<sup>F83</sup>Great Britain]”;

[<sup>F84</sup>(ii) for “the Union” substitute “Great Britain”.]

(3) After Article 4 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

**F82** [Reg. 70\(2\)\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), [2\(33\)\(a\)](#)

- F83** Words in [reg. 70\(2\)\(b\)\(i\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(33)(b)(i)**
- F84** [Reg. 70\(2\)\(b\)\(ii\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(33)(b)(ii)**

#### Commencement Information

- I70** Reg. 70 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Commission Implementing Regulation (EU) 2016/879

**71.**—(1) Commission Implementing Regulation (EU) 2016/879 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, detailed arrangements relating to the declaration of conformity when placing refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons on the market and its verification by an independent auditor is amended as follows.

(2) In the following provisions, for “the Union”, in each place it occurs, substitute “any part of [<sup>F85</sup>Great Britain]”

- (a) Article 1(2);
- (b) Article 2;
- (c) Article 3(1)(d);
- (d) the Annex.

(3) In Article 4, for “using the reporting tool made available pursuant to Article 1 of Implementing Regulation (EU) No 1191/2014” substitute “by submitting to the appropriate regulator”.

(4) After Article 5 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

- F85** Words in [reg. 71\(2\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(34)**

#### Commencement Information

- I71** Reg. 71 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Commission Implementing Decision (EU) 2017/1984

**72.** Commission Implementing Decision (EU) 2017/1984 determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values for the period 1 January 2018 to 31 December 2020 for each producer or importer which has lawfully placed on the market hydrofluorocarbons from 1 January 2015 as reported under that Regulation is revoked.

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**Changes to legislation:** There are currently no known outstanding effects for the The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

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**Commencement Information**

**I72** Reg. 72 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

**The EEA agreement**

**73.** In Annex 20 to the EEA agreement, omit points 21a-q.

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**Commencement Information**

**I73** Reg. 73 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

Department for Environment, Food and Rural  
Affairs

*Thérèse Coffey*  
Parliamentary Under Secretary of State

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) and (b)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of ozone-depleting substances (Part 2) and fluorinated greenhouse gases (Part 3).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019.