

Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (Text with EEA relevance)

CHAPTER VI

FINAL PROVISIONS

Article 21

Review

1 The [^{F1}appropriate authority may, by regulations, amend] Annexes I, II and IV on the basis of new Assessment Reports adopted by the Intergovernmental Panel on Climate Change or new reports of the Scientific Assessment Panel (SAP) of the Montreal Protocol on the global warming potential of the listed substances.

2 On the basis of information on the placing on the market of the gases listed in Annexes I and II, reported in accordance with Article 19, and on emissions of fluorinated greenhouse gases made available in accordance with Article 20 [^{F2}the appropriate authority] shall monitor the application and effects of this Regulation.

^{F3} ...

No later than 31 December 2022, it shall publish a comprehensive report on the effects of this Regulation, including in particular:

- a a forecast of the continued demand for hydrofluorocarbons up to and beyond 2030;
- b an assessment of the need for further action ^{F4}... in light of existing and new international commitments regarding the reduction of fluorinated greenhouse gas emissions;
- c an overview of [^{F5}domestic] and international standards, national safety legislation and building codes ^{F6}... in relation to the transition to alternative refrigerants;
- d a review of the availability of technically feasible and cost-effective alternatives to products and equipment containing fluorinated greenhouse gases for products and equipment not listed in Annex III, taking into account energy efficiency.

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Textual Amendments

F1 Words in Art. 21(1) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **53(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F2 Words in Art. 21(2) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **53(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 517/2014 of the European Parliament and of the Council, CHAPTER VI. (See end of Document for details)

- F3** Words in Art. 21(2) omitted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **53(3)(b)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(27)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in Art. 21(2)(b) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **53(3)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Art. 21(2)(c) substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **53(3)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 21(2)(c) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **53(3)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Art. 21(3)-(6) omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **reg. 53(4)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(27)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

^{F8}Article 22

Exercise of the delegation

Textual Amendments

- F8** Art. 22 omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **54**; 2020 c. 1, Sch. 5 para. 1(1)

Article 23

Consultation Forum

In implementing this Regulation, the [^{F9}appropriate authority] shall ensure a balanced participation of ^{F10}... representatives of civil society, including environmental organisations, representatives of manufacturers, operators and certified persons. To that end, it shall establish a Consultation Forum for those parties to meet and provide advice and expertise to the [^{F9}appropriate authority] in relation to the implementation of this Regulation, in particular with regard to the availability of alternatives to fluorinated greenhouse gases, including the environmental, technical, economic and safety aspects of their use. The rules of procedure of the Consultation Forum shall be established by the [^{F9}appropriate authority] and shall be published.

Textual Amendments

- F9** Words in Art. 23 substituted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **55(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 23 omitted (31.12.2020) by virtue of The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **55(3)**; 2020 c. 1, Sch. 5 para. 1(1)

f^{II} 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; and
 - b on the Welsh Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Wales.
- 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; and
 - b on a person or body by virtue of a direction of the Welsh Ministers, is exercisable only in or as regards Wales.
- 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.

Textual Amendments

- F11** Arts. 24-24B, 24D-24G substituted for Art. 24 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **56** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(28)**), which amendment includes the omission of Art. 24C); 2020 c. 1, **Sch. 5 para. 1(1)**

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.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 517/2014 of the European Parliament and of the Council, CHAPTER VI. (See end of Document for details)

Textual Amendments

F11 Arts. 24-24B, 24D-24G substituted for Art. 24 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **56** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(28)**), which amendment includes the omission of Art. 24C); 2020 c. 1, **Sch. 5 para. 1(1)**

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.

Textual Amendments

F11 Arts. 24-24B, 24D-24G substituted for Art. 24 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **56** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(28)**), which amendment includes the omission of Art. 24C); 2020 c. 1, **Sch. 5 para. 1(1)**

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.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 517/2014 of the European Parliament and of the Council, CHAPTER VI. (See end of Document for details)

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.

Textual Amendments

F11 Arts. 24-24B, 24D-24G substituted for Art. 24 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **56** (as amended by S.I. 2020/1616, regs. 1(2), **2(28)**), which amendment includes the omission of Art. 24C); 2020 c. 1, **Sch. 5 para. 1(1)**

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.

Textual Amendments

F11 Arts. 24-24B, 24D-24G substituted for Art. 24 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **56** (as amended by S.I. 2020/1616, regs. 1(2), **2(28)**), which amendment includes the omission of Art. 24C); 2020 c. 1, **Sch. 5 para. 1(1)**

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.

Textual Amendments

F11 Arts. 24-24B, 24D-24G substituted for Art. 24 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **56** (as amended by S.I. 2020/1616, regs. 1(2), **2(28)**), which amendment includes the omission of Art. 24C); 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 517/2014 of the European Parliament and of the Council, CHAPTER VI. (See end of Document for details)

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.)

Textual Amendments

F11 Arts. 24-24B, 24D-24G substituted for Art. 24 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **56** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(28)**), which amendment includes the omission of Art. 24C); 2020 c. 1, **Sch. 5 para. 1(1)**

Article 25

Penalties

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2 ^{F13}... Undertakings that have exceeded their quota for placing hydrofluorocarbons on the market, allocated in accordance with Article 16(5) or transferred to them in accordance with Article 18, may only be allocated a reduced quota allocation for the allocation period after the excess has been detected.

The amount of reduction shall be calculated as 200 % of the amount by which the quota was exceeded. If the amount of the reduction is higher than the amount to be allocated in accordance with Article 16(5) as a quota for the allocation period after the excess has been detected, no quota shall be allocated for that allocation period and the quota for the following allocation periods shall be reduced likewise until the full amount has been deducted.

Textual Amendments

F12 Art. 25(1) omitted (31.12.2020) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **57(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**

F13 Words in Art. 25(2) omitted (31.12.2020) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **57(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Article 26

Repeal

Regulation (EC) No 842/2006 shall be repealed with effect from 1 January 2015, without prejudice to compliance with the requirements of that Regulation in accordance with the timetable set out therein.

However, Regulations (EC) No 1493/2007, (EC) No 1494/2007, (EC) No 1497/2007, (EC) No 1516/2007, (EC) No 303/2008, (EC) No 304/2008, (EC) No 305/2008, (EC) No 306/2008, (EC) No 307/2008 and (EC) No 308/2008 shall remain in force and continue to apply unless and until repealed by delegated or implementing acts adopted by the Commission pursuant to this Regulation.

References to Regulation (EC) No 842/2006 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.

Article 27

Entry into force and date of application

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2015.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) No 517/2014 of the European Parliament and of the Council, CHAPTER VI.