
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 3

Fluorinated greenhouse gases

SECTION 1

Amendment of subordinate legislation

The Fluorinated Greenhouse Gases Regulations 2015

- 35.**—(1) The Fluorinated Greenhouse Gases Regulations 2015⁽¹⁾ are amended as follows.
- (2) In regulation 6 omit “from outside the customs territory of the EU”.
 - (3) In regulation 7 omit “from outside the customs territory of the EU”.
 - (4) In regulations 9(1), 11(1), 13(1), 15(1) and 17(1) omit “other than the United Kingdom”.
 - (5) In regulation 28(1) omit “from outside the customs territory of the EU”.
 - (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”.

⁽¹⁾ S.I. 2015/310, amended by S.I. 2016/1105, 2018/98.

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.

Article 2 (definitions)

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

(2) After point (7) insert—

“(7A) ‘part of the United Kingdom’ means, as the case may be, England, Northern Ireland, 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) ‘Northern Ireland’ is to be construed in accordance with section 98(1) of the Northern Ireland Act 1998;

(7E) ‘appropriate authority’ means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Wales, the Welsh Ministers;

7F. ‘appropriate regulator’—

- (a) in relation to England, means the Environment Agency;
- (b) in relation to Northern Ireland, means the Department of Agriculture, Environment and Rural Affairs;
- (c) in relation to Scotland, is to be read in accordance with Article 2A;
- (d) 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 the United Kingdom”.

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

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.”

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.

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(2) or the Environmental Information (Scotland) Regulations 2004(3)”.

(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”;

(2) [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](#).
(3) [S.S.I. 2004/520](#).

- (b) omit the second sentence.

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(4);
- (b) in the third subparagraph, for “Directive 2006/40/EC” substitute “the Motor Vehicles (Refilling of Air Conditioning Systems by Service Providers) Regulations 2009”.

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.

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(5), shall be valid in any part of the United Kingdom”.
- (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”.

(4) S.I. 2009/2194.

(5) OJNo. L 150, 20.5, 2014, p. 195.

(8) Omit paragraphs 13 and 14.

(9) In paragraph 15, for “Member States from setting up” substitute “the appropriate authority from enabling”.

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.

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—

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

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.

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 the United Kingdom”.
- (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 the United Kingdom”.
- (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.

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 2017,”;
 - (iv) for “2009 to 2012” substitute “2015 to 2017”;
 - (b) for the second subparagraph substitute—

“An appropriate authority for any part of the United Kingdom shall consult the appropriate authority for each other part of the United Kingdom 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 the United Kingdom”.
- (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 2020”;
 - (ii) for “Commission” substitute “appropriate regulator”;
 - (iii) for “1 January 2015” substitute “1 January 2019”;
 - (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 “2019”;
 - (b) in the second subparagraph, for “the Union”, in each place it occurs, substitute “any part of the United Kingdom”.

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 “29 March 2019”;
 - (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.

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.

- (2) In paragraph 1, for “the Union”, in each place it occurs, substitute “any part of 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 exit 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 the United Kingdom, 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 the United Kingdom. An authorised quantity exchanged under this provision for use in any part of the United Kingdom 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”.

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 2020”—

(4) In paragraph 6—

(a) in the first subparagraph—

(i) for “30 June 2015” substitute “30 June 2020”;

(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”.

Article 20 (collection of emissions data)

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

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”;
- (b) in the second subparagraph—
 - (i) for “Commission” substitute “the appropriate authority”;
 - (ii) for “Union” substitute “United Kingdom”;
- (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”.
- (4) Omit paragraph 3.
- (5) In paragraph 4—
 - (a) for “Commission” substitute “appropriate authority”;
 - (b) omit “shall submit”;
 - (c) omit “a legislative proposal to the European Parliament and to the Council to”;
 - (d) after the word “amend” insert “, by regulations,”.
- (6) Omit paragraphs 5 and 6.

Article 22 (exercise of the delegation)

- 54. Omit Article 22.

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”.

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;
 - (b) on the Welsh Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Wales; and
 - (c) on the Department of Agriculture, Environment and Rural Affairs is exercisable only so far as it is exercisable within devolved competence in or as regards Northern Ireland.
- 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;

- (b) on a person or body by virtue of a direction of the Welsh Ministers, is exercisable only in or as regards Wales; and
 - (c) on the Department of Agriculture, Environment and Rural Affairs is exercisable only in or as regards Northern Ireland.
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;
 - (c) in or as regard Northern Ireland, is to be construed in accordance with section 6 of the Northern Ireland Act 1998.

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

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Northern Ireland may, so far as it is exercisable within devolved competence,

be exercised by the Secretary of State only with the consent of the Department of Agriculture, Environment and Rural Affairs.

2. Consent given by the Department of Agriculture, Environment and Rural Affairs under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.

3. The Department of Agriculture, Environment and Rural Affairs may give directions (general or specific) and guidance to the appropriate regulator in or as regards Northern Ireland, 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 Northern Ireland must comply with any such directions given to it, and have regard to any such guidance.

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

1. Except as specified in paragraph 2, regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument under that Act.

2. Regulations may not be made by the Department of Agriculture, Environment and Rural Affairs under Article 21 unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.”.

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”.

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

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

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 the United Kingdom”;
- (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 2017 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 the United Kingdom.

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

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 the United Kingdom”.

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”.

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”.

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”.

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”.

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 the United Kingdom.”;
 - (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”.

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”.
- (4) In the Annex, for “the Union”, in each place it occurs, substitute “any part of the United Kingdom”.

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.

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”.

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”.

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)—

(a) in point (a), for “Union” substitute “United Kingdom”;

(b) in point (c)—

- (i) for “EU” substitute “the United Kingdom”;
- (ii) for “Union” substitute “ United Kingdom”.

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

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 the United Kingdom”—

- (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”.

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.

The EEA agreement

73. In Annex 20 to the EEA agreement, omit points 21aq.