

**EXPLANATORY MEMORANDUM TO**  
**THE OZONE DEPLETING SUBSTANCES (QUALIFICATIONS) (AMENDMENT)**  
**REGULATIONS 2008**

**2008 No. 97**

**1.** This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

**2. Description**

These Regulations update the Ozone-Depleting (Qualifications) Regulations 2006 by adding the “Fire Industry Competence Certificate Course Class 1” to the Schedule of the 2006 Regulations. This is the new name for the “British Fire Protection Systems Association Competence Certificate Course Class I”. Having both courses in the Schedule means that if a person has obtained either qualification they are competent to decommission fire protection systems equipment.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

**4. Legislative Background**

4.1 The Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2002 (SI 2002 No.528) give effect to the provisions of EC Regulation 2037/2000 on substances that deplete the ozone layer (“the 2000 Regulation”), other than those in Articles 16.5 and 17.1 relating to minimum qualifications for those working with ozone-depleting substances. These latter provisions are given effect by the Ozone-Depleting Substances (Qualifications) Regulations 2006 (SI 2006 No.1510).

4.2 These Regulations update the Ozone-Depleting Substances (Qualifications) Regulations 2006 by adding the “Fire Industry Competence Certificate Course Class 1” to the Schedule of the 2006 Regulations. This is the new name for the “British Fire Protection Systems Association Competence Certificate Course Class I”.

**5. Extent**

This instrument applies to Great Britain.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The 2000 Regulation contains measures to protect the stratospheric ozone layer from emissions of ozone depleting substances. It gives effect to the provisions of the Montreal Protocol and its amendments and, in some cases, goes beyond its requirements.

7.2 In line with the requirements of the 2000 Regulation, UK industry developed minimum qualifications for handlers of controlled substances, which have been operating on a voluntary basis. In practice therefore, most personnel who need qualifications already hold them. The policy impact of the Regulations is limited therefore and of interest primarily to handlers of controlled substances (such as refrigeration/air conditioning personnel, fumigators, personnel involved with recovery/destruction of controlled substances) and those who employ them.

7.3 10 responses were received to a joint Defra/Scottish Executive/National Assembly for Wales consultation document on the Environmental Protection (Controls on Ozone-Depleting Substances)(Amendment)Regulations 2008 and these Regulations. The consultation ended on 14 August 2007. None of the responses related to these Regulations. A summary of responses received, and the Government's response to them, will be published on the Defra website at <http://www.defra.gov.uk/environment/climatechange/fgas/index.htm>.

## **8. Impact**

Since the two courses are equivalent there are no additional cost issues or other implications, such as effects on Small and Medium-sized Enterprises (SMEs), and so there is no need for an Impact Assessment.

## **9. Contact**

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