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STATUTORY INSTRUMENTS

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**2009 No. 2196**

**The Road Vehicles (Construction and Use)  
(Amendment) (No. 3) Regulations 2009**

**Retrofitting and refilling of certain air conditioning systems**

**4.** After regulation 61A, insert—

**“Retrofitting and refilling of certain air conditioning systems**

**61B.**—(1) Subject to paragraphs (7), (8), (9) and (10) and Schedule 7XA, this regulation applies to vehicles set out in Article 2 of Directive 2006/40(1), regardless of their date of manufacture.

(2) Regulation 4(2) does not apply in relation to a vehicle to which this regulation applies.

(3) A vehicle type approved on or after 1st January 2011 may not be retrofitted with an air conditioning system designed to contain high-GWP fluorinated greenhouse gases.

(4) On or after 1st January 2017, a vehicle may not be retrofitted with an air conditioning system designed to contain high-GWP fluorinated greenhouse gases.

(5) A vehicle type approved on or after 1st January 2011 may not be fitted with an air conditioning system containing high-GWP fluorinated greenhouse gases.

(6) On or after 1st January 2017, a vehicle may not be fitted with an air conditioning system containing high-GWP fluorinated greenhouse gases.

(7) Paragraph (5) does not apply to a vehicle where—

(a) it was type approved on or after 1st January 2011, and

(b) on the date it was type approved, it was not prevented from being fitted with an air conditioning system containing high-GWP fluorinated greenhouse gases by any pre-requisite for type approval imposed by—

(i) the 1988 Act or any regulations made under it, except for this regulation;

(ii) the Road Traffic (Northern Ireland) Order 1981(2) or any regulations made under it; or

(iii) the Vehicle Approval Regulations.

(8) Paragraph (6) does not apply to a vehicle where—

(a) it was registered on or after 1st January 2017, and

(b) on the date it was registered, it was not prevented from being fitted with an air conditioning system containing high-GWP fluorinated greenhouse gases by any pre-requisite for registration imposed by—

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(1) Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air-conditioning systems in motor vehicles (OJ No. L161, 14.6.2006 p.12) and amending Council Directive 70/156/EEC (OJ No. L42, 23.02.1970, p.1 as last amended by OJ No. L161, 22.6.2007, p.60). “Community Directive” is defined by regulation 3(2) of, and Schedule 2 to, the Road Vehicles (Construction and Use) Regulations 1986.

(2) S.I. 1981/154 (N.I.1).

- (i) the 1988 Act or any regulations made under it, except for this regulation;
  - (ii) the Road Traffic (Northern Ireland) Order 1981(3) or any regulations made under it; or
  - (iii) the Vehicle Approval Regulations.
- (9) Paragraph (6) does not apply to a vehicle where—
- (a) it was used for the first time on a road in Great Britain on or after 1st January 2017 (this date not being determined, for the purposes of this sub-paragraph, in accordance with regulation 3(3)), and
  - (b) on the date it was first used, it was not prevented from being fitted with an air conditioning system containing high-GWP fluorinated greenhouse gases by any pre-requisite for use imposed by—
    - (i) the 1988 Act or any regulations made under it, except for this regulation;
    - (ii) the Road Traffic (Northern Ireland) Order 1981 or any regulations made under it; or
    - (iii) the Vehicle Approval Regulations.
- (10) Paragraph (6) does not apply to a vehicle which before 1st January 2017 was fitted with an air conditioning system containing high-GWP fluorinated greenhouse gases.
- (11) For the purposes of this regulation, a vehicle was type approved if—
- (a) there has been issued in relation to it—
    - (i) an EC type approval certificate under regulation 4(5) of the EC Whole Vehicle Type Approval Regulations;
    - (ii) an EC type approval certificate under a provision of the law of any EEA State which corresponds to regulation 4(5) of the EC Whole Vehicle Type Approval Regulations;
    - (iii) an EC type approval certificate under regulation 13(3) of the Vehicle Approval Regulations;
    - (iv) an EC type approval certificate under a provision of the law of any EEA State which corresponds to regulation 13(3) of the Vehicle Approval Regulations;
    - (v) a type approval certificate under section 55 of the 1988 Act; or
    - (vi) a Minister’s Approval certificate under section 58(1) of the 1988 Act; or
    - (vii) a certificate under section 58(4) of the 1988 Act by reason of the vehicle conforming with another vehicle in respect of which a Minister’s Approval Certificate was issued under section 58(1) of that Act.
- (12) In this regulation—
- “air conditioning system” means any system whose main purpose is to decrease the air temperature and humidity of the passenger compartment of a vehicle;
- “high-GWP fluorinated greenhouse gases” means fluorinated greenhouse gases having a global warming potential higher than 150, “fluorinated greenhouse gases” has the same meaning as in Article 3(5) of Community Directive 2006/40, and “global warming potential” has the same meaning as in Article 3(8) (including the footnote) of Community Directive 2006/40, read in conjunction with the second sentence of Article 3(9) (including the footnote) of the same Directive;

“retrofitted” means fitted to a vehicle after it has been first used.”