
STATUTORY INSTRUMENTS

2015 No. 310

The Fluorinated Greenhouse Gases Regulations 2015

PART 1

Introductory provisions

Citation, commencement, extent and application

1.—(1) These Regulations—

- (a) may be cited as the Fluorinated Greenhouse Gases Regulations 2015; and
- (b) come into force on 19th March 2015.

(2) They extend to Northern Ireland only in so far as they deal with import and export controls and trade with any place outside the United Kingdom, within the meaning of paragraph 20 of Schedule 3 to the Northern Ireland Act 1998⁽¹⁾.

(3) They apply to—

- (a) offshore installations;
- (b) Scottish offshore installations; and
- (c) Northern Ireland offshore installations, insofar as they deal with import and export controls and trade with any place outside the United Kingdom, within the meaning of paragraph 20 of Schedule 3 to the Northern Ireland Act 1998.

Interpretation: general

2.—(1) In these Regulations—

“authorised person” means a person authorised under regulation 21;

“enforcement notice” means an enforcement notice served under regulation 25;

“enforcing authority” means—

- (a) as regards England, the Environment Agency, the local authority, the port health authority or the Secretary of State;
- (b) as regards Wales, the Natural Resources Body for Wales, the local authority, the port health authority or the Welsh Ministers;
- (c) as regards Scotland, the Scottish Environment Protection Agency, the local authority or the Scottish Ministers;
- (d) as regards Northern Ireland, the Department of the Environment or the local authority;
- (e) as regards offshore installations, the Secretary of State;
- (f) as regards Scottish offshore installations, the Scottish Ministers;
- (g) as regards Northern Ireland offshore installations—

(1) 1998 c. 47.

- (i) in relation to installations used in connection with any of the activities described in regulation 4(4)(a) to (g), the Secretary of State;
- (ii) in relation to installations used in connection with any of the activities described in regulation 4(4)(h) and (i), the Department of the Environment;

“premises” includes—

- (a) land;
- (b) a vehicle or trailer;
- (c) an aircraft;
- (d) a ship;
- (e) an offshore installation or part of an offshore installation;
- (f) a Scottish offshore installation or part of a Scottish offshore installation;
- (g) a Northern Ireland offshore installation or part of a Northern Ireland offshore installation;

“ship” includes a hovercraft, submersible craft and any other floating craft but not a vessel which permanently rests on or is permanently attached to the seabed.

(2) In paragraph (1)—

“local authority” means—

- (a) as regards England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) as regards Wales, a county council or a county borough council;
- (c) as regards Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(2);
- (d) as regards Northern Ireland, a district council, within the meaning of section 44 of the Interpretation Act (Northern Ireland) 1954(3);

“port health authority” means—

- (a) in relation to the London port health district (within the meaning given by section 7(1) of the Public Health (Control of Disease) Act 1984(4)), the Common Council of the City of London;
- (b) in relation to any port health district constituted by order under section 2(3) of that Act, the port health authority for that district constituted by order under section 2(4) of that Act.

Interpretation: EU Regulations

3.—(1) In these Regulations—

“the 2014 Regulation” means Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases(5);

“Commission Regulation 1494/2007” means [Commission Regulation \(EC\) No 1494/2007](#) establishing, pursuant to Regulation EC No 842/2006 of the European Parliament and of the Council, the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases;

(2) 1994 c. 39. Section 2 is amended by paragraph 232(1) of Schedule 22 to the Environment Act 1995 (c. 25).

(3) 1954 c. 33 (N.I.).

(4) 1984 c. 22.

(5) OJ No L 150, 20.5.2014, p 195.

“Commission Regulation 1497/2007” means [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⁽⁶⁾;

“Commission Regulation 1516/2007” means [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 refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases⁽⁷⁾;

“Commission Regulation 303/2008” means [Commission Regulation \(EC\) No 303/2008](#) 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 refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases⁽⁸⁾;

“Commission Regulation 304/2008” means [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⁽⁹⁾;

“Commission Regulation 305/2008” means [Commission Regulation \(EC\) No 305/2008](#) 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 gases from high-voltage switchgear⁽¹⁰⁾;

“Commission Regulation 306/2008” means [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⁽¹¹⁾;

“Commission Regulation 307/2008” means [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⁽¹²⁾;

“Commission Regulation 308/2008” means [Commission Regulation \(EC\) No 308/2008](#) establishing, pursuant to Regulation [\(EC\) No 842/2006](#) of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States⁽¹³⁾;

“Commission Regulation 1191/2014” means 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.

(2) Expressions used but not defined in these Regulations and used in the following legislation have the same meaning as they have in that legislation—

(6) OJ No L 333, 19.12.2007, p 4.

(7) OJ No L 335, 20.12.2007, p 10.

(8) OJ No L 92, 3.4.2008, p 3.

(9) OJ No L 92, 3.4.2008, p 12.

(10) OJ No L 92, 3.4.2008, p 17.

(11) OJ No L 92, 3.4.2008, p 21. There is a relevant corrigendum (OJ No L 280, 23.10.2008, p 38).

(12) OJ No L 92, 3.4.2008, p 25.

(13) OJ No L 92, 3.4.2008, p 28.

- (a) the 2014 Regulation;
- (b) Commission Regulation 1494/2007;
- (c) Commission Regulation 1497/2007;
- (d) Commission Regulation 1516/2007;
- (e) Commission Regulation 303/2008;
- (f) Commission Regulation 304/2008;
- (g) Commission Regulation 305/2008;
- (h) Commission Regulation 306/2008;
- (i) Commission Regulation 307/2008;
- (j) Commission Regulation 308/2008.

(3) A reference in these Regulations to the following is a reference to those Commission Regulations as amended from time to time—

- (a) Commission Regulation 1494/2007;
- (b) Commission Regulation 1191/2014.

Interpretation: offshore installations

4.—(1) In these Regulations, “offshore installation” means an installation or structure, other than a ship, a Scottish offshore installation or a Northern Ireland offshore installation, which is—

- (a) situated in the waters of, or on or under the seabed in—
 - (i) the tidal waters and parts of the sea in or adjacent to the United Kingdom up to the seaward limits of the territorial sea;
 - (ii) in the case of the activities listed in sub-paragraph (b)(i) to (vi), an area designated by an Order in Council under section 1(7) of the Continental Shelf Act 1964(14); or
 - (iii) in the case of the activity listed in sub-paragraph (b)(vii), the sea in any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009(15); and
- (b) used in connection with—
 - (i) the exploitation, or the exploration with a view to exploitation, of mineral resources in or under the shore or bed of waters described in sub-paragraph (a)(i) and (ii);
 - (ii) the exploration of a place in, under or over such waters with a view to the storage of gas;
 - (iii) the conversion of a place under the shore or bed of such waters for the purpose of storing gas;
 - (iv) the storage of gas in, under or over such waters or the recovery of gas so stored;
 - (v) the unloading of gas at a place in, under or over such waters;
 - (vi) the conveyance of things by means of a pipe, or system of pipes, constructed or placed on, in or under the shore or bed of such waters; or
 - (vii) the production of energy from water or wind.

(2) In paragraphs (1) and (4)—

(14) 1964 c. 29. Section 1(7) is amended by paragraph 1 of Schedule 3 to the Oil and Gas (Enterprise) Act 1982 (c. 23) and section 103 of the Energy Act 2011 (c. 16). Areas have been designated under section 1(7) by S.I. 1987/1265 (as amended by S.I. 2000/3062) and 2013/3162.

(15) 2009 c. 23. A designation has been made by S.I. 2013/3161.

- (a) references (in whatever form) to storing gas include storing gas with a view to its permanent disposal; and
 - (b) “gas” means—
 - (i) gas within the meaning of section 2(4) of the Energy Act 2008⁽¹⁶⁾; or
 - (ii) carbon dioxide.
- (3) In these Regulations, “Scottish offshore installation” means an installation or a structure, other than a ship, which is—
- (a) situated in the waters of, or on or under the seabed in—
 - (i) the tidal waters and parts of the sea in or adjacent to Scotland up to the seaward limits of the territorial sea; or
 - (ii) the sea in any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 in respect to which the Scottish Ministers have functions designated by an order made under section 41(4) of that Act; and
 - (b) used in connection with the production of energy from water or wind.
- (4) In these Regulations, “Northern Ireland offshore installation” means an installation or a structure, other than a ship, which is situated in the marine area and used in connection with any of the following activities—
- (a) the exploitation, or exploration with a view to exploitation, of mineral resources in the marine area;
 - (b) the exploration of any place in the marine area, with a view to the storage of gas;
 - (c) the conversion of any place in the marine area for the purpose of storing gas;
 - (d) the storage of gas in the marine area or the recovery of gas so stored;
 - (e) the unloading of gas at any place in the marine area;
 - (f) the conveyance of things by means of a pipe, or system of pipes, constructed or placed in the marine area;
 - (g) the provision of access to or accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, in connection with any of the activities within sub-paragraphs (a) to (f);
 - (h) the production of energy from water or wind;
 - (i) the provision of access to or accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, in connection with the production of energy from water or wind.
- (5) In paragraph (4), “marine area” means the area (together with the places above and below it) comprising the waters of, or on or under the seabed in—
- (a) the tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limits of the territorial sea; or
 - (b) the sea in any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 in respect of which any Northern Ireland department has functions designated by an order made under section 41(4) of that Act.
- (6) For the purposes of paragraphs (1)(b) and (3)(b), each of the activities described in those paragraphs includes the provision of access to or accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, in connection with such an activity.

(16) 2008 c. 32.

Competent authority

5.—(1) The Secretary of State is the competent authority for the purposes of the 2014 Regulation in its application to—

- (a) England, Wales and Scotland;
- (b) offshore installations; and
- (c) Northern Ireland and Northern Ireland offshore installations.

(2) The Scottish Ministers are the competent authority for the purposes of the 2014 Regulation in its application to Scottish offshore installations.