

This Statutory Instrument has been made in consequence of an error in S.I. 2020/1616 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2023 No. 1161

RETAINED EU LAW REFORM

ENVIRONMENTAL PROTECTION

**The Fluorinated Greenhouse Gases (Amendment) Regulations
2023**

Made - - - - *30th October 2023*

Coming into force - - *31st October 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 14(2) and (7) of the Retained EU Law (Revocation and Reform) Act 2023^(a) (“the 2023 Act”).

The Secretary of State is a relevant national authority^(b) for the purposes of section 14(2) of the 2023 Act.

In accordance with paragraph 5(5) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Fluorinated Greenhouse Gases (Amendment) Regulations 2023 and come into force on 31st October 2023.

(2) These Regulations extend to the United Kingdom, subject to paragraph (3).

(3) Any amendment of a provision in an enactment has the same extent as the provision amended.

Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases

2.—(1) Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases^(c) is amended as follows.

(2) In Article 16(3)—

(a) for “2021” substitute “2015”;

(a) 2023 c. 28.

(b) The term “relevant national authority” is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

(c) EUR 2014/517, amended by S.I. 2019/583 (itself amended by S.I. 2020/1616).

(b) after “Article 19”, insert “or otherwise”.

Lord Benyon
Minister of State

30th October 2023

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Article 16(3) of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases (EUR 2014/517, “the F-gas regulation”) which relates to environmental protection and is secondary retained EU law within the meaning of section 11(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

Article 16 of the F-gas regulation provides for the allocation of quotas for placing hydrofluorocarbons (HFCs) on the market.

Regulation 2(2)(a) amends a date in Article 16(3) to correct a technical error made in a previous amending instrument. Article 16(3) provides for recalculation of reference values by 31st October 2023 (and every three years after that) on the basis of the annual average of HFCs placed on the market from a specified start date, using certain prescribed data. The start date should have been January 2015 but was erroneously changed to 2021 by S.I 2020/1616. This instrument corrects this mistake.

Regulation 2(2)(b) provides that all relevant reported data gathered after 2015 may be used to calculate reference values from which to allocate quota.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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