

GUIDANCE DOCUMENT

IMPLICATIONS ON THE F-GAS REGULATIONS OF THE EUROPEAN UNION (WITHDRAWAL) BILL

1 OBJECTIVE

The objective of this guidance document is to clarify for members the position we are in, and the consequences of certain proposals still being discussed, with regard to the fluorinated greenhouse gases and ozone depleting substances regulations in the United Kingdom after we leave the European Union on 30 March 2019.

This guidance will be reviewed and updated over the course of the coming months as positions and situations change because the nature of the debates in Parliament, and negotiations in Brussels, are fluid and constantly shifting. The guidance will be based on knowledge at the time of publication and the latest version of any guidance should be sought at all times.

2 BASIC FRAMEWORK

The UK Government has been clear from the outset of negotiations of exiting the European Union (EU) that it is not their intention to reduce the impact or efficacy of the existing environmental regulations after the UK leaves the political union, including those relating to reducing and minimising emissions of ozone depleting and fluorinated greenhouse gases.

The new UK regulations coming into effect on 30 March 2019 will transfer most of the requirements of the current EU regulations directly into UK law. The UK will continue to restrict the use of ozone depleting substances (ODS) and maintain the phase down schedule for fluorinated greenhouse gases (F-Gas), reducing the placing on the market of F-Gas by 79% relative to the baseline set in the current F-Gas Regulations.

The obligations to continue the following will remain:

- To prevent intentional release of F-gases
- To prevent the unintentional release of F-gases during production and use
- To minimise and repair leakages
- To carry out leak checks and keep records, and to use leak detection systems for certain systems
- To recover F-gases from equipment for recycling, reclamation or destruction where equipment is being repaired or decommissioned
- To restrict the placing on the market of certain equipment and products and to prevent sales to businesses who do not hold the relevant certification
- Correct product and equipment labelling

3 OBLIGATIONS SPECIFIC TO CONTRACTORS

- The same obligations will be in place on contractors after we leave the EU from 30 March 2019 including certification and registration. These relate to any person or company carrying out the following activities:
- Installation, servicing, repairing, maintaining, leak checking or decommissioning of in-scope stationary refrigeration, air conditioning and heat pump equipment (SRACHP) and any refrigerant charging or recovery works.
- For engineers and technicians the existing qualifications remain valid and necessary to undertake the work. Existing certification without expiry date(s) will remain valid until such time as they are superseded. Certificates issued from other EU member states will remain valid.
- For companies the existing registration arrangements with REFCOM remain valid. REFCOM has confirmed our intention to continue to operate the UK's largest F-Gas Register for both Great Britain and Northern Ireland after the 30 March 2019.
- **Please note:**
Where an engineer or technician operates as a sole trader they are classed as being "a company" under the regulations and must hold a company certificate as well as the relevant personal qualifications.

Companies employing sole traders on a sub-contract basis must ensure that the sole trader / sub-contractor is properly registered with REFCOM as well. Sole trader/sub-contractors cannot operate on somebody else's license.

4 OBLIGATIONS SPECIFIC TO QUOTA HOLDERS, SELLERS & IMPORTERS

If your company currently holds a quota authorisation from the EU you can apply to exchange your unused EU authorisations for UK authorisations by first registering with the Environment Agency (EA) to get an organisation ID. You will have to inform the EU how much of the quota you have exchanged to the UK.

If you wish to continue placing goods or equipment on the EU market then you will need to continue to follow the [EU rules](#).

For placing these goods or equipment on the UK market you will have to hold a UK authorisation under the UK's new quota system. The devolved administrations have agreed to remain part of a UK-wide single market with the EA administering the systems. The EA may impose a charge to cover the costs of administering this system but will hold a public consultation before deciding on this.

For any business looking to become an importer or producer and therefore needing to become a quota holder as a new entrant they should refer to the [UK Government guidance](#) for more information.

As with the current EU legislation, no refrigerant gases should be supplied to any natural person for the purposes of carrying out the installation, servicing, maintenance or repair of in-scope systems who does not hold the correct certification from REFCOM or an equivalent body and pre-charged split systems shall only be sold to an end user where evidence is provided that the installation is to be carried out by a correctly certified company.

Note: this document is based on knowledge available at the time of publication and is meant for general purposes, not for reliance on in relation to specific technical or legal issues, in which case you should always seek independent advice. No responsibility of any kind for any injury, death, loss, damage or delay however caused, resulting from the use of the advice and recommendations contained herein, is accepted by the authors or others involved in its publication (including the Building & Engineering Services Association). 10/01/2019