

## **EXPLANATORY MEMORANDUM TO**

### **The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015**

**SR 2015 No. 425**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The purpose of introducing the Statutory Rule is to comply with the requirements of European Union legislation on fluorinated greenhouse gases ("F-gases"). The Statutory Rule will help to control Northern Ireland's emissions of these gases, which are used in some sectors of industry and have a very high Greenhouse Warming Potential.

#### **3. Background**

- 3.1. It is also a requirement for all EU Member States to compile legislation on F-gases as a result of of a recent EU Regulation. F-gases are used in a number of sectors of industry in Northern Ireland, including fire equipment, stationary and mobile refrigeration and air-conditioning, and high-voltage switchgear. The Statutory Rule includes a number of measures to minimise the release of F-gases into the atmosphere.

#### **4. Consultation**

- 4.1. A public consultation exercise took place between 6th July 2015 and 31st August 2015. A total of ten responses were received from businesses, district councils and public sector organisations. The overall response to the consultation was positive, and no organisation expressed any serious misgivings about the proposed legislation.

#### **5. Equality Impact**

- 5.1. The Department has carried out an equality screening exercise on the draft legislation. No adverse impacts for any of the nine categories in section 75 of the Northern Ireland Act 1998 were identified. A full Equality Impact Assessment was therefore not required.

#### **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment was carried out as part of the consultation process. Ten consultees replied, most of whom suggested minor drafting updates and/or ideas for the future enforcement of the draft legislation. No consultee mentioned any serious misgivings about the financial imposition of the Statutory Rule upon their business activities.

## **7. Financial Implications**

- 7.1. It is estimated that there will be some financial implications for businesses, such as those in sectors newly covered by F-gas provisions, such as refrigerated transport. There will also be ongoing monetary obligations for continuing users of F-gases in sectors such as stationary air-conditioning and heat pumps, and fire equipment, as well as government stakeholders involved in the enforcement of the Statutory Rule. However, no stakeholder mentioned any serious misgivings during the consultation period, on financial matters or otherwise.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Statutory Rule complies fully with the provisions of section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. The Statutory Rule has been made as a result of "Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006", which came into operation in January 2015. The EU F-gas Regulation is binding in all EU Member States and the UK, including NI, is therefore obliged under Article 25 to "lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive." The provisions of the Statutory Rule set out these penalties.

## **10. Parity or Replicatory Measure**

- 10.1. The Department for Environment, Food and Rural Affairs ("DEFRA") compiled the parity measure for GB, namely the Fluorinated Greenhouse Gases Regulations 2015, which came into force on 19th March 2015. This GB legislation also introduces offences and penalty provisions designed to comply with the requirements of the Regulation (EU) No 517/2014. The GB legislation applies to NI only in so far as it deals with import and export controls and trade with any place outside the United Kingdom.

## **11. Additional Information**

- 11.1. Not applicable.