Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2019 No. 0000

EXITING THE EUROPEAN UNION

ENVIRONMENTAL PROTECTION

The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

PART 2

Ozone-depleting substances

SECTION 1

Amendment of subordinate legislation

The Ozone-Depleting Substances Regulations 2015

2. In the Ozone-Depleting Substances Regulations 2015(**b**) omit regulation 3.

(**a**) 2018 c. 16.
(**b**) S.I. 2015/168.

Regulation (EC) No 1005/2009

3. Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer is amended in accordance with regulations 4 to 30.

Article 3 (definitions)

4.—(1) Article 3 is amended as follows.

(2) After paragraph 3 insert—

"3A. 'part of the United Kingdom' means, as the case may be, England, Northern Ireland, Scotland or Wales;

3B. 'Scotland' is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998(**a**);

3C. 'Wales' is to be construed in accordance with section 158(1), (3) and (4) of the Government of Wales Act 2006(**b**);

3D. 'Northern Ireland' is to be construed in accordance with section 98(1) of the Northern Ireland Act 1998(**c**);

3E. 'appropriate authority' means—

(a) in relation to England, the Secretary of State;

(b) in relation to Northern Ireland, a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department;

(c) in relation to Scotland, the Scottish Ministers;

(d) in relation to Wales, the Welsh Ministers;

3F. 'appropriate regulator'—

(a) in relation to England, means the Environment Agency;

(b) in relation to Northern Ireland, means a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department;

(c) in relation to Scotland, is to be read in accordance with Article 3A;

(d) in relation to Wales, is to be read in accordance with Article 3B;";

(3) In paragraph 13, for "the Community" substitute "any part of the United Kingdom".

(4) In paragraph 14 omit "and the Community".

(5) In paragraph 17, for "a Member State" substitute "any part of the United Kingdom".

(6) In paragraph 18, for the words from "customs territory of the Community" to the end substitute "United Kingdom".

(7) In paragraph 19, for the words from "customs territory of the Community" to the end, substitute "United Kingdom of substances, products and equipment covered by this Regulation;".

(8) In paragraph 20—

(a) for "the Community" in the first and third place it occurs substitute "any part of the United Kingdom";

(b) omit the words from ", and includes the release" to "Regulation (EC) No 450/2008".

(**a**) 1998 c. 46.
(**b**) 2006 c. 32.
(**c**) 1998 c. 47.

(9) After paragraph 25, insert—

"25A 'third country' means a country other than the United Kingdom;".

Insertion of new Articles 3A and 3B

5. After Article 3, insert—

"Article 3A

Appropriate regulator: Scotland

1. The appropriate regulator in relation to Scotland is, subject to paragraph (2), the Scottish Environment Protection Agency.

2. The Scottish Ministers may direct that a person or body other than the Scottish Environment Protection Agency is the appropriate regulator in relation to cases of a particular description or in a particular case.

3. Before making a direction under paragraph (2), the Scottish Ministers must consult the Secretary of State.

Article 3B

Appropriate regulator: Wales

1. The appropriate regulator in relation to Wales is, subject to paragraph (2), Natural Resources Body for Wales.

2. The Welsh Ministers may direct that a person or body other than Natural Resources Body for Wales is the appropriate regulator in relation to cases of a particular description or in a particular case.

3. Before making a direction under paragraph (2), the Welsh Ministers must consult the Secretary of State".

Article 7 (production, placing on the market and use of controlled substances as feedstock)

6.—(1) Article 7 is amended as follows.

(2) In paragraph 2, in the second subparagraph—

(a) in the first sentence, for "Commission may" substitute "appropriate authority may, by regulations,";

(b) omit the second sentence.

Article 8 (production, placing on the market and use of controlled substances as process agents)

7.—(1) Article 8 is amended as follows.

(2) In paragraph 3, in the second subparagraph—

(a) in the first sentence, for "Commission may" substitute "appropriate authority may, by regulations,";

(b) omit the second sentence.

(3) In paragraph 4, in the first subparagraph—

(a) for "Commission" substitute "appropriate authority";

(b) omit "in accordance with the management procedure referred to in Article 25(2),".

(4) In paragraph 4, in the second subparagraph—

(a) omit "maximum";

(b) for "the Community shall not exceed 1 083 metric tonnes per year" substitute "any part of the United Kingdom shall not, when added to the amounts that may be used as process agents in the other parts of the United Kingdom, exceed a maximum amount of 134.3 metric tonnes per year";

(c) in the third subparagraph—

(i) omit "maximum";

(ii) for "the Community shall not exceed 17 metric tonnes per year" substitute "any part of the United Kingdom shall not, when added to the amounts that may be used as process agents in the other parts of the United Kingdom, exceed a maximum amount of 2.1 metric tonnes per year".

(5) In paragraph 5, in the first subparagraph—

(a) in the words before point (a), for "Commission shall" substitute "Secretary of State shall, by regulations";

(b) omit the second subparagraph.

Article 9 (placing on the market of controlled substances for destruction or reclamation and of products and equipment containing or relying on controlled substances for destruction)

8. In Article 9, for "the Community", in each place it occurs, substitute "any part of the United Kingdom".

Article 10 (essential laboratory and analytical uses of controlled substances other than hydrochlorofluorocarbons)

9.—(1) Article 10 is amended as follows.

(2) In paragraph 2—

(a) for "Commission" substitute "appropriate authority";

(b) omit "in accordance with the management procedure referred to in Article 25(2),";

(c) for "the Community" substitute "any part of the United Kingdom".

(3) In paragraph 3—

(a) in the second subparagraph—

(i) in the first sentence, for "Commission may" substitute "appropriate authority may, by regulations,";

(ii) omit the second sentence;

(b) in the third subparagraph—

(i) in the second sentence, for "Commission may" substitute "appropriate authority may, by regulations,";

(ii) omit the third sentence.

(4) In paragraph 4, for "Commission" substitute "appropriate regulator".

(5) In paragraph 5, for "Commission", in each place it occurs, substitute "appropriate regulator".

(6) In paragraph 6—

(a) in the first subparagraph, for "Commission" substitute "appropriate regulator";

(b) in the second subparagraph, for "110 ODP tonnes" substitute "13.6 ODP tonnes";

(c) in the third subparagraph—

(i) in the first sentence, for "Commission" substitute "appropriate authority";

(ii) after "importers" insert "and publish the determination";

(iii) omit the second sentence.

(7) In paragraph 7—

(a) in the first subparagraph, for the words from "competent authority" to "situated" substitute "appropriate authority";

(b) omit the second subparagraph.

(8) In paragraph 8—

(a) in the first subparagraph, for the words from "competent authority" to "situated" substitute "appropriate authority";

(b) omit the second subparagraph.

Article 11 (production, placing on the market and use of hydrochlorofluorocarbons and placing on the market of products and equipment containing or relying on hydrochlorofluorocarbons)

10.—(1) Article 11 is amended as follows.

(2) In paragraph 5, for "Commission" substitute "appropriate regulator".

(3) In paragraph 8, in the first subparagraph—

(a) for "Commission" substitute "appropriate authority";

(b) omit the words from ", following a request" to "Article 25(2),".

Article 12 (quarantine and pre-shipment applications and emergency uses of methyl bromide)

11.—(1) Article 12 is amended as follows.

(2) Omit paragraphs 1 and 2.

(3) In paragraph 3—

(a) from the words "Commission" to "Member State," substitute "appropriate authority may";

(b) for "Directive 91/414/EEC and Directive 98/8/EC" substitute "Regulation (EC) 1107/2009 and Regulation (EU) 528/2012".

Article 13 (critical uses of halons and decommissioning or equipment containing halons)

12.—(1) Article 13 is amended as follows.

(2) In paragraph 1, for "competent authority of the Member State concerned" substitute "appropriate regulator".

(3) In paragraph 2—

(a) in the first subparagraph, for the words from "Commission" to "modifications and" substitute "appropriate authority shall review Annex 6 and, if appropriate, make regulations to amend Annex 6 and set";

(b) omit the second subparagraph.

(4) In paragraph 4, for the words from "Commission may" to "Article 25(2)," substitute "appropriate authority may, by regulations".

Article 14 (transfer of rights and industrial rationalisation)

13.—(1) Article 14 is amended as follows.

(2) In paragraph 1—

(a) for "the Community" substitute "any part of the United Kingdom";

(b) for "Commission" substitute "appropriate regulator".

(3) In paragraph 2—

(a) in the first sentence—

(i) for the words from "competent authority" to "situated" substitute "appropriate authority";

(ii) for "Member State concerned" substitute "United Kingdom";

(iii) omit "of that Member State";

(iv) omit "its";

(b) omit the final sentence.

(4) Omit paragraph 3.

(5) In paragraph 4—

(a) for "Commission may" substitute "Secretary of State may, by regulations,";

(b) omit the words from "both" to "situated and";

(c) for "Community" substitute "United Kingdom".

Article 15 (imports of controlled substances or of products and equipment containing or relying on controlled substances)

14.—(1) Article 15 is amended as follows.

(2) In paragraph 2(g), for "competent authority of the Member State concerned" substitute "appropriate regulator".

(3) In paragraph 3—

(a) for "customs territory of the Community", in each place it occurs, substitute "United Kingdom";

(b) for "as referred to in Regulation (EC) No 450/2008" substitute "under the Taxation (Cross-border Trade) Act 2018(**a**)";

(c) for "the Community" substitute "any part of the United Kingdom";

(d) for "Commission" substitute "Environment Agency".

Article 16 (release for free circulation in the Community of imported controlled substances)

15.—(1) Article 16 is amended as follows.

(2) In the heading, for "the Community" substitute "any part of the United Kingdom".

(3) In paragraph 1, in the first subparagraph—

(a) for "the Community" substitute "any part of the United Kingdom";

(b) for "Commission" substitute "appropriate regulator";

(c) for "1 January 2010 to 31 December 2010" substitute "30 March 2019 to 31 December 2019";

(d) omit the words from "in accordance" to the end of the sentence.

(4) In paragraph 2, for "Commission", in each place it occurs, substitute "appropriate regulator".

Article 17 (export of controlled substances or of products and equipment containing or relying on controlled substances)

16.—(1) Article 17 is amended as follows.

(2) In paragraph 2(e), for "competent authority of a Member State" substitute "appropriate regulator".

(3) In paragraph 3—

(**a**) 2018 c. 22.

(a) for the words from "Commission may" to "Article 25(2)" substitute "Secretary of State may,";

(b) for "Commission" substitute "Secretary of State".

(4) In paragraph 4—

(a) for "re-exports" substitute "non-domestic goods";

(b) for "customs territory of the Community" substitute "United Kingdom"

(c) for "as referred to in Regulation (EC) No 450/2008" substitute "in accordance with the applicable provisions of the Taxation (Cross-border Trade) Act 2018";

(d) for "re-export" substitute "export";

(e) for "Commission" substitute "Environment Agency".

Article 18 (licensing of imports and exports)

17.—(1) Article 18 is amended as follows.

(2) In paragraph 1, for "Commission" substitute "Environment Agency".

(3) In paragraph 3(i), for "competent authority of a Member State" substitute "Environment Agency".

(4) In paragraphs 4 to 6, for "Commission", in each place it occurs, substitute "Environment Agency".

(5) Omit paragraph 7.

(6) In paragraph 8—

(a) for "Commission" substitute "Environment Agency";

(b) omit "and the Member State concerned".

(7) In paragraph 9—

(a) in the first sentence, for "Commission may" substitute "Secretary of State may, by regulations,";

(b) omit the second sentence.

Article 19 (measures for monitoring of illegal trade)

18. In Article 19—

(a) in the first paragraph—

(i) for "Commission may adopt" substitute "appropriate authority may, by regulations, provide";

(ii) for "customs territory of the Community" substitute "United Kingdom";

(b) omit the second paragraph.

Article 20 (trade with a State not party to the Protocol and a territory not covered by the Protocol)

19.—(1) Article 20 is amended as follows.

(2) In paragraph 2, in the first sentence—

(a) for "Commission may adopt rules applicable" substitute "appropriate authority may make regulations in relation";

(b) for "the Community" substitute "any part of the United Kingdom";

(c) omit the third sentence.

(3) In paragraph 3—

(a) in the first sentence, for "Commission" substitute "Secretary of State";

(b) omit the second sentence.

(4) In paragraph 4—

(a) in the second subparagraph, for "Commission" substitute "Secretary of State";

(b) omit the third subparagraph.

Article 21 (list of products and equipment containing or relying on controlled substances)

20. Omit Article 21.

Article 22 (recovery and destruction of used controlled substances)

21.—(1) Article 22 is amended as follows.

(2) In paragraph 2, omit "Community and national".

(3) In paragraph 3—

(a) in the first subparagraph, for "Commission may" substitute "appropriate authority may, by regulations,";

(b) omit the second subparagraph.

(4) In paragraph 4—

(a) in the second subparagraph—

(i) in the first sentence, for "Commission shall" substitute "appropriate authority shall, by regulations,";

(ii) in the second sentence, for "Any draft measure to establish such an Annex shall" substitute "Such regulations shall";

(iii) in the second sentence, omit the words from "taking into account the individual circumstances of Member States";

(b) omit the third subparagraph.

(5) In paragraph 5—

(a) in the first paragraph, for "Member States" substitute "The appropriate authority";

(b) in the second subparagraph—

(i) for "Commission shall evaluate the measures taken by the Member States" substitute "appropriate authority shall evaluate such measures";

(ii) for "adopt measures" substitute "make regulations";

(c) omit the third subparagraph.

Article 23 (leakages and emissions of controlled substances)

22.—(1) Article 23 is amended as follows.

(2) In paragraph 3, for "competent authority of a Member State and to the Commission" substitute "appropriate regulator".

(3) In paragraph 4, in the first subparagraph—

(a) in the first sentence, for "Member States" substitute "The appropriate authority";

(b) in the second sentence—

(i) omit "taken by the Member States";

(ii) for "Commission may adopt measures" substitute "appropriate authority may make regulations";

(iii) omit the second subparagraph.

(4) In paragraph 7—

(a) in the first subparagraph, for "Commission may" substitute "appropriate authority may, by regulations,";

(b) omit the second subparagraph.

Article 24 (new substances)

23.—(1) Article 24 is amended as follows.

(2) In paragraph 1—

(a) for "customs territory of the Community" substitute "United Kingdom, to exports subsequent to imports already exempted";

(b) for the words from "as referred to in Regulation (EC) No 450/2008" to the end of the sentence substitute "in accordance with the applicable provisions of the Taxation (Cross-border Trade) Act 2018, unless such imports have been declared to a customs procedure, including outward processing, or exported under the provisions of the Taxation (Cross-border Trade) Act 2018, destroyed or abandoned to the exchequer.".

(3) In paragraph 2—

(a) in the first subparagraph, for "Commission shall" substitute "appropriate authority shall, by regulations";

(b) omit the second subparagraph.

(4) In paragraph 3—

(a) in the first sentence, for "Commission shall" substitute "appropriate authority shall, by regulations";

(b) omit the second sentence.

Amendment of heading for Chapter 7

24. For the heading substitute "Functions, Regulations, Reporting and Inspection".

Article 25 (committee)

25. For Article 25 substitute—

"*Article 25*

Functions

1. A function conferred by or under this Regulation—

(a) on the Scottish Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Scotland;

(b) on the Welsh Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Wales; and

(c) on a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department only so far as it is exercisable within devolved competence in or as regards Northern Ireland.

2. A function conferred under this Regulation—

(a) on a person or body by virtue of a direction of the Scottish Ministers is exercisable only in or as regards Scotland;

(b) on a person or body by virtue of a direction of the Welsh Ministers is exercisable only in or as regards Wales; and

(c) on a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department, is exercisable only in or as regards Northern Ireland.

3. In this Article and Articles 25A to 25C, "within devolved competence"—

(a) in or as regards Scotland, is to be construed in accordance with section 54 of the Scotland Act 1998;

(b) in or as regards Wales, is to be construed in accordance with section 158(1) of the Government of Wales Act 2006;

(c) in or as regard Northern Ireland, is to be construed in accordance with section 6 of the Northern Ireland Act 1998.

Article 25A

Exercise of functions: Scotland

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Scotland may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Scottish Ministers.

2. Consent given by the Scottish Ministers under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.

3. The Scottish Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Scotland, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.

4. The appropriate regulator in or as regards Scotland must comply with any such directions given to it, and have regard to any such guidance.

Article 25B

Exercise of functions: Wales

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Wales may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Welsh Ministers.

2. Consent given by the Welsh Ministers under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.

3. The Welsh Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Wales, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.

4. The appropriate regulator in or as regards Wales must comply with any such directions given to it, and have regard to any such guidance.

Article 25C

Exercise of functions: Northern Ireland

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Northern Ireland may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department.

2. Consent given by a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.

3. A Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department may give directions (general or specific) and guidance to the appropriate regulator in or as regards Northern Ireland, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.

4. The appropriate regulator in or as regards Northern Ireland must comply with any such directions given to it, and have regard to any such guidance.

Article 25D

Regulations

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(**a**).

3. Any power of a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland Department to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(**b**).

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland Department under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(**c**) as if they were a statutory instrument within the meaning of that Act.

8. Such regulations may—

(a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);

(b) make different provision for different purposes.

11. Before making any regulations under this Regulation, an appropriate authority shall consult—

(a) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;

(b) such other bodies or persons as the appropriate authority may consider appropriate".

Article 26 (reporting by the Member States)

26.—(1) Article 26 is amended as follows.

(2) In the heading omit "by the Member States".

(3) In paragraph 1—

(a) for "Member States shall report" substitute "the appropriate authority shall report on";

(b) omit "in an electronic format to the Commission".

(4) For paragraph 2 substitute—

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I.12).
(**c**) 1954 c.33 (N.I). Section 41(6) was amended by S.I. 1999/663.

"2. The appropriate authority shall publish a report under paragraph 1 in a manner which the appropriate authority considers appropriate."

(5) In paragraph 3—

(a) in the first subparagraph, for "Commission may" substitute "Secretary of State may, by regulations,";

(b) omit the second subparagraph.

Article 27 (reporting by undertakings)

27.—(1) Article 27 is amended as follows.

(2) In paragraph 1, for the words from "Commission" to "concerned," substitute "appropriate regulator".

(3) In paragraphs 2(b), (c) and (h), for "the Community" substitute "any part of the United Kingdom".

(4) In paragraphs 3(a) and (e), for "the Community" substitute "any part of the United Kingdom".

(5) In paragraph 4(c), for "the Community" substitute "any part of the United Kingdom".

(6) In paragraph 7—

(a) for the words from "Commission" to "concerned," substitute "appropriate regulator";

(b) for "the Community" substitute "any part of the United Kingdom".

(7) In paragraph 8, for "Commission" substitute "appropriate regulator".

(8) For paragraph 9 substitute—

"9. The Secretary of State may determine the format of the reports referred to in paragraphs 1 to 7 and publish the determination."

(9) In paragraph 10—

(a) in the first subparagraph, for "Commission may" substitute "appropriate authority may, by regulations,";

(b) omit the second subparagraph.

Article 28 (inspection)

28.—(1) Article 28 is amended as follows.

(2) In paragraph 1—

(a) in the first sentence—

(i) omit "Member States shall conduct" and begin the sentence with "Inspections";

(ii) between the words "Regulation," and "following" insert "shall be undertaken in accordance with the Ozone Depleting Substances Regulations 2015";

(b) omit the second sentence.

(3) Omit paragraphs 2 and 3.

(4) In paragraph 4—

(a) omit the first subparagraph;

(b) in the second subparagraph, for "Commission" substitute "appropriate regulator".

(5) Omit paragraph 5.

Article 29 (penalties)

29. Omit Article 29.

Article 31 (entry into force)

30. Omit the third paragraph.

Commission Decision 2010/372/EU

31. Commission Decision 2010/372/EU on the use of controlled substances as process agents under Article 8(4) of Regulation (EC) No 1005/2009 of the European Parliament and of the Council is revoked.

Commission Regulation (EU) No 291/2011

32.—(1) Notwithstanding the amendment of Article 10(2) of Regulation 1005/2009, Commission Regulation (EU) No 291/2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer continues to apply.

(2) In Commission Regulation 291/2011, after Article 2 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States".

Commission Regulation (EU) No 537/2011

33. In Commission Regulation (EU) No 537/2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer—

(a) after Article 2 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States";

(b) in the second subparagraph of paragraph 1 of the Annex, for "110" substitute "13.6".

The EEA agreement

34. In Annex 20 to the EEA agreement, omit point 21aa.

PART 3

Fluorinated greenhouse gases

SECTION 1

Amendment of subordinate legislation

The Fluorinated Greenhouse Gases Regulations 2015

35.—(1) The Fluorinated Greenhouse Gases Regulations 2015(**a**) are amended as follows.

(2) In regulation 6 omit "from outside the customs territory of the EU".

(3) In regulation 7 omit "from outside the customs territory of the EU".

(4) In regulations 9(1), 11(1), 13(1), 15(1) and 17(1) omit "other than the United Kingdom".

(5) In regulation 28(1) omit "from outside the customs territory of the EU".

(6) In Schedule 2—

(**a**) S.I. 2015/310, amended by S.I. 2016/1105, 2018/98.

(a) in the following entries, in the second column, for "the competent authority" or "a competent authority or to the European Commission" substitute "the appropriate regulator"—

(i) "Article 6(2)";

(ii) "Article 6(3)";

(b) in the following entries, in the second column, for "European Commission" substitute "appropriate regulator"—

(i) "Article 19(1)";

(ii) "Article 19(2)";

(iii) "Article 19(3)";

(iv) "Article 19(4)";

(v) "Article 19(5)";

(c) in the entry for "Article 19(6)", in the second column, for "a competent authority and to the European Commission" substitute "the appropriate regulator".

(7) In Schedule 3, in Table 6, in the row "Article 4", in the second column, for the first "Commission" substitute "appropriate regulator".

SECTION 2

Amendment of retained direct EU legislation

Regulation (EU) No 517/2014

36. Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases is amended in accordance with regulations 37 to 60.

Article 2 (definitions)

37.—(1) Article 2 is amended as follows.

(2) After point (7) insert—

"(7A) 'part of the United Kingdom' means, as the case may be, England, Northern Ireland, Scotland or Wales;

(7B) 'Scotland' is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998;

(7C) 'Wales' is to be construed in accordance with section 158(1), (3) and (4) of the Government of Wales Act 2006;

(7D) 'Northern Ireland' is to be construed in accordance with section 98(1) of the Northern Ireland Act 1998;

(7E) 'appropriate authority' means—

(a) in relation to England, the Secretary of State;

(b) in relation to Northern Ireland, a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department;

(c) in relation to Scotland, the Scottish Ministers;

(d) in relation to Wales, the Welsh Ministers;

7F. 'appropriate regulator'—

(a) in relation to England, means the Environment Agency;

(b) in relation to Northern Ireland, means a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department;

(c) in relation to Scotland, is to be read in accordance with Article 2A;

(d) in relation to Wales, is to be read in accordance with Article 2B.".

(3) In point (8), for "a Member State" substitute "the appropriate regulator".

(4) In point (10), for "the Union", in each place it occurs, substitute "any part of the United Kingdom".

(5) In point (35), for "Member States" substitute "the United Kingdom".

Insertion of new Articles 2A and 2B

38. After Article 2, insert—

"Article 2A

Appropriate regulator: Scotland

1. The appropriate regulator in relation to Scotland is, subject to paragraph (2), the Scottish Environment Protection Agency.

2. The Scottish Ministers may direct that a person or body other than the Scottish Environment Protection Agency is the appropriate regulator in relation to cases of a particular description or in a particular case.

3. Before making a direction under paragraph (2), the Scottish Ministers must consult the Secretary of State.

Article 2B

Appropriate regulator: Wales

1. The appropriate regulator in relation to Wales is, subject to paragraph (2), Natural Resources Body for Wales.

2. The Welsh Ministers may direct that a person or body other than Natural Resources Body for Wales is the appropriate regulator in relation to cases of a particular description or in a particular case.

3. Before making a direction under paragraph (2), the Welsh Ministers must consult the Secretary of State."

Article 4 (leak checks)

39. In Article 4, paragraph (5)—

(a) in the first sentence, for "Commission may, by means of implementing acts" substitute "appropriate authority may, by regulations";

(b) omit the second sentence.

Article 6 (record keeping)

40.—(1) Article 6 is amended as follows.

(2) In paragraph 2—

(a) in the first subparagraph, for "competent authorities of the Member States" substitute "appropriate regulator";

(b) in the second subparagraph—

(i) for the words from "competent" to "Commission" substitute "appropriate regulator";

(ii) for "Directive 2003/4/EC of the European Parliament and of the Council or Regulation (EC) 1367/2006 of the European Parliament and of the Council"

substitute "the Environmental Information Regulations 2004(**a**) or the Environmental Information (Scotland) Regulations 2004(**b**)".

(3) In paragraph 3, in the third subparagraph—

(a) for the words from "competent" to "Commission" substitute "appropriate regulator";

(b) for "Directive 2003/4/EC or Regulation (EC) 1367/2006" substitute "the Environmental Information Regulations 2004 or the Environmental Information (Scotland) Regulations 2004".

(4) In paragraph 4—

(a) in the first sentence, for "Commission may, by means of an implementing act" substitute "appropriate authority may, by regulations";

(b) omit the second sentence.

Article 8 (recovery)

41. In Article 8, in paragraph 3—

(a) in the second subparagraph, for the words from "Directive" to "Council" substitute "the Motor Vehicles (Refilling of Air Conditioning Systems by Service Providers) Regulations 2009(**c**);

(b) in the third subparagraph, for "Directive 2006/40/EC" substitute "the Motor Vehicles (Refilling of Air Conditioning Systems by Service Providers) Regulations 2009".

Article 9 (producer responsibility schemes)

42. In Article 9—

(a) in the first paragraph—

(i) omit "Union";

(ii) for "Member States" substitute "the appropriate authority".

(b) omit the second paragraph.

Article 10 (training and certification)

43.—(1) Article 10 is amended as follows.

(2) In paragraph 1—

(a) for "Member States", in each place it occurs, substitute "The appropriate authority";

(b) for "establish or adapt" substitute "enable the establishment or adaptation of".

(3) In paragraph 2—

(a) for "Member States" substitute "The appropriate authority";

(b) for "Directive 2006/40/EC" substitute "the Motor Vehicles (Refilling of Air Conditioning Systems by Service Providers) Regulations 2009".

(4) In paragraph 6, for the words "Member States shall establish or adapt" substitute "The appropriate authority shall enable the establishment or adaptation of".

(5) In paragraphs 8 and 9, for "Member States" substitute "The appropriate authority".

(6) For paragraph 10 substitute—

(**a**) S.I. 2004/3391, amended by paragraphs 306 to 309 of Schedule 19 to the Data Protection Act 2018 (c.12) and S.I. 2015/1897.
(**b**) S.S.I. 2004/520.
(**c**) S.I. 2009/2194.

"10. Certificates and training attestations issued in a member State or in any part of the United Kingdom in accordance with Article 10 of Regulation (EU) No 517/2014 shall be valid in any part of the United Kingdom."

(7) In paragraph 12—

(a) in the first sentence, for the words from "to provide" to "implementing acts," substitute "the appropriate authority shall, by regulations,";

(b) omit the second sentence;

(c) in the third sentence, for "on it by this paragraph, the Commission" substitute "by this paragraph, the appropriate authority shall".

(8) Omit paragraphs 13 and 14.

(9) In paragraph 15, for "Member States from setting up" substitute "the appropriate authority from enabling".

Article 11 (restrictions on the placing on the market)

44.—(1) Article 11 is amended as follows.

(2) In paragraph 3—

(a) in the first subparagraph, omit the words from "Following" to "Member State and" and begin the sentence with "Taking";

(b) for "the Commission may, exceptionally, by means of implementing acts," substitute "the appropriate authority may, exceptionally, by regulations";

(c) omit the second subparagraph.

(3) Omit paragraph 6.

Article 12 (labelling and product and equipment information)

45.—(1) Article 12 is amended as follows.

(2) In paragraph 4, omit the second subparagraph.

(3) In paragraph 14—

(a) in the first sentence—

(i) for "Commission may, by means of implementing acts" substitute "appropriate authority may, by regulations";

(ii) omit the words from "and may repeal" to "Regulation (EC) No 842/2006";

(b) omit the second sentence.

(4) In paragraph 15, for the words from "Commission shall" to "amending" substitute "appropriate authority may, by regulations, amend".

(5) After paragraph 15 insert—

"16. Labels, markings on packages and accompanying documents shall appear in English and may also appear in other languages."

Article 14 (pre-charging of equipment with hydrofluorocarbons)

46.—(1) Article 14 is amended as follows.

(2) In paragraph 2, in the second subparagraph—

(a) in point (a), for the words from "Directive" to "Council" substitute—

"Commission Regulation (EU) No 600/2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council";

(b) in point (b) omit from the words "in accordance" to the end of the sentence.

(3) In paragraph 4—

(a) in the first sentence, for "Commission shall, by means of implementing acts" substitute "Secretary of State shall, by regulations";

(b) omit the second sentence.

Article 15 (reduction of the quantity of hydrofluorocarbons placed on the market)

47.—(1) Article 15 is amended as follows.

(2) In paragraph 1—

(a) for "Commission" substitute "appropriate regulator";

(b) for "the Union" substitute "any part of the United Kingdom".

(3) In paragraph 2, in the second subparagraph, in points (a) and (c), for "the Union", in each place it occurs, substitute "any part of the United Kingdom".

(4) In paragraph 4—

(a) in the first subparagraph, in the words before point (a)—

(i) omit the words from "Following" to "Member State and" and begin the sentence with "Taking";

(ii) for "the Commission may, exceptionally, by means of implementing acts" substitute "the appropriate authority may, exceptionally, by regulations";

(b) omit the second subparagraph.

Article 16 (allocation of quotas for placing hydrofluorocarbons on the market)

48.—(1) Article 16 is amended as follows.

(2) In paragraph 1—

(a) in the first subparagraph, in the first sentence—

(i) for the words from "By 31 October" to "implementing acts," substitute "The appropriate regulator shall";

(ii) omit "under Article 6 of Regulation (EC) No 842/2006";

(iii) after "reported data" insert "to the appropriate regulator on the quantities of hydrofluorocarbons placed on the market from 2015 to 2017,";

(iv) for "2009 to 2012" substitute "2015 to 2017";

(b) for the second subparagraph substitute—

"An appropriate authority for any part of the United Kingdom shall consult the appropriate authority for each other part of the United Kingdom before a proposal is made to allocate quota.

A consultation conducted in respect of the above shall have regard to the response of any other appropriate authority and an assessment of the impact of the proposal on any part of the United Kingdom".

(3) In paragraph 2—

(a) in the first subparagraph—

(i) for "placing on the market hydrofluorocarbons under Article 6 of Regulation (EC) No 842/2006," substitute "to the appropriate regulator the placing on the market of quantities of hydrofluorocarbons";

(ii) omit "reference";

(iii) omit "in the following year";

(b) in the second and third subparagraphs, for "Commission", in each place it occurs, substitute "appropriate regulator".

(4) In paragraph 3—

(a) in the first subparagraph, in the first sentence,

(i) for "31 October 2017" substitute "31st October 2020";

(ii) for "Commission" substitute "appropriate regulator";

(iii) for "1 January 2015" substitute "1 January 2019";

(b) for the second sentence substitute "The appropriate regulator shall determine those reference values.";

(c) omit the second subparagraph.

(5) In paragraph 5—

(a) in the first subparagraph—

(i) for "Commission" substitute "appropriate regulator";

(ii) for "2015" substitute "2019";

(b) in the second subparagraph, for "the Union", in each place it occurs, substitute "any part of the United Kingdom".

Article 17 (registry)

49.—(1) Article 17 is amended as follows.

(2) In paragraph 1—

(a) in the first subparagraph—

(i) for "1 January 2015" substitute "29 March 2019";

(ii) for "Commission" substitute "appropriate authority";

(b) in the third subparagraph—

(i) for the first reference to "Commission" substitute "appropriate regulator";

(ii) for the second reference to "Commission" substitute "appropriate authority".

(3) In paragraph 2, in the first sentence—

(a) for "Commission" substitute "appropriate authority";

(b) for "means of implementing acts" substitute "regulations";

(c) omit the second sentence.

(4) In paragraph 3—

(a) for "Commission" substitute "appropriate regulator";

(b) omit "via the registry".

(5) Omit paragraph 4.

Article 18 (transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment)

50.—(1) Article 18 is amended as follows.

(2) In paragraph 1, for "the Union", in each place it occurs, substitute "any part of the United Kingdom";

(3) In paragraph 2—

(a) after subparagraph 1, insert—

"Any producer or importer of pre-charged equipment holding an authorisation in accordance with Article 18(2) of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No.

842/2006(**a**) issued prior to 29 March 2019 for placing pre-charged equipment on the market and who has not yet used that authorisation to place pre-charged equipment on the market, including in any part of the United Kingdom, may upon application to the appropriate regulator, exchange that authorisation for an authorisation to place pre-charged equipment on the market in any part of the United Kingdom. An authorised quantity exchanged under this provision for use in any part of the United Kingdom shall not be used again to place pre-charged equipment on the EU market. The use of such authorisations shall be fully documented in accordance with Article 14.";

(b) In subparagraph 3, for "Commission" substitute "appropriate regulator".

Article 19 (reporting on production, import, export, feedstock use and destruction of the substances listed in Annexes 1 or 2)

51.—(1) Article 19 is amended as follows.

(2) In paragraphs 1 to 5, for "Commission", in each place it occurs, substitute "appropriate regulator".

(3) In paragraphs 1 to 4, for "31 March 2015", in each place it occurs, substitute "31 March 2020"—

(4) In paragraph 6—

(a) in the first subparagraph—

(i) for "30 June 2015" substitute 30 June 2020";

(ii) in point (a) between the words "pursuant to" and "Directive 2003/87/EC" insert "Commission Regulation (EU) No 600/2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the verification of verifiers pursuant to";

(iii) in point (b) omit "in accordance with the legislation of the Member State concerned";

(b) in the second subparagraph, for the words from "competent authority" to "Commission" substitute "appropriate regulator".

(5) In paragraph 7—

(a) in the first subparagraph—

(i) for "Commission may, by means of implementing acts" substitute "appropriate authority may";

(ii) after "Article" insert "and publish the determination";

(b) omit the second subparagraph.

(6) In paragraph 8, for "Commission" substitute "appropriate regulator".

Article 20 (collection of emissions data)

52. In Article 20, for "Member States" substitute "The appropriate authority".

Article 21 (review)

53.—(1) Article 21 is amended as follows.

(2) In paragraph 1, for the words from "Commission shall" to "updating of" substitute "appropriate authority may, by regulations, amend".

(3) In paragraph 2—

(**a**) OJ No L 150 20.5.2014.

(a) in the first subparagraph, for the words from "and on the basis" to "Commission" substitute "the appropriate authority";

(b) in the second subparagraph—

(i) for "Commission" substitute "the appropriate authority";

(ii) for "Union" substitute "United Kingdom";

(c) in the third subparagraph—

(i) in point (b) omit "by the Union and its Member States";

(ii) in point (c) for "European" substitute "domestic";

(iii) in point (c) omit "in Member States".

(4) Omit paragraph 3.

(5) In paragraph 4—

(a) for "Commission" substitute "appropriate authority";

(b) omit "shall submit";

(c) omit "a legislative proposal to the European Parliament and to the Council to";

(d) after the word "amend" insert ", by regulations,".

(6) Omit paragraphs 5 and 6.

Article 22 (exercise of the delegation)

54. Omit Article 22.

Article 23 (consultation forum)

55.—(1) Article 23 is amended as follows.

(2) For "Commission", in each place it occurs, substitute "appropriate authority".

(3) Omit "Member States' representatives and".

Article 24 (committee procedure)

56. For Article 24 substitute—

"*Article 24*

Functions

1. A function conferred by or under this Regulation—

(a) on the Scottish Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Scotland;

(b) on the Welsh Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Wales; and

(c) on a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department is exercisable only so far as it is exercisable within devolved competence in or as regards Northern Ireland.

2. A function conferred under this Regulation—

(a) on a person or body by virtue of a direction of the Scottish Ministers is exercisable only in or as regards Scotland;

(b) on a person or body by virtue of a direction of the Welsh Ministers, is exercisable only in or as regards Wales; and

(c) on a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department, is exercisable only in or as regards Northern Ireland.

3. In this Article and Articles 24A to 24C, "within devolved competence"—

(a) in or as regards Scotland, is to be construed in accordance with section 54 of the Scotland Act 1998;

(b) in or as regards Wales, is to be construed in accordance with section 158(1) of the Government of Wales Act 2006;

(c) in or as regard Northern Ireland, is to be construed in accordance with section 6 of the Northern Ireland Act 1998.

Article 24A

Exercise of functions: Scotland

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Scotland may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Scottish Ministers.

2. Consent given by the Scottish Ministers under paragraph for the prospective exercise of a function may be withdrawn at any time.

3. The Scottish Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Scotland, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.

4. The appropriate regulator in or as regards Scotland must comply with any such directions given to it, and have regard to any such guidance.

Article 24B

Exercise of functions: Wales

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Wales may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Welsh Ministers.

2. Consent given by the Welsh Ministers under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.

3. The Welsh Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Wales, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.

4. The appropriate regulator in or as regards Wales must comply with any such directions given to it, and have regard to any such guidance.

Article 24C

Exercise of functions: Northern Ireland

1. Any function by or under this Regulation, including to make provision by regulations, in or as regards Northern Ireland may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of a Minister within the meaning of a Northern Ireland Act 1998, or a Northern Ireland department.

2. Consent given by a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.

3. A Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland department may give directions (general or specific) and guidance to the appropriate

regulator in or as regards Northern Ireland, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.

4. The appropriate regulator in or as regards Northern Ireland must comply with any such directions given to it, and have regard to any such guidance.

Article 24D

Regulations: general

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

3. Any power of a Minister within the meaning of the Northern Ireland Act 1998, or a Northern Ireland Department to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

8. Regulations under this Regulation may—

(a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);

(b) make different provision for different purposes.

11. Before making any regulations under this Regulation, other than regulations under Article 21, an appropriate authority shall consult—

(a) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;

(b) such other bodies or persons as the appropriate authority may consider appropriate.

Article 24E

Regulations: Scotland

1. Except as specified in paragraph 2, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

2. A statutory instrument containing regulations made by the Secretary of State under Article 21 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Article 24F

Regulations: the Welsh Ministers

1. Except as specified in paragraph 2, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

2. A statutory instrument containing regulations made by the Welsh Ministers under Article 21 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Article 24G

Regulations: the Scottish Ministers

1. Except as specified in paragraph 2, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010.

2. Regulations made by the Scottish Ministers under Article 21 are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Article 24H

Regulations: Northern Ireland

1. Except as specified in paragraph 2, regulations made by a Minister within the meaning of the Northern Ireland Act 1998 or a Northern Ireland department under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument under that Act.

2. Regulations may not be made by a Minister within the meaning of the Northern Ireland Act 1998 or a Northern Ireland department under Article 21 unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.".

Article 25

57. In Article 25—

(a) omit paragraph 1;

(b) in paragraph 2 omit "In addition to the penalties referred to in paragraph 1," and begin the sentence with "Undertakings".

Article 27 (entry into force and date of application)

58. Omit the third paragraph.

Annex 5 (calculation of the maximum quantity, reference values and quotas for placing hydrofluorocarbons on the market)

59. In Annex 5—

(a) for "the Union", in each place it occurs, substitute "any part of the United Kingdom";

(b) in the first paragraph, omit the first sentence;

(c) in the first paragraph, in the second sentence—

(i) omit "From 2018 onwards," and begin the sentence with "The maximum";

(ii) between the word "during" and "period" insert "the";

(iii) for "2009 to 2012" substitute "2015 to 2017 plus any necessary adjustment value";

(d) in the third paragraph, between the words "allocation period" and "but", insert "plus any necessary adjustment value";

(e) after the fourth paragraph, insert—

"In this Annex, "necessary adjustment value" means a value determined by the Secretary of State to be necessary to ensure that the maximum quantity and reference values are no lower than they would have been if Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006(**a**) applied to the United Kingdom.

The necessary adjustment value shall expire two years after the entry into force of these Regulations."

(**a**) OJ No L 150 20.5.2014.

Annex 7 (data to be reported pursuant to Article 19)

60. In Annex 7, for "Union", in each place it occurs, substitute "any part of the United Kingdom".

Commission Regulation (EC) No 1497/2007

61. In 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, after Article 8 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States".

Commission Regulation (EC) No 1516/2007

62. In 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 fire protection systems containing certain fluorinated greenhouse gases, after Article 11 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States".

Commission Regulation (EC) No 304/2008

63.—(1) 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 is amended as follows.

(2) Omit Articles 4(3), 6, 7(2) and 9.

(3) In Article 10(1) omit "provided for by a national law or regulation, or designated by the competent authority of a Member State or other entities entitled to do so, as being".

(4) In Article 11(1) omit "designated by the competent authority of a Member State or other entities entitled to do so,".

(5) Omit Article 12 (notification).

(6) In Article 13—

(a) in the heading omit "mutual";

(b) in paragraph 1—

(i) for "Mutual recognition" substitute "Recognition";

(ii) for "other" substitute "European Union";

(c) in paragraph 2—

(i) for "Member States may require holders of certificates issued in another Member State", substitute "Holders of certificates may be required";

(ii) for "another official Community language", substitute "English".

(7) After Article 14 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States".

Commission Regulation (EC) No 306/2008

64.—(1) 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 is amended as follows.

(2) Omit Article 2(3).

(3) In Article 4(1), omit "designated by the competent authority of a Member State or other entities entitled to do so, as being".

(4) In Article 5(1), omit "designated by the competent authority of a Member State or other entities entitled to do so,".

(5) Omit Article 6.

(6) In Article 7—

(a) in the heading, omit "mutual";

(b) in paragraph 1—

(i) for "Mutual recognition", substitute "Recognition";

(ii) for "other", substitute "European Union";

(c) in paragraph 2—

(i) for "Member States may require holders of certificates issued in another Member State", substitute "Holders of certificates may be required";

(ii) for "another official Community language", substitute "English".

(7) After Article 8 omit the words "This Regulation shall be binding in its entirety and applicable in all Member States".

Commission Regulation (EC) No 307/2008

65.—(1) 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 is amended as follows.

(2) Omit Article 2(3).

(3) In Article 3(1) omit "or designated by the competent authority of a Member State or other entities entitled to do so".

(4) Omit Article 4.

(5) In Article 5—

(a) in the heading omit "mutual";

(b) for paragraph 1 substitute—

"1. Training attestations issued in European Union member States in accordance with Article 3 shall be valid in any part of the United Kingdom.";

(c) in paragraph 2—

(i) for "Member States may require holders of training attestations issued in another Member State", substitute "Holders of certificates may be required";

(ii) for "another official Community language", substitute "English".

(6) After Article 6 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States".

Commission Implementing Regulation (EU) No 1191/2014

66.—(1) 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 is amended as follows.

(2) In Article 1, for "Commission" substitute "appropriate regulator".

(3) After Article 3 omit the words "This Regulation shall be binding in its entirety and directly applicable in the Member States".

(4) In the Annex, for "the Union", in each place it occurs, substitute "any part of the United Kingdom".

Commission Implementing Regulation (EU) 2015/2065

67. Commission Implementing Regulation (EU) 2015/2065 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States is revoked.

Commission Implementing Regulation (EU) 2015/2066

68.—(1) Commission Implementing Regulation (EU) 2015/2066 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear is amended as follows.

(2) In Article 1 omit "mutual".

(3) In Article 4(1), in the first subparagraph, omit "provided for in national law or designated by the competent authority of a Member State or other entities entitled to do so, as being"

(4) In Article 5(1), omit "designated by the competent authority of a Member State or other entities entitled to do so,".

(5) Omit Article 6.

(6) In Article 7—

(a) in the heading, omit "mutual";

(b) for paragraph 1, substitute—

"Certificates issued in a European Union member State in accordance with Article 3 shall be recognised.";

(c) in paragraph 2—

(i) for "Member States may require holders", substitute "Holders";

(ii) for "another Member State", substitute "a European Union member State";

(iii) for "another official language of the Union", substitute "English".

(7) After Article 9 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States".

Commission Implementing Regulation (EU) 2015/2067

69.—(1) Commission Implementing Regulation (EU) 2015/2067 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases is amended as follows.

(2) In Article 1 omit "mutual".

(3) In Article 7, in paragraph 1 omit "provided for in national law or designated by the competent authority of a Member State or other entities entitled to do so, as being".

(4) In Article 8, in paragraph 1 omit "designated by the competent authority of a Member State or other entities entitled to do so".

(5) Omit Article 9.

(6) In Article 10—

(a) in the heading omit "mutual";

(b) for paragraph 1 substitute—

"1. Certificates issued in a European Union member State in accordance with Article 4 for natural persons and Article 6 for companies shall be recognised.";

(c) in paragraph 2—

(i) for "Member States may require holders" substitute "Holders"

(ii) for "another Member State" substitute "a European Union member State";

(iii) for "another official language of the Union", substitute "English".

(7) After Article 12 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States".

(8) In Annex 1, in the table entry 2.01, for "EU" substitute "any part of the United Kingdom".

Commission Implementing Regulation (EU) 2015/2068

70.—(1) Commission Implementing Regulation (EU) 2015/2068 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format of labels for products and equipment containing fluorinated greenhouse gases is amended as follows.

(2) In Article 2(7)—

(a) in point (a), for "Union" substitute "United Kingdom";

(b) in point (c)—

(i) for "EU" substitute "the United Kingdom";

(ii) for "Union" substitute " United Kingdom".

(3) After Article 4 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States".

Commission Implementing Regulation (EU) 2016/879

71.—(1) Commission Implementing Regulation (EU) 2016/879 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, detailed arrangements relating to the declaration of conformity when placing refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons on the market and its verification by an independent auditor is amended as follows.

(2) In the following provisions, for "the Union", in each place it occurs, substitute "any part of the United Kingdom"—

(a) Article 1(2);

(b) Article 2;

(c) Article 3(1)(d);

(d) the Annex.

(3) In Article 4, for "using the reporting tool made available pursuant to Article 1 of Implementing Regulation (EU) No 1191/2014" substitute "by submitting to the appropriate regulator".

(4) After Article 5 omit the words "This Regulation shall be binding in its entirety and directly applicable in all Member States".

Commission Implementing Decision (EU) 2017/1984

72. Commission Implementing Decision (EU) 2017/1984 determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values for the period 1 January 2018 to 31 December 2020 for each producer or

importer which has lawfully placed on the market hydrofluorocarbons from 1 January 2015 as reported under that Regulation is revoked.

The EEA agreement

73. In Annex 20 to the EEA agreement, omit point 21aq.

Name
Parliamentary Under Secretary of State
Date Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) and (b)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of ozone-depleting substances (Part 2) and fluorinated greenhouse gases (Part 3).

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

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