EXPLANATORY MEMORANDUM TO

The Fluorinated Greenhouse Gases and Ozone-Depleting Substances (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

SR no. 304

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Part 1C of Schedule 2 to the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

2. Purpose

2.1. These Regulations make amendments to legislation in the field of ozone depleting substances "ODS" and fluorinated greenhouse gases "F-gases". The long term environmental aim of these Regulations is to preserve the Earth's protective ozone layer and to limit emissions of greenhouse gases, which exacerbate the greenhouse effect.

3. Background

3.1. Previous amendment legislation was drafted in anticipation of a complete exit from the European Union ("EU"), to remove all references to the EU in Northern Ireland legislation on F-gases and ODS.

3.2. As Northern Ireland now still retains some responsibilities to the European Commission ("EC") under the more recently drafted Northern Ireland Protocol, some requirements for businesses which use ODS and F-gases are reinstated through these Regulations.

3.3. These requirements concern businesses which report data on, or make records available about, their use of F-gases and ODS to the EC. Information must also be provided in an EC inspection.

4. Consultation

4.1. No consultation was required. This is because provisions which never actually came into operation are being revoked before the date upon which they would have come into operation.

4.2. There is therefore no effect in practice for businesses or government stakeholders under the provisions of these Regulations.

5. Equality Impact

5.1. The Regulations were screened out for Equality Impact Assessment. This is because there are no provisions in the Regulations affecting anyone in practice in any of the categories of section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. No Regulatory Impact Assessment was carried out because there is no effect in practice for businesses or government stakeholders under the provisions of these Regulations.

7. Financial Implications

7.1. There are no financial implications because there is no effect in practice for businesses or government stakeholders under the provisions of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1. The regulations are in full compliance with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Regulations ensure that the Northern Ireland provisions on both F-gases and ODS remain in compliance with the NI Protocol.

10. Parity or Replicatory Measure

10.1. Similar provisions have been compiled for GB (the Ozone Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020). These ensure that the GB provisions on F-gases and ODS no longer refer to the EU.

10.2. However, these GB parity measures are different in that they do not have to comply with the NI Protocol.

10.3. In addition, the GB measures update EU legislation itself on F-gases and ODS, whereas NI legislation does not have the power to do this.

11. Additional Information

11.1. Not applicable.