



STATUTORY INSTRUMENTS.

S.I. No. 658 of 2016

EUROPEAN UNION (FLUORINATED GREENHOUSE GAS)
REGULATIONS 2016

S.I. No. 658 of 2016

EUROPEAN UNION (FLUORINATED GREENHOUSE GAS)
REGULATIONS 2016

I, DENIS NAUGHTEN, Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Regulation (EU) No. 517/2014¹ of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No. 842/2006², hereby make the following Regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the European Union (Fluorinated Greenhouse Gas) Regulations 2016.

(2) The Regulations come into operation on 28 December 2016.

Interpretation

2. (1) In these Regulations—

“Act of 1992” means Environmental Protection Agency Act 1992 (No. 7 of 1992);

“Agency” means the Environmental Protection Agency;

“Authorised Officer” means a person appointed in writing by the Agency;

“Commission” means the Commission of the European Communities;

“Minister” means the Minister for Communications, Climate Action and Environment;

“official translation” means a copy of the original certificate translated as appropriate with a declaration by the person or the company who did the translation that it is a true and accurate translation;

“person” means any natural or legal person;

“premises” includes, any messuage, building, vessel, vehicle, aircraft, container, structure or land (whether or not there are structures on the land or whether or not the land is covered with water) or any hereditament of any tenure, together with any out-buildings and curtilage;

“record” includes, in addition to a record in writing—

¹O.J. No. L 150, 20.05.14, p.195

²O.J. No. L 161, 14.06.06, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th January, 2017.*

- (a) a disc, tape, sound-track or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,
- (b) a film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form,
- (c) a photograph, and
- (d) any reference to a copy of a record includes—
 - (i) in the case of a record to which paragraph (a) applies, a transcript of the sounds or signals embodied therein,
 - (ii) in the case of a record to which paragraph (b) applies, a reproduction of the images embodied therein, and
 in the case of a record to which sub-paragraphs (a) and (b) apply, such a transcript together with such a reproduction of the images.

“Regulation 517/2014” means 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;

“Regulation 1191/2014”³ means Commission Implementing Regulation (EU) No. 1191/2014 of 30 October 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;

“Regulation 2068/2015”⁴ means Commission Implementing Regulation (EU) No. 2068/2015 of 17 November 2015 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;

“Regulation 1497/2007”⁵ means Commission Regulation (EC) No. 1497/2007 of 18 December 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;

“Regulation 1516/2007”⁶ means Commission Regulation (EC) No. 1516/2007 of 19 December 2007 establishing, pursuant to Regulation (EC) No. 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases;

³O.J. No. L 318, 05.11.14, p.5

⁴O.J. No. L 301, 18.11.15, p.39

⁵O.J. No. L 333, 19.12.07, p.4

⁶O.J. No. L 335, 20.12.07, p.10

“Regulation 2067/2015”⁷ means Commission Implementing Regulation (EU) No. 2067/2015 of 17 November 2015 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;

“Regulation 304/2008”⁸ means Commission Regulation (EC) No. 304/2008 of 2 April 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;

“Regulation 2066/2015”⁹ means Commission Implementing Regulation (EU) No. 2066/2015 of 17 November 2015 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;

“Regulation 306/2008”¹⁰ means Commission Regulation (EC) No. 306/2008 of 2 April 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;

“Regulation 307/2008”¹¹ means Commission Regulation (EC) No. 307/2008 of 2 April 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;

“Regulation 2065/2015”¹² means Commission Implementing Regulation (EU) No. 2065/2015 of 17 November 2015 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;

⁷O.J No. L 301, 18.11.15, p.28

⁸O.J. No. L 92, 03.04.08, p.12

⁹O.J. No. L 301, 18.11.15, p.22

¹⁰O.J. No. L 92, 03.04.08, p.21 (as corrected by a corrigendum published in OJ No. L 280, 23.10.08, p. 38)

¹¹O.J No. L 92, 03.04.08, p.25

¹²O.J No. L 301, 18.11.15, p.14

“Implementing Regulations” mean any or all of the following: Regulation 1191/2014, Regulation 2068/2015, Regulation 1497/2007, Regulation 1516/2007, Regulation 2067/2015, Regulation 304/2008, Regulation 2066/2015, Regulation 306/2008, Regulation 307/2008 and Regulation 2065/2015;

(2) In these Regulations—

- (a) a reference to a Regulation which is not otherwise identified is a reference to a Regulation of these Regulations;
- (b) a reference to a Schedule which is not otherwise identified is a reference to a Schedule of these Regulations;
- (c) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph of the provisions of these Regulations in which the reference occurs;
- (d) a letter, word, phrase or symbol which has been assigned a meaning by the following Regulations has that meaning in these Regulations except where otherwise indicated:
 - (a) Regulation 517/2014;
 - (b) Commission Implementing Regulation 1191/2014;
 - (c) Commission Implementing Regulation 2068/2015;
 - (d) Commission Regulation 1497/2007;
 - (e) Commission Regulation 1516/2007;
 - (f) Commission Implementing Regulation 2067/2015;
 - (g) Commission Regulation 304/2008;
 - (h) Commission Implementing Regulation 2066/2015;
 - (i) Commission Regulation 306/2008;
 - (j) Commission Regulation 307/2008;
 - (k) Commission Implementing Regulation 2065/2015.

Objective and Scope

3. (1) These Regulations make provisions necessary for the implementation of Regulation 517/2014 in Ireland.

(2) The objective and subject matter of these Regulations shall be that stated in Article 1 of Regulation 517/2014.

Savings

4. (1) A person shall not be entitled solely by reason of compliance with these Regulations to:

- (a) produce, import, export, operate, recover, replace, destroy, recycle, reclaim, use, handle, supply, place on the market or distribute a fluorinated greenhouse gas, or
- (b) install, service, maintain, check for leakage, repair, dismantle, destroy or dispose of products or equipment containing a fluorinated greenhouse gas.

User Responsibility

5. (1) Undertakings shall comply with the provisions of Regulation 517/2014, its implementing Regulations, and these Regulations.

(2) Undertakings shall comply with any guidance issued by the Agency under Regulation 9(4) of these Regulations.

(3) Undertakings shall comply with any notice in writing issued to them by the Agency under Regulation 9(5).

Prohibition of Certain Goods

6. Fluorinated greenhouse gases which are prohibited from being imported or exported, or are subject to any restriction on importation or exportation, are deemed to be so prohibited or restricted for the purposes of section 42, 178, 202, 207 and 208 of the Customs Consolidation Act 1876 (39 and 40 Vict., c.36) sections 3 and 5 of the Customs Act 1956 No. 7 of 1956) and sections 6, 7 and 9 of the Customs and Excise (Miscellaneous Provisions) Act 1988 (No. 10 of 1988).

Designation of Competent Bodies

7. (1) The Minister may as appropriate designate a person or persons, or association, or body corporate or statutory body as a certification body for the certification of personnel for the purposes of Article 7 of Regulation 2067/2015, Article 10 of Regulation 304/2008, Article 4 of 2066/2015 and Article 4 of 306/2008.

(2) The Minister may as appropriate designate a person or persons, or association, or body corporate or statutory body as an evaluation body for the purposes of organising examinations to provide for the provisions of Article 8 of Regulation 2067/2015, Article 11 of Regulation 304/2008, Article 5 of 2066/2015 and Article 5 of 306/2008.

(3) The Minister may as appropriate designate a person or persons, or association, or body corporate or statutory body as an attestation body for the purposes of Article 3.1 of Regulation 307/2008.

(4) The Minister may as appropriate designate a person or persons, or association, or body corporate or statutory body as a certification body for the certification of companies for the purposes of Article 7 of Regulation 2067/2015 and Article 10 of Regulation 304/2008.

Responsibilities of Competent Bodies

8. (1) A competent body designated under Regulation 7(1) shall be responsible as appropriate for the certification of personnel for the purposes of Article 4 of Regulations 2067/2015 and 304/2008, Article 3 of 2066/2015 and Article 3 of 306/2008.

(2) A competent body designated under Regulation 7(2) shall be responsible as appropriate for the organisation of examinations for the purposes of compliance with Article 8 of Regulations 2067/2015, Article 11 of 304/2008, Article 5 of 2066/2015 and Article 5 of 306/2008.

(3) A competent body designated under Regulation 7(3) shall be responsible as appropriate for the issuance of a training attestation in accordance with Article 3 of Regulation 307/2008.

(4) A competent body designated under Regulation 7(4) shall be responsible as appropriate for the certification of companies for the purposes of Article 6 of Regulation 2067/2015 and Article 8 of Regulation 304/2008.

Competent Authority

9. (1) The Agency is designated as the competent authority in the State for the purposes of these Regulations, Regulation No 517/2014, Regulations (EU) No 1191/2014, (EU) No 2068/2015, (EC) No 1497/2007, (EC) No 1516/2007, (EU) No 2067/2015, (EC) No 304/2008, (EC) No 2066/2015, (EU) No 306/2008, (EC) No 307/2008 and (EU) No 2065/2015.

(2) The Agency shall be responsible for compliance, monitoring and enforcement of these Regulations, Regulation 517/2014, Regulations (EU) No 1191/2014, (EU) No 2068/2015, (EC) No 1497/2007, (EC) No 1516/2007, (EU) No 2067/2015, (EC) No 304/2008, (EU) No 2066/2015, (EC) No 306/2008, (EC) No 307/2008 and (EU) No 2065/2015.

(3) The Agency shall, for the purposes of paragraph (2), carry out or cause to be carried out inspections by persons as it considers appropriate.

(4) The Agency may provide guidance on any technical or administrative matter for the purpose of Regulation 517/2014 and its implementing regulations.

(5) In carrying out its functions under these Regulations, the Agency shall have the power to do any of the following:

- (a) require an undertaking by service of a notice in writing, to furnish in writing to the Agency for the purpose of determining compliance with these Regulations, within such period (being not less than 14 days after the date of the service of the notice) and, if appropriate, thereafter at such frequency as may be specified in the notice, such records and documents including, but not exclusively, invoices, credit notes, dispatch or delivery dockets as may be so specified,
- (b) direct an undertaking, by the service of a notice in writing, to cease selling fluorinated greenhouse gases to undertakings that do not hold

the relevant certificates or attestations, where appropriate, with immediate effect upon receipt of a notice in writing,

- (c) direct an undertaking, by the service of a notice in writing, to cease buying fluorinated greenhouse gases in the absence of the relevant certificates or attestations, where appropriate, with immediate effect upon receipt of a notice in writing,
- (d) direct an undertaking, by the service of a notice in writing, to cease installing, servicing, maintaining, repairing, checking for leaks or decommissioning equipment that contains, or whose functioning relies upon, fluorinated greenhouse gases within such period (being not less than 14 days after the date of the service of the notice), where the undertaking is not in possession of valid Certification in accordance with Regulation 12,
- (e) serve a notice in writing on any person for any purpose relating to his or her obligations under these Regulations.

Authorised Officer

10. (1) The Agency may appoint in writing one or more persons, as it considers appropriate, to be an authorised officer or authorised officers for the purposes of ensuring compliance with these Regulations.

(2) Every authorised officer appointed under this Regulation shall be furnished with a warrant of his or her appointment and shall if requested by any person thereby affected, produce such warrant of appointment to that person for inspection.

(3) An appointment under this Regulation shall cease—

- (a) if the Agency revokes the appointment,
- (b) in the case of an appointment that is for a fixed period, on the expiry of the period, or
- (c) if the person appointed ceases to be an officer of the Agency.

(4) An authorised officer may, for the purposes of these Regulations:

- (a) enter on any premises at all reasonable times between the hours of 9 a.m. and 6 p.m. or, if there is an imminent threat of environmental damage, at any time for any purpose connected with these Regulations,
- (b) at such premises do all things reasonably necessary for the purpose for which the entry is made and, in particular,
 - (i) may survey, carry out inspections, examinations and checks of, take photographs, take samples, and take measurements,

- (ii) examine any plant, machinery, equipment, installation or matter on the premises,
 - (iii) make enquiries relating to the occupational activity or any process or procedure carried out on the premises,
 - (iv) examine preventive or remedial works being carried out on the premises,
 - (v) require that the premises and anything at it be left undisturbed for so long as is reasonably necessary for a purpose referred to at subparagraph (i), (ii), (iii) or (iv), or
 - (vi) do anything as may be required by the Agency for the proper performance of its functions under these Regulations,
- (c) at such premises inspect and take copies of, any books, records, other documents (including documents stored in non-legible form) or extracts therefrom, which he or she finds in the course of his or her inspection,
- (d) remove such photographs, samples, books, records or documents from such premises and detain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under these Regulations,
- (e) require the operator or company or producer or importer or exporter or his or her agent or employee or any person at the premises or person in charge of the premises and any person employed there to give to him or her such assistance and information and to produce to him or her such books, documents or other records (and in the case of documents or records stored in non-legible form, produce to him or her a legible reproduction thereof) that are in that person's power or procurement, as he or she may reasonably require for the purposes of his or her functions under these Regulations,
- (f) direct that any matter or thing not be moved from the premises without his or her consent,
- (g) secure for later inspection any premises or part of any premises for as long as is reasonably necessary for the purposes of any examination or investigation or any other purpose connected with these Regulations.

(5) When performing a function under these Regulations, an authorised officer may, subject to any warrant under paragraph (8), be accompanied by such number of authorised officers or members of the Garda Síochána as he or she considers appropriate.

(6) An authorised officer shall not enter a dwelling other than—

- (a) with the consent of the occupier, or

(b) in accordance with a warrant issued under paragraph (8).

(7) In relation to the placing on the market prohibitions of fluorinated greenhouse gases as listed in Annex III of Regulation 517/2014 an authorised officer may take all reasonable measures, including such of the following as is decided to be appropriate in each case:-

- (a) issue a direction prohibiting the placing of the product on the market, or
- (b) if already on the market, take all appropriate steps, including if necessary issuing a direction, to ensure the immediate withdrawal from the marketplace, its recall from final users and its environmentally sound management.

(8) Upon the sworn information of an authorised officer, a judge of the District Court may, if satisfied that there are reasonable grounds for believing that an activity relating to the production, containment, use, recovery, or destruction of fluorinated gases listed in Annex 1 of Regulation 517/2014 is being carried on in a dwelling or that samples, books, records or other documents (including documents in non-legible form referred to in paragraph (4)(e) are being kept or stored in any dwelling, issue a warrant authorising a named authorised officer accompanied by such other authorised officers or members of the Garda Síochána as may be necessary, at any time or times, not later than one month from the date of issue of the warrant, to enter the dwelling and perform the functions of an authorised officer under subparagraphs (a) to (g) of paragraph (4).

(9) Any person who obstructs or interferes with an authorised officer or a member of the Garda Síochána in the course of exercising a power conferred on him or her by these Regulations or a warrant under paragraph (8), or impedes the exercise by the officer or member, as the case may be, of such power, or fails or refuses to comply with a request or requirement of, or to answer a question asked by, the officer or member pursuant to this section, or in purported compliance with such request or requirement or in answer to such question gives information to the officer or member that he or she knows to be false or misleading in any material respect, is guilty of an offence.

(10) Where an authorised officer believes, upon reasonable grounds, that a person has committed an offence under this Regulation he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides.

Waste Management

11. (1) Where fluorinated greenhouse gases arise as waste, they must be managed in accordance with the relevant waste legislation and the requirements of these Regulations.

(2) Holders of waste fluorinated greenhouse gases shall:-

- (a) comply with any guidance as may be provided by the Agency under Regulation 9(4) for the purpose of ensuring environmentally sound management of waste fluorinated greenhouse gases, and
- (b) establish and maintain records of movements of waste fluorinated greenhouse gases and provide reports to the Agency in such format and at such frequency as may be determined by the Agency.

Certification

12. (1) For the purposes of carrying out activities referred to in Article 10 of Regulation 517/2014 an undertaking who has obtained one or more of the awards listed in Schedule 1 of these Regulations or an equivalent award or awards is deemed qualified to carry out the relevant activities to which the award or award applies.

(2) A person who holds a certificate or training attestation issued under Article 4 of Regulation 2067/2015 and 304/2008, Article 3 of Regulation 2066/2015 and Article 3 of Regulation 306/2008 and 307/2008 in a European Economic Area State may carry out the activity to which the certificate or training attestation refers if:-

- (a) the certificate or training attestation is written in English,
- or
- (b) the person holds an official translation of the certificate or training attestation in English.

(3) Where relevant, undertakings shall comply with the requirements of certification programmes established under Article 10(6) of Regulation 517/2014.

Offences

13. (1) A person, operator or undertaking, as appropriate, that—

- (a) does not hold required certification under Regulation 12 while engaging in an activity which requires certification or attestation within the scope of these Regulations,
- (b) employs non certified persons or companies to carry out activities requiring certification or attestation under these Regulations,
- (c) collects or transports waste fluorinated greenhouse gases without holding a Waste Collection Permit or having submitted a Prior Annual Notification to the Agency under the Waste Management (Collection Permit Regulations) 2007 (S.I. No. 820 of 2007) as amended by Waste Management (Collection Permit) (Amendment) Regulations 2008 (S.I. No. 87 of 2008),
- (d) does not establish and maintain records of movements of waste fluorinated greenhouse gases and provide reports to the Agency in such format and at such frequency as specified by the Agency under Regulation 11(2)(b),

- (e) fails to conduct leak checks of equipment that contains fluorinated greenhouse gases at the frequency required under Article 4 of Regulation 517/2014,
- (f) fails to ensure that leak detection systems are checked at the frequency required under Article 5 of Regulation 517/2014,
- (g) does not establish and maintain records of leak checks of equipment containing fluorinated greenhouse gases or the supply of fluorinated greenhouse gases in accordance with Article 6 of Regulation 517/2014,
- (h) places on the market products or equipment that contain, or whose functioning relies upon, fluorinated greenhouse gases where such products or equipment are not labelled in accordance with Article 12 of Regulation 517/2014,
- (i) from 1st January 2017 places equipment charged with HFCs on the market without the declaration of conformity,
- (j) sells fluorinated greenhouse gases to an undertaking for the purposes of carrying out the installation, servicing, maintenance or repair of equipment that contains fluorinated greenhouse gases or whose functioning relies upon those gases who do not hold the relevant certificates or attestations in accordance with Article 10 of 517/2014 and relevant implementing regulations,
- (k) buys fluorinated greenhouse gases for the purposes of carrying out the installation, servicing, maintenance or repair of equipment that contains fluorinated greenhouse gases or whose functioning relies upon those gases without holding the relevant certificates or attestations in accordance with Article 10 of 517/2014 and relevant implementing regulations,
- (l) provides information to an authorised officer or the Agency which is false or to his or her knowledge misleading in a material way,
- (m) obstructs or interferes with an authorised person in the exercise of a power conferred by these Regulations,
- (n) does not comply with the requirements of a written notice issued by the Agency under Regulation 9(5), or
- (o) otherwise contravenes or fails to comply with a provision, or provisions, of these Regulations or Regulation 517/2014 and its Implementing Regulations,

shall be guilty of an offence.

(2) Where an offence under these Regulations is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any

neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Prosecutions and Penalties

14. (1) A prosecution on account of contravention or failure to comply with these Regulations or Regulation 517/2014 may be taken by the Agency.

(2) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence on account of contravention or failure to comply with any Regulation of these Regulations may be commenced—

- (a) at any time within 18 months from the date on which the offence was committed, or
- (b) at any time within 12 months from the date on which evidence sufficient, in the opinion of the person by whom the proceedings are initiated, to justify the proceedings, comes to such person's knowledge, whichever is the later: provided that no such proceedings shall be initiated later than 2 years from the date on which the offence concerned was committed.

(3) Without prejudice to paragraph (2), a certificate signed by or on behalf of the person initiating the proceedings for an offence on account of contravention or failure to comply with any Regulation of these Regulations as to the date on which evidence relating to the offence came to his or her knowledge shall be prima facie evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purposes of this paragraph and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate, unless the contrary is shown.

(4) A person guilty of an offence under—

- (a) regulations 13(1)(a), 13(1)(b), 13(1)(c), 13(1)(d), 13(1)(e) 13 (1) (f) 13(1)(g), 13(1) (h), 13 (1) (i), 13 (1) (j), and 13 (1) (k) of these Regulations is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both,
- (b) any other regulation of these regulations or Regulation 517/2014 is liable—
 - (i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (ii) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years, or both.

(5) Where a court imposes a fine or affirms or varies a fine imposed by another court for an offence under a Regulation of these Regulations, prosecuted by the Prosecutor, it shall, on the application of the Prosecutor (made before the time of such imposition, affirmation or variation), provide by order for the payment of the amount of the fine to the Prosecutor.

(6) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Prosecutor, the costs and expenses, measured by the court, incurred by the Prosecutor in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of directors, employees, consultants and advisers engaged by the Prosecutor.

Revocation

15. (1) The Environmental Protection Agency Act (Fluorinated Greenhouse Gas) Regulations 2011 (S.I. No. 278 of 2011) and the Fluorinated Greenhouse Gas Regulations 2011 (S.I. No. 279 of 2011) are hereby revoked.

(2) This does not affect liability under the Fluorinated Greenhouse Gas Regulations 2011 (S.I. No. 279 of 2011) for any offences committed prior to these Regulations coming into effect.

(3) References to the Fluorinated Greenhouse Gas Regulations 2011 (S.I. No. 279 of 2011) in any Act or instrument made under such Act shall be construed as references to these Regulations.

Schedule 1

F gas Qualifications (non-exhaustive)

Refrigeration	Fire	Mobile Air Conditioning	SF₆
QQI Special Purpose Award 5S0108 in Handling F gas Refrigerants or equivalent	QQI Specific Purpose Certificate in Handling F gas Fire Extinguishants Award Code 5S0110 or equivalent	QQI Special Purpose Certificate in Handling F gas Mobile Aircon Systems Award Code 5S0109 or equivalent	Appropriate in house training course
Category 1 F gas Handling in Large RAC Systems Award Code 5N0104 or equivalent			
Category 2 F gas Handling in Small RAC systems Award Code 5N0103 or equivalent			
Category 3 F gas Recovery in Small RAC Systems Award Code 5N0105 or equivalent			
Category 4 F gas Refrigerant Leak Detection Award Code 5N0102 or equivalent			

SOLAS Apprenticeships post 2010

Qualification	Earliest Commencement date of apprenticeship: 2010	Earliest Commencement date of apprenticeship: 2016
Advanced Certificate – Craft	Refrigeration & Air Conditioning, Agricultural Mechanic, Construction Plant Fitting, Electronic Security Systems, Motor Mechanic	Heavy Vehicle Mechanic

Company Certification

Refrigeration	Fire	Mobile Air Conditioning	SF ₆
F – Gas Registration Ltd (FGR)	F — Gas Registration Ltd (FGR)	N/A	N/A



GIVEN under my Official Seal,
28 December 2016.

DENIS NAUGHTEN,
Minister for Communications Climate Action and
Environment.

EXPLANATORY NOTE

(This note is not part of the Regulations and does not purport to be a legal interpretation)

These Regulations make provisions necessary for the purposes of full and effective implementation in Ireland of Regulation (EU) No. 517/2014 on fluorinated greenhouse gases and repealing Regulation (EC) No. 842/2006.

The new EU Regulation is ambitious and builds on the existing regulation whereby it aims to gradually over time phase down high global warming potential (GWP) fluorinated greenhouse (F-gases) and replace them with more environmentally friendly alternatives. Some key provisions include:-

- Extended containment provisions including recording leak checks
- Service and maintenance ban using high GWP refrigerants
- Extended placing on the market bans (Annex III)
- Phasing down the amount of F-gases that can be placed on the market through gradually reducing quotas given to F-gas producers and importers

The EU regulation which came into force on the 1st January, 2015 is immediately applicable in Ireland but revised national legislation is needed to enforce the requirements based on the extended scope of the new EU regulation.

The main provisions of these Regulations are:-

All undertakings must comply with these Regulations and Regulation 517/2014 (Regulation 5).

To provide for the designation of a number of competent bodies to administer specific provisions of Regulation (EU) No. 517/2014 in Ireland (Regulation 7).

To provide for various responsibilities of competent bodies designated for the purpose of giving effect to Regulation (EU) No. 517/2014 (Regulation 8).

To designate and assign duties to the EPA as competent authority (Regulation 9).

To provide for the appointment of, and assignment of the duties of, and various functions of, an Authorised Officer (Regulation 10).

To outline a number of offences under these Regulations (Regulation 13) and to make provision for the introduction of certain fixed payment notices for the following offences:

Carrying out certain activities without the required certification

Employing uncertified persons to carry out activities requiring certification

Collecting or transporting gases without holding the appropriate permits

Failing to establish records of waste gas movements

Failing to conduct leak checks as required

Failure to maintain required records of leak checks

Placing fluorinated greenhouse gases on the market without the required labels

Placing equipment charged with fluorinated greenhouse gases on the market without declaration of conformity

Selling fluorinated greenhouse gases to an undertaking for the purposes of carrying out the installation, servicing, maintenance or repair of equipment that contains fluorinated greenhouse gases or whose functioning relies upon those gases who do not hold the relevant certificates or attestations

Buying fluorinated greenhouse gases for the purposes of carrying out the installation, servicing, maintenance or repair of equipment that contains fluorinated greenhouse gases or whose functioning relies upon those gases without holding the relevant certificates or attestations. To outline prosecutions and penalties (Regulation 14).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€4.06

ISBN 978-1-4064-5688-2

