

The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009

A Consultation Paper

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October 2008



Department of the
Environment

www.doeni.gov.uk

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Please note that the draft Regulations are contained in a document separate to this consultation, which can be found at:
http://www.doeni.gov.uk/index/protect_the_environment/local_environmental_issues/air_and_environmental_quality/f_gases2.htm

Consultation on draft Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009

INTRODUCTION

1.1 The Department of the Environment (“the Department”) is consulting on the Regulations necessary to:-

- give effect to offences, fines and penalties to comply with provisions in EC Regulations of the European Parliament and of the Council Nos. EC 842/2006, 1493/2007, 1494/2007, 1497/2007, 1516/2007 and 303-308/2008 on certain Fluorinated Greenhouse Gases.

THE NEED FOR REGULATIONS

1.2 This consultation paper sets out proposals for draft Northern Ireland Regulations prescribing offences and penalties applicable to infringements of EC Regulation 842/2006 on certain fluorinated greenhouse gases (F gases). The consultation also applies to ten Commission Regulations adopted at the F Gas Regulatory Committee meetings in October and December 2007. These establish fleshed out legal requirements for companies and qualifications for personnel working in five industry sectors covered by EC Regulation 842/2006 as well as dealing with other requirements relating to leakage checking, reporting and labelling (collectively the European Regulations described in paragraph 1.1 are known as “the EC Regulations” in this document).

1.3 The principal objective of the EC Regulations is to contain, prevent and thereby reduce emissions of F gases covered by the Kyoto Protocol. These Regulations will make a significant contribution towards the European Community’s Kyoto Protocol target by introducing cost-effective mitigation measures.

1.4 The EC Regulations have direct effect in the UK and across all member states of the EU. However, each member state is required to introduce its own legislation to implement provisions relating to offences, fines, and penalties, as well as certification requirements.

1.5 For convenience, the text of the EC Regulation 842/2006 can be found at:

http://eurlex.europa.eu/LexUriServ/site/en/oj/2006/l_161/l_16120060614en00010011.pdf.

1.6 The texts of the ten Commission Regulations can be found at the web-sites below:

Leakage checking - Stationary refrigeration, air conditioning and heat pump equipment:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:335:0010:0012:EN:PDF>

Leakage checking – Fire protection systems:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:333:0004:0005:EN:PDF>

Format of label:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:332:0025:0026:EN:PDF>

Format of report:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:332:0007:0024:EN:PDF>

Minimum qualification and certification requirements – Stationary refrigeration, air conditioning and heat pump equipment:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0003:0011:EN:PDF>

Minimum qualification and certification requirements – Fire protection systems:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0012:0016:EN:PDF>

Minimum qualification and certification requirements – High voltage switchgear:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0017:0020:EN:PDF>

Minimum qualification and certification requirements – Solvents:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0021:0024:EN:PDF>

Minimum qualification and certification requirements – Mobile air conditioning certain motor vehicles:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0025:0027:EN:PDF>

Format for notification:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0028:0034:EN:PDF>

Further information on F gases can be found on the DEFRA and DOE sites:

<http://www.defra.gov.uk/environment/air-atmos/fgas/index.htm>

http://www.doeni.gov.uk/index/protect_the_environment/local_environmental_issues/air_and_environmental_quality/f_gases2.htm

1.7 F gases were introduced in several areas of industry in recent years because they do not deplete the ozone layer, unlike the chlorofluorocarbons (CFCs) which they have replaced. However, the EC Regulations now seek to prevent their emission into the atmosphere in order to contribute to Kyoto Protocol objectives.

1.8 F gases include hydrofluorocarbons, used in refrigeration and air conditioning equipment, perfluorocarbons, which can be used in the fire fighting and electronics sectors, and sulphur hexafluoride, used in training shoes and as a cover-gas in magnesium casting operations.

1.9 The draft NI Regulations include proposals for offences and penalties in relation to commercial and domestic equipment arising from provisions in the EC Regulations relating to the following:

- Leakages
- Leakage checking and detection systems
- Record keeping
- Recovery of F gases
- Reporting and the provision of information on F gases
- Information to be provided in instruction manuals
- Labelling products containing F gases
- Prohibitions on the use of sulphur hexafluoride
- Prohibitions upon placing F gases on the market
- Nomination of certification and evaluation bodies for qualifications for employees working with F gases
- Qualifications and certification (regarding stationary equipment, fire protection equipment, high voltage switchgear, F gas based solvents, and air conditioning systems in motor vehicles)
- Employers' obligations to employ qualified employees
- Training records
- Obligations of certification, attestation and evaluation bodies to provide information required

1.10 The proposed Regulations also provide new enforcement powers for enforcement bodies and detail court procedures, and fixed penalties for offences.

1.11 Regarding the new requirements for qualifications, the European Commission have advised that pending the establishment or adaptation of existing domestic qualifications, operators should ensure that personnel carrying out work on equipment should have an "existing" qualification. However, all personnel will eventually have to obtain a new qualification.

1.12 The draft Regulations apply to offshore renewable energy generating installations as well as to oil and gas installations that use F gases in equipment.

1.13 The proposed Regulations apply to Northern Ireland only. Similar Regulations are currently being compiled and consulted upon in Great Britain.

1.14 Views and comments are invited by **Wednesday 21st January 2009** on the proposed Regulations and the associated Partial Regulatory Impact Assessment.

EQUALITY ISSUES

1.15 Under Section 75 of the Northern Ireland Act 1998, public authorities have a statutory duty to promote equality of opportunity. We have completed an equality screening of the proposed Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 (“the F gas Regulations”) and have concluded that they do not impact on equality of opportunity on any of the groups specified in section 75. A copy of the screening paper is attached as Annex 2.

1.16 The Equality Commission will receive copies of this consultation document as part of the consultation exercise. We will take into account any comments that the Commission might have.

HUMAN RIGHTS ISSUES

1.17 The Human Rights Act 1998 implements the European Convention on Human Rights. The 1998 Act makes it unlawful for any public authority to act in a way that is incompatible with these Rights. Since the implementation of the Human Rights Act 1998, all legislation must be checked to ensure compliance with the European Convention rights.

1.18 We have completed a Human Rights screening of the proposed F gas Regulations and have concluded that they are compatible with the Human Rights Act but would welcome any views that you may have. A copy of the screening paper is attached at Annex 3.

1.19 The Human Rights Commission will receive copies of the consultation document as part of this consultation. We will take into account any comments that the Commission might have.

RURAL PROOFING

1.20 It is considered that there are no negative impacts on rural productivity or the provision of services to the rural community as a result of these proposals.

CONSULTEES

1.21 This consultation paper is directed, in particular, at businesses and organisations who are involved in handling F gases.

1.22 Hard copies of the consultation paper are available from the address at Annex 4. The consultation paper is available on our website at:
<http://www.doeni.gov.uk/index/information/foi>

CHAPTER 2 - CONSULTATION

WHO WILL BE AFFECTED?

2.1. The draft NI Regulations affect a wide range of business sectors, which include those which work with -

- refrigeration systems
- air conditioning
- heat pump equipment
- solvents
- high-voltage switchgear
- fire protection systems
- fire extinguishers
- F gas production
- consumer organisations
- chemical manufacture and supply
- food manufacture and supply (to include supermarket chains, and meat processors and suppliers)

2.2 A list of those organisations and individuals to whom this consultation document has been sent is at Annex 6 and includes, amongst others:

- local councils
- Government departments
- other Government organisations
- all statutory consultees

2.3 Please inform us, using the contact details in Annex 4, if you know of others who may wish to be involved in this consultation process and should receive a copy of this document.

CONSULTATION QUESTIONS

2.4 Consultees may wish to consider the following questions and provide any additional information considered relevant. Views are invited on all aspects of the proposals, including the Partial Regulatory Impact Assessment. We would be particularly interested in your views on any impact these proposals would have on consumers, industry and the environment. If you still have questions after you have read this section please contact us, using the contact details provided in Annex 4.

Question 1: Do you agree with the offences proposed in these draft Regulations? In commenting, please specify the Regulation and sector to which your comment applies.

Question 2: Do you see any difficulties in the application of the proposed Regulations to offshore installations concerned with the production of energy from water or wind? (draft Regulation 1)

Question 3: Pending any European Commission proposals, should there be a further qualification specified relating to checking for leakage only, based on in-house training schemes? (draft Regulations 4-7)

Personnel qualifications relating to stationary refrigeration, air conditioning and heat pump equipment

Question 4: Do you agree with the proposed qualifications in relation to refrigeration, air-conditioning and heat pump equipment? (draft Regulations 16-18)

Question 5: Do you have any comments on regulations 16 (certification bodies for personnel) or 18 (interim certificates for personnel)?

Question 6: Do you agree with the proposed qualification categories set out in regulation 17(3) and Schedule 1?

Question 7: Do you agree with the proposed interim and transitional arrangements? (draft Regulations 17(7), 18 and 21)

Question 8: Do you have any comments on regulation 18(5) (certification body to issue interim certificates)?

Personnel qualifications relating to fire protection systems

Question 9: Do you agree with the proposed qualifications in relation to fire protection equipment? (draft Regulations 23-25)

Question 10: Do you have any comments on draft Regulations 23 (certification bodies for personnel) or 25 (interim certificates for personnel)?

Question 11: Do you agree with the proposed interim and transitional arrangements? (draft Regulations 24(4) and 25)

Personnel qualifications relating to high voltage switchgear

Question 12: Do you have any comments on draft regulations 30(2) (certification bodies for personnel), or 30(3) (further provisions for certification bodies)?

Question 13: Do you agree with the proposed interim and transitional arrangements? (draft regulation 31(3))

Personnel qualifications relating to F gas based solvents

Question 14: Views are invited on whether there is scope to develop a common approach for an F gas based solvents qualification to meet the minimum requirements set out in Commission Regulation 306/2008, or whether individual companies should be identified as certification and evaluation bodies.

Question 15: Do you agree with the proposed qualifications in relation to solvents? (draft Regulations 33-35)

Personnel qualifications relating to certain motor vehicles

Question 16: Do you have any comments on regulations 36(2) (attestation bodies for personnel), or regulation 36(3) (further provisions for attestation bodies)?

Question 17: Do you agree with the proposed interim and transitional arrangements as set out in regulation 37?

Company certification for stationary refrigeration, air conditioning and heat pump equipment (stationary equipment)

Question 18: Views are invited on which organisations might be designated by the Department of the Environment (“the Department”) as certification bodies and on what type of certification scheme is preferred.

Question 19: Do you have any comments on regulations 19 (certification bodies for companies), 20 (certificates for companies) or 21 (interim company certificates) or 22 (mutual recognition)?

Company certification for fire protection systems (stationary equipment)

Question 20: Do you have any comments on how the company certification schemes should be operated (i.e. renewal or non-renewal?)

Question 21: Do you have any comments on regulations 26 (certification bodies for companies), 27 (certificates for companies) or 28 (interim company certificates) or 29 (mutual recognition)?

Question 22: Do you have any comments on how the company certification schemes should be operated (i.e. renewal or non-renewal?)

Personnel registration

Question 23: Would you like the Government to propose regulations to require mandatory personnel registration of all users of F gases in a future consultation?

Question 24: What reasons do you have for supporting or not supporting mandatory personnel registration?

Enforcement

Question 25: Do you agree with the proposed enforcement regime set out in the Regulations? In commenting, please specify the regulation to which your comment applies and, where appropriate, which sector.

Partial Regulatory Impact Assessment (RIA)

Question 26: Could the assessment of costs and benefits in the Partial Regulatory Impact Assessment be improved. If so, how?

You may, of course, also comment about any other aspect of the draft Regulations. There are also a number of suggested questions in the partial RIA, upon which the Department would welcome your opinions.

CHAPTER 3 - SUMMARY OF DRAFT REGULATIONS

The following text is only a summary of each Regulation. If you believe that the provisions of any Regulation(s) are likely to affect your business, please read the relevant Regulation(s) in full to find out the exact details, before submitting your comments.

3.1 Leakages (draft Regulations 4 to 6)

- Operators of stationary applications which contain F gases must prevent leakages and repair any that do occur to refrigeration, air conditioning, heat pump and fire protection systems.
- Operators must also check regularly for any leakages of F gases.

3.2 Leakage detection systems (draft Regulation 7)

- Stationary applications and fire protection systems which contain 300kg or more of F gases must have a leakage detection system attached from the date of commencement.
- Leakage detection systems must be regularly verified to ensure that they are still functioning.

3.3 Records maintenance (draft Regulation 8)

- Records must be maintained of refrigeration, air conditioning and heat pump equipment (including their circuits) as well as of fire protection systems, containing more than 3kg of F gases, detailing types of F gases contained, quantities added and recovered, etc.
- New requirements for the operator to indicate their name, postal address and telephone number in the records referred to above.
- Where the fluorinated greenhouse gas charge for a fire protection system is not indicated in the manufacturer's technical specifications or on the label of that system, the operator shall be required to ensure that it is determined by certified personnel.
- A new requirement for the fluorinated greenhouse gas charge for the refrigeration, air conditioning or heat pump equipment to be indicated in records.
- The cause of any leakages will also need to be logged in records.

3.4 Recovery of F gases (draft Regulation 9)

- Operators of equipment using F-gases must ensure that they are recycled, reclaimed or destroyed at the end of the equipment's use, rather than simply emitted into the atmosphere.

- This applies to refrigeration, air-conditioning, heat pump equipment, and to equipment containing fluorinated greenhouse gas based solvents. It also applies to fire protection systems, fire extinguishers, and high voltage switchgear. It also applies to any other product or container containing an F-gas.

3.5 Taking delivery of F gases (draft Regulation 10)

- Anyone who takes delivery of F gases, or checks containers for leakages of F gases, or recovers F gases from equipment after it is no longer in use, must have the appropriate qualifications to do so.

3.6 Reporting requirements and the provision of information (draft Regulation 11)

- Anyone who produces, places on the market, or exports more than one tonne of F gases in the Community each year commits an offence, unless he reports the quantities to the Commission.

3.7 Labelling (draft Regulation 12)

- It will be an offence to place certain types of products containing F gases on the market in NI if they are not properly labelled.

- The products include types of refrigeration and air conditioning equipment, heat pumps, fire protection equipment, and fire extinguishers, electrical switchgear, and F gas containers.

- A "proper label" means a label including details of the type and quantity of the F gas, and whether the container is hermetically sealed. The label must also state the text "Contains fluorinated greenhouse gases covered by the Kyoto Protocol".

3.8 Instruction manuals (draft Regulation 13)

- Instruction manuals for the products and equipment containing F gases detailed in the labelling section above must include a statement that the product contains these gases.

- In addition, further details must be given about the exact type of F gas contained therein, including its chemical name, quantity, exact Global Warming Potential, and details of whether it is hermetically sealed.

3.9 Prohibition on the use of sulphur hexafluoride (draft Regulation 14)

- The use of more than 850kg per year of sulphur hexafluoride in magnesium die casting is to be prohibited.
- The use of sulphur hexafluoride for filling vehicle tyres is to be prohibited.

3.10 Placing on the market (draft Regulation 15)

- It is to be forbidden to place on the market a number of products and equipment containing F gases. These include hydrofluorocarbons and perfluorocarbons contained in fire extinguishers, footwear, tyres and one component foams. Further details of products and equipment prohibited are contained in Annex II of EC Regulation 842/2006 (see Section 1.5 of this document).

3.11 Personnel qualifications relating to stationary refrigeration, air conditioning and heat pump equipment (draft Regulations 16 to 18)

Future requirements from 4 July 2011

The minimum requirements for certification of personnel handling F gases are set out in Commission Regulation EC 303/2008. These requirements go beyond the content of City & Guilds Certificate in Handling Refrigerants Scheme 2078 and Construction Industry Training Board (CITB) Safe Handling of Refrigerants Reference 206710. The main new requirement is to show, through practical assessments, knowledge of key components of equipment, including compressors and condensers.

This means that the current qualifications will not meet the long term minimum requirements specified in Commission Regulation 303/2008. Therefore, new Refrigeration and Air Conditioning (RAC) qualifications will need to be introduced and all NI personnel will ultimately have to obtain a new qualification.

New categories of personnel certification

For RAC personnel, Article 4(2) of Commission Regulation 303/2008 refers to four different levels of certification, which allow personnel to carry out different activities. Note that Category I covers all activities whereas the other 3 categories are more restrictive:

Category I certificate holders may carry out **all refrigerant handling activities for any size of RAC systems** containing F gases. This includes leakage checking, refrigerant recovery, installation, maintenance and servicing.

Category II certificate holders may carry out refrigerant recovery, installation, maintenance and servicing, in relation to RAC **systems containing less than 3 kg** of F gases (or less than 6 kg for systems that are hermetically sealed). Category II certificate holders may also carry out leak checks on any plant provided that it does not entail breaking into the refrigeration circuit containing F gases.

Category III certificate holders may carry out **refrigerant recovery** in relation to RAC systems **containing less than 3 kg** of F gases (or less than 6 kg for systems that are hermetically sealed).

Category IV certificate holders may carry out **leak checks** on any size equipment provided that it does not entail breaking into the refrigeration circuit containing F gases.

The new certificates (draft Regulation 17)

Schedule 1 of the proposed Regulations sets out the GB Category I, Category II, Category III and Category IV certificates for the purposes of Article 4.2 of the Commission Regulation 303/2008.

Regulation 17(1) makes it an offence if an individual who recovers F gases, installs, maintains or services equipment of any size, does not have a “stationary equipment qualification”. In addition, an individual would commit an offence if they carried out leakage checks on equipment which contains 3 kilograms or more of F gases if they did not have a stationary equipment qualification.

A “stationary equipment qualification” is defined in regulation 17(9)(b) as a “valid certificate issued by the City and Guilds of London Institute or by the Construction Industry Training Board under Article 5.1, 5.3 or 5.4 of Commission Regulation 303/2008;”. However, there are certain exemptions from these requirements for personnel qualifications (as set out below).

Exemptions from Personnel Qualifications (draft Regulation 17)

Article 4(1) of Commission Regulation 303/2008 states that personnel carrying out activities referred to in Article 2(1) (leak checking, recovery, installation and maintenance or servicing) need to hold a certificate, as referred to in Article 5 or Article 6. However, Article 4.3 states that the Article 1 provisions shall not apply to the categories of personnel detailed below. Trainees are exempt for up to 2 years, but they must work under the supervision of a person with the requisite qualification (including an interim certificate) and must be enrolled on a relevant training course.

Personnel only undertaking brazing, soldering or welding on a piece of

RAC equipment would be exempt if they hold a nationally recognised qualification to undertake such activities and if they are supervised by a person holding the requisite F gas certificate covering the relevant activity.

Personnel undertaking recovery of F gases from “waste equipment” under the WEEE Directive (Waste Electrical and Electronic Equipment) EC 96/2002 with an F gas charge less than 3 kg, in premises covered by a suitable permit, are exempt provided that they are employed by the company holding the permit and have completed a training course on the minimum skills and knowledge corresponding to Category III that is verified by an attestation of competence issued by the permit holder.

Regulations 17(4) and (8) of the draft Regulations provide for exemptions for these three categories of personnel.

In addition to these exemptions, Article 2(3) of Commission Regulation 303/2008 states that the provisions in this Commission Regulation shall not apply to any RAC manufacturing and repairing activity undertaken at a manufacturer’s sites. Regulation 17(9)(a) provides for this exemption in relation to personnel certification requirements.

Transitional qualification provisions for personnel through to 4 July 2011 who already have an existing qualification (draft Regulations 17 and 18)

Commission Regulation 303/2008 applies from July 2008 but the European Commission were late in establishing minimum requirements and time needs to be allowed for national qualifications to be modified, training centres to prepare and offer courses, personnel to get the new qualifications and for companies to be certified. Therefore, Commission Regulation 303/2008 permits the UK to introduce a system for personnel that do not hold a certificate that meets the future minimum qualifications to continue working if they hold an “interim certificate”. Interim certificates can be valid up to 3 July 2011.

Article 6(2) of Commission Regulation 303/2008 specifies that Member States may apply a system of interim certification for personnel holding an attestation issued under existing qualification schemes or personnel with professional experience acquired before a certain date.

The proposed GB Regulations will have the following effect. Regulation 17(7)(b) and regulation 18 provide that, personnel already holding the City and Guilds 2078, CITB 206170 or holding an in house qualification would be deemed holders of an interim certificate and benefit from the transitional period set out in Article 6(2) of Commission Regulation 303/2008. The interim certificate will be valid until 3 July 2011. In practice, the only personnel that may have obtained an in-house qualification are personnel working on equipment with a charge of less than 3 kilograms up to the time the proposed Regulations come into force.

Regulation 17(5) provides that personnel who can prove they already have professional experience in the relevant refrigeration handling activities and have carried out such work on equipment containing less than 3kg of F gases without supervision before 4 July 2008, can continue to work up to 3 July 2009.

However, they will need to apply for and obtain an interim certificate, issued under Article 6.3 of Commission Regulation 303/2008 (which states that personnel with such experience shall be issued with an interim certificate by an entity designated by the Member State), before 4 July 2009 in order to qualify for the full transitional period and therefore have the time to obtain a new qualification. These certificates cannot be issued until the proposed Regulations are in force which may be by February 2009.

Interim stationary equipment certificates relating to equipment containing less than 3 kilograms (draft Regulation 18)

It is understood some service engineers dealing with domestic and small commercial equipment containing F gases have learned on the job some time ago but have no pre-existing qualification and so would not be eligible to benefit from the transitional arrangements proposed under draft Regulation 17.

It is understood that there is a large number of personnel in NI working on domestic (large American style refrigerators) and small commercial equipment (e.g. bottle coolers in pubs/shops, small food chiller units, small air-conditioning systems in offices) that may need to be issued with an interim certificate.

Given the relatively small and specialised workforce affected, discussions have taken place with the Domestic Appliance Service Association (DASA), to act as the body designated in the proposed Regulations to issue these interim certificates. This will be a one-off piece of work that will need to be started and completed in the period February 2009 (assuming this is when the Regulations come into force) and July 2009. DASA has indicated that it is content to perform this function.

Regulation 18(5) identifies DASA as the certification body for the purposes of Article 6.3 of Commission Regulation 303/2008 and specifies that DASA must comply with the obligations set out in Article 6 of that Regulation (obligation to issue certificates and certificate to show category of qualification and expiry date).

Certification and evaluation bodies (draft Regulation 16)

Regulation 16(1) identifies City and Guilds of London¹ and the Construction and Industry Training Board as the certification and evaluation bodies for the purposes of Article 5 of Commission Regulation 303/2008 (Article 5 relates to a certification body as referred to in Article 10, which specifies that a certification body shall be provided for by a national law or regulation).

Article 5 of Commission Regulation 303/2008 also states that a certification body, as referred to in Article 10, shall issue certificates to personnel who have passed a theoretical and practical examination organised by an evaluation body as referred to in Article 11. Regulation 16(2) identifies City and Guilds of London and the Construction and Industry Training Board as an evaluation body for the purposes of Article 11.1 (an evaluation body designated by the competent authority of a Member State) of Commission Regulation 303/2008.

Regulation 16(2)(a) specifies that the City and Guilds of London Institute and the Construction Industry Training Board must comply with Articles 5.1 (issue a certificate), 5.2 (details to be included on the certificate), the certification body requirements in Article 10.1, second paragraph (be independent and impartial), 10.2 (have procedures for issuing, suspending, withdrawing certificates), 10.3 (maintain records so status of certified person can be verified) and the evaluation body requirements in Article 11 of Commission Regulation 303/2008 (be independent and impartial, the reporting/documentation requirements and ensuring adequacy of examiners and that necessary tools, equipment available for practical tests).

Regulation 16(2)(b) specifies that the City and Guilds of London Institute and the Construction Industry Training Board must comply with Article 11.2 (requirements for evaluation body to plan and structure examinations) of Commission Regulation 303/2008.

Certificates relating to certain stationary equipment issued in other EEA States and in Great Britain (draft Regulation 22)

Regulation 22 deals with these certificates for certain stationary equipment, allowing certificates issued in Great Britain or other EEA states to be valid for work in NI concerning leakage checks, recovery, installation, maintenance or servicing, of stationary refrigeration, air conditioning and heat pump equipment.

3.12 Personnel qualifications relating to stationary fire protection systems and fire extinguishers (draft Regulations 23 to 25)

Future requirements from 4 July 2010

¹ City & Guilds of London's agreement to the various requirements of these Regulations remains subject to the consultation process.

The minimum requirements for certification of personnel handling F gases are contained in Commission Regulation 304/2008 and the minimum skills and knowledge required are set out in the Annex to the Commission Regulation.

Personnel who have passed a theoretical and practical examination covering these minimum skills and knowledge will be issued with a certificate. In-house qualifications will not meet the long term minimum requirements specified in Commission Regulation 304/2008.

Therefore, a new fire protection qualification will need to be introduced and all personnel will ultimately have to obtain a new qualification.

The new certificate (draft Regulation 24)

Regulation 24(1) makes it an offence if any person who recovers F gases, installs, maintains or services equipment of any size, does not have a fire protection systems qualification. In addition, an individual would commit an offence if they carried out leakage checks on equipment which contains 3 kilograms or more of F gases if they did not have a fire protection systems qualification.

A "fire protection systems qualification" is defined in regulation 24(5)(b) as a "valid certificate issued by the Fire Industry Association under Article 5.1, 5.3 or 5.4 of Commission Regulation 304/2008;". However, there is an exemption from these requirements for personnel qualification (as set out below).

Exemption from Personnel Qualifications (draft Regulation 24)

Article 4(2) of Commission Regulation 304/2008 sets out an exemption for trainees for up to 1 year, but they must work under the supervision of a person with the requisite qualification (including an interim certificate) and must be enrolled on a relevant training course. Regulation 24(3) gives effect to the exemption for this category of personnel.

In addition to this exemption, Article 2(3) of Commission Regulation 304/2008 states that this Regulation shall not apply to any manufacturing and repairing activity undertaken at a manufacturer's sites for containers or associated components of stationary fire protection systems containing F gases. Regulation 24(5)(a) provides the definition of "exempt activity" in this context.

Transitional provisions for personnel through to 4 July 2010 (Regulation 25)

Commission Regulation 304/2008 applies from July 2008 but the European Commission were late in establishing minimum requirements and time needs to

be allowed for national qualifications to be modified, training centres to prepare and offer courses, personnel to get the new qualifications and for companies to be certified. Therefore, Article 6(2) of Commission Regulation 304/2008 permits the UK to introduce a system for personnel that do not hold a certificate that meets the future minimum qualifications to continue working if they hold an “attestation” issued under an existing qualification scheme.

Regulation 25 of the proposed NI Regulations provides that, for the purposes of Article 6(1) and 6(2) of Commission Regulation 304/2008, an individual who holds an in-house qualification obtained before the date of coming into force of these proposed Regulations, is deemed to be the holder of an interim certificate and can benefit from the transitional period set out in Article 6(2) of Commission Regulation 304/2008. The interim certificate will be valid until 3 July 2010.

Certification and evaluation bodies (draft Regulation 23)

Regulation 23(1) identifies the Fire Industry Association as the certification body for the purposes of Article 5 of Commission Regulation 304/2008 (Article 5 relates to a certification body as referred to in Article 10, which specifies that a certification body shall be provided for by a national law or regulation).

Article 5 of Commission Regulation 304/2008 also states that a certification body, as referred to in Article 10, shall issue certificates to personnel who have passed a theoretical and practical examination organised by an evaluation body as referred to in Article 11. Regulation 23(1) identifies the Fire Industry Association as an evaluation body for the purposes of Article 5 (an evaluation body designated by the competent authority of a Member State) of Commission Regulation 304/2008.

Regulation 23(2) specifies that the Fire Industry Association must comply with Articles 5.1 (issue a certificate), 5.2 (details to be included on the certificate), the certification body requirements in Article 10.1, second paragraph (be independent and impartial), 10.2 (have procedures for issuing, suspending, withdrawing certificates), 10.3 (maintain records so status of certified person can be verified), the evaluation body requirements in Article 11 (be independent and impartial, the reporting/documentation requirements and ensuring adequacy of examiners and that necessary tools, equipment available for practical tests) and Article 11.2 (requirements for evaluation body to plan and structure examinations) of Commission Regulation 304/2008.

Certificates relating to fire protection systems issued in EEA States and Great Britain (draft Regulation 29)

Regulation 29 deals with these certificates in relation to fire protection systems, allowing certificates issued in Great Britain or other EEA states to be valid for

work in NI concerning leakage checks, recovery, installation, maintenance or servicing, of fire protection systems and fire extinguishers.

3.13 Personnel qualifications relating to high-voltage switchgear (draft Regulations 30 to 32)

Future requirements from 4 July 2009

The minimum requirements for certification of personnel handling F gases are contained in Commission Regulation 305/2008 and the minimum skills and knowledge required are set out in the Annex to the Commission Regulation. Personnel who have passed a theoretical and practical examination covering these minimum skills and knowledge will be issued with a certificate.

The new certificate (draft Regulations 30 and 31)

Regulation 31(1) makes it an offence for any person who recovers F gases from high-voltage switchgear, to do so without a high-voltage switchgear qualification in accordance with Article 3(1) of Commission Regulation 305/2008.

A high-voltage switchgear qualification” is defined in regulation 31(4)(b) as a “valid certificate issued by a certification body referred to in regulation 30(2) under Article 4 of Commission Regulation 305/2008”. However, there is an exemption from these requirements for personnel qualification (as set out below).

Exemption from Personnel Qualifications (draft regulation 31)

Article 3(2) of Commission Regulation 305/2008 sets out an exemption for trainees for up to one year, but they must work under the supervision of a person with the requisite qualification (including an interim certificate) and must be enrolled on a relevant training course. Regulation 31(2) gives effect to the exemption for this category of personnel.

Regulation 31(3) provides that personnel, who can prove they have already carried out recovery of F gases from high-voltage switchgear without supervision before 4 July 2008, can continue to work up to 3 July 2009. The basis for this derogation is Article 3(3) of Commission Regulation 305/2008. Such personnel shall be deemed to be certified as regards these activities for the purposes of the requirements of the EC Regulation 842/2006.

Certification and evaluation bodies (draft Regulation 30)

Regulation 30(1) identifies the following persons as the certification and evaluation bodies for the purposes of Articles 5 and 6 of Commission Regulation 305/2008:

Schneider Electric Limited
Lucy Electric UK Limited
Siemens Transmission and Distribution Limited
Areva T&D UK Limited
ABB Limited

Articles 5 and 6 of Commission Regulation 305/2008 specify that a certification body (Article 5) and an evaluation body (Article 6) shall be provided for by a national law or regulation.

Regulation 30(3)(a) specifies that a certification and evaluation body (listed above) must comply with Articles 5.1 second paragraph (be independent and impartial), 5.2 (have procedures for issuing, suspending, withdrawing certificates), 5.3 (maintain records so status of certified person can be verified), 6.1 (be impartial), 6.3 (reporting/documentation requirements) and 6.4 (ensure adequacy of examiners and that necessary tools, equipment available for practical tests) of Commission Regulation 305/2008.

Regulation 30(3)(b) specifies that a certification body and evaluation body (listed above) must comply with Article 4.2, (details to be included on the certificate) and Article 6.2 (examinations to be planned and structured in a manner which ensures that the minimum skills and knowledge set out in the Annex are covered) of Commission Regulation 305/2008.

Certificates relating to high-voltage switchgear issued in EEA States and Great Britain (draft Regulation 32)

Regulation 32 allows certificates issued in Great Britain or other EEA states to be valid for work in Northern Ireland, concerning recovery of F gases from high-voltage switchgear.

3.14 Personnel qualifications relating to F gas based solvents (draft Regulations 33 to 35)

Future requirements from 4 July 2009

There are no current suitable external industry qualifications that meet the requirements specified in Commission Regulation 306/2008. In-house qualifications will not meet the requirements set out in the Annex to Commission Regulation 306/2008. Therefore, a new solvents qualification will need to be introduced and all Northern Ireland personnel working with F gas based solvents will ultimately have to obtain a new qualification.

It is not known how many companies in Northern Ireland use F Gas solvents, however DEFRA have estimated that in England, Scotland and Wales combined, between 50 and 100 companies use F gas solvents, and that between 100 and 400 personnel could require a certificate.

Fluorinated greenhouse gas-based solvents certification and evaluation bodies (draft Regulation 33)

Regulation 33 provides a power for the Department to appoint a certification or evaluation body for the purposes of Commission Regulation 306/2008. This power would enable such a body to be identified in the future.

However, there is currently no coordinating body in the F Gas solvent sector and the Government is not aware of any current plans for a body to provide external training and certification to meet the F Gas Regulation requirements. Another option would be for individual companies using F Gas solvents to be identified as certification and evaluation bodies.

Regulation 33(3) and (4) specifies that a certification and evaluation body appointed by the Secretary of State must comply with Articles 3.1 (issue a certificate), 3.2 (details to be included on the certificate), the certification body requirements in 4.1, second paragraph (be independent and impartial), 4.2 (have procedures for issuing, suspending, withdrawing certificates), 4.3 (maintain records so status of certified person can be verified) and the evaluation body requirements in 5.1 (be impartial), 5.2 (examinations to be planned and structured), 5.3 (reporting/documentation requirements) and 5.4 (ensure adequacy of examiners and that necessary tools, equipment available for practical tests) of Commission Regulation 306/2008.

The new certificate (draft Regulation 34)

Regulation 34(1) makes it an offence for any person who recovers F gas based solvents from equipment, to do so without a solvents qualification in accordance with Article 2.1 of Commission Regulation 306/2008.

A “solvents qualification” is defined in regulation 34(4) as a “valid certificate issued by a certification body under Article 3 of Commission Regulation 306/2008”.

Exemption from Personnel Qualifications (draft Regulation 34)

Article 1.2 of Commission Regulation 306/2008 sets out an exemption for trainees for up to 1 year, but they must work under the supervision of a person with the requisite qualification (including an interim certificate) and must be

enrolled on a relevant training course. Regulation 34(2) gives effect to the exemption for this category of personnel.

Regulation 34(3) provides that personnel, who can prove they have already carried out recovery of F gas based solvents from equipment without supervision before 4 July 2008, can continue to work up to 3 July 2009. The basis for this derogation is Article 1.3 of Commission Regulation 306/2008. Such personnel shall be deemed to be certified as regards these activities for the purposes of the requirements of the 2006 Regulation.

Certificates relating to F gas based solvents issued in EEA States and Great Britain (draft Regulation 35)

Regulation 35 deals with these certificates in relation to F gas based solvents, allowing certificates issued in Great Britain or other EEA states to be valid for work in NI concerning the recovery of F gas-based solvents from equipment.

3.15 Personnel qualifications relating to certain motor vehicles (draft Regulations 36 to 38)

Future requirements from 4 July 2010

The minimum requirements for certification of personnel handling F gases are contained in Commission Regulation 307/2008 and the minimum skills and knowledge required are set out in the Annex to the Commission Regulation. Personnel who have passed a theoretical and practical examination covering these minimum skills and knowledge will be issued with an attestation.

Therefore, new air-conditioning attestations will need to be introduced and all NI personnel will ultimately have to obtain a new qualification or attestation.

The new certificate/attestation (draft Regulation 37)

Regulation 37(1) makes it an offence for any person who recovers F gases from an air-conditioning system in a motor car or motor van, to do so without an “air-conditioning qualification” in accordance with Article 2(1) of Commission Regulation 307/2008.

An “air-conditioning qualification” is defined in regulation 37(4)(c) as a “valid attestation issued by an attestation body² referred to in regulation 36(2) under Article 3.2 of Commission Regulation 307/2008”. However, there is an exemption from these requirements for personnel qualification (as set out below).

² Please note that the inclusion of City & Guilds as an attestation body has yet to be confirmed.

The terms “motor car” and “motor van” have the meaning set out in draft Regulation 37(4).

Exemption from Personnel Qualifications (draft Regulation 37)

Article 2(2) of Commission Regulation 307/2008 sets out an exemption for trainees for up to 1 year, but they must work under the supervision of a person with the requisite qualification (including an interim certificate) and must be enrolled on a relevant training course. Regulation 37(2) gives effect to the exemption for this category of personnel.

Transitional provisions for personnel through to 4 July 2010 (draft Regulation 37)

Commission Regulation 307/2008 applies from July 2008 but the European Commission were late in establishing minimum requirements and time needs to be allowed for national qualifications to be modified, training centres to prepare and offer courses and for personnel to get the new qualifications/attestations.

Therefore, Article 3(3)(a) of Commission Regulation 307/2008 permits the UK to introduce a system for personnel that do not hold a certificate/attestation that meets the future minimum qualifications to continue working if they hold an “attestation” issued under existing qualification schemes. Regulation 37(3) provides this exemption and specifies that personnel must hold a qualification referred to in Schedule 2.

Attestation bodies (draft Regulation 36)

Regulation 36(2) identifies the attestation bodies for the purposes of Article 3 of Commission Regulation 307/2008 (Article 3(1) specifies that a certification body shall be provided for by a national law or regulation).

Article 3 of Commission Regulation 307/2008 also states that an attestation body shall issue a training attestation to personnel who have passed a theoretical and practical examination covering the minimum skills and knowledge set out in the Annex. Regulation 36(3) specifies that an attestation body as referred to in regulation 36(2) must comply with Articles 3(2) (issue an attestation) and 3(3) (details to be included on the certificate) of Commission Regulation 307/2008.

Attestations issued in EEA States and Great Britain (draft Regulation 38)

Regulation 38 deals with these certificates in relation to certain motor vehicles, allowing certificates issued in Great Britain or other EEA states to be valid for work in NI concerning the recovery of F gases from an air conditioning system in a motor car or a motor van.

3.16 Company certification for installation, maintenance or servicing of stationary refrigeration, air-conditioning and heat pump equipment (draft Regulations 19 to 21)

Introduction

Article 7 of Commission Regulation 303/2008 requires companies carrying out installation or maintenance or servicing to hold a certificate to confirm that it has the skilled personnel and equipment to carry out work with adequate expertise so that emissions are avoided/minimised.

The European Commission and a majority of Member States agreed that a very light touch company certification requirement was needed, as EC Regulation 842/2006 has only one reference to certification programmes for companies in Article 5.1.

At present, there is no legal requirement in Northern Ireland for companies to be certified. Overall around 142 companies may need to be certified.

It is therefore intended to provide for transitional arrangements in the proposed Regulations, involving a certification body issuing “interim” certificates to companies. Companies would then have until July 2011 to obtain a certificate.

Company certificates (draft Regulation 20)

Under Article 8 of Commission Regulation 303/2008, a company is entitled to be issued with a certificate by a certification body if it fulfils requirements related to the need to have properly certified personnel employed in sufficient numbers to cover the expected volume of activities and proof that necessary tools and procedures are available to personnel.

Under regulation 20(1) it will be an offence if a company does not hold a “stationary equipment qualification company certificate” or an interim certificate and under regulation 20(3), it will be an offence if a company knowingly or recklessly provides false or misleading material for the purposes of obtaining a company certificate. Because of the definitions of “installation” and “maintenance and servicing” in Article 3 of Commission Regulation 303/2008, company certification requirements do not apply to companies only carrying out leak checking or to those companies only collecting or storing F gases.

Certification bodies (draft Regulations 19 and 21)

Article 10 of the Commission Regulation 303/2008 requires a certification body (or bodies) to be provided for in national law or regulation or designated by the competent authority. Under proposed regulations 19 and 21, the Department would have a power to designate certification bodies that can issue stationary

equipment qualification, company and interim certificates to companies in Northern Ireland. Under regulations 19(2) and 21(2), certification bodies must comply with Article 8 (issue of a certificate), Article 9 (issue of interim certificates) and certification body requirements in Article 10.1, second paragraph (be independent and impartial), 10.2 (have procedures for issuing, suspending, withdrawing certificates), 10.3 (maintain records so status of certified person can be verified) of Commission Regulation 303/2008.

Interim certificates (draft Regulation 20)

Under Article 9, Member States can introduce transitional arrangements if they wish to. It is proposed to make use of this option and draft regulation 20(2) allows a company to have until 3 July 2009 to obtain an interim certificate, provided it was carrying out installation or maintenance or servicing before 4 July 2008.

Interim certificates cannot be issued in Northern Ireland until the proposed Regulations are in operation and a certification body or bodies have been designated by the Department. **If the Regulations come into force by February 2009, a certification body will need to have issued interim certificates to applicant companies by 3 July 2009.** Otherwise, the company will be committing an offence under regulation 20(1).

3.17 Miscellaneous provisions (draft Regulations 39-41)

Regulation 39 specifies that an employer commits an offence if they do not ensure that an individual employed by them to carry out duties under draft Regulations 17(1)(a), 17(8)(a), 24(1)(a), 31(1)(a) or 37(1)(a) holds the necessary qualification to enable them to carry out such work.

Regulation 40 concerns the duties of an employer in maintaining employee training records.

Regulation 41 concerns the duties of certification, attestation and evaluation bodies, in providing details on request of certificates or attestations they have issued.

3.18 Powers of authorised persons (draft Regulation 42, with reference to draft Regulation 47)

- These powers relate to persons authorised to enforce these regulations.
- In doing so, authorised persons may:
 - enter premises
 - examine and investigate anything deemed necessary
 - take measurements and photographs as evidence
 - take samples of articles and substances, for potential use as evidence

- ask any necessary questions
- request the production of records, and take copies if necessary

- It is to be an offence to fail to comply with a direction given, or a requirement imposed, by an authorised person.

- It is also to be an offence to intentionally obstruct an authorised person carrying out his duties, or to deliberately provide him with false information.

3.19 Information notices (draft Regulation 43, with reference to draft Regulation 47)

- The enforcing authority would be able to produce a notice requiring any person to provide information within a specified period.

- Failure to comply with the requirements of this notice would be an offence.

3.20 Enforcement and prohibition notices (draft Regulations 44 and 46)

- Notices could be issued for the failure to:
 - prevent leakages of F gases
 - repair leakages
 - conduct regular leakage checks
 - install leakage detection systems
 - keep adequate records of F gases stored
 - adequately recover F gases from various types of equipment
 - observe the limitations on the use of sulphur hexafluoride
 - observe the restrictions on the placing of F gases on the market
 - provide information on the F gases in the instruction manuals provided with certain types of products or equipment.

- Enforcement notices would specify what must be done to rectify the situation, and specify a time limit.

- Prohibition notices would be issued for more immediate dangers or serious pollution to the environment, and may demand steps to be taken within 3 days.

- Both types of notice would have to be complied with at the expense of the person upon whom they are served.

- Failure to comply with an enforcement or prohibition notice would result in the Department recovering the expenses from the owner of the business.

- the enforcing authority may be able to take proceedings in the High Court against an individual if it considers enforcement or prohibition orders unlikely to be effective.

3.21 Appeals against enforcement or prohibition notices (draft Regulation 45)

- An individual aggrieved by an enforcement or prohibition notice would be able to make an appeal to a court of summary jurisdiction.

- The court would be empowered to suspend an enforcement notice pending the result of an appeal.

- Requirements contained in a prohibition notice would still have to be complied with during an appeal. If a prohibition notice is quashed on appeal, the Department would pay compensation to the recipient of the prohibition notice.

3.22 Corporate offences (draft Regulation 48)

This Regulation concerns F gases offences committed by bodies corporate.

3.23 Penalties (draft Regulation 49)

- A person guilty of an offence under these Regulations would be liable to a fine not exceeding the statutory maximum, on summary conviction.

- A person guilty of an offence under these Regulations would be liable to a fine, on conviction on indictment.

3.24 Fixed penalties (draft Regulation 50)

- Fixed penalties may be issued for offences relating to refrigeration or heat pump equipment, or air conditioning, in private dwellings.

- These offences concern the failure to prevent the leakages of F-gases, and failure to repair any that do occur. Containers containing F-gases must also regularly be checked for leakages.

- The amount of the fixed penalty is £100.

3.25 Enforcement (draft Regulation 51)

- The district councils shall enforce these Regulations.

- In particular cases, the Department may direct that it should enforce these Regulations.

ANNEX 1

REGULATORY IMPACT ASSESSMENT

PARTIAL REGULATORY IMPACT ASSESSMENT OF THE DRAFT FLUORINATED GREENHOUSE GASES REGULATIONS (NORTHERN IRELAND) 2009

1. INTRODUCTION

- This Partial Regulatory Impact Assessment concerns new draft Regulations (the 'NI Regulations') on fluorinated greenhouse gases (F gases).
- The NI Regulations apply to Northern Ireland only. *The Fluorinated Greenhouse Gases Regulations 2008* have already been made for Great Britain, and a further set is currently under consultation in GB.
- The NI Regulations implement the provisions set out in Regulation (EC) 842/2006 of the European Parliament and of the Council, and in Commission Regulations (EC) Numbers 1493/2007, 1494/2007, 1497/2007, 1516/2007, and 303/2008 to 308/2008 (referred to jointly as "the EC Regulations" in this document).
- The NI Regulations also prescribe offences and penalties applicable to non-compliance with these measures and with proposed powers for authorised persons to enforce these Regulations.
- The principal objective of the EC Regulations is to contain, prevent and thereby reduce emissions of F gases covered by the Kyoto Protocol.
- F gases were introduced in several areas of industry because they do not deplete the ozone layer, unlike the chlorofluorocarbons (CFCs) which they replaced. However, the EC Regulations now seek to prevent their emission into the atmosphere in order to contribute to Kyoto Protocol objectives.
- F gases include hydrofluorocarbons (HFCs), used in refrigeration and air conditioning equipment, perfluorocarbons (PFCs), which can be used in the fire fighting and electronics sectors, and sulphur hexafluoride, normally used in training shoes and as a cover-gas in magnesium casting operations.
- The NI Regulations include proposals for offences and penalties in relation to commercial and domestic equipment which contains or uses F gases. These proposals arise from the various provisions of the EC Regulations, and concern the following:

- Leakages
- Leakage checking and detection systems
- Record keeping
- Instruction manuals
- Recovery of F gases
- Reporting and the provision of information on F gases
- Information to be provided in instruction manuals
- Labelling products containing F gases
- Prohibitions on the use of sulphur hexafluoride
- Prohibitions upon placing F gases on the market
- Nomination of certification and evaluation bodies for qualifications for employees working with F gases
- Qualifications and certification (regarding stationary equipment, fire protection equipment, high voltage switchgear, F gas based solvents, and air conditioning systems in motor vehicles)
- Employers' obligations to employ qualified employees
- Training records
- Obligations of certification, attestation and evaluation bodies to provide information required.

2. PURPOSE AND INTENDED EFFECT OF THE MEASURE

i. The objective

- It is a requirement of the EC Regulations that all member states introduce appropriate legislation to implement provisions relating to offences, fines and penalties, as well as certification requirements.

- The purpose of the NI Regulations is therefore to translate that requirement into legislation for Northern Ireland with the effect of reducing the amount of F gases released into the atmosphere in Northern Ireland.

- It is also a requirement of the EC Regulations that all member states introduce appropriate legislation to help reduce the emission of F gases.

ii. The background

- The EC Regulations specify that a number of provisions should be introduced in all member states, as detailed in the introduction, to help to reduce emissions of F gases.

- The largest source of F gases emissions in Northern Ireland in 2006 was refrigeration (including air conditioning) contributing 53.3% of the Northern Ireland HFC total due to losses from refrigeration and air conditioning equipment

during its manufacture and lifetime. Aerosols contributed 33.4% to the total Northern Ireland HFC emission in 2006, the main sources being industrial aerosols and medical use of metered dose inhalers. The remaining emission sources (foams, fire-fighting and solvents) contributed 13.3% of total Northern Ireland HFC emissions. The total emission has increased from virtually zero in 1990 to 238kt CO₂ equivalent in 2006.

- In 2006 emissions of PFCs in Northern Ireland were negligible.

- Northern Ireland SF₆ emissions accounted for 1.0% of the UK total in 2006. The main sources of sulphur hexafluoride emissions are leakage from the electrical switching gear used in electricity transmission and the soles of certain brands of training shoes. The use of SF₆ in the electronics industry in Northern Ireland is negligible.

iii. Risk assessment

- The main risk if the provisions of the EC Regulations are not implemented is that emissions of F gases may rise unchecked, and Northern Ireland would be in non-compliance with EU legislation.

- It would also impact on the UK's ability to meet its commitments under the Kyoto Protocol.

- In addition the Climate Change Bill, soon to become law, will impose a set of strict emission targets which the UK will have to meet. Failure to implement the EC Regulations will mean that a valuable contribution towards meeting potential emissions targets will be missed in Northern Ireland.

- The main concern if the NI Regulations are implemented is that it could place a significant, inequitable or unsustainable burden on some industry sectors. This partial RIA will assess the likely significance of any costs imposed on the sectors affected, and invites responses from consultees as to whether these assessments are accurate in practice.

3. OPTIONS

- The requirements of the EC Regulations mean that there is no real option but to introduce NI Regulations to control and limit emissions of F gases, and to specify minimum qualifications for those who work with them.

- By leakage inspection and prevention, recovery of F gases after use of the product, reporting requirements on amounts of F gases used, and restrictions on the use of sulphur hexafluoride and placing of F gases on the market, emissions of F gases can be controlled. Therefore other options, such as a voluntary code of conduct, are not feasible.

Option 1 – Do nothing

- This would not meet the requirements of EC Regulations, and would not therefore fulfil our obligations under EU law.

Option 2 – Make the NI Regulations

- This would fulfil our EU obligations, and help to contribute to UK commitments under the Kyoto Protocol.

- Drafting new regulations will set an equitable and transparent legal framework applicable to all relevant businesses in Northern Ireland which will help to reduce emissions of F gases.

- If additional emissions did however occur in some cases, the draft regulations also allow for fines and fixed penalties to be issued, to deter similar future offences.

4. BENEFITS

Option 1 (Do nothing) – The potential cost of infraction proceedings and substantial fines for non-compliance with EU law would far outweigh any minor savings for business and Northern Ireland Government Departments from continuing to permit emissions of F gases to the atmosphere.

Option 2 (Make the NI Regulations) – This option would ensure compliance with the EC Regulations and help to ensure that emissions of F gases would be reduced in all the sectors to which the regulations apply.

- Introducing the new regulations will set a consistent, equitable and transparent legal framework applicable to all relevant businesses in Northern Ireland.

- The new regulations establish fines and fixed penalties which could be issued to those who fail to comply and to deter these practices in future.

5. BUSINESS SECTORS AFFECTED

- The proposed NI Regulations affect a range of business sectors, which include those which work with refrigeration systems, air conditioning, heat pump equipment, solvents, high-voltage switchgear, fire protection systems, and fire extinguishers.

- They affect not only businesses involved in the production or importing and exporting of F gases, but also businesses that use F gases as part of their operations or production processes and those that emit them as a by-product.

- They also affect businesses using components which contain F gases, those in the servicing sector that are involved in the handling of F gases and businesses that own or sell products containing F gases.

- It is therefore intended to consult:

- chemical manufacturers and suppliers,
 - businesses supplying air conditioning and refrigeration services
 - refrigeration engineers
 - refrigeration repair services
 - abattoirs
 - companies manufacturing and supplying fire extinguishing equipment
 - refrigeration rental companies
 - electrical switchgear services
 - food manufacturers and suppliers, to include supermarkets, meat processors and suppliers, and ice-cream manufacturers
 - fluid suppliers
 - magnesium casting industry
 - F –gas propellant aerosol (novelty and technical) industry
 - Metered Dose Inhaler (MDI) manufacturers
 - One Component Foam (OCF) manufacturers
 - Rigid Insulation Foam (RIF) manufacturers
 - solvent cleaning industry
 - semiconductors and other electronics industry
 - aluminium smelting industry
 - F-gas and HCFC industry
- In some cases it may be appropriate or necessary to consult umbrella organisations representing the different industry sectors in Northern Ireland, rather than each individual business.

6. CONSULTATION WITH SMALL BUSINESSES – THE SMALL BUSINESS IMPACT TEST

- The proposal affects businesses in a variety of industry sectors, many of which contain small businesses.

- In general, the draft NI Regulations would treat small businesses in the same way as other businesses in the same sector. It is envisaged that the measures in the proposal will not have a disproportionate effect on SMEs (Small to Medium Enterprises).

- Northern Ireland has a higher percentage of smaller businesses than other regions within the UK. It is important to ensure that there is not a disproportionate effect on small businesses and therefore not a disproportionate effect on Northern Ireland industry compared to the rest of the UK.

- The following paragraphs consider the impacts on small firms in sectors which have been identified as containing a number of small businesses:

- Stationary refrigeration and air conditioning: Most of the independent operatives carrying out site installation work and plant maintenance would be likely to fall under the definition of small businesses. In addition, some of the manufacturers may also be small businesses. The training and certification requirements will apply to all operatives working on installation and maintenance.

- The measure relating to leakage inspections does not apply to systems containing less than 3kg of HFCs. For systems with more than 3kg, the frequency of the inspections is related to the weight of the refrigerant (details of this requirement can be found in draft Regulation 4(b), which refers to Articles 3.2 and 3.4 of the EC Regulation). Assuming that small businesses are likely to have smaller refrigerant systems than larger businesses, the burden associated with inspections should be proportionate to the output of the business concerned.

- Fire protection systems: There are a number of small companies carrying out servicing and installation work on these systems. Training for containment and recovery will apply to these businesses, although the Department expects that costs relating to training will not be disproportionate to output.

7. OTHER IMPACT ASSESSMENTS

Equality Impact Assessment

- The Department has carried out an equality screening exercise on the draft legislation. No adverse impacts for any of the 9 section 75 categories were identified. A full Equality Impact Assessment was therefore not required.

Human Rights Impact Assessment

- The provisions of the draft legislation are fully compatible with the Convention on Human Rights.

Rural Proofing

- A rural proofing exercise was carried out and no adverse effects were found for rural communities.

8. COSTS

i. Compliance costs

- There will be extra compliance costs for businesses which use F-gases in a number of ways:

Draft Regulation 4

- preventing leakages of F gases in refrigeration, air conditioning, and heat pump equipment.

- undertaking regular checks for leakages of F gases.

Draft Regulation 5

- conducting regular inspections of refrigeration, air conditioning, and heat pump equipment, including checking records and equipment, and making follow-up checks.

Draft Regulation 6

- conducting regular inspections of fire protection systems for leakages of F gases, involving the maintenance of records. Follow-up checks must also be made. Repairs must be conducted if necessary.

Draft Regulation 7

- the fitting of leakage detection systems to stationary applications and fire protection systems.

Draft Regulation 8

- requires the maintenance of records concerning stationary applications and fire protection systems.

Draft Regulation 9

- requires F gases to be recovered from a number of types of equipment to ensure that the F gases are recycled, reclaimed or destroyed.

Draft Regulation 10

- requires anyone involved with the containment, delivery or recovery of F gases to be qualified.

Draft Regulation 11

- a requirement for producers and exporters of F gases to report to the EU on the amounts of F gases produced, placed on the market or recovered.

Draft regulations 12

- labelling requirements for products containing F gases placed on the market in Northern Ireland.

Draft regulation 13

- a requirement to provide instruction manuals with products containing F gases.

Draft regulation 14

- a prohibition on the use of sulphur hexafluoride, except in one sector in very small amounts.

Draft regulation 15

- a prohibition on placing on the market products containing certain types of F gases.

Draft regulations 16 to 39

- requirements for individuals working with any of the following to be qualified to do so:

- stationary refrigeration
 - air conditioning
 - heat pump equipment
 - fire protection systems
 - high voltage switchgear
 - F-gas based solvents
 - the recovery of F-gases from an air conditioning system in a car or van
- also includes requirements for companies to hold company certificates.

Draft regulation 40:

- a requirement for employers to keep records of all trainees' qualifications.

Compliance costs per sector

- It is likely that compliance costs will vary greatly for businesses, depending on the business sector. Example scenarios are provided below for two different types of firms, namely those in the refrigeration and the fire industry sector.

- Please note that the Department's figures below are estimates from an Impact Assessment carried out this year by DEFRA on analogous draft Regulations for GB. Please also note that the costs given below are predicted for an average sized business in each sector, so they may vary depending on the size of the individual business.

- Sample costs for an average business are shown in the data below:

<u>Stationary Refrigeration and Air Conditioning sector:</u>	<u>£</u>
Labelling (draft Regulation 12)	below 1000
Record keeping (draft Regulation 8)	20 – 40
Leak detection and repair (draft Regulations 4 – 7) (per plant, plus £3000 to £5000 to install each leakage detection system, plus £150 to £250 for leak repair work per company)	230-370
Training (draft Regulations 16 – 38) (per employee)	450
Company certification (draft Regulations 16 -38)	70 – 290
Interim company certification (draft Regulations 16 -38) (per certificate)	50 – 100
Personnel qualification registration	10 – 20
<u>Totals:</u>	
Costs per business:	480-1970
Costs per leakage detection system:	3000-5000
Costs per employee:	450
Costs per certificate:	50-100

<u>Fire protection sector:</u>	<u>£</u>
Labelling (draft Regulation 12)	1000 -2000
Record keeping (draft Regulation 8) (per system)	50 -100

Leak checking and repair (draft Regulations 4 -7) (per system)	200-400
Training (draft Regulations 16 – 38) (per employee)	250
Company certification (draft Regulations 16 - 38)	145 – 240
Interim company certification (draft regulations 16 – 38) (per certificate)	100 - 200
Totals:	
Costs per business:	1145 - 2240
Costs per system:	250 - 500
Costs per employee:	250
Costs per certificate:	100 - 200

Please note:

- Some of the new Regulations will apply only to a small number of companies, if any, in Northern Ireland, for example, those which concern magnesium die casting. On the other hand, much larger sectors, such as refrigeration and air conditioning, as are mentioned above, will also be covered by several other sections of the new Regulations.

- The costs of company certification may also vary for businesses, according to how often the certificates need to be renewed.

ii. Other costs

- Enforcement costs:

- these will include the training and administration of a number of authorised persons. There will also be costs for the examination of substances and articles seized for use as forensic evidence. These costs will be borne by the Northern Ireland Environment Agency (NIEA) and the local councils.

- there will be further costs for administering enforcement and prohibition notices, and for ensuring that they are complied with. These will also be borne by NIEA and local councils. If these notices are disputed in a Magistrate's or a civil court, there will be further costs for all parties concerned.

- Fixed penalties:

- fixed penalties will also result in increased administration and enforcement costs, as will the imposition of fines on businesses who fail to comply with the regulations.

9. ENFORCEMENT AND SANCTIONS

- The EC legislation is in the form of Regulations, which have direct effect in the UK without needing any further transposition. However, national secondary legislation is needed to enable Member States to uphold the implementation of the provisions of the EC Regulations and create sanctions and penalties for infringements of these provisions.

- Draft Regulation 51 states that the Department of the Environment and the district councils shall enforce these Regulations. This Regulation also states that the Department may direct that it alone shall enforce the Regulations, if it deems this to be necessary.

- This Regulation also states that the Secretary of State for Environment, Food and Rural Affairs shall enforce the Regulations in relation to offshore installations. This is because DEFRA retains responsibility for offshore installations in these Regulations.

10. COMPETITION ASSESSMENT

- It is envisaged that if the new draft Regulations were to become law, they would not restrict competition between businesses.

- The Department has undertaken a competition assessment, and no significant evidence was found that there would be any distortion of competition within or between the markets.

11. MONITORING AND REVIEW

- It will be necessary to monitor the effectiveness of the measures in the proposed Regulations to ensure that the policy objectives are being met. This will be done on a UK-wide basis, as follows:

- Through an analysis of UK inventories of greenhouse gas emissions. As a party to the United Nations Framework Convention on Climate Change (UNFCCC), the UK is required to develop, publish and update regularly a national inventory of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies;

- The UK is also required to submit an annual greenhouse gas inventory to the EU Monitoring Mechanism, which separately sends a report for the European Community as a whole to the UNFCCC. UK inventory estimates are reviewed annually and updated to reflect improvements in methodology or availability of new information. Any changes are backdated to baseline years to ensure a consistent time series;

- The annual UK inventory is compiled by AEA Technology on behalf of DEFRA and the devolved administrations. Inventory estimates for the six types of gases (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride) are calculated on a top-down approach, using activity data and emissions factors, and adhering to IPCC Reporting Guidelines and Good Practice Guidance. Removals by sinks are calculated by the Centre for Ecology and Hydrology (CEH) and are published separately, within the inventory;
- The Department will closely monitor the Northern Ireland Inventory of the relevant gases (hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride) and work with DEFRA to ensure that the data is robust and the reasons for any significant variances can be identified.

12. CONSULTATION

i. within government

- All 26 local councils in Northern Ireland will be invited to comment on the draft legislation, as part of the consultation process.
- Other Government Departments and Agencies will also be invited to comment.

ii. public consultation

- Public consultation will take place from **Wednesday 5th November 2008** to **Wednesday 21st January 2009**. The consultation paper will be posted on the DOE website and organisations and individuals affected by the legislation will be invited to respond.
- A report on the consultation process and responses will be prepared and published.

13. SUMMARY AND RECOMMENDATION

- The Department is publishing, for consultation, draft Regulations on F gases, which it seeks to introduce in Northern Ireland, in order to implement provisions relating to offences, fines, and penalties, as well as certification requirements to comply with EC Regulations.
- All consultation responses received will be considered and will help to inform the development and content of the Final Regulations on F gases. A full statement will set out the overall potential environmental and economic effects that would occur as a result of the introduction of the Regulations.

14. CONTACT POINT

- Queries on this RIA and comments on the potential effects of the draft Regulations becoming law should be directed to:

Roger Irwin
Planning and Environmental Policy Group
Department of the Environment
20–24 Donegall Street
Belfast BT1 2GP

Telephone: (028) 90 544 515

Fax: (028) 90 544 520

E-mail: roger.irwin@doeni.gov.uk

ANNEX 2

EQUALITY IMPACT ASSESSMENT

SCREENING FOR EQUALITY IMPACT ASSESSMENT

Northern Ireland Act 1998 (Section 75) – Statutory Equality Obligations
Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009

1. Introduction

Section 75 of the Northern Ireland Act 1998 requires all public authorities in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between:

- Persons of different religious beliefs.
- Persons of different political opinions.
- Persons of different racial groups.
- Persons of different ages.
- Persons of different marital status.
- Persons of different sexual orientation.
- Men and women generally.
- Persons with a disability and persons without.
- Persons with dependants and persons without.

To satisfy this requirement, government departments carry out Equality Impact Assessments of policies and legislation to test whether they could have an adverse impact on equality of opportunity between any of the nine groups listed above. While it is acknowledged that Section 75 puts a duty on public authorities to look at all its policy areas and not just those relating to equality issues, it is accepted that not all policies need to be assessed to the same extent. Screening aims to identify those policies that are likely to have the greatest impact on equality of opportunity and therefore should be subject to a full Equality Impact Assessment.

2. Brief Summary of the draft Regulations

The draft Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 prescribe offences and penalties applicable to infringements of EC regulations on certain fluorinated greenhouse gases (F gases).

The principal objective of the draft Regulations is to contain, prevent and thereby reduce emissions of F gases covered by the Kyoto Protocol.

3. Aims of the draft Regulations

The draft NI Regulations include proposals for offences and penalties in relation to commercial and domestic equipment, regarding leakages, record keeping, instruction manuals, the recovery of F gases, information to be provided in instruction manuals, the labelling of products containing F gases, restrictions on the use of sulphur hexafluoride, restrictions upon placing F gases on the market, and qualification and training requirements.

4. Screening Analysis

- 4.1 Is there any evidence of higher or lower participation or uptake by different groups within any of the nine categories?

YES	
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NO	✓
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- 4.2 Is there any evidence that particular groups have different needs, experiences, issues and priorities in relation to the particular main policy area?

YES	
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NO	✓
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The proposed regulations aim to ensure protection of the environment and human health by introducing draft legislation for Northern Ireland. There is no evidence that particular groups have different needs, experiences, issues and priorities in relation to this topic.

- 4.3 Is there an opportunity to better promote equality of opportunity or good relations by altering policy or working with others in Government or the community at large?

YES	
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NO	✓
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- 4.4 Have consultations in the past with relevant groups, organisations or individuals indicated that particular policies create problems which are specific to them?

YES	
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NO	✓
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5. Equality Impact Assessment Decision

- 5.1 Full Equality Impact Assessment procedure is confined to those policies considered likely to have significant implications for equality of opportunity.

As a result of the screening analysis in Section 4, it is considered that there will be no significant implications for equality of opportunity arising from the introduction of the charges contained in the draft of the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009. The scheme does not, therefore, need to be submitted for a full Equality Impact Assessment.

ANNEX 3

HUMAN RIGHTS IMPACT ASSESSMENT

HUMAN RIGHTS ACT 1998

Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009

1. Introduction:

1.1 The purpose of this paper is to review the Human Rights implications of the proposed draft Regulations.

1.2 The draft Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 prescribe offences and penalties applicable to infringements of EC regulations on certain fluorinated greenhouse gases (F gases).

1.3 The principal objective of the draft Regulations is to contain, prevent and thereby reduce emissions of F gases covered by the Kyoto Protocol.

2. Proposals:

2.1 The draft NI Regulations include proposals for offences and penalties in relation to commercial and domestic equipment, regarding leakages, record keeping, instruction manuals, the recovery of F gases, information to be provided in instruction manuals, the labelling of products containing F gases, restrictions on the use of sulphur hexafluoride, restrictions upon placing F gases on the market, and qualification and training requirements.

3. Human Rights Assessment

3.1 Whilst the proposed increases will have some financial impact on businesses in Northern Ireland, the Department considers that its proposals are fully compliant with the European Convention on Human Rights.

ANNEX 4

HOW TO RESPOND

The consultation paper identifies each of the proposals for change. Please consider each of the proposals or anything else that has not been identified in this document that you consider is relevant and which may have a bearing on the issues under consideration. Responses should be sent by mail or e-mail to the addresses given below before **Wednesday 21st January 2009**.

Before you submit your response, please read Annex 5 on the confidentiality of consultations, which provides guidance on the legal position of any information given by you in response to this consultation. If you are responding on behalf of a group or organisation, please indicate this on your response.

By e-mail: roger.irwin@doeni.gov.uk

By post:

Roger Irwin
Department of the Environment
20-24 Donegall Street
BELFAST
BT1 2GP

Or by fax: (028) 90 544 520.

Please send your response using only one of these options.

Enquiries regarding the content of this consultation paper, or requests for further copies should be made to Roger Irwin at the above means of communication, or by telephone at (028) 90 544 515.

Should you require a copy of this document in an alternative format, it can be made available on request: large print, disc, Braille and in audiocassette or textphone for the hearing impaired.

The document may be available on request in minority languages for those who are not proficient in English. The Department will translate executive summaries of key publications into Irish or Ulster-Scots upon request. Information and additional copies of the document can be requested by textphone on (028) 90 540 642.

A list of stakeholder organisations that have been contacted directly for this consultation is attached at Annex 6. However, views from anyone interested in these proposals are very welcome.

ANNEX 5

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations as they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that: -

- the Department should only accept information from third parties in confidence if it is necessary to obtain information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature.
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified by the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office, or see the web-site at:

<http://www.ico.gov.uk/>

The following document is also relevant:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_2_information_received_in_confidence_v2_23_01_08.pdf

ANNEX 6**LIST OF CONSULTEES**

The following businesses and organisations are invited to respond to the consultation:

ABBATOIRS	
ABP Lurgan	Ballymena Meats
Lisburn Proteins	Oakdale Meats Lurgan
M McGirr	Foyle Proteins
Ulster Farm By-Products Ltd	Frank McGirr
Langford Processors Ltd	AFE Fire Protection
MEAT SUPPLIERS	
Backgammon	JH Givan
Dunbla (Primary)	S&M Meats
McKeown Fine Foods	Carna Foods
Henry Denny & Sons (NI) Ltd	Hilton Meat Products
Kettle Irish Foods Ltd	Peninsula Meats
BF Meats	Armstrong Meats Ltd
ABP Newry	Stephens Butchers
Grampian Country Pork	Stevenson & Co
Mourne Country Meats	Pinkerton's – Pork
Rodgers Meats	Dobbindale Foods
Devenish Foods	Galgorm Bacon
P Leonard	Omagh Meats Ltd
Crosh Valley Farm	Hewitt's
Westgate Foods	Linden Foods Ltd
Treanor Traditional Meats	Mallon Foods Ltd
North West Pork Products Ltd	William Sprott Portadown
Woodland Meats Ltd	McWhinney's
Glenpac Bacon Products Ltd	Tulip Ltd
Empire Meats	Crossgar Meats
Pork Produce	Oakdale Meats (NI) Ltd
FIRE PROTECTION	
AFE Fire Protection	Ballymena Fire Extinguishers
Gladeon Safety Systems	Central Fire Protection N.I.
Fire Defence	WF West-Fire
DB McLarnon Fire Protection Agency	Fire Safe Fire Protection Services
Eurofire	North West Fire Protection
Associated Fire & Security Ltd	Safety Service Agency
Delta Safety Services	FGM Fire Protection
Fireplus	Northway Fire Security Services
FGM Fire Protection	Rea Fire Safety

A&B Fire Equipment	Blazequel
Alpha Fire Protection	Fire Fox
A.A. Fire Extinguishers	1 st Klass Fire Protection
Gordon Agencies	Ulster Fire Extinguishers S.D. Ltd
Smith Fire & Safety Products	Fire Protection Services (NI)
Northern Ireland Fire Extinguisher Services Ltd.	ABC Fire Protection Specialists
West-Fire	Technical Fire Services
ELECTRICAL SWITCHGEAR	
Sentor Electrical Services	Grants Electrical Services (NI) Ltd
City Electrical Factors Ltd	Electrotech Drives
Greenville Electrical Supplies	Carn Plastics
REFRIGERATION	
Domestic & Commercial Services	C.R. Refrigeration Services
JC Services	Refrigeration Products Ltd
Belfast Refrigeration	C H Minnis Refrigeration
Domestic & Commercial Services	Riade Electrical
M McHugh Hi Q Refrigeration	CR Refrigeration Services
Fridge Repairs	Sub Zero Rentals
Lowe Refrigeration Co	Ed Higgins
Express Cooling Service	SRE Systems Ltd
Fridgetec (NI) Ltd	A1 Refrigeration
Degree Refrigeration	Oasis Refrigeration & Air Conditioning
Premiair Refrigeration & Air Conditioning	Dobbin Refrigeration
Cross Refrigeration (NI)	Lynch Refrigeration Services
Webair	Transcold Refrigeration
Strule Valley Refrigeration	Portglenone Refrigeration Services
O Kane Appliance Repairs	Staamalo UK Ltd.
E.J. Brogan	BL Refrigeration & Air Conditioning
Armstrong Refrigeration	Brian Cuthbert Refrigeration
Cooltech	Transcold Refrigeration
Colin Hedley Refrigeration	Collins Refrigeration
Technical Transport Products	EJK Refrigeration & Air Conditioning Ltd
Marmion Refrigeration	NORREF Ltd
BL Refrigeration & Air Conditioning Ltd	Regent Catering & Refrigeration
Refrigeration Service	Glagorm Group
Aircon	DR Refrigeration
Principal Colling Ltd	Cross Refrigeration (NI)
A&B Refrigeration	Cyril Johnston Refrigeration
MCV Conversions	Chilltec Refrigeration
CE-Tech	Zero Refrigeration
Coldtek Refrigeration	Gasco International Ltd

Chill Zone	TFR Refrigeration Ltd
E.J.K. Refrigeration	Regent Catering & Refrigeration
Sea Ice	Fane Control Panels Ltd.
Nicool Refrigeration	Stephens Catering Equipment Co. Ltd
Fridge Spares NI Ltd	ATR Superfreeze
Geoff Rodgers Refrigeration & Catering Equipment	Harry Dunlop Refrigeration Europe
Copeland Ltd	WR Refrigeration Ltd
A C Refrigeration	Chambers Refrigeration Service
AIR CONDITIONING	
Aircon	Oasis Refrigeration and Air Conditioning
Climate Control Systems	Principal Cooling Ltd
Ed Higgins	Climatair
Tag-Air Ltd	Delta RAC Design Ltd
Ron Mullen Equipment	Air Cool Engineering (NI) Ltd
Cool-Chain	W.J.Hogg & Co. Ltd
Andrews Sheet Metal Works	James French Engineering Ltd
KTC	Duct Products Ltd
D.R Refrigeration & Air Conditioning	Speedee
Source Air Conditioning & Electrical Services Ltd	EJK Refrigeration & Airconditioning Ltd
Arctic Refrigeration & Air Conditioning Services	A1 Air Conditioning
Bel-Air Refrigeration Ltd	ATC Systems Ltd
Doherty Garage	HVAC Supplies Ltd
Air Cool Engineering (NI)	3c Refrigeration
CT Supplies	Dean & Wood Ltd
Coolair (NI) Ltd	Montgomery Refrigeration Ltd
M&M Gas & Refrigeration Services Ltd	Cross Refrigeration (NI)
DR Refrigeration	BL Refrigeration & Air Conditioning Ltd
NORREF Ltd	VCM Services
Carrier Air Conditioning	A & B Refrigeration
Climate	Degree Refrigeration
VEHICLE AIR CONDITIONING	
Carparts	Greenaway Auto Electrics
Swain Auto Electrics	Car Airconditioning Clinic
A&N Shilliday & Co Ltd	Aircon Direct
Joes Auto Electrics	Air Condition Service
Aircon1	Arctic Cool
VEHICLE DISMANTLERS	
Bridge Van Dismantler	D.B Recycling
Quigg Brothers	C.Russell Auto Spares

Car Spares	Car Body Remanufacturers
Autostores-Renault	McAuley Car Dismantlers
BMW Spares	Auto Benz Motor Factors
A1 First For Collections	Higgins Car Dismantlers
T Devlin Ltd	Park Motors
Traynors	Down Salvage
A2V Carparts	ACSR
Temple Auto Salvage	W&S Salvage
BLRC	ABC Car Dismantlers
Manor Auto Salvage	J Kernohan & Sons
N McMullan	Mackin's 4 x 4
Killen Engine Supplies	Beatties Breakers
J&J Autos	Creedy Autos
Robert Belshaw	Abbey Car Breakers
Ravarnet Auto Parts	R McDaid
Castleroe Car Breakers	Fintona Auto Spares
Morrow Car Dismantlers	Mckeown Car Dismantlers
Quinns Car Dismantlers	Mccomb 4x4
Tullyally Car Breakers	O'Hare Brothers
T. Devlin Ltd	Glengormley Engine House
Euro Salvage Ltd	Smylie Spares
Palmer Acheson	J Mullan
Railway Auto Spares	Roy Car Spares Nixon
Eddie Torrens	H.C Smith
Maine Autospares	Blackstaff Autospares
Craig's Auto Salvage	William Pentland
W.A. & P Kelly	A. McKinty
Gerard Molloy	G.M.S
JM Motor Salvage	JB Autos
McClelland Motors	OMA-Car Dismantlers
McDaid's Car Dismantlers	Donnelly Breakers
Honda Dismantlers	C Bradley Car Breakers
Philip Carson Motors	
CHEMICAL SUPPLIERS	
Albion Chemical Group	L.E. Blackburn & Co
S.B Chemicals	Du Pont (UK) Industrial Ltd
Taresh Ltd	Central Chemical Supplies
Charles Tennant & Co (NI) Ltd	D.N Agencies Ltd
F.G. Anderson Ltd	Ecolab Ltd
CCP Gransden Ltd	Norchem
Hays Chemical Distribution Ltd	Chem-Vite Ltd
Rocara Ltd	Ulster Industrial Explosives Ltd
Bespro Chemicals Ltd	Pharmacy Supplies Ltd
Ulster Electro-Finishes Ltd	Hydepark Associates Ltd
Angelone Chemicals	Tennant Textile Colours Ltd

W.J McNab & Co (sales) Ltd	Schotter Ireland Ltd
Anachem Ireland	L.A. Wholesale
COLLECTIVE BUSINESS ORGANISATIONS	
NI Food and Drink Association	Dairy UK (NI)
Amalgamated Transport & General Workers Union	Irish Congress of Trade Unions
City Bridges	Services Industrial Professional Technical Union
Business in the Community NI/ ARENA Network	GMB - Britain's General Union
Invest NI	Union of Shop, Distributive & Allied Workers
NI Trading Standards Service	Confederation of British Industry
NI Independent Retail Trade Association	NI Federation of Small Businesses
Electronics Industry Alliance	British Electro-Technical and Allied Manufacturers Association
PROPOSED CERTIFICATION ORGANISATIONS	
Construction Industry Training Board	City and Guilds of London Institute
Fire Industry Association	Domestic Appliance Service Association
Lucy Electric UK Ltd	Schneider Electric Ltd
Areva T&D Ltd	Siemens Transmission & Distribution Ltd
Institute of Motor Industry	ABB Ltd
Institute of Road Transport Engineers	IMI Awards Ltd
Energy Networks Association	IRTEC
Construction Skills	Motor Industry Federation
Welplan / REFCON	
HEALTH AND SAFETY / ENVIRONMENTAL HEALTH	
Health and Safety Executive NI	Chief Environmental Health Officers Group
Eastern Group Environmental Health Committee	Northern Group Environmental Health Systems
Southern Group Environmental Health Committee	Western Group Environmental Health Committee
OTHER CONSULTEES	
Government Departments	District Councils
Belfast Magistrates Court	Barnardos NI
Belfast Solicitors Association	Belfast Education and Library Board
Bishop of Down & Connor	Belfast Local Strategy Partnership
British Deaf Association NI	The Blind Centre
Carers Northern Ireland	Carafriend
Cedar Foundation	Catholic Bishops of NI
Children's Law Centre	Child Poverty Action Group

Citizens Advice Bureau	Chinese Welfare Association
Civil Law Reform Division	Civic Forum (NI)
Clerk of Petty Sessions Court	Coalition on Sexual Orientation
Coiste-na n-iarchimi	
Commissioner for Children and Young People	Committee on the Administration of Justice/Equality Coalition
Community Development and Health Network(NI)	Community Foundation for NI
Community Relations Council	Community Relations Training and Learning Consortium
Community Technical Aid	Confederation of British Industry(NI)
Co-operation Ireland	
Council for the Homeless NI	Counteract
Council for Nature Conservation and the Countryside	Countryside Alliance(NI)
Cruse Bereavement Centre(NI)	DEFRA
DOE EHS, Press Office	Derry Well Women
DoE Library	Disability Action
Employers Forum on Disability	Environment Committee
Environment Protection Agency	Equality Commission NI
Equality Forum NI	Executive Council of the Inn of Court of NI
Executive Ministers and Junior Ministers	Federation of Small Businesses
Friends of the Earth	Food Standards Agency
FWAG	
Gay and Lesbian Youth NI	General Consumer Council for NI
Gingerbread NI	Green Party
Head of the School of Law- QUB and University of Ulster	Help the Aged NI
HM Council of County Court Judges	Human Rights Commission
Inland Revenue	Institute of Directors
Institute of Professional Legal Studies	
Law Centre NI	Law Reform Advisory Committee
Law Society of NI	Leaders of Parties in the Assembly
Legal Deposit Libraries	Local Government Staff Commission for NI
Members of NI Assembly	MENCAP
Methodist Church in Ireland	Ministry of Defence
MPs and MEPs who are not Party leaders or MLAs	Multi-Cultural Resource Centre
National Trust	NI Agricultural Producers Association
NI Association for Mental Health	NI Anti Poverty Network
NI Assembly Library	NI Association of Citizens Advice Bureau

NI Association for Mental Health	NI Chamber of Commerce and Industry
NI Chamber of Trade	NI Committee of the Irish Congress of Trade Unions
NI Council for Voluntary Action	NI Council for Ethnic Minorities
NI Court Service	NI Environment Link
NI Gay Rights Association	NI Islamic Centre
NI Judicial Appointments Commission	NI Law Commission
NI Local Government Association	NI Members of the House of Lords
NI Officer NIC/ICTU	NI Office- Devolution & Legislation Division
NI Ombudsman	NI Sustainable Development Commission
NI Resident Magistrates Assoc	North Eastern Education and Library Board
Northern Health & Social Care Trust	North West Community Network
North West Forum of People with Disabilities	
OFMDFM Central Management Unit	OFMDFM Machinery of Government Division
Office of Law Reform	Other NI Parties not in the Assembly
Participation & the Practice of Rights Project	POBAL
Presbyterian Church in Ireland	Rural Community Network
Rural Development Council	Rural Support
Save the Children	Sense NI
School of Law	SNIFFER
Society of Local Authority Chief Executives	South Eastern Education and Library Board
Southern Education & Library Board	South and East Belfast Trust
South Eastern Trust	Speaker of the Assembly
Staff Commission for Education and Library Boards	Sustainable NI
The Rainbow Project	Travellers Movement NI
Ulster Farmers Union	Ulster Scots Language Society
Volunteer Development Agency	
Western Education and Library Board	Westminster Spokespersons
Women's Centre	Women's Forum NI
Women's Information Group	Women's Resource and Development Agency
Women's Support Network	
Youth Action NI Gender Equality Unit	Youth Council for NI
Youthnet	