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# Summary of responses to the consultation on proposed Regulations – further implementation measures – fluorinated greenhouse gases and ozone-depleting substances between 11 July and 3 October 2008 and Government response

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## 1. Introduction

### 1.1. In this summary and response:

- a) "2006 Regulation" refers to EC Regulation 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases;
- b) "F gas" and "F gases" refer to fluorinated greenhouse gases;
- c) "FGG Regulations 2008" refers to the Fluorinated Greenhouse Gases Regulations 2008 SI 2008/41;
- d) "FGG Regulations 2009" refers to the draft Statutory Instrument "The Fluorinated Greenhouse Gases Regulations 2009";
- e) "Government" refers to the UK Government and the National Assembly for Wales and the Scottish Executive.
- f) "SRAC" refers to stationary refrigeration, air-conditioning and heat pump equipment;
- g) "HVS" refers to high voltage switchgear;
- h) "MAC" refers to air-conditioning systems in certain motor vehicles;
- i) "Commission Regulation 1516/2007" refers to Commission Regulation (EC) 1516/2007 establishing, pursuant to the EC Regulation, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases;
- j) "Commission Regulation 303/2008" refers to Commission Regulation (EC) 303/2008 establishing, pursuant to the EC Regulation, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases;
- k) "Commission Regulation 304/2008" refers to Commission Regulation (EC) 304/2008 establishing, pursuant to the EC Regulation, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases;
- l) "Commission Regulation 305/2008" refers to Commission Regulation (EC) 305/2008 establishing, pursuant to the EC Regulation, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gases from high-voltage switchgear;
- m) "Commission Regulation 306/2008" refers to Commission Regulation (EC) 306/2008 establishing, pursuant to the EC Regulation, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment;

- n) "Commission Regulation 307/2008" refers to Commission Regulation (EC) 307/2008 establishing, pursuant to the EC Regulation, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases;
- o) "Regulation 308/2008" refers to Commission Regulation (EC) 308/2008 establishing, pursuant to the EC Regulation, the format for notification of the training and certification programmes of the Member States;
- p) "ten Commission Regulations" refers to Commission Regulations 1493/2007, 1494/2007, 1497/2007, 1516/2007, 303/2008, 304/2008, 305/2008, 306/2008, 307/2008 and 308/2008

- 1.2. On 11 July 2008, Defra, BERR, the National Assembly for Wales and the Scottish Executive jointly issued a consultation paper inviting views on proposed Regulations prescribing offences and penalties applicable to infringements of the EC Regulation 842 2006 on certain fluorinated greenhouse gases (the 2006 Regulation) and ten Commission Regulations adopted at the F Gas Regulatory Committee meetings in October and December 2007 established fleshed out legal requirements for companies and qualifications for personnel working in five industry sectors covered by the 2006 Regulation as well as dealing with other requirements relating to leakage checking, reporting and labelling, together with proposed powers for authorised persons to enforce these Regulations. The consultation ended on 3 October 2008. This paper sets out a summary of the comments made on the proposed new Regulations and the Government's response.
- 1.3. In February 2008, the Fluorinated Greenhouse Gases Regulations 2008, S.I No 41 (the FGG Regulations 2008), came into force to give full effect to the 2006 Regulation in Great Britain (GB). However, domestic legislation is also required to give effect to the ten Commission Regulations in GB. It was proposed that the most effective way to do this would be to take the FGG Regulations 2008 and build upon them so that all the domestic legislation needed to give effect to the 2006 Regulation and the ten Commission Regulations is in one place. Ultimately this will mean that the FGG Regulations 2008 will be revoked and replaced by the proposed Fluorinated Greenhouse Gases Regulations 2009 (FGG Regulations 2009) when they come into force.
- 1.4. Given the approach taken, many of the provisions in the FGG Regulations 2009 are identical to those in the FGG Regulations 2008. Those provisions were the subject of a previous consultation on the FGG Regulations 2008 and were therefore not explained in any detail in the consultation document to which this response relates. Only those regulations and provisions which were new, or that changed as a result of the ten Commission Regulations were dealt with.
- 1.5. Regulations covering Northern Ireland will be issued by the Department of the Environment for Northern Ireland. For information

regarding Northern Ireland, please contact  
[barry.mcauley@doeni.gsi.gov.uk](mailto:barry.mcauley@doeni.gsi.gov.uk)

## **2. Responses**

- 2.1. The consultation paper was placed in the Defra library, in the libraries of the houses of Parliament and posted on the Defra website at <http://www.defra.gov.uk/corporate/consult/fgas-ozone/index.htm>
- 2.2. Comments were invited from six hundred and thirty seven organisations and individuals. Ninety nine responses were received and the list of respondents is included in Annex A. There were extensive informal discussions with sector stakeholders prior to the official consultation launch.
- 2.3. In line with Defra's policy of openness, copies of the responses received are being made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR.
- 2.4. The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or e-mail requests (tel: 020 7238 6575, e-mail: [defra.library@defra.gsi.gov.uk](mailto:defra.library@defra.gsi.gov.uk)). Wherever possible, personal callers should give the library at least 24 hours' notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

## **3. Summary**

- 3.1. Consultees were asked a number of specific questions about the proposals. These questions and a summary of the responses received to each are set out in this paper.
- 3.2. Generally the replies addressed the questions in the consultation paper which were of relevance to them. However, some responses also made more general comments in reference to specific regulations. In reading the summary of responses to the consultation below, it should be kept in mind that, although there was a total of ninety nine responses, specific points referred to in the summary may have been mentioned by only one or two respondents.
- 3.3. None of the respondents to the consultation document objected specifically to the substantive proposal to make a statutory instrument prescribing offences and penalties to the 2006 Regulation and the ten Commission Regulations. In addition, there were no respondents who disagreed with the premise of having GB wide Regulations.
- 3.4. This consultation dealt in particular with provisions in the FGG Regulations 2009 covering qualifications for personnel and legal requirements for companies working in the five industry sectors covered by the 2006 Regulation. The questions on these provisions were split by industry sector.

- 3.5. In addition, the consultation asked for comments on the possibility of mandatory personnel registration on top of the provisions for personnel certification in the SRAC sector. Mandatory personnel registration is not a requirement laid down by the 2006 Regulation or the ten Commission Regulations. Nevertheless, from initial dialogue with industry, it became clear that there was sufficient interest in exploring whether such a system would be welcomed by those affected to justify consulting on it. However, no formal proposals were made in the draft FGG Regulations 2009 on this issue and the consultation simply sought views from those likely to be affected on whether such a measure should be subject to a future consultation on proposed Regulations that would require mandatory registration.
- 3.6. Following on from the consultation, steps are now being taken to finalise the FGG Regulations 2009, incorporating any relevant changes.
- 3.7. Apart from such changes that are described in the following paragraphs, other stylistic amendments to the FGG Regulations 2009 were made to improve their clarity and to ensure consistency of terminology. These changes do not alter the powers or remit of the FGG Regulations 2009.
- 3.8. Following consultation legal advisers have completing final technical checks on the proposed Regulations and there have been some minor drafting modifications. However, these do not affect the substance of the Regulations that were consulted upon.

## Offences

Question one:

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

- 3.9. Of the few who replied to this question, none objected to the proposed offences, although there were a few queries raised (see below).
- 3.10. One of the queries raised was whether or not the FGG Regulations 2009 applied to the shipping industry. Clarification was sought as the FGG Regulations 2009 deemed ships to be within the definition of “premises”, but “stationary application” was referred to as something not normally in transit during operation and the only reference to mobile equipment appeared to be in relation to certain vehicles (for the MAC sector).
- 3.11. Another query was whether a fixed penalty notice for non-corporate offenders (i.e. people owning private dwelling houses) was sufficient to act as a deterrent. Clarification on the maximum amount that could be fined was also sought

## **Government response:**

**In response to the query regarding the application of the FGG Regulations 2009 to ships, it is correct that the containment and recovery obligations are largely outside the scope of the 2006 Regulation in relation to ships. Article 3 (containment) and Article 4 (recovery) only apply to stationary equipment which excludes ships. However, the recovery provisions contained in Article 4(3) apply to F gases contained in other products and equipment, including mobile equipment. This could be interpreted as applying to ships. However, it would be for the operator of the ship to determine whether they felt “ship” would be deemed to be mobile equipment and whether it did not entail disproportionate costs to recover the F gases and whether it was technically feasible.**

**Article 10(1) of the 2006 Regulation, specifies that the Commission shall review the 2006 Regulation, publish a report and, if appropriate, present legislative proposals with respect to applying the provisions of Article 3 (containment) to air conditioning systems, other than those fitted to motor vehicles, and refrigeration systems contained in modes of transport.**

**A study on the potential application of Article 3 and 4 provisions of the 2006 Regulation to air conditioning and refrigeration systems contained in different modes of transport has been prepared for the Commission by consultants called BIPRO. Based on the preliminary results of this study (and discussions with Member States), the Commission will determine whether the Article 3 (containment) and Article 4 (recovery) provisions should be applied to air conditioning systems other than those fitted to motor vehicles referred to in Directive 70/156/EEC (dealing with controls on air conditioners with high GWP fluorinated gases in cars) and to refrigeration contained in different modes of transport.**

**The relevant modes of transport identified in the report are as follows:**

- Refrigerated road transport sector (vans (<3.5 t), trucks (>3.5 t) and trailers, classification according to Directive 70/156/EEC).**
- Rail sector (train, metro, tram).**
- Maritime sector (sea going merchant ships, ships for refrigerated cargo, inland navigation vessels and shipping vessels).**

**The final report was submitted to the Commission in mid October 2008 and the Commission will consider the recommendations as part of the wider review of the 2006 Regulation and ultimately publish the final report.**

**In relation to the query on fixed penalty notices (FPNs), it is felt that they are proportionate deterrents for cases involving private dwellings. Instances of leaks occurring in such dwellings are likely to be rare since most equipment used will be hermetically sealed (e.g. domestic refrigerators). The amount payable under an FPN is £100 (see regulation**

**54(8) of the FGG Regulations 2009). However, FPNs need not be used in isolation. It should be noted that for private dwellings, serving an FPN is an additional option available to enforcing authorities on top of those in regulation 48. For example, an information notice can be issued initially, followed by an FPN. If it is deemed necessary, enforcement and/or prohibition notices can also be issued, but it is considered that FPNs will be more appropriate in relation to private dwellings.**

**In terms of clarification on the maximum amount that a person may be liable to pay this is, on summary conviction, a fine not exceeding the statutory maximum which is £5,000, or on conviction on indictment, to an unlimited fine (see regulation 53).**

**As there were no objections to the proposed offences, the relevant proposed provisions will be retained and included in the final Regulations.**

### Introductory provisions

Question two:

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?

- 3.12. Three respondents dealt with this question. They raised no objection to the application of the FGG Regulations 2009 to offshore energy production using water or wind.
- 3.13. In particular, a respondent from the fire protection sector said they could see no reason why the FGG Regulations 2009 should not apply to fire protection systems on offshore installations.

### **Government response:**

**The proposed application of the FGG Regulations 2009 to offshore installations concerned with the production of energy from water or wind will be retained and included in the final Regulations.**

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

Question three:

Do you have any comments on regulations 19 (certification bodies for personnel) or 21 (interim certificates for personnel)?

- 3.14. In reviewing the responses to this consultation, it appears that some respondents have linked the issues of personnel certification and personnel registration. Whilst the FGG Regulations 2009 contain provisions requiring personnel to obtain appropriate qualifications and certificates in line with the minimum Commission requirements, they



do not require a mandatory register of certificate holders to be set up. There were a few respondents to question three who questioned whether City and Guilds of London Institute (C&G) and the Construction and Industry Training Board (CITB) would run registers that would be publicly accessible. This is not a requirement of the FGG Regulations 2009. However, regulation 44 does require certification bodies to provide certain information when requested to do so by any person.

- 3.15. Some respondents to question three also indicated their preference for a single Air Conditioning and Refrigeration Industry Board (ACRIB)-run scheme. Since ACRIB runs an existing voluntary register of SRAC personnel, we have assumed that such comments actually relate to questions 19 and 20 below about the possibility of introducing mandatory personnel registration and we have therefore dealt with them there.
- 3.16. Turning to those consultees who specifically responded to this question, the vast majority of respondents to the question supported the use of C&G and CITB as certification and evaluation bodies. There was also no opposition to the interim certificates provisions.
- 3.17. Many of those advocating the use of C&G and CITB felt that using other non-specialised bodies could lead to confusion and dilution of the quality of the qualifications.
- 3.18. Concerns, however, were raised as to whether the C&G and CITB qualifications were appropriate for the offshore sector. It was felt that the training which personnel on offshore installations currently receive was at least at the level of that offered by the C&G and CITB qualifications. It was suggested that the FGG Regulations 2009 should reflect this.
- 3.19. One respondent stated that the C&G and CITB qualifications should be demonstrably equivalent.
- 3.20. Another respondent also raised a concern that the CITB qualifications were not up to the standard required by Commission Regulation 303/2008.
- 3.21. Finally, a certification and evaluation body asked for clarification on a number of specific points as follows:
  - a) They requested confirmation of the wording to be put on a certificate to specify which of the skill categories listed in Commission Regulation 303/2008 that certificate is issued.
  - b) They raised a concern about the status of the certificates to be issued. Their understanding of the requirement in Commission Regulation 303/2008 for a withdrawal and suspension system to be put in place by certifying bodies, led them to believe that certificates could possibly be seen as licences to practise. This would be a problem because they do not monitor the continuing competence of certificate holders after receipt of their certificates, a procedure that would require a withdrawal and suspension system.

- c) They queried why the FGG Regulations 2009 state that, as part of the information on each certificate holder to be retained by a certification body, the address of each holder should be held.
- d) They felt that regulation 19(2)(a) (obligations of certification and evaluation bodies for the SRAC sector) in the FGG Regulations 2009 should refer to Articles 11.3 and 11.4 (reporting and record keeping requirements on evaluation bodies and requirements on such bodies to provide appropriate examiners and equipment for exams) of Commission Regulation 303/2008.

**Government response:**

**Given the overall support for the use of C&G and CITB, they will be retained and included as certification bodies in the final FGG Regulations 2009. Also, as there was no objection to the proposed interim arrangements, these will also be retained as drafted.**

**Regarding the concerns raised by the offshore sector in relation to training which personnel on offshore installations receive, the minimum training and certification requirements that must be complied with in relation to SRAC equipment containing F gases, is set out in Commission Regulation 303/2008. Certification bodies who are entitled to issue a certificate to personnel who have passed a theoretical and practical examination organised by the evaluation body covering the minimum skills and knowledge set out in the Annex to Commission Regulation 303/2008 must be provided for in national law or Regulation. There are only two certification and evaluation bodies identified in the FGG Regulations 2009 and these are C&G and CITB. This is not to say that personnel on offshore installations cannot receive training which is equivalent to the level offered by C&G or CITB. However, in order to continue working with F gases after 4 July 2011, they will need to hold one of the new relevant qualifications offered by C&G or CITB. There will be no in-house qualifications under the FGG Regulations 2009.**

**In relation to the concerns about the standard of the qualifications being offered by C&G and CITB, there is an obligation in regulation 19(2) of the FGG Regulations 2009 on evaluation and certification bodies to comply with the minimum requirements of Commission Regulation 303/2008. C&G and CITB have created new qualifications that are specifically designed to do so. Nevertheless, there is no bar on employers from providing further training to their personnel over and above what those qualifications (and the certificate that is subsequently issued) attest that they are able to do. However, organisations are reminded that they must comply with the principal of mutual recognition of certificates that are issued in other Member States in accordance with Commission Regulation 303/2008. All Member States must send their national lists of qualifications for each of their sectors to the European Commission under formal notification arrangements. These qualifications can then be checked by the Commission, acting as a further quality assurance test.**

**Taking the issues raised by certification and evaluation body in turn:**

- a) **The Government is working with the bodies to provide confirmation of the wording to be put on a certificate.**
- b) **Although Article 10.2 of Commission Regulation 303/2008 requires a certification body to establish and apply procedures for the issuance, suspension and withdrawal of certificates, it does not say on what basis a certificate should be suspended or withdrawn. Therefore, it was felt that Article 10 need not be read as requiring a “licence to practice”. It may be sufficient that C&G have a withdrawal or suspension procedure for situations where they find out that someone has cheated in one of their exams, or if someone attends a course but sends a substitute to sit the actual exam.**
- c) **Having assessed the provisions of the 2006 Regulation and Commission Regulation 303/2008, it was considered that retaining the addresses of certificate holders was unnecessary. This requirement has therefore been removed from the FGG Regulations 2009.**
- d) **Regulation 19(2)(a) of the FGG Regulations 2009 already refers to Articles 11.3 and 11.4 of Commission Regulation 303/2008**

Question four:

Do you agree with the proposed qualification categories set out in regulation 20(3) and Schedule 1?

- 3.22. The majority of responses received agreed with the proposed categories. However, a number of issues were raised.
- 3.23. A couple of respondents felt that the proposed courses to be offered by C&G and CITB were not suitable for the work that they dealt with. Suggestions for improvements were put forward. One was to have on-site training with removal of aspects of the course that were not relevant to the respondent’s personnel. Another, similar, suggestion was to have a specialist version of the courses offered that was targeted at the type of work and equipment that the respondent dealt with.
- 3.24. Another respondent felt that Categories I and II should be merged as the 3kg limit was wrong.
- 3.25. There were concerns raised about possible areas of confusion arising from the qualification categories. One was that people outside of the industry might not understand what work is permitted by each category. This could be exploited by unscrupulous elements of the industry by gaining low category qualifications, but passing themselves off as certified to do all types of work.
- 3.26. Another area of concern was highlighted by a respondent in terms of business practice if one of their engineers attended the site of a client to repair equipment before being told what the extent of the problem was. The respondent was worried about the two scenarios that might occur if their engineer realised that they did not have the right category of certification to do the work. The respondent wanted to know who

would be liable if, in one of the scenarios, the engineer did the work regardless of not having the right certification. The respondent was also concerned about the consequences on the business relationship with their client in the second scenario if the engineer refused to do the work because they did not hold the correct certificate.

- 3.27. A further concern about the establishment of a training requirement was raised by one respondent. They felt that some of their personnel who were very able engineers would struggle with the theory based examinations as they were not strong in academic situations.
- 3.28. In their response to this question, the training organisation called Summit Skills felt that there should be a reference in the FGG 2009 Regulations to specify the N/SVQ qualifications as a future route for certification for a Category I certificate for future entrants and others who will be joining or upskilling in the RAC sector.
- 3.29. Finally, it was pointed out by one of the evaluation and certification bodies that qualification names might change as courses were updated or replaced. This would require amendments to the FGG Regulations 2009 as they refer to specific qualification names.

#### **Government response:**

**As mentioned in the response to question three, the courses developed by C&G and CITB provide training and certification to cover the minimum requirements that are set out in the Annex to Commission Regulation 303/2008. These minimum requirements were negotiated by the Commission and Member States, with extensive stakeholder involvement and input into this process, and are deemed to cover the broad requirements that are necessary to carry out the relevant service, maintenance and recovery activities on certain types of stationary equipment. Evaluation bodies cannot deviate from these and must meet the minimum requirements. This does not prevent certification and evaluation bodies from developing specialist courses that cater for each type of working environment in which SRAC equipment might be found.**

**However, there is no requirement for such bodies to offer such courses. It should be pointed out, though, that there is no bar to an employer training its personnel to a level that is higher or more specialist than that offered by the qualifications established to comply with Commission Regulation 303/2008. However, personnel and companies must first meet the minimum requirements set out in Commission Regulation 303/2008 in order to obtain a stationary equipment qualification. Any additional training that may be offered should not be considered as a suitable alternative to the qualifications offered by C&G and CITB which meet the Commission requirements. In addition to this, as with the Government response to question three, organisations are reminded that they must comply with the principal of mutual recognition of certificates that are issued in other Member States in accordance with Commission Regulation 303/2008.**

**Regarding the suggestion that Categories I and II be merged, the two categories are set out in Commission Regulation 303/2008 that was**

adopted by Member States on 17 December 2007. This Regulation has direct effect in all Member States and cannot be changed unless the Commission chose to make new proposals.

In terms of the issue of unscrupulous elements of industry exploiting perceived ignorance of the types of work permitted by the different categories, this is not felt to be a problem associated with the use of categorisation itself. It seems that this is more about raising awareness within the customer base of the certification categories and about some form of self-policing by industry itself. In this context, extensive guidance and support has been developed and is available to the general public and the relevant areas of industry via a central team known as F-Gas Support. F-Gas Support is a Government funded team set up to help organisations understand their obligations under the 2006 Regulation. The main role of F-Gas Support is to publicise and explain the key obligations under the European Regulations and associated GB legislation. It can provide practical information and advice on F gas issues to assist organisation's to become compliant. The team has a website ([www.defra.gov.uk/fgas](http://www.defra.gov.uk/fgas)) and a helpline (0161 874 3663).

In relation to the situation where an engineer discovers that they do not have the correct category of certificate it is ultimately a business decision as to what category of qualification and certificate an organisation trains its personnel to. Any person who performs work when not properly certificated is committing an offence under the FGG Regulations 2009 and is subject to the penalties laid out in them. It is also important to note that, if work on equipment containing F gas is done without proper certification, an offence is potentially committed not only by the individual actually working on the equipment (regulation 20 of the FGG Regulations 2009), but also by their employer (regulation 11), if the employer knowingly sends an individual to carry out work which they are not qualified to undertake and also by the operator of such equipment (regulations 5, 6 and 10), if it can be proved that the operator was aware that the person sent out to complete the work was not suitably qualified. It is therefore in the interests of all three parties to ensure that any work that is carried out is undertaken by suitably qualified personnel. In terms of who would ultimately be deemed liable in such circumstances, this would be a matter for the courts to decide and would be done on a case by case basis.

In relation to the concern about individuals who might struggle with the theory based exams, the requirements set out in Commission Regulation 303/2008 are directly applicable in all Member States and so no alterations or allowances can be made. For most existing personnel, however, the required elements should cover work that they have already carried out in their daily jobs and so should hopefully not prove too onerous. In addition, there are many aspects of Commission Regulation 303/2008 requirements that are practical tests.

Following on from the comment by a evaluation and certification body that qualification names may change from time to time, Schedule 1 of the FGG Regulations 2009 has been reconsidered. Instead of listing the individual qualifications, the FGG Regulations 2009 have been amended so that Regulation 20(8)(b) now refers direct to Articles 5.1, 5.3 and 5.4

**of Commission Regulation 303/2008. Those Articles refer back to the Annex of that Regulation which lists the requirements for each certification category. This is consistent with the approach used for the other sectors in the Regulations. Schedule I has been deleted in the finalised FGG Regulations 2009.**

**In relation to the further certificates being proposed by Summit Skills for qualifications relating to Category I activities, the proposed names and syllabuses of future qualifications from Summit Skills are still being developed and were not available for the draft Regulations that were consulted upon, as was reflected in the consultation document. No further information regarding these qualifications has been forthcoming and it is currently understood that this new qualification will not be finalised and approved until 2010.**

**Other than the amendment described above regarding listing the qualifications for each certification category, the FGG Regulations 2009 remain unchanged.**

Question five:

Do you agree with the proposed interim and transitional arrangements?

- 3.30. Twelve respondents replied to this question. There was no opposition to the proposed arrangements, although two concerns were raised.
- 3.31. The first concern related to the issue of interim certificates to personnel with in-house qualifications. It was felt that some parts of industry might use it as a way to avoid approved training and qualification processes.
- 3.32. Time was the second concern raised by a couple of respondents. One respondent felt that the interim arrangements may lead to a large number of personnel waiting until near the end of the interim period before training for the full certificate, thereby causing a “bulge” effect in terms of the training needs of the sector. Another respondent was concerned that there was not enough time for personnel to obtain the full certificate, given the duration of training courses.

**Government response:**

**Regarding the concern about using the interim arrangements as a way of getting around the training and qualification issues, securing interim provisions for the implementation of these new qualification requirements was a notable achievement by the UK during negotiations with the European Commission who had originally proposed no interim provisions whatsoever. It was considered that it would have been logistically impossible for the industry to have coped with the full certification requirement coming into force from 4 July 2009 with no derogation whatsoever and many personnel and companies would not have been able to carry on their activities without committing an offence. The interim arrangements allow industry time to get all**

**personnel trained to the minimum level required by Commission Regulation 303/2008. However, this should not be seen as a means of circumventing the training and qualification requirements. The interim arrangements are only valid until 4 July 2011. All personnel will need to have a full certificate to continue working beyond that date. In addition to this, the qualifications that are required to qualify for these transitional periods are those that are currently set out in the FGG Regulations 2008. These are not a “light touch” requirement and, depending on the type of activity being undertaken, personnel must hold either a C&G 2078 or CITB J01 qualification, an in-house qualification or have carried out work without supervision before 15 February 2008.**

**In relation to the second concern regarding the potential for a “bulge” effect on training centres, the intention of the interim arrangements is to provide industry with more time to ensure personnel obtain full certification. As mentioned above, not having the interim period would have led to a logistically impossible situation in terms of getting all personnel trained. Therefore, the interim period will reduce the “bulge” in training requirements. Whilst time is still a consideration, early consultation with both industry stakeholders affected and the training establishments indicated that two and a half years was sufficient to get all personnel trained to the new full certificate level.**

**Having considered and dealt with the concerns raised and given that there was no opposition to the proposed interim and transitional arrangements, they will be retained and carried forward into the finalised Regulations.**

Question six:

Do you have any comments on regulation 21(5) (certification body to issue interim certificates)?

- 3.33. Of the few organisations who responded to this question, there was general concern about the appointment of another certification body for the SRAC sector (the Domestic Services Appliances Association). It was felt that, by doing so, possible confusion could be caused.
- 3.34. A number of respondents phrased their concern about appointing another certification body by stating that ACRIB should be appointed to run a single register. However, for the purposes of clarification, this question relates to interim certification for personnel and not a personnel registration scheme.

#### **Government response:**

**It is appreciated that there is concern about using a third body to issue certificates. However, C&G and CITB have stated that they do not issue certificates in recognition of in-house or on the job training received by engineers who work on equipment containing less than 3 kilograms of F gas. In addition, having consulted industry, it has been made clear that the engineers who would make use of these interim certificates are those who do not have an in-house qualification and who only have on the job training and experience of working without supervision on**

equipment containing less than 3 kilograms of F gases before 15 February 2008. Such personnel number less than five thousand. The Domestic Appliance Service Association (“DASA”) represents these engineers. Given these two points, DASA are ideally positioned to act as the interim certification body at this time for the purposes of the FGG Regulations 2009. Furthermore, the running costs involved for such a small field of responsibility are such that it is likely that no other body would be interested in performing such a role and no further body has expressed an interest in performing this function.

Discussions on a proposed interim certification scheme have taken place between the Government and DASA and proposals submitted provide reassurance that the DASA scheme is robust. It has a clear system in place for processing and authenticating applications and allows for the checking of relevant work experience before the issue of interim certificates.

In light of this and the fact that no other body has shown an interest in operating such a scheme, it has been decided that DASA should remain as the appointed certification body. However, the revised FGG Regulations 2009 no longer specifically name DASA on the face of the Regulations. Regulation 24 now gives the Secretary of State a power to appoint a body on such terms that the Secretary of State sees fit. This is a minor change and that should provide reassurance to those concerns that this scheme be adequately regulated and monitored. DASA will be appointed to act as the designated body.

In addition to this, the consideration of DASA for these new EU requirements does not mean a change of Government policy regarding new regulation. It will always be the case that existing regulators will be considered to deliver new requirements in order to minimise burdens on stakeholders and prevent the regulatory sphere and framework from becoming crowded with bodies and organisations.

Personnel qualifications relating to fire protection systems and fire extinguishers

Question seven:

Do you have any comments on regulations 26 (certification bodies for personnel) or 28 (interim certificates for personnel)?

3.35. Only one consultee in the fire protection systems sector responded to the consultation. The respondent was happy with the Fire Industry Association (“FIA”) being named in the FGG Regulations 2009 as the personnel certification and evaluation body for the sector.

**Government response:**

**FIA will remain as the certification and evaluation body for fire protection systems and fire extinguishers in the finalised Regulations.**



Question eight:

Do you agree with the proposed interim and transitional arrangements?

- 3.36. The respondent from the fire protection systems sector was happy with the interim certificate and transitional period provisions in the FGG Regulations 2009.
- 3.37. The respondent raised a question about the definition of “exempt activity” in regulation 27(5)(a). The definition refers to manufacturing or repair activity at a manufacturer’s site of containers or associated components of stationary fire protection systems containing F gases. The respondent wanted to know whether the term “manufacturing or repair activity” included recovery, as recovery work is normally done on a manufacturer’s site. If this was the case, the respondent felt that it should be unnecessary for personnel involved in installation, maintenance or servicing at the end user’s premises to require training in recovery of F gases.

**Government response:**

**The proposed interim and transitional arrangement in the FGG Regulations 2009 will be retained.**

**In terms of the response addressing the definition of “exempt activities”, whilst it is acknowledged that this recovery work is normally done on a manufacturer’s site in the UK, the Commission Regulations do not prevent such work from taking place at sites other than the manufacturer’s site. This is a point that was raised by the Government during the negotiation of Commission Regulation 304/2008. The Commission confirmed that, since such activities could potentially take place at sites other than the manufacturer’s site, the minimum skills and knowledge required by personnel would have to include knowledge of environmentally friendly practices for the recovery of F gases from fire protection systems. The Annex to Commission Regulation 304/2008 therefore covers this requirement. Since the 2006 Regulation and the ten Commission Regulations have to be given full effect within the UK through UK legislation, it is not possible to deviate from this minimum requirement. Given that the requirement contained in the Annex is a theoretical test rather than a practical one, it is not considered that this requirement should be unduly onerous.**

**Personnel qualifications relating to high voltage switchgear**

Question nine:

Do you have any comments on regulations 33(2) (certification bodies for personnel), or 33(3) (further provisions for certification bodies)?

- 3.38. A number of respondents requested that their names be added to the FGG Regulations 2009 as certification and evaluation bodies for the HVS sector.

3.39. One respondent stated that there was no mention in the FGG Regulations 2009 of how assessment standards are to be checked for conformity or how standards are to be maintained in terms of the evaluation and certification bodies. The respondent felt that there should be a forum of certification and evaluation bodies to agree conformity of assessment, ensure compliance and maintain currency of standards. Such a forum should be chaired by an independent body.

**Government response:**

**The FGG Regulations 2009 have been amended to include the names of the organisations who asked to be designated certification and evaluation bodies. Given the number of bodies that have now been designated, the list has now been moved to the Schedules to the FGG Regulations 2009 and can be found at Schedule 2.**

**In relation to ensuring conformity and maintaining standards, the FGG Regulations 2009 impose a number of obligations on designated certification and evaluation bodies that must be complied with, in accordance with Article 3.1 of Commission Regulation 305/2008. Regulation 33(2) of the FGG Regulations 2009 refers. The obligations set minimum requirements and standards that those bodies must comply with. If the certification and evaluation bodies fail to meet those standards, they may be removed from the FGG Regulations 2009 and would no longer be a designated certification and evaluation body. However, there are no provisions in Commission Regulation 305/2008 requiring a forum to ensure compliance and standards be set up. The FGG Regulations 2009 therefore do not include such a requirement either. This does not preclude the designated certification and evaluation bodies, or the industry as a whole, from setting up such a forum themselves.**

**In conclusion, it is felt that the obligations on certification and evaluation bodies as set out in the FGG Regulations 2009 are sufficient to meet the minimum requirements set out in Commission Regulation 305/2008 and that introducing an extra administrative level involving the creation of a compliance and standards forum is unnecessary and could be considered as gold plating.**

Question ten:

Do you agree with the proposed interim and transitional arrangements?

3.39 No responses were received in relation to this question.

**Government response:**

**The interim and transitional arrangements relating to the HVS sector in the proposed FGG Regulations 2009 will be retained and included in the finalised Regulations.**

## Personnel qualifications relating to F gas based solvents

Question eleven:

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.

- 3.40. Only two respondents commented on this question. One was involved in the sector and the other was from the training sector.
- 3.41. One respondent was keen to become a training body for its own staff as they work with specialist equipment for which a dedicated training programme would be necessary.
- 3.42. The other respondent was keen to establish a working group to investigate the possibility of developing standards for those working with F gas based solvents.

### **Government response:**

**Until recently, it was thought that there was little or no use of F gas solvents in the UK. However, work carried out for the Partial Impact Assessment that was produced for the consultation has identified a small market which could grow. Growth may be influenced by other regulatory issues that affect alternative solvents. The Partial Impact Assessment estimates that there are between 50 and 100 companies currently using F gas solvents with most of these companies having a single small cleaning process. A few companies are larger users with a number of solvent cleaning lines. However, it has not proved possible to identify any actual companies using solvents.**

**Given the small number of responses and the relatively few organisations who are believed to be involved in this sector, it has been decided to provide the Secretary of State with the power to designate individual companies as certification and evaluation bodies. This power is laid out in regulation 36(1) of the FGG Regulations 2009. To date, no organisation has expressed an interest in performing this function.**

**The lack of certification arrangements for solvents is an issue that has been raised by the UK and a number of other Member States in discussions with the Commission. The Government are continuing to liaise with industry in order to resolve this, since without appropriate certification, no personnel would be able to work in this sector. This does not prevent the FGG Regulations 2009 from being finalised and laid before Parliament since the power laid out in regulation 36(1) will allow the Secretary of State to appoint relevant bodies subsequent to the FGG Regulations 2009 coming into force.**

## Personnel qualifications relating to certain motor vehicles

Question twelve:

Do you have any comments on regulations 39(2) (attestation bodies for personnel), or regulation 39(3) (further provisions for attestation bodies)?

- 3.43. There were only two responses in relation to this question. One respondent highlighted that the contact details for the Institute of Road Transport Engineers shown as a note to regulation 39(2) in the FGG Regulations 2009 were incorrect.
- 3.44. The other response was from one of the attestation bodies and related to Regulation 39(3) which requires the attestation body to comply with certain obligations under Commission Regulation 307/2008. Article 3(2) of Commission Regulation 307/2008 requires an attestation body to issue a training attestation to personnel who have completed a course of training. The respondent expressed concern that this does not take into account the nature of the awarding body process in the UK and advised that awarding bodies concern themselves with the assessment process. A certificate from an awarding body in vocational education certifies that a person has attended and successfully completed an assessment. Although the presumption may be that the holder of the certificate has also attended training, this is not necessarily the case. A certificate from an awarding body does not certify that the person attended training. The respondent therefore argued that it is more important for a person to show competence against required standards rather than simply to have attended a training course.

### **Government response:**

**The contact details for the Institute of Road Transport Engineers have been corrected.**

**In relation to the point made by the attestation body, whilst this seems to be a valid point, there is little flexibility since Article 3.2 of Commission Regulation 307/2008 clearly states that an attestation body referred to in paragraph 1 of that Article shall issue a training attestation to personnel who have completed a training course Unlike some of the other Commission Regulations which refer to certificates being issued to personnel who have passed a theoretical and practical examination covering the minimum skills and knowledge set out in the relevant annex, the wording of Commission Regulation 307/2008 does not provide this option. Given that Commission Regulation 307/2008 is directly applicable in all Member States, the FGG Regulations 2009 need to reflect the appropriate wording and provisions.**

Question thirteen:

Do you agree with the proposed interim and transitional arrangements as set out in regulation 40?

- 3.45. The one respondent to this question felt that the deadline of 3 July 2010 for ensuring that all personnel working on MAC systems have obtained a training attestation is almost impossible to achieve due to the amount of people involved and the resultant pressure on resources of education establishments. The respondent felt that guidance by Defra should be issued to enforcing authorities on this matter.

**Government response:**

**During the negotiation of Commission Regulation 307/2008, the UK were successful in securing transitional arrangements, meaning that an interim period during which personnel could obtain the new attestation was included in the Commission Regulation. However, the Commission deemed that the interim period should only be for two years, given the relatively minimal amount of upskilling required in this sector. The FGG Regulations 2009 cannot go beyond the deadline (4 July 2010) set by Commission Regulation 307/2008 for the interim period.**

**Industry and the training establishments were consulted fully during the negotiation of Commission Regulation 307/2008 and welcomed the inclusion of a transitional period. The main element to be incorporated into all the MAC training syllabuses is the handling of cylinders and this will not be a difficult process in itself. The main concern raised by stakeholders at the time was the resource implications for the provision and scheduling of the numerous certification centres required to avoid the imposition of high travel and lost working time costs on small and micro-businesses. The inclusion of the two year transitional period allows the costs to be spread over a longer period and thereby makes it easier to justify the establishment of local test centres and hence reduce costs to business. Two years was considered sufficient to achieve this. Therefore, the provisions in regulation 40 will remain as originally drafted in the finalised Regulations.**

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

Question fourteen: Views are invited on what body or bodies might be designated by the Secretary of State as certification bodies and on what type of certification scheme is preferred?

Question fifteen: Do you have any comments on regulations 22 (certification bodies for companies), 23 (certificates for companies) or 24 (interim company certificates) or 25 (mutual recognition)?

- 3.46 It was decided to address questions fourteen and fifteen together in the summary and Government response as the responses received by consultees dealt with the issue of who the designated body(s) should be and the certificates and interim certificates for companies at the same time.
- 3.47 Article 7 of Commission Regulation 303/2008 requires companies carrying out installation or maintenance or servicing on SRAC equipment 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. At least one body is needed so that companies can obtain certificates and the consultation paper sought views on the designation of certification bodies for interim and company certificates and costs to applicants.
- 3.48 There is currently no legal requirement in GB for mandatory company certification for companies carrying out installation, maintenance or servicing on SRAC equipment. Defra actively sought views from industry prior to consultation to try to establish if there was a body or bodies who were interested in becoming a certification body for the purposes of issuing interim and full certificates to companies. Refcom, a company currently operating a voluntary company certification scheme (details at <http://www.refcom.org.uk/>), were the only organisation who expressed interest in performing the functions of a certification body. On the basis of this, the consultation paper highlighted Refcom's interest in running such a scheme but asked if consultees were aware of any other bodies that would also be interested in operating such a scheme. No further bodies came forward.
- 3.49 Of the sixty seven responses received for questions fourteen and fifteen, there was overwhelming support for Refcom to act as a company certification body with sixty five respondents supporting Refcom to operate a scheme for interim and full certification. The main reasons highlighted by consultees were that Refcom has a long standing relationship and widespread support from responsible companies in this sector, is already a recognised body by industry in GB (due to the voluntary scheme that it currently operates), has a network of industry experts to obtain advice from and has procedures in place in relation to their current voluntary scheme which only require some modification to deliver the Commission requirements.
- 3.50 One respondent supported management of such a scheme by a knowledgeable provider such as Refcom and one respondent felt that the scheme should be run by or on behalf of the Government (for example, by UKAS, the Health and Safety Executive or Defra).

## **Government response**

**In 2005, Philip Hampton's review of regulatory inspections and enforcement examined the UK regulatory landscape. Following the report, a number of recommendations were made to streamline and rationalise the number of UK regulators. The Government fully accepted his recommendations.**

**There is a broad definition with respect to regulators, including any body that imposes requirements, restrictions or conditions or sets standards or gives guidance in relation to any activity. This also includes enforcement (directly or indirectly).**

**It is now Government policy that any proposal to establish a new regulator or to change the structure of an existing regulator should be consistent with the Government's better regulation agenda as a whole, and, in the case of a new regulator, be set within existing policy to rationalise the structure of regulators in the UK. Therefore, proposals to establish a new regulator need to satisfy the following criteria:**

- There should be no new regulator where an existing one can do the work;**
- There should be fewer regulators for individual businesses to deal with;**
- Businesses likely to be affected by the activities of the new regulator should be fully consulted and their views and needs should be taken into account;**
- The proposal to set up a new regulator should be prefaced by a proper cost-benefit analysis, including an analysis of whether the new regulator is of the right size, scope and competence.**

**There are no existing regulatory bodies that currently undertake this role, as there are currently no existing mandatory schemes for company certification in this sector. This does not mean that an existing regulatory body would not be in a position to operate a company certification scheme subject to the costs and expertise being available.**

**In this context, the option of asking the Environment Agency, as an existing regulator in other sectors for example, has been actively considered. However, the Agency have confirmed that they do not currently consider that this is a role they should be taking on as they do not see this as a regulatory role since the body that is operating this scheme would have no enforcement powers under the FGG Regulations 2009. In addition, the Environment Agency does not have the specialist knowledge related to this sector that would be required in order to run such a scheme and would have to develop this. This would take time and would probably mean that the Agency would have to purchase the relevant software, systems and expertise from a private body (for example, Refcom), which would incur additional costs. For these reasons, it is highly unlikely that the Environment Agency would be in a position to have the systems, software and expertise in place to be**

ready to issue interim and full certificates from the time that the FGG Regulations 2009 enter into force in early March and it is also possible that they would not be able to issue any certificates before 3 July 2009.

Regulation 23(2) of the FGG Regulations 2009 requires that all companies hold either a full or an interim certificate by 4 July 2009. If the Government intends to provide for transitional arrangements involving a certification body issuing interim certificates to companies, then any certification body designated by the Secretary of State will need to have issued interim certificates to applicant companies by 3 July 2009. If companies have not been issued with an interim or full certificate by 3 July 2009 then they will be committing an offence under regulation 23(1) of the FGG Regulations 2009.

The FGG Regulations 2009 will enter into force on 9 March 2009, thereby allowing the designated certification body a limited window (approximately four months), in which to issue either interim or full certificates to applicant companies. For the reasons outlined above, it is highly unlikely that an existing regulator (for example, the Environment Agency), would be in a position to issue any certificates before 3 July 2009. The implications of this would be that UK companies would be committing an offence under GB Regulations and the UK would not be complying with the European obligations and would risk being infringed by the European Commission.

There are clearly a number of benefits from appointing Refcom as a company certification body at this time. Refcom are already operating a voluntary company certification scheme and therefore have a good working knowledge of the sector and are already recognised by many stakeholders in this sector. Initial proposals submitted by Refcom, outlining how they would operate a scheme meeting the Commission requirements, suggest that they would be ready to start issuing interim and full certificates as soon as the FGG Regulations 2009 enter into force 9 March 2009 as they already have the systems and procedures in place to achieve this.

In addition to the benefits above, if this scheme were to be operated by an existing regulator, it is likely that the costs incurred for operating a company certification scheme would be higher than the costs consulted upon (as set out in the consultation document and Partial Impact Assessment).

Having considered the responses received, and the fact that no further companies or existing regulatory bodies have expressed an interest in operating a company certification scheme, the decision has been taken to designate Refcom as a certification body that can issue stationary equipment qualification company certificates (full certificates) and interim certificates to companies in GB. The strongest arguments in favour of Refcom are cost, expertise at this time and the need to avoid breaching EU law.

The terms and conditions under which Refcom will be appointed will be set out in a Memorandum of Understanding between the Secretary of



**State and Refcom and will specify the activities that Refcom will undertake on behalf of the Secretary of State.**

**Discussions will continue between the Government and Refcom to finalise the details of how this scheme will be operated.**

**The consideration and designation of Refcom for these new EU requirements does not mean a change of Government policy regarding new regulators. It will always be the case that existing regulators will be considered to deliver new requirements in order to minimise burdens on stakeholders and prevent the regulatory landscape from becoming crowded.**

**Furthermore, this issue may be reconsidered again in the future if an existing regulator develops the capability to deliver the required functions to meet EC requirements.**

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

- 3.51 As explained in the consultation paper, the Government does not have powers to insist that a certification body offers a certification scheme requiring renewal of a certificate or not requiring renewal. This is because Article 8 of Commission Regulation 303/2008 leaves it to the certification body to make this decision. Nevertheless, in the consultation paper the Government asked for consultees' views on whether a scheme or schemes should be operated on a non-renewal or renewal basis.
- 3.52 Of the sixty eight responses received to this question, all were in favour of a renewable scheme. Consultees felt that it was essential that any scheme is done on a renewable basis since the turnover of staff and management in the sector would render a non-renewable certificate out of date and meaningless. Respondents felt that customers would like to see an up to date database of certificated companies which would only be possible if the certificates are renewable.
- 3.53 Whilst the consultation paper did not specifically ask for consultees' views on what period of renewal would be deemed to be acceptable, seven of the sixty eight responses received for this question felt that renewal should be on a basis of between three to five years.

### **Government response**

**As specified in the consultation document, the Government does not have powers to insist that a certification body offers a certification scheme requiring renewal of a certificate or not requiring renewal.**

**Article 8.2(a) of Commission Regulation 303/2008, which is directly applicable, requires a certificate to state an expiry date if it has one.**

**It is not for Member States to decide whether or not a certificate should have an expiry date and there is nothing in the Commission Regulation which gives the UK Government the option of including in, or excluding from, its domestic legislation giving effect to the Commission Regulation, a requirement that a certificate must have an expiry date. Furthermore, Article 10.2 of Commission Regulation 303/2008 states that the certification body shall establish and apply procedures for the issuance, suspension and withdrawal of certificates, so the intention of that Regulation is that matters relating to the issue of certificates are for certification bodies to decide.**

**There may be a number of reasons why a certification body decides to time-limit a certificate. For example, it may decide that it wants to ensure that the conditions in Article 8.1 continue to be fulfilled, especially the condition in Article 8.1(a) concerning the employment of suitably qualified personnel. Therefore it requires the company in question to re-apply for an Article 8 certificate by time-limiting the certificate it has issued to that company. Alternatively, there may be circumstances where a certificate is required by the company only for a limited period.**

**Two different approaches to company certification were considered during the consultation and these options were set out in the Partial Impact Assessment as follows:**

- a) A “minimalist” approach that meets the Commission Regulation requirements. This would be a one-off company certification, with a web based application form and self certification of data subject to random audit. A small number of companies could be audited in the first year, but there would be no further auditing in following years. The random audit process is essential if self certified data is to be used. This is considered a less costly process than requiring 100% external verification of data. A scheme run with self certified data without any kind of audit process would run a serious risk of abuse.**
- b) A more robust approach that would include regular certification. This process has a number of benefits that are discussed in detail below. The frequency of certification creates a number of “sub-options” that need to be considered. More frequent certification makes the company list more accurate, but adds to the administrative burden and cost for each organisation. Initial discussions with refrigeration industry indicate that annual or 2-yearly re-registration is unnecessarily frequent, so options for 3-yearly and 5-yearly certification have been evaluated.**

**The overall costs and benefit analysis of the options is set out in full in the final Impact Assessment which has been published on the Defra website.**

**Those consultees who responded to consultation question sixteen agreed that renewal represented the best option. In general, respondents agreed that a sensible renewal period should be agreed. On this basis, the Government will therefore work with Refcom to establish**

a scheme and the preferred option is to take forward option two (as presented in the Partial Impact Assessment), that certificates should be valid for no less than three years.

The reasons for this are principally those set out in full in the final Impact Assessment and are namely that the re-certification process will keep the list of registered companies up to date and provide valuable on-going information to the SRAC industry and to Government. A risk-based audit programme will be maintained under this option unlike the option of a one-off certification scheme where audits are only carried out in the first year. This process will also help ensure that companies provide accurate data when they apply for certification. Finally, the associated costs that come from re-certification enable the scheme infrastructure to be maintained, including the ongoing audit process.

During the consultation, the Government also considered the impact that the scope of proposals for a company certification scheme would have on small firms and businesses, in accordance with existing Government policy to consider whether small firms can be exempted from new regulatory requirements or be subject to simplification of enforcement where a large part of the policy objective can be delivered without their inclusion.

Further work to estimate the number of companies that fall within each of these bands produced the following results:

<b>Band</b>	<b>%</b>	<b>Number</b>
1 (micro business, 1 trained employee)	30%	1500
2 (2 to 9 trained employees)	50%	2500
3 (10 to 49 trained employees)	19%	950
4 (50 or more trained employees)	1%	50
<b>Total</b>	<b>100%</b>	<b>5000</b>

Due to the fact that a significant proportion of the companies in this sector are micro and small businesses (approximately 80%), to exempt these from the company certification requirements would have a significant negative impact on the policy objectives of these Regulations.

## Company certification for stationary fire protection systems and fire extinguishers

Question seventeen:

Do you have any comments on regulations 29 (certification bodies for companies), 30 (certificates for companies) or 31 (interim company certificates) or 32 (mutual recognition)?

3.54 At the time the consultation began, both the Fire Industry Association (“FIA”) and British Approvals for Fire Equipment (“BAFE”) had indicated their interest in becoming certification bodies for the issue of interim and full company certificates. However, during subsequent meetings with representatives of both organisations, it was agreed that only FIA would seek approval as a certification body.

3.55 Two respondents answered this question. Both agreed with appointing FIA as the certification body.

### **Government response:**

**As there was no objection to the appointment of FIA or to the terms of regulations 29, 30, 31 and 32 of the FGG Regulations 2009, those regulations will remain as drafted in the finalised Regulations. However, for the same reasons outlined in response to questions fourteen and fifteen above that relate to company certification for SRAC equipment the consideration of FIA for these new EU requirements does not mean a change of Government policy regarding new regulation. It will always be the case that existing regulators will be considered to deliver new requirements in order to minimise burdens on stakeholders and prevent the regulatory sphere and framework from becoming crowded with bodies and organisations.**

**Furthermore, this issue may be reconsidered again in the future if an existing regulator develops the capability and capacity to deliver the required functions as required by Commission Regulation 304/2008.**

Question eighteen:

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

3.56 All three respondents to this question felt that there should be a certificate renewal process. The reasons given were that renewal would help maintain a high level of competence despite turnover of staff in the industry. This would in turn ensure a good public perception of personnel and companies in the sector.

3.57 One respondent commented that renewal should only happen every five years. This was because of the additional costs of such a

process, the high F gas-related costs generally to the fire protection sector as indicated in the Partial Impact Assessment and the small number of companies involved in the sector.

#### **Government response:**

**As specified in the consultation document, the Government does not have powers to insist that a certification body offers a certification scheme requiring renewal of a certificate or not requiring renewal. Article 8.2(a) of Commission Regulation 304/2008, which is directly applicable, requires a certificate to state an expiry date if it has one.**

**It is not for Member States to decide whether or not a certificate should have an expiry date and there is nothing in the Commission Regulation which gives the UK Government the option of including in, or excluding from, its domestic legislation giving effect to the Commission Regulation, a requirement that a certificate must have an expiry date. Furthermore, Article 10.2 of Commission Regulation 304/2008 states that the certification body shall establish and apply procedures for the issuance, suspension and withdrawal of certificates, so the intention of that Regulation is that matters relating to this issue of certificates are for certification bodies to decide.**

**There may be a number of reasons why a certification body decides to time-limit a certificate. For example, it may decide that it wants to ensure that the conditions in Article 8.1 continue to be fulfilled, especially the condition in Article 8.1(a) concerning the employment of suitably qualified personnel. Therefore it requires the company in question to re-apply for an Article 8 certificate by time-limiting the certificate it has issued to that company. Alternatively, there may be circumstances where a certificate is required by the company only for a limited period.**

**Two different approaches to company certification were considered during the consultation and these options were set out in the Partial Impact Assessment as follows:**

- a) A “minimalist” approach that meets the Commission Regulation requirements. This would be a one-off company certification, with a web based application form and self certification of data subject to random audit. A small number of companies would be audited in the first year, but there would be no further auditing in following years. The random audit process is essential if self certified data is to be used. This is considered a less costly process than requiring 100% external verification of data. A scheme based on self certified data without any kind of audit process would run a serious risk of abuse.**
- b) A more robust approach that would include regular certification. This process would have a number of benefits that are discussed in detail below. The frequency of certification creates a number of “sub-options” that need to be considered. More frequent certification makes the company list more accurate, but adds to**

**the administrative burden and cost for each organisation. Initial discussions with industry indicate that annual or 2-yearly re-registration is unnecessarily frequent, so options for 3-yearly and 5-yearly certification have been evaluated**

**The overall costs and benefit analysis of the options is set out in full in the final Impact Assessment which has been published on the Defra website.**

**On the basis of these responses, option two has been carried forward as the preferred option and the costs associated with this are those that were set out in the Partial Impact Assessment.**

**Those consultees who responded to consultation question eighteen agreed that renewal represented the best option. In general, respondents agreed that a sensible renewal period should be agreed. On this basis, the Government will therefore work with FIA to establish a scheme and the preferred option is to take forward option three (as presented in the Impact Assessment), that certificates should be valid for no less than five years.**

**The reasons for this are principally those set out in full in the final Impact Assessment and are namely that the re-certification process will keep the list of registered companies up to date and provide valuable ongoing information to the fire protection industry and to Government. A risk-based audit programme will be maintained under this option unlike the option of a one-off certification scheme where audits are only carried out in the first year. This process will also help ensure that companies provide accurate data when they apply for certification. Finally, the associated costs that come from re-certification enable the scheme infrastructure to be maintained, including the ongoing audit process and industry experts have indicated that it is reasonable to postulate that a more rigorous system will improve the overall quality of training and that this will result in further cost-effective leakage reduction.**

## Personnel registration

Question nineteen:  
Would you like the Government to propose regulations to require mandatory personnel registration in a future consultation?

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

3.58 It was decided to address questions nineteen and twenty together in the summary and Government response as the responses received by consultees addressed the issue of proposals to require mandatory personnel registration and outlined their reasons for supporting or not supporting mandatory registration at the same time.

- 3.59 In the consultation document, it was explained that “registration of personnel” is intended to mean a system whereby a body keeps a central register of certified personnel and qualified personnel are required to apply for registration. Commission Regulation 303/2008 does not require a central register for personnel, but Article 13 of the 2006 Regulation does require Member States to “lay down rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that such rules are implemented.” A central register could be seen as a “measure” to ensure personnel qualification requirements are complied with as enforcement officers could check that personnel are qualified by contacting the holder of the register.
- 3.60 The Air Conditioning and Refrigeration Industry Board (ACRIB) currently runs a voluntary registration scheme and has suggested that the scheme should be made compulsory. No proposals for such a scheme were included in the draft FGG Regulations 2009 on the basis that the Government was not persuaded that a strong enough case had been made at the time. Therefore the Government asked for a wider range of views from those likely to be affected on whether mandatory personnel registration would be welcomed and reasons for supporting or not supporting such a scheme. Views were invited on whether such a measure should be the subject of a future consultation on proposed regulations that would require mandatory registration. Section 4.5.4 of the Full Impact Assessment contains information on the costs and benefits of personnel registration.
- 3.61 Of the eighty six responses received to these questions, eighty two supported proposed regulations to require mandatory personnel registration in a future consultation. Four respondents to the questions were against mandatory personnel registration proposals.
- 3.62 There were noticeable similarities in the responses received supporting future mandatory personnel registration requirements and many were in fact presented in what appears to be a prescribed format which accounts for the similarity in the responses received.
- 3.63 In summary, those who responded felt that the Government should implement a mandatory renewable personnel registration scheme but with financial restraints on registration fees. There was also overall support for the use of existing bodies such as ACRIB.
- 3.64 Respondents felt that a single register would be essential for clarity and efficiency in order to verify personnel certification. It would also enable ease of future communications and would ensure that employers, operators and enforcers met their legal obligations to verify the status of personnel. A central register will mean that suppliers of F gases will be able to check that potential buyers have suitably qualified personnel, will enable potential employers to check the qualifications of someone they are about to employ and will allow equipment operators to verify that the people sent to work on their equipment containing F gases are suitably qualified. In addition to this, it would avoid the need for engineers to carry paper certificates

around with them and would mean that personnel can retain their registration when moving employer.

- 3.65 It was felt that a central register, accessible to the public would create a level playing field across industry in terms of competency, quality, safety and environmental issues, ensuring that everybody complied with the FGG Regulations 2009, the costs were shared by everybody and irresponsible elements would be eliminated from the market.
- 3.66 Finally, respondents were of the view that a central register would allow monitoring of the take-up of additional training as per the requirements in the FGG Regulations 2009 by looking at the increase in numbers of personnel listed on the register.
- 3.67 The four respondents who were opposed to mandatory personnel registration were from other industry sectors, and felt that personnel registration was not necessary in these sectors.

### **Government response**

**Based on the consultation responses received, there is support for measures that will help ensure only certified personnel carry out work. However, whilst a central register could provide a single point of reference for an employer, customer or enforcement officer, they could equally contact the relevant certification body, bearing in mind there will only be two of them. Regulation 44(1) of the FGG Regulations 2009 also requires certification and evaluation bodies to provide any person with details of a certificate issued by the certification body when requested to do so. Whilst this is potentially not quite as easy or accessible as a publicly available central register, the information that would be contained on a central register would already be available on request.**

**In addition to this, the company certification requirements will require a company providing installation/maintenance services to ensure that it only employs qualified personnel, so customers of such companies can reasonably expect only qualified personnel to be working on their equipment. The proposals for the company certification scheme to be run by Refcom include the provision and maintenance of a list of certificated companies on a publicly accessible website. This would enable suppliers, employers, operators and enforcers to verify the status of personnel working for certificated companies since company certificates are only issued where personnel are appropriately certificated. Furthermore, work undertaken in relation to the company certification requirements estimates that 30% of companies fall within the category of a micro business and only have one qualified person. These micro businesses will already be subject to the certification requirement. Any additional requirement to apply for personnel registration would represent a burden on these smaller businesses and would be contrary to the existing Government policy to consider whether small firms can be exempted from new regulatory requirements or be subject to simplification of enforcement where a large part of the policy objective can be delivered without their inclusion.**



**In relation to the point that a central register will keep engineers up to date with future requirements, this is also something that could be achieved without the need for a personnel registration scheme. In addition to any information and guidance sent out by the Government, there is also now a Government funded team set up to provide guidance for manufacturers, operators, contractors and others that make, sell or handle F gases and associated equipment. Known as F-Gas Support, they are there to explain to businesses in GB the requirements of the European and domestic regulations and to assist businesses in complying with their obligations. They can provide practical information and advice to businesses in order to do this. F-Gas Support will also be helping the regulators develop their understanding of these regulations. F-Gas Support have developed an extensive contact database and will also be liaising with company certification bodies to share information.**

**Any mandatory personnel registration regulatory provisions consulted upon in future will also need to consider the set process for creating new regulators which stems from the Hampton report. The Government needs to ensure that the UK regulatory landscape is streamlined and that new regulators are not created without full justification. It will always be the case that existing regulators will be considered to deliver new requirements in order to minimise burdens on stakeholders and prevent the regulatory sphere and framework from becoming crowded with bodies and organisations. The presumption would be therefore than an existing regulator, rather than ACRIB would run a registration scheme.**

**Having considered the responses received, and the issues summarised above, at present the Government is not persuaded there sufficient justification to require mandatory personnel registration, especially since such a scheme would potentially duplicate the information that will already be available via obligations in the FGG Regulations 2009 on certification bodies, attestation bodies and evaluation bodies to provide information and details relating to certificates issued. At this stage it is impossible to quantify with any reliability the benefits related to personnel registration and further work would need to be undertaken to establish this.**

**The Government will monitor the implementation of the FGG Regulations 2009 to assess the impact of the training and certification requirement for personnel and companies and their effectiveness. Future proposals could be presented in relation to personnel registration if further action is deemed to be necessary.**

**In relation to the responses received from other industry sectors opposing a mandatory personnel registration scheme, the consultation only sought views on whether mandatory personnel registration would be welcomed in relation to those working on SRAC equipment containing F gases. It was not the intention that this would extend to the other industry sectors working with F gases.**

Question twenty one:

Do you have any comments on the proposed Ozone-Depleting Substances (Qualifications) Regulations 2009?

- 3.68 There were four responses to this question. Three offered no objections to the proposed Ozone-Depleting Substances (Qualifications) Regulations 2009 (“the proposed Ozone Regulations”).
- 3.69 One respondent from the fire protection sector was concerned about treating the F gas Regulations and Ozone Regulations in a similar manner to each other. This was because the current Regulations for F gases and ozone depleting substances are applied differently from each other in that sector. Ozone depleting substances have almost completely been phased out from fire protection systems and are now only allowed for ‘critical’ uses. Most personnel would never come across such ‘critical’ applications and only a few specialist companies maintain them.
- 3.70 Another query regarding the definition of a term came from the shipping industry. It related to the term “portable” used in the proposed Ozone Regulations. The respondent wanted clarification of whether it was meant to cover just equipment carried by plumbers to effect emergency repairs or whether it also covered equipment on ships.

**Government response:**

**Regarding the issue of consistency between the proposed Ozone Regulations and the FGG Regulations 2009, parity between training requirements for working with ozone depleting substances and F gases is necessary. Some technicians will work with ozone depleting substances, but it is unlikely that they will not also work with F gases. The training requirements should be consistent in both Regulations. The FGG Regulations 2009 introduce new standards for training and it is appropriate that the requirements in the proposed Ozone Regulations mirror that. This does not mean that the proposed Ozone Regulations will be applied in the same manner as the FGG Regulations 2009.**

**Regarding the query about the definition of the term “portable” in the context of the shipping industry, the obligation to comply is on the person carrying out the work and that person’s employer(s). Equipment on board a ship is deemed portable, not stationary.**

**Given the comments above, the relevant provisions in the proposed Ozone Regulations will remain as originally drafted.**

Partial Impact Assessment

Question twenty two:

Could the assessment of costs and benefits in the Partial Impact Assessment be improved? If so, how?

- 3.71 There were four responses to this question. Two respondents, both from the SRAC sector, stated that the benefits of the proposed requirements outweighed the costs of introducing them. They believed that the costs were minimal in terms of industry spend and could be readily absorbed into the market. The other two respondents raised concerns though.
- 3.72 One respondent who raised an issue with the Partial Impact Assessment ("PIA") was from the MAC sector. They felt that the use of a twenty year cycle was inappropriate for their sector. With the average life of a car being around 13-15 years and the imminent introduction of <150 GWP (Global Warming Potential) systems, using a 20 year base to consider costs and savings was wrong. In 20 years, few if any of the cars with R134a refrigerant would still be on the road with functioning systems.
- 3.73 The second respondent to query the PIA was from the fire protection sector. They stated that the summary of discounted cash flow analysis in the PIA suggests their sector has the largest net cost of all sectors even though it is one of the smallest. The respondent queried whether there was a way of reviewing the PIA and the cost-benefits of the proposed measures to ascertain whether the financial burden on companies could be reduced (e.g. the certification renewal issue).

#### **Government response:**

**In response to the issue raised relating to the calculations for the MAC sector, it is recognised that it would have been better to use a shorter timescale. However, the twenty year period was used for consistency with all other sectors. It is also important to note that, were the time base to be changed, there would be no material impact on any of the conclusions.**

**Regarding the point raised by the fire protection sector, there was virtually no savings to offset the costs of training, certification and the extra annual cost for leak inspections. Hence there was an overall net cost to the sector that will have to be paid for by end users of F gas fire protection systems. The dominant extra cost is the annual cost for leakage inspections. Making a saving in training or certification costs would have little impact to the net present value (NPV) figures. It could rightly be argued that the cost burden is hard to justify in terms of amount of CO<sub>2</sub> saved, but the 2006 Regulation and the ten Commission Regulations require these actions to be taken, so they cannot be ignored.**

#### **Other Comments**

- 3.74 In addition to receiving answers to the questions listed in the consultation document, there were also some general additional

queries and comments received. These are listed in the following paragraphs.

- 3.75 One respondent questioned whether enough attention was being given to F gas alternatives and whether promised EU funding for research into such alternatives was forthcoming.
- 3.76 A consultee from the HVS sector raised a concern about the scope of the undefined term “taking delivery” in regulation 11 of the FGG Regulations 2009. Its impact on the HVS sector is in connection with the recovery obligation (Article 4 of the 2006 Regulation). The respondent felt that the interpretation of “taking delivery” could be very wide and that it could cover the installation by a customer upon delivery of a fully manufactured product which required no intervention or interference with its internal gas system during such installation and commissioning. In other words, the installation required no recovery work, but would still be deemed as “taking delivery”.
- 3.77 A further response from the HVS sector also believed that the definition of “high-voltage switchgear” in regulation 34(4) was too broad.
- 3.78 Another respondent felt that the provision in regulation 44(1) of the FGG Regulations 2009 that allows “any person” to request provide details of an issued certificate was too broad.
- 3.79 One respondent mentioned the various other parts of legislation that are involved with HVS, mainly relating to safety. It was felt that they should be referred to when describing the powers of authorised bodies to access HVS areas. Similarly, other relevant legislation should be referred to when describing the powers of authorised bodies to examine, take samples, dismantle, etc.
- 3.80 One respondent from the HVS sector commented that standards should be the same across the European Economic Area in order to ensure confidence in the SF6 recovery industry. The respondent also felt that evaluation and certification bodies should be able to issue certificates to personnel from other Member States.
- 3.81 One respondent from the SRAC sector wished to know what sort of support government would give to industry in order to comply with the training deadline of July 2011. The respondent also requested that government provide guidance to enforcement authorities to ensure consistency of approach across the country.
- 3.82 One enforcement authority asked for the FGG 2009 Regulations to be clearer regarding appointment of authorised persons.
- 3.83 A respondent from the SRAC sector raised concerns about the effectiveness of automatic leak detection. They believed that there should only be manual leak detection, since they did not believe that automatic leak detection systems were reliable enough.

**Government response:**

**In response to the query regarding attention given to F gas alternatives, further guidance is currently being developed by F-Gas Support on the alternatives to F-gases like CO<sub>2</sub>, propane and ammonia. This guidance will set out the range of options available to companies who are moving towards reducing their F gas use and considering the use of alternative methods.**

**With regards to the concern about the scope of the undefined term “taking delivery”, whilst “taking delivery” is not defined in the FGG Regulations 2009, the provisions contained within regulation 11 of those Regulations relate to an activity referred to in Article 3 or 4 of the 2006 Regulation. Articles 3 and 4 of the 2006 Regulation relate to containment and recovery activities respectively. Therefore, the term should be interpreted to mean taking delivery of F gases by an organisation that performs either or both of such activities. The aim of this and the 2006 Regulation as a whole is to limit as much as possible F gas emissions through the sole use of appropriately trained personnel on such equipment.**

**The taking delivery obligations do not prevent a person who does not hold an appropriate qualification from physically taking delivery of F gases provided that the company involved in carrying out the activities provided for in Articles 3 and 4 of the 2006 Regulation have personnel who do hold the appropriate certificates and it is these personnel who will be carrying out the work referred to in Articles 3 and 4. In the context of the HVS sector, regulation 11 only applies with regards to recovery work, so in the respondent’s case, if personnel do not perform any recovery itself, regulation 11 will not be relevant since Article 4 of the 2006 Regulation does not apply to installation activities only to those activities involving recovery of F gases.**

**In terms of the definition of “high-voltage switchgear”, this is taken directly from Article 2 of Commission Regulation 305/2008 which is directly applicable in all Member States and therefore cannot be changed. Stakeholders from the HVS sector were consulted throughout the negotiations and drafting of Commission Regulation 305/2008 and no objections were presented during this time.**

**Regulation 44(1) allows “any person” to request details of issued certificates in order for the certification provisions in the FGG Regulations 2009 to function properly. Ensuring compliance with the FGG Regulations 2009 is partly the responsibility of the enforcement authorities, but also the responsibility of the industry sectors involved. Industry members and their customers can do this by checking that personnel they deal with are properly certified. This is only possible if certification bodies are required to provide these details upon request. To limit access to such information to only certain people or organisations such as enforcing authorities would severely undermine the ability to ensure compliance with the FGG Regulations 2009. The concern raised by the respondent about the wording relates to the possible misuse of information provided by a certification body. However, this will not include any personal details or commercially sensitive information and simply relates to the details of a certificate**

issued by a certification or attestation body. The limited information divulged in relation to regulation 44 of the FGG Regulations 2009 would not pose any additional risk to those businesses or individuals.

In response to concerns raised by the HVS sector, an authorised person would have to comply with any other legislation to which he is subject and it is not necessary to specify such other legislation or state this in terms in the FGG Regulations 2009. The perceived problem in the context of HVS appears to be one of not knowing of a potential danger. It would seem that the best way to address this would be for the relevant sectors with any such concerns to draw their concerns to the attention of the enforcing authorities so that they in turn can advise their respective authorised persons.

Regarding the comment about maintaining standards in all Member States, the obligations in the 2006 Regulation and the ten Commission Regulations are directly applicable in every Member State. Failure to implement those obligations would mean that the Member State involved would be in breach of their own legal obligations. The 2006 Regulation requires that Member States give mutual recognition to certification of suitable qualifications from other EU and European Economic Area (EEA) countries. This will only apply to new qualifications that meet the minimum requirements specified in the relevant Commission Regulation.

As regards the issue of certificates to personnel from other Member States, evaluation bodies can evaluate any person, even if that person is not a UK citizen. Evaluation and certification bodies must issue a relevant certificate to any person who has passed the evaluation in question, provided that the evaluation body ensures that examinations are planned and structured in a manner which covers the minimum skills and knowledge set out in the relevant Commission Regulations. It should also be noted that there is a provision in Article 5.2 of the 2006 Regulation (which has direct effect across the Community) that requires the mutual recognition of certificates issued in any Member State. Therefore, a person who wishes to work in any Member State can do so provided that they have a recognised certificate from their own or another Member State.

Regarding the query about provision of government support to industry in order to comply with the 2011 deadline, a government-funded team has been set up called F-Gas Support to promote good compliance with the regulatory requirements of European and domestic legislation. F-Gas Support has been running since the beginning of 2008 and they provide detailed advice to end users and contractors in all main areas of F gas use. F-Gas Support has a website ([www.defra.gov.uk/fgas](http://www.defra.gov.uk/fgas)) and a helpline (0161 874 3663). F-Gas Support also provides web-based training for enforcement officers and has developed a training package that will be available to enforcing officers. By using only this source of training, it will ensure as much as possible that enforcement will be consistent throughout the country.

In terms of support available for upskilling staff, the Department for Innovation, Universities and Skills (DIUS) have advised that

**an employer's should approach their relevant sector skills council to find out what is available in their sector. A list of sector skills councils is available via the following link:**

**[www.sscalliance.org](http://www.sscalliance.org)**

**Alternatively, employer's can approach the DIUS national training service, Train to Gain via the following link**

**[www.traintogain.gov.uk](http://www.traintogain.gov.uk)**

**They could also approach the professional body that covers their area of business for advice or their local college to find out what courses and funding is available.**

**In relation to the powers of enforcing officers and authorities, the comments from those bodies tasked with enforcing the FGG Regulations 2009 on the most appropriate way to warrant enforcement officers have been considered and regulation 45(2) has been added to reflect that an authorisation under section 108 of the Environment Act 1995 (powers of enforcing authorities and persons authorised by them) is an authorisation for the purposes of the FGG Regulations 2009.**

**With regards to the concerns about the effectiveness of automatic leakage detection systems, their use is prescribed by the 2006 Regulation, which is directly applicable in all Member States. During the negotiation of the 2006 Regulation and the subsequent Commission Regulations dealing with leakage checking, there was no evidence produced to suggest that automatic leakage detection systems were not reliable enough. Article 5.3 of Commission Regulation 1516/2007 states that indirect measuring methods shall only be used where the parameters of the equipment to be analysed give reliable information on the F gas charge indicated in the records of the equipment and the likelihood of leakage. Furthermore, Article 5.2 states that direct methods may always be applied, thereby offering operators the choice to do so should they wish.**

## **Annex A**

### **List of Organisations who responded to the consultation**

1. Accurate Mechanical Services Limited t/a Accurate Air Conditioning
2. Advantage Air Systems Ltd
3. Air Conditioning and Refrigeration Industry Board
4. Airconaire Limited
5. Ambicool (Wigan) Ltd
6. Ambient Control Installations Ltd
7. Arcool Ltd
8. Associated Cooling Services Limited
9. Assure
10. Aster Maintenance Ltd
11. Barrier Air Conditioning Ltd
12. BOC Limited
13. British Frozen Food Association
14. British Refrigeration Association
15. British Soft Drinks Association
16. Building & Maintenance Services Limited
17. Burnett Barrows Refrigeration
18. Carnival UK
19. Carter Synergy Ltd
20. CJS Direct Ltd
21. Climachill Ltd
22. Closed Circuit Cooling Ltd t/a 3CL
23. Colt International Limited
24. Comfortzone Air Conditioning (Carlisle) Ltd
25. Cool Heat Services Ltd
26. Cool Systems Limited
27. Coolheat Ltd
28. CSS Environmental Ltd
29. EA Technology Ltd
30. Earthcare Products Limited
31. Elite Specialist Training Ltd
32. Ellis Training Works
33. Environment Agency
34. Environmental Control Services Ltd
35. F&T Refrigeration Ltd
36. Federation of Environmental Trade Associations
37. Fire Industry Association
38. Fiveway Systems Ltd t/a Aircon Services
39. Greenhill Air Conditioning Ltd
40. Heating and Ventilating Contractors Association (via Ceilite Airconditioning Ltd)
41. Hilton Building Services Limited
42. IAC Refrigeration and Air Conditioning Ltd t/a IAC Services
43. IDS Refrigeration Limited



44. I-I-Ice Ltd
45. INEOS Fluor
46. Influence Conditioned Air Ltd
47. JTL Systems Limited
48. K cooling Ltd
49. L&P Refrigeration & Air Conditioning Ltd
50. Leader Air Conditioning Limited
51. M&E Contrax (a division of Western Castors & Wheels Limited)
52. Mac Marney Refrigeration and Air Conditioning Ltd
53. MacWhirter Limited
54. Major Refrigeration and Air Conditioning Services Ltd
55. MALA
56. Maplin Mechanical Services Ltd t/a Maplin Air Conditioning
57. MAQ (Air Conditioning) Limited
58. Mitchell's (Gloucester) Ltd
59. Mitsubishi Electric Corporation
60. Nadin Air Conditioning
61. Natural Air (UK) Ltd
62. North West Kent College
63. Olka Breeze (UK) Ltd t/a AAC Air Conditioning
64. P. Chester & Sons (Bedford) Ltd
65. Perton Electrical & Maintenance Ltd
66. Pitkin & Ruddock Ltd
67. Practical Refrigeration Training Centre
68. REFCOM (Register of Companies Competent to Handle Refrigerants)
69. Regal Environmental Systems Ltd
70. Retail Motor Industry Federation
71. Rivacold UK Ltd
72. Rothamsted Research
73. Ryan-Jayberg Limited
74. Scottish Environment Protection Agency
75. Seward Refrigeration Ltd
76. Space Airconditioning plc
77. Specialist Mechanical Services
78. Star Refrigeration Ltd
79. SummitSkills Ltd
80. Tames Air Conditioning
81. Techtrain Associated Ltd
82. Tesco
83. The Chamber of Shipping Limited
84. The City and Guilds of London Institute
85. The Society of Motor Manufacturers and Traders Ltd
86. The United Kingdom Offshore Oil and Gas Industry Association Limited t/a Oil & Gas UK
87. Thermofrost Cryo Plc
88. W.J. Hogg & Co Ltd
89. Western Power Distribution (South West) plc
90. Wolseley UK Limited
91. Nine individual responses