



STATUTORY INSTRUMENTS.

S.I. No. 367 of 2019



EUROPEAN UNION (FLUORINATED GREENHOUSE GAS)
(AMENDMENT) REGULATIONS 2019

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I, RICHARD BRUTON, Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving full effect to Commission Regulation (EC) No 304 /2008 of 2 April 2008¹, Commission Regulation (EC) No 306/2008 of 2 April 2008², Commission Regulation (EC) No 307/2008 of 2 April 2008³, Commission Regulation (EU) No. 517/2014 of the European Parliament and of the Council of 16 April 2014⁴, Commission Implementing Regulation (EU) 2015/2066 of 17 November 2015⁵ and Commission Implementing Regulation (EU) 2015/2067 of 17 November 2015⁶, hereby make the following regulations:

Citation, collective citation, construction and commencement

1. (1) These Regulations may be cited as the European Union (Fluorinated Greenhouse Gas) (Amendment) Regulations 2019.

(2) The Principal Regulations and these Regulations may be cited together as the European Union (Fluorinated Greenhouse Gas) Regulations 2016 and 2019 and shall be construed together as one.

(3) The Regulations come into operation on the 22nd day of July 2019.

Interpretation

2. In these Regulations “Principal Regulations” means the European Union (Fluorinated Greenhouse Gas) Regulations 2016 (S.I. No. 658 of 2016).

Amendment of Regulation 2 of Principal Regulations

3. Regulation 2 of the Principal Regulations is amended -

(a) in paragraph (1), by the insertion of the following definition:

“ ‘Regulation 303/2008’ means Commission Regulation (EC) No 303/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases;”, and

¹ OJ. No. L 92, 3.4.2008, p. 12

² OJ. No. L 92, 3.4.2008, p. 21

³ OJ. No. L 92, 3.4.2008, p. 25

⁴ OJ. No. L 150, 20.05.2014, p. 195

⁵ OJ. No. L 301, 18.11.2015, p. 22

⁶ OJ. No. L 301, 18.11.2015, p. 28

- (b) in paragraph (2)(d), by the insertion of the following clause after clause (f):

“(fa) Regulation 303/2008;”.

Amendment of Regulation 7 of Principal Regulations

4. The Principal Regulations are amended by the substitution of the following Regulation for Regulation 7:

“Certification Bodies

7. (1) (a) The following are certification bodies for the purposes of Articles 5 and 10 of Regulation 304/2008:

(i) Quality and Qualifications Ireland;

(ii) the Agency.

(b) The Agency is a certification body for the purposes of Articles 3 and 4 of Regulation 306/2008.

(c) The Agency is a certification body for the purposes of Articles 3 and 4 of Regulation 2066/2015.

(d) The following are certification bodies for the purposes of Articles 4 and 7 of Regulation 2067/2015:

(i) Quality and Qualifications Ireland;

(ii) the Agency.

(e) F Gas Registration Limited is a certification body for the purposes of -

(i) Articles 8 and 10 of Regulation 304/2008, and

(ii) Articles 6 and 7 of Regulation 2067/2015.

(2) An individual or company to whom a certificate is duly issued, or is deemed pursuant to Regulation 12C or 12G to have been duly issued, by a certification body under -

(a) Article 5 or 8 of Regulation 304/2008,

(b) Article 3 of Regulation 306/2008,

(c) Article 3 of Regulation 2066/2015, or

(d) Article 4 or 6 of Regulation 2067/2015,

may carry out the activity in respect of which the certificate is issued subject to and in accordance with the procedures established by the certification body in relation to the issue, suspension and withdrawal of any such certificate.”.

Insertion of Regulations 7A and 7B in Principal Regulations

5. The Principal Regulations are amended by the insertion of the following Regulations after Regulation 7:

“Evaluation Body

7A. Quality and Qualifications Ireland is an evaluation body for the purposes of -

- (a) Article 11 of Regulation 304/2008, and
- (b) Article 8 of Regulation 2067/2015.

Attestation Bodies

7B. (1) The following are attestation bodies for the purposes of Article 3 of Regulation 307/2008:

- (a) Quality and Qualifications Ireland;
- (b) the Agency.

(2) An individual to whom a training attestation is duly issued, or is deemed pursuant to Regulation 12K to have been duly issued, by an attestation body under Article 3 of Regulation 307/2008 may carry out the activity in respect of which the training attestation is issued.”.

Revocation of Regulation 8 of Principal Regulations

6. Regulation 8 of the Principal Regulations is revoked.

Amendment of Regulation 12 of Principal Regulations

7. The Principal Regulations are amended by the substitution of the following Regulations for Regulation 12:

“Certification in relation to individuals

12. (1) The certification body referred to in Regulation 7(1)(a)(i) shall, in accordance with the procedures established by it in that behalf, issue a certificate under Article 5 of Regulation 304/2008 in respect of an activity referred to in Article 2(1) of that Regulation to an individual who is awarded a qualification listed in Schedule 1 in respect of that activity.

(2) The certification body referred to in Regulation 7(1)(d)(i) shall, in accordance with the procedures established by it in that behalf, issue a certificate under Article 4 of Regulation 2067/2015 in respect of an activity referred to in Article 2(1) of that Regulation to an individual who is awarded a qualification listed in Schedule 1 in respect of that activity.

Recognition of certificate issued to individual in Member State other than State

12A. An individual who holds a valid certificate issued by a certification body in a Member State (other than the State) under

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- (a) Article 5 of Regulation 304/2008 in respect of an activity referred to in Article 2(1) of that Regulation,
- (b) Article 3 of Regulation 306/2008 in respect of an activity referred to in Article 1 of that Regulation,
- (c) Article 3 of Regulation 2066/2015 in respect of an activity referred to in Article 1 of that Regulation, or
- (d) Article 4 of Regulation 2067/2015 in respect of an activity referred to in Article 2(1) of that Regulation,

may carry out the activity in respect of which the certificate is issued where -

- (i) that certificate is in English, or
- (ii) the individual holds an official translation of that certificate in English.

Re-certification in relation to individuals holding certificates issued in Member State other than State

12B. (1) An individual who holds a valid certificate issued by a certification body in a Member State (other than the State) under -

- (a) Article 5 of Regulation 304/2008 in respect of an activity referred to in Article 2(1) of that Regulation,
- (b) Article 3 of Regulation 306/2008 in respect of an activity referred to in Article 1 of that Regulation,
- (c) Article 3 of Regulation 2066/2015 in respect of an activity referred to in Article 1 of that Regulation, or
- (d) Article 4 of Regulation 2067/2015 in respect of an activity referred to in Article 2(1) of that Regulation,

may make an application to the Agency for the issue by the Agency of a certificate under the provision and in respect of the

activity corresponding to the provision and activity under, and in respect of which, respectively, he or she holds the certificate issued by the certification body in the other Member State.

(2) An application referred to in paragraph (1) shall be made in accordance with the procedures established by the Agency in that behalf and where the application is so made the Agency shall issue the certificate applied for.

(3) (a) Subject to subparagraph (b), this Regulation shall cease to have effect at 11.00 pm on 31 October 2019.

(b) Subparagraph (a) shall not operate to prevent the Agency issuing a certificate after the time and date referred to in that subparagraph where, in respect of an application referred to in paragraph (1), the Agency has determined before that time and date that the application has been made in accordance with the procedures referred to in paragraph (2).

Certificate issued to individual before coming into operation of Regulation 7 of the European Union (Fluorinated Greenhouse Gas) (Amendment) Regulations 2019 in respect of activities referred to in Regulation 303/2008, 304/2008 or Regulation 2067/2015

12C. (1) Subject to paragraph (2), a certificate issued by the Further Education and Training Awards Council or by Quality and Qualifications Ireland to an individual in respect of an activity referred to -

- (a) in the case of a certificate issued by the Further Education and Training Awards Council, in Article 2(1) of Regulation 303/2008 or Article 2(1) of Regulation 304/2008, or
- (b) in the case of a certificate issued by Quality and Qualifications Ireland, in Article 2(1) of Regulation 303/2008, Article 2(1) of Regulation 304/2008 or Article 2(1) of Regulation 2067/2015,

before the coming into operation of Regulation 7 of the European Union (Fluorinated Greenhouse Gas) (Amendment) Regulations 2019 (S.I. No. 367 of 2019) and which has not been suspended or withdrawn, is deemed to be, and always to have been, a certificate duly issued by a certification body -

- (i) under Article 5 of Regulation 304/2008, where the certificate was issued in respect of an activity referred to in Article 2(1) of that Regulation, or

- (ii) under Article 4 of Regulation 2067/2015, where the certificate was issued in respect of an activity referred to in Article 2(1) of Regulation 303/2008 or Article 2(1) of Regulation 2067/2015.

(2) Paragraph (1) applies in respect of a certificate referred to in that paragraph where, at the time the certificate was issued, the individual to whom it was issued had been awarded -

- (a) in the case of a certificate issued by the Further Education and Training Awards Council, a qualification listed in Schedule 1 to the Fluorinated Greenhouse Gas Regulations 2011(S.I. No. 279 of 2011), or
- (b) in the case of a certificate issued by Quality and Qualifications Ireland, a qualification listed in Schedule 1 to the Fluorinated Greenhouse Gas Regulations 2011 or a qualification listed in Schedule 1, as appropriate,

in respect of the activity to which the certificate relates.

Certification in relation to companies

12D. (1) A company may apply to the certification body referred to in Regulation 7(1)(e) for a certificate under -

- (a) Article 8 of Regulation 304/2008 in respect of an activity referred to in Article 2(2) of that Regulation, or
- (b) Article 6 of Regulation 2067/2015 in respect of an activity referred to in Article 2(2) of that Regulation.

(2) An application under paragraph (1) shall be made in accordance with the procedures established by the certification body in that behalf and where the application is so made that certification body shall issue the certificate applied for.

(3) A company may apply to the certification body referred to in Regulation 7(1)(e) for the renewal of a certificate duly issued, or deemed pursuant to Regulation 12G to have been duly issued, under

- (a) Article 8 of Regulation 304/2008 in respect of an activity referred to in Article 2(2) of that Regulation, or
- (b) Article 6 of Regulation 2067/2015 in respect of an activity referred to in Article 2(2) of that Regulation.

(4) An application under paragraph (3) shall be made in accordance with the procedures established by the certification body in that behalf and where the application is so made that certification body shall issue the certificate applied for.

(5) A certificate issued in accordance with this Regulation shall be valid until the end of the calendar year in respect of which it is issued.

Recognition of certificate issued to company in Member State other than State

12E. A company which holds a valid certificate issued by a certification body in a Member State (other than the State) under

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- (a) Article 8 of Regulation 304/2008 in respect of an activity referred to in Article 2(2) of that Regulation, or
- (b) Article 6 of Regulation 2067/2015 in respect of an activity referred to in Article 2(2) of that Regulation,

may carry out the activity in respect of which the certificate is issued where -

- (i) that certificate is in English, or
- (ii) the company holds an official translation of that certificate in English.

Re-certification in relation to companies holding certificates issued in Member State other than State

12F. (1) (a) A company which holds a valid certificate issued by a certification body in a Member State (other than the State) under -

- (i) Article 8 of Regulation 304/2008 in respect of an activity referred to in Article 2(2) of that Regulation, or
- (ii) Article 6 of Regulation 2067/2015 in respect of an activity referred to in Article 2(2) of that Regulation,

may make an application to the certification body referred to in Regulation 7(1)(e) for the issue by that certification body of a certificate under Article 8 of Regulation 304/2008 or Article 6 of Regulation 2067/2015, as appropriate, in respect of the activity concerned.

- (b) An application referred to in subparagraph (a) shall be made in accordance with the procedures established by the certification body referred to in Regulation 7(1)(e) in that behalf and where the application is so made that certification body shall issue the certificate applied for.
- (c) (i) Subject to clause (ii), this paragraph shall cease to have effect at 11.00 pm on 31 October 2019.
- (ii) Clause (i) shall not operate to prevent the certification body referred to in Regulation 7(1)(e) issuing a certificate after the time and date referred to in that clause where, in respect of an application referred to in subparagraph (a), that certification body has determined before that time and date that the application has been made in accordance with the procedures referred to in subparagraph (b).

(2) A certificate issued by the certification body referred to in Regulation 7(1)(e) in accordance with paragraph (1) shall be valid until the end of the calendar year in which it is issued.

Certificate issued to company in respect of activities referred to in Regulation 304/2008 or Regulation 2067/2015 before coming into operation of Regulation 7 of the European Union (Fluorinated Greenhouse Gas) (Amendment) Regulations 2019

12G. A certificate issued by F Gas Registration Limited between the period beginning on 1 January 2019 and ending on the coming into operation of Regulation 7 of the European Union (Fluorinated Greenhouse Gas) (Amendment) Regulations 2019 -

- (a) to a company in respect of an activity referred to in Article 2(2) of Regulation 304/2008 or Article 2(2) of Regulation 2067/ 2015, and
- (b) which has not been suspended or withdrawn,

is deemed to be, from the date of its issue until its expiry, a certificate duly issued by a certification body under Article 8 of Regulation 304/2008 or Article 6 of Regulation 2067/2015 in respect of the activity.

Training Attestation

12H. The attestation body referred to in Regulation 7B (1)(a) shall issue a training attestation under Article 3 of Regulation

307/2008 in respect of an activity referred to in Article 1 of that Regulation to an individual who has obtained an award listed in Schedule 1 in respect of that activity.

Recognition of training attestation issued to individual in Member State other than State

12I. An individual who holds a valid training attestation issued by an attestation body in a Member State (other than the State) under Article 3 of Regulation 307/2008 in respect of an activity referred to in Article 1 of that Regulation, may carry out the activity in respect of which the training attestation is issued where -

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

Re-attestation in relation to individuals holding training attestation issued in Member State other than State

12J. (1) An individual who holds a valid training attestation issued by an attestation body in a Member State (other than the State) under Article 3 of Regulation 307/2008 in respect of an activity referred to in Article 1 of that Regulation may make an application to the Agency for the issue by the Agency of a training attestation under Article 3 of Regulation 307/2008 in respect of the activity.

(2) An application referred to in paragraph (1) shall be made in accordance with the procedures established by the Agency in that behalf and where the application is so made the Agency shall issue the training attestation applied for.

(3) (a) Subject to subparagraph (b) this Regulation shall cease to have effect at 11.00 pm on 31 October 2019.

- (b) Subparagraph (a) shall not operate to prevent the Agency issuing a training attestation after the time and date referred to in that subparagraph where, in respect of an application referred to in paragraph (1), the Agency has determined before that time and date that the application has been made in accordance with the procedures referred to in paragraph (2).

Training attestation issued to individual in respect of activities referred to in Regulation 307/2008 before coming into operation of Regulation 7 of the European Union (Fluorinated Greenhouse Gas) (Amendment) Regulations 2019

12K. A training attestation issued by the Further Education and Training Awards Council or by Quality and Qualifications Ireland to an individual in respect of an activity referred to in Article 1 of Regulation 307/2008 before the coming into operation of Regulation 7 of the European Union (Fluorinated Greenhouse Gas) (Amendment) Regulations 2019 and which has not been suspended or withdrawn, is deemed to be, and always to have been, a training attestation duly issued by an attestation body under Article 3 of Regulation 307/2008 in respect of the activity where, at the time the training attestation was issued, the individual to whom it was issued had been awarded -

- (a) in the case of a training attestation issued by the Further Education and Training Awards Council, a qualification listed in Schedule 1 to the Fluorinated Greenhouse Gas Regulations 2011, or
- (b) in the case of a training attestation issued by Quality and Qualifications Ireland, a qualification listed in Schedule 1 to the Fluorinated Greenhouse Gas Regulations 2011 or a qualification listed in Schedule 1, as appropriate,

in respect of that activity.”.

Amendment of Regulation 13 of Principal Regulations

8. Regulation 13(1)(a) of the Principal Regulations is amended by the substitution of “certification or attestation” for “certification under Regulation 12”.

Amendment of Schedule 1 to Principal Regulations

9. Schedule 1 to the Principal Regulations is amended -

- (a) by the deletion of “or equivalent” in each place it occurs,
- (b) by the substitution of “F gas Qualifications” for “F gas Qualifications (non-exhaustive)”, and
- (c) by the substitution of “F Gas Registration Limited” for “F-Gas Registration Ltd (FGR)” in each place it occurs.



GIVEN under my Official Seal,
22 July 2019.

RICHARD BRUTON

Minister for Communications, Climate Action
and Environment.

EXPLANATORY NOTE

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

These Regulations amend the European Union (Fluorinated Greenhouse Gas) Regulations 2016 (S.I. 658 of 2016) to provide for the recertification in Ireland and in advance of Brexit of individuals or companies certified in other Member States, and to further provide for designation of certification, evaluation and training attestation bodies.

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