

Department for Environment, Food and Rural Affairs

Guidance for Fluid Supply Companies

Guidance: F Gas and Ozone Regulations

Information Sheet FS 2: Key Obligations

April 2012

Contents

1	Which Regulations are covered by this Information Sheet?.....	1
2	Obligations for Fluid Suppliers under the EU F Gas Regulation.....	1
3	Obligations for Fluid Suppliers under the EU Ozone Regulation.....	4
4	Possible Obligations Related to Other on Site Activities.....	6

This was archived in January 2015
For current guidance search GOV.UK for "F Gas"

This Information Sheet provides a detailed description of the obligations under the EU F gas Regulation for producers, importers, exporters and those taking delivery of F gases and those supplying/using HCFCs as refrigerants under the EU Ozone Regulation.

1 Which Regulations are covered by this Information Sheet?

This Information Sheet addresses two EU Regulations that may affect fluid supply companies. These are:

The F Gas Regulation¹. This is EU Regulation 842/2006 on certain fluorinated greenhouse gases. This Regulation aims to reduce emissions of HFCs, PFCs and SF6. The key obligations in this Regulation applied from July 2007.

The Ozone Regulation¹. This is EU Regulation 1005/2009 on substances that deplete the ozone layer, which came into force on 1st January 2010. This Regulation is aimed at phasing-out the use of ozone-depleting substances (ODS). The main type of ODS still in use are HCFCs; these are mostly being used as refrigerants, especially R22. HCFCs will be phased-out under this Regulation by 2015.

2 Obligations for Fluid Suppliers under the EU F Gas Regulation

The obligations for F gas producers, importers, exporters and suppliers under the EU F gas Regulation fall into the areas outlined in Table 1 and detailed further below.

Table 1 Summary of EU F Gas Regulation Obligations for fluid suppliers

Section	Obligation
2.1	Reporting quantities produced, imported or exported.
2.2	Labelling of F gas containers.
2.3	Recovery of gas from returned containers.
2.4	Use of certified personnel for F gas recovery.
2.5	Companies taking delivery of F gases must have appropriately qualified personnel.
2.6	Filling and supply of non-refillable containers banned, except for containers manufactured before 4 th July 2007.

In addition, fluid producers, importers and exporters and suppliers may also have refrigeration, air-conditioning and fire protection equipment on site that uses F gases. Where this is the case they should refer to the appropriate Information Sheets.

¹ See Information Sheet GEN 4 for a list of relevant regulations and links to download the full text.

2.1 F Gas Fluid Reporting Requirements

Article 6.1: Applicable from 31st March 2008

Companies that produce, import or export more than 1 tonne of F gases must report relevant data about the quantities of F gas to the European Commission with a copy sent to Defra. Reporting is on an annual basis. The first reports, for the calendar year 2007, had to be submitted to the European Commission and copied to Defra by 31st March 2008. Subsequent calendar year reports will also need to be submitted by 31st March each year. The reporting requirements are described in detail in European Commission Regulation 1493/2007.

This information is to be communicated via a standard template available at:

http://www.ec.europa.eu/clima/policies/f-gas/reporting/index_en.htm.

The copy of the completed form to be sent to Defra should be emailed to fgas@defra.gsi.gov.uk.

2.2 Labelling of Containers

Article 7.2: Applicable from April 2008

Any F gas containers placed on the market must be fitted with a label clearly stating the type and quantity of fluid contained. This only applies to containers “placed on the market”, e.g. it does not apply to containers used to transfer bulk supplies without changing hands.

The labelling requirements are defined in European Commission Regulation 1494/2007. The label must show:

- The text ‘Contains fluorinated greenhouse gases covered by the Kyoto Protocol’.
- The abbreviated chemical names for the fluorinated greenhouse gases contained or designed to be contained in the equipment using accepted industry nomenclature standard to the equipment or substance.
- The quantity of the fluorinated greenhouse gases, expressed in kilograms.
- Other requirements are specified in Regulation 1494/2007, Article 3, relating to the form of label.

2.3 Gas Recovery

Article 4.2: Applicable from July 2007 to all F gas containers

When a container reaches the end of its life, the residual fluid contained within it must be properly recovered by certificated personnel. After recovery the F gas can be reused, sent for reclamation or destruction. Fluid suppliers must have adequately trained personnel to conduct this activity.

2.4 Personnel Qualifications

Article 5.1

Personnel, both in-house and sub-contractors, carrying out refrigerant handling and recovery activities must be properly qualified.

2.5 Companies “Taking Delivery”

Article 5.4: Applicable from 4th July 2009

This obligation applies to an organisation taking delivery of F gases to undertake the activities described in Articles 3 and 4 of the EU F gas Regulation, namely leak checking, repair and recovery. Companies involved in carrying out these activities can only take delivery of containers of F gas if it employs relevant personnel that are appropriately qualified and certificated.

Regulation 11(1) of the Fluorinated Greenhouse Gases Regulations 2009 (Statutory Instrument No 261) makes it an offence for any company who carries out an activity referred to in Article 3 or Article 4 of the EU F gas Regulation unless an employee of that company is a qualified person. However, the qualification obligation only applies to those personnel who are actually using the F gases to carry out the activities in Article 3 and 4 of the EU F gas Regulation. This does not prevent unqualified personnel from physically taking delivery of the F gases, providing that they do not carry out the activities in Articles 3 and 4 of the EU F gas Regulation.

2.6 Ban of Non-Refillable Containers

Article 9.1: Applicable from 4th July 2007 to all sizes of F gas containers

The filling of non-refillable containers for transporting or storing F gas fluids is banned. Any non-refillable containers manufactured and filled before 4th July 2007 can still be placed on the market, but it should be borne in mind that Art 4.2 (recovery) applies to these containers and the fluid suppliers may wish to remind their customers that these containers must be disposed of properly at the end of use.

3 Obligations for Fluid Suppliers under the EU Ozone Regulation

The obligations for ODS producers and suppliers under the EU Ozone Regulation fall into the areas outlined in Table 2 and detailed further below.

Table 2 Summary of EU Ozone Regulation Obligations for fluid suppliers

Section	Obligation
3.1	Control on placing on the market and use of HCFCs
3.2	Stop supplying virgin HCFC refrigerant for plant maintenance from 31 December 2009
3.3	Stop supplying reclaimed or sourcing recycled HCFC refrigerant for plant maintenance from 31 December 2014
3.4	Labelling of containers of reclaimed HCFCs placed on the market
3.5	Non-refillable containers shall not be used to transport HCFC refrigerant
3.6	New ODS substances and ODS feedstock reporting requirements

3.1 Control of the placing on the market and use of HCFCs

Article 4, 5, 6, 7, 8, 9 & 11: Applicable from 1st January 2010 to all supply of HCFCs

The production and the placing on the market of all controlled substances is banned – this includes HCFCs used as refrigerants. The exception is that virgin, recovered or recycled HCFCs may be placed on the market for destruction within the Community.

Article 11 allows the production, subject to quota limits, of HCFCs up until 2019. Virgin HCFCs may still be used as process agents, as feedstock, imported in accordance with Article 15 of EU Regulation 1005/2009 or exported for the uses described in Article 17.2.

3.2 Phase Out of Virgin HCFCs

Article 5: Applicable from 31st December 2009

From the end of 2009 virgin HCFCs cannot be used for plant servicing and maintenance. This applies to all virgin HCFCs, even if purchased before the deadline.

Article 6: Applicable from 31st December 2009

From the end of 2009 equipment that relies on HCFCs cannot be placed on the market. There are two exceptions in respect of products and equipment being part of immovable property or part of means of transport. In these circumstances this only applies to the supplying or making available within the Community for the first time.

3.3 Phase-Out of Recycled & Reclaimed HCFCs

Article 11.3: Applicable from 31st December 2014

After 2014 reclaimed HCFCs cannot be placed on the market or used for plant servicing and maintenance. This applies to all reclaimed HCFCs, even if purchased before the deadline.

Article 11.4: Applicable from 31st December 2014

After 2014 recycled HCFCs cannot be used for plant servicing and maintenance. This applies to all recycled HCFCs, even if sourced before the deadline.

3.4 Labelling of Containers

Article 11.3: Applicable from 2010

Containers of reclaimed HCFC that are placed on the market must be labelled with an indication that the substance has been reclaimed and with information on the batch number and name and address of the reclamation facility.

3.5 Non-refillable containers

Article 5.2: Applicable from 2000

The use of non-refillable containers for transporting or storing ODS refrigerants is banned except for laboratory and analytical uses (Article 10 and 11.2).

3.6 Reporting

Article 27.2, 27.3 and 27.4: Applicable from 2010

Producers, importers and exporters are required to report on production, imports and exports of new substances. These are listed in Annex II and are dibromodifluoromethane, 1-bromopropane, bromoethane, trifluoroiodomethane and chloromethane.

Article 27.6: Applicable from 2010

Undertakings using controlled substances as feedstock are required to report quantities used, stocks and the processes and emissions involved.

For both reporting obligations the data needs to be reported directly to the Commission by 31st March each year. More information, answers to FAQs and the reporting forms are available from the Commission website:

<http://ec.europa.eu/environment/ozone/reporting.htm>

4 Possible Obligations Related to Other on Site Activities

Fluid suppliers may operate refrigeration and air-conditioning systems on site, as described in Information Sheet RAC 1 and this will place additional obligations on the company. Some fluid suppliers may also have other F gas technologies, e.g.:

- HFC Fire protection. Some fire protection systems used for high value assets such as large computer systems use gaseous HFCs. See Information Sheet FP 1.
- High voltage switchgear with SF₆. Some high voltage circuit breakers use SF₆. This is quite unlikely, but might apply on large sites such as fluid producers. See Information Sheet SCS 1.

This was archived in January 2015
For current guidance search GOV.UK for "F Gas"

The information in this document is intended as guidance and must not be taken as formal legal advice or as a definitive statement of the law. Ultimately only the courts can decide on legal questions and matters of legal interpretation. If you have continuing concerns you should seek legal advice from your own lawyers.

© Crown copyright 2012

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk

This was archived in January 2015
For current guidance search GOV.UK for "F Gas"