



Implementation and enforcement of the EU and GB F gas Regulations Summary of Activity – Year 4

Introduction

As part of the implementation of the EU and GB F gas Regulations, Defra sponsors a central team to promote good compliance with the F gas Regulations and to maximise the level of emission reduction. “F-Gas Support” has been running since the beginning of 2008. It provides detailed advice to end users and contractors in all the main areas of F gas use (further details provided in section 1 below).

As well as offering guidance to all organisations covered by the F gas Regulations, F-Gas Support also provides support and e-training for regulators. This work centres around a risk based approach to ensure the effective implementation of the EU and GB Regulations on F gases.

Based on the policy proposals in the 2007 F Gas Market Intelligence Report¹ the split of effort between the activities of F-Gas Support and regulatory activities is intended to include a “ramp down” of F-Gas Support activities and a “ramp up” of regulator activities over a 4 to 5 year period.

We have already seen some very useful activity carried out by F-Gas Support in conjunction with the Environment Agency (EA) in the food manufacturing and chemicals and pharmaceuticals sectors. Local authority activities have also been taking place, concentrating on supermarkets. This is consistent with the risk based approach since they represent the largest risk of emissions from leaking equipment. In addition to this, some companies are required to provide information on their F gas emissions installed capacity to the EA as part of their Environmental Permitting obligations.

A new programme of activities, involving regulators and F-Gas Support has been agreed for this financial year and is being taken forward by both relevant councils and the EA assisted by F-Gas Support. It is adapted from the activities carried out in Years 1 (2008/2009) and 2 (2009/2010) and 3 (2010/2011) of the implementation of Fluorinated Greenhouse Gases Regulations 2009 (GB F gas Regulations), taking into account the benefits of work previously done and builds on lessons learned during the last 12 months.

The approach being proposed for Year 4 has important changes compared to Years 1 to 3. This is to maximise the effectiveness and visibility of the interventions with key stakeholders including end users and contractors. The revised approach will help encourage higher levels of compliance with the F gas and Ozone Regulations and also provide a cost effective regulatory approach. Further details are set out in section 1 below.

The programme of regulatory activities proposed involves both local authorities and the EA, building on work already done by those bodies to avoid unnecessary regulatory contact from other regulatory bodies. Activities planned for this financial year mean that regulators will reach a much wider range of companies.

F-Gas Support’s Help Line remains a very popular and effective service and will be of particular importance around July 2011, which is the end of the interim period for stationary refrigeration and air-conditioning personnel qualifications and company certificates. Preparing information for publication by Trade Press and Trade Associations will also be very important around this time. Further details, including important changes to be introduced to the helpline service, are set out in section 5 below.

¹ LACORS / Enviro / Environmental Health Matters, 2007, “UK Implementation of Fluorinated Greenhouse Gases and Ozone-Depleting Substances Regulations, Market Intelligence and Risk-Based Implementation Model”

Section 1 – The Role of F-Gas Support

F-Gas Support have no regulatory role under the GB F gas Regulations, but they do provide a resource to ensure effective implementation of the GB F gas Regulations across England, Scotland and Wales, playing an important role in awareness raising and ensuring organisations understand their obligations under the F gas regulatory framework.

The F-Gas Support website provides detailed sector specific guidance in an easy to use format that has been welcomed by industry and is backed up by a dedicated helpline and e-mail helpdesk, enabling F-Gas Support to provide practical information and advice on F gas issues.

The guidance and support offered by F-Gas Support also encourages businesses to consider some additional voluntary actions in the area of good practice when implementing the Regulations in their company. For example:

- Considering alternatives to F gases for new equipment,
- Paying attention to energy consumption as well as refrigerant emissions,
- Choosing new purchases of F gas containing refrigeration, air conditioning and heat pumps systems with low leakage designs,
- Keeping good records of systems containing F gases,
- Using system records to improve understanding of the causes of leaks.

Guidance has also been developed by F-Gas Support on the alternatives to F gases like CO₂, propane and ammonia. This guidance sets out the range of options available to companies who are moving towards reducing their HFC use and considering the use of alternative methods.

Section 2 - Compliance Assistance Agreements (CAA), Information Requests and Information Notices

In Years 1 and 2 a key element of interventions with major end users and contractors was the CAA process. Whilst there was some success with a number of companies the degree of engagement achieved was below the level expected. At the end of Year 2 and in Year 3 a new approach was trialled in conjunction with the Environment Agency. Letters sent by F-Gas Support on behalf of the EA were sent to a number of industrial end users and also to refrigeration contractors requiring the recipient to respond with a range of specified information within a defined timescale. The level of response to these letters was high and has raised the profile of F gas regulatory intervention considerably, whilst maintaining the “light touch” approach that is considered appropriate for this type of regulation. The approach has provided F-Gas Support with good data on which they can provide critical feedback to each recipient. This has subsequently led to improved compliance with the Regulations.

In Year 4, this approach will be scaled up, particularly with industrial SRAC (stationary refrigeration and air-conditioning) end users and with SRAC contractors. The approach will run in parallel with the local authority regulatory work with supermarkets that is on-going. This will make many end users and contractors much more aware that regulatory work is being carried out thereby improving compliance.

F-Gas Support will also work with regulators to investigate any individual cases of potential non-compliance brought to their attention

Section 3 – Summary of Regulatory Activities

3.1 Information Requests and Information Notices

Over the last two years F-Gas Support has been working closely with regulators, including the EA and local authorities, to ensure that there is good compliance with the EU F gas and Ozone Regulations amongst end users and contractors. To demonstrate the type of activities that have been undertaken by the regulators, and to give useful examples of the good and bad practices regulators have found, F-Gas Support is writing a series of brief summaries of regulatory interventions that are currently being published.

Whilst it is not possible to share company-specific information, the articles give examples of recent regulator activity. The approach taken by regulators is to issue a request for information. The feedback from this information request is then used to judge compliance and to stimulate further regulator activity as necessary. For example, if the response is inadequate the regulator clarifies the key problems and sets a timetable for corrective action. In all cases this approach has led to a good resolution of any areas of non-compliance and demonstrates that companies are complying with the regulatory requirements.

3.2 Supermarket Visits by Local Authorities.

During 2009/2010, the local authority activities concentrated on supermarkets. This is consistent with the risk based approach, as they represent the largest risk of emissions from a small group of influential companies.

Supermarkets remain the most important sector in terms of level of emissions from individual companies. Previous work with supermarkets during Years 1 to 3 has already shown a good and increasing level of compliance by most supermarkets.

During Year 4 there will continue to be regular contact with supermarket companies, involving and liaising with relevant local authorities as necessary. Given the good level of compliance already established for many companies in this sector, a revised approach will also be used to try and encourage companies towards “best in class” levels of compliance, taking into account current activities in this field by the Carbon Trust.

Section 4 - New Sector Priorities

Regulatory activities will continue to focus on businesses that are responsible for the greatest F gas emissions, but in this financial year regulators will reach a much wider range of companies as well as a greater number of companies in total. As with Year 3, engaging with a broader range of businesses would be very difficult to achieve via individual local authority visits and would not be in line with efforts by regulators to streamline regulatory contact as far as possible, so EA information requests/ notices are being targeted at a range of end user companies, especially in the food and drink, and chemicals and pharmaceuticals sectors (as these represent the highest risk of emissions after the supermarket sector). The initial emphasis will be on companies currently permitted by the EA.

4.1 Compliance in Other Sectors

F-Gas Support will also continue to provide information to other end users e.g. air-conditioning users in buildings and SF6 users in the electricity industry to ensure good levels of awareness of all relevant compliance issues.

Section 5 - Telephone Help Line / Email Help Desk

The F-Gas Support Help Line remains a very popular and effective service and will be of particular importance around July 2011, which is the end of the interim period for SRAC personnel qualifications and company certificates. A comparison of activities in the first 3 years show:

- Year 1: 1,504 calls in April 2008 to March 2009
- Year 2: 3,319 calls in April 2009 to March 2010
- Year 3: 2,172 calls in April 2010 to March 2011

The particularly high activity in Year 2 related to significant interest from SRAC contractors and individual personnel. Both groups had concerns about company certification and training. It is expected that the July 4th 2011 deadline for full SRAC qualifications and company certificates will cause a similar increase in demand on the Help Line in Year 4. It is expected that Help Line activities will reduce towards the end of Year 4 following the July peak and as awareness of the regulatory requirements beds in further within industry.

A modified approach to operation of the Help Line will be introduced in Year 4 as follows:

- For the first 4 months of Year 4 the Help Line will continue to run as before, although input will be reduced to 3 days per week by making more use of a voice mail system. This 4 month period covers the important July 4th deadline for full certification in SRAC.
- From September onwards the Help Line service will change to the use of an email Help Desk. The telephone contact details will be removed from the web-site and from all F-Gas Support publications. If anyone telephones the Help Line (based on previous materials that advertise the telephone number), a voice mail message will ask the enquirer to use the Help Desk email address for their query. The message will also signpost the Information Sheets available on the web-site.



Email: fgas-support@enviros.com **Website:** www.defra.gov.uk/fgas

Post: F-Gas Support, P O Box 481, Salford, M50 3UD

This document has been prepared by F-Gas Support; the information provided is intended as guidance and must not be taken as formal legal advice nor 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.

F-Gas Support is a Government funded team set up to help organisations understand their obligations under the EU Fluorinated Greenhouse Gases and Ozone Regulations. F-Gas Support is also working with Regulators to promote compliance. It is being run on behalf of Defra and the devolved administrations by Local Government Group (LG Group formerly the Local Authorities Coordinators of Regulatory Services (LACORS)) and SKM EnviroS.