



Implementation and Enforcement of the EU and GB F gas Regulations

Summary of Activity – 2009/2010

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. They provide 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.

There has already been 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 and installed capacity to the EA as part of their Environmental permitting obligations.

A 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) 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 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.

The programme will continue to target the largest users and emitters of F gases, in particular the biggest 10 supermarket companies. A new initiative will also target Stationary Refrigeration and Air Conditioning (SRAC) contractors who have a significant influence on the many end users of F gases.

The budget for regulator activities has been increased in line with the original plans agreed in 2007. The balance of activities between the EA and local authorities will be changed, with the EA taking on a larger share of the regulatory activities as other sectors besides large supermarkets come under targeted regulatory scrutiny; these additional sectors have regulatory links to the EA so it is taking the lead. As in Years 1 and 2, work with the Scottish Environment Protection Agency (SEPA) and the Environment and Heritage Service (EHS) in Northern Ireland is not generally within the scope of this work. F-Gas Support will work with the regulators to provide an effective implementation regime for the GB F gas Regulations.

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,
- ◆ 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), Monitoring & Checking

The Compliance Assistance Agreement (CAA) process will continue to be used by F-Gas Support during this financial year. The CAA requires the company to provide F-Gas Support with regular data about emissions and the efforts being made to minimise them. Compliance checking will be a crucial on-going role. F-Gas Support will continue to liaise with the relevant staff in each organisation that has signed a CAA. This is usually a head office representative. If the analysis of data returns indicates that any organisations are abusing the CAA process this would trigger regulator involvement. See Section 3 below for more details about visits by regulators.

Five of the largest supermarkets have signed a CAA (Morrisons, Marks & Spencer, Waitrose, Sainsbury's and Co-op). Others are close to signing. CAAs have been and continue to be set up with other major users of refrigeration and air-conditioning equipment such as food manufacturers, chemical manufacturers and large air-conditioning system operators.

The basis of setting up CAAs will be adapted in line with increasing regulator contact with end users and, where appropriate, the CAA process will link with the various regulatory activities for example, following on from regulatory activities to maintain a contact and monitor the activities of a business.

Section 3 – Summary of Regulatory Activities

3.1 Information Requests and Information Notices

In the early part of 2010 some very useful regulator activity was carried out by the EA, aided by F-Gas Support. This approach has been applied to the food manufacturing sector and is now being used for other priority sectors. A letter from the EA has been prepared (with input from Defra and F-Gas Support) that requests detailed information about use of F gases. The feedback from this information request has been used to judge compliance and to stimulate further regulator activity as necessary, for example general feedback about improving compliance and requests for more data where necessary.

F-Gas Support has received feedback from some end user companies that a formal demand for information from the EA results in a much quicker and better response than the type of "informal" request for data implicit in a CAA.

Whilst it is not possible to share company-specific information here, this approach has been successful in extracting timely and useful information that demonstrates companies are complying with the regulatory requirements. The continued use of this method is also well suited to reaching a much larger number of emitters, particularly in relation to:

- ◆ Food and drink manufacturers.
- ◆ Other industrial companies especially in the chemicals sector.
- ◆ Stationary Refrigeration and Air-Conditioning contractors.

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.

Whilst initial engagement was slower than expected, some good progress has now been made. There is good evidence that most supermarkets are becoming increasingly engaged in solving the problem of high F gas emissions. It will be important to continue building on the work done with supermarkets via local authorities.

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. 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:

- ◆ Additional food and drink manufacturers.
- ◆ Other industrial companies.
- ◆ Stationary Refrigeration and Air-Conditioning contractors.



How to Contact F-Gas Support:

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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 the Local Government Regulation (LG Regulation formerly LACORS) and SKM Enviros.