

UK MINISTERS ACTING IN DEVOLVED AREAS

177 - The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc) EU Exit Regulations 2020

Laid in the UK Parliament: 13 October 2020

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	NA
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	NA
Date sifting period ends in UK Parliament	NA
Written statement under SO 30C:	Paper 81
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	NA
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	27/10/20

Background

These Regulations are proposed to be made by the UK Government pursuant to sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

Summary

These Regulations make technical amendments to the following:

- The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (“the 2019 Regulations”), and
- The Fluorinated Greenhouse Gases Regulations 2015

This instrument amends the above-mentioned EU Exit SIs to correct operability deficiencies, so that the UK retained EU legislation on the use of fluorinated greenhouse gases (“F gas”) and ozone depleting substances (“OSD”) does not apply in Northern Ireland and only applies to and in Great Britain. Northern Ireland will remain subject to the EU F gas and OSD under the Protocol on Ireland and Northern Ireland.

The 2019 Regulations, as amended by these Regulations will transfer powers previously held previously held by the EU Commission to England, Scotland and Wales.

These Regulations also introduce provisions to control the movement of F gases and ODS between Great Britain and Northern Ireland. These provisions define that this movement will be deemed as imports/exports for the purposes of F gas and ODS trade. Controlling F gas and ODS trade between Great Britain and Northern Ireland is vital to maintain the integrity of the Great Britain (and EU) F gas and ODS systems, and to ensure that the UK continues to comply with its international obligations under the Montreal Protocol.

These amendments are made to ensure that the statute book remains functional at the end of the Implementation Period and there is no divergence in policy.

Statement by Welsh Government

Legal Advisers agree with the statement laid by the Welsh Government dated 15 October 2020 regarding the effect of these Regulations.

Intergovernmental Agreement on the European Union (Withdrawal) Bill

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.