

F Gas Compliance and enforcement

This bulletin provides information from the Environment Agency, the body responsible for compliance with the F Gas Regulations in the UK, about recent enforcement activities and levels of compliance. Whilst much of the industry and equipment operators, have already invested significantly in meeting the existing and new F Gas Regulations, it's important that everyone complies.



Who is responsible for compliance?

Many of the requirements of the updated F Gas Regulation came into effect from 1st January 2015 (Regulation (EU) No 517/2014 repealing Regulation (EC) No 842/2006) and updated legislation is in place (Statutory Instrument 2015 No 310) which confirmed the Environment Agency powers to enforce the requirements and fines for non-compliance.

I - The role of the Environment Agency

The approach taken by the Environment Agency is primarily to help ensure that all those affected are made aware of their legal obligations. After the initial F Gas Regulation was introduced an F-Gas Support service was set up, and this continues to be operated by the Environment Agency Chemical Compliance Team. The F-Gas support service provides:

- detailed guidance notes for each sector affected (e.g. refrigerant users, manufacturers, contractors etc)
- regular updates and talks at industry events to disseminate information
- a central contact point for queries and questions or for reporting non-compliant activity
- specific enforcement activities such as following up with companies who do not hold F Gas Certification but appear to be operating in the sector.



2 - Company and individual Certification levels

Since these requirements came in over 36,000 individuals and 6200 companies have had to become certified. Statistics on take up of individual and company (including sole trader or trainer) certification are collected and monitored by the Environment Agency. The vast majority of individuals have taken a Category 1 qualification (over 33,000) with smaller numbers taking the leak check, recovery or small equipment versions only.



The Company Certification bodies (Refcom, Quidos and BV), carry out regular audits of over 6,000 registered companies and require periodic renewal of registration to ensure companies remain compliant.

The new F Gas requirement which from 1st January 2015 restricted the supply of refrigerant in cylinders by wholesalers and other suppliers to only Certified Companies or Individuals has led to a recent surge in Certifications of companies. In the past 6 months alone there has been an increase of 17% in Certificates issued, showing very high levels of compliance.

Although non-certified personal/companies can still collect, transport or deliver F gases, the wholesaler must obtain evidence that the gas will only be used by certified engineers. These certificates or 'Letters of Assurance' should be stored as evidence of compliance by the supplier. Retailers of pre-charged, non-hermetically sealed equipment are also required to ensure installation will be performed by a certified company or person when being supplied to the end user.

3 - What enforcement actions are taken out?

Initial enforcement activity targeted working with the highest emitters to ensure maximum impact. The Statutory Instrument also gives the Environment Agency the authority to issue information notices. These are used to gather evidence and identify potential breaches to the regulations. For those that fail to respond to the Environment Agency's requests they can then be issued a legal Enforcement Notice. Those that still fail to comply may then face a fine up to the statutory maximum or from 2015 an unlimited fine set proportionally by the crown court, A brief summary of the Environment Agencies enforcement activities since April 2014 are:

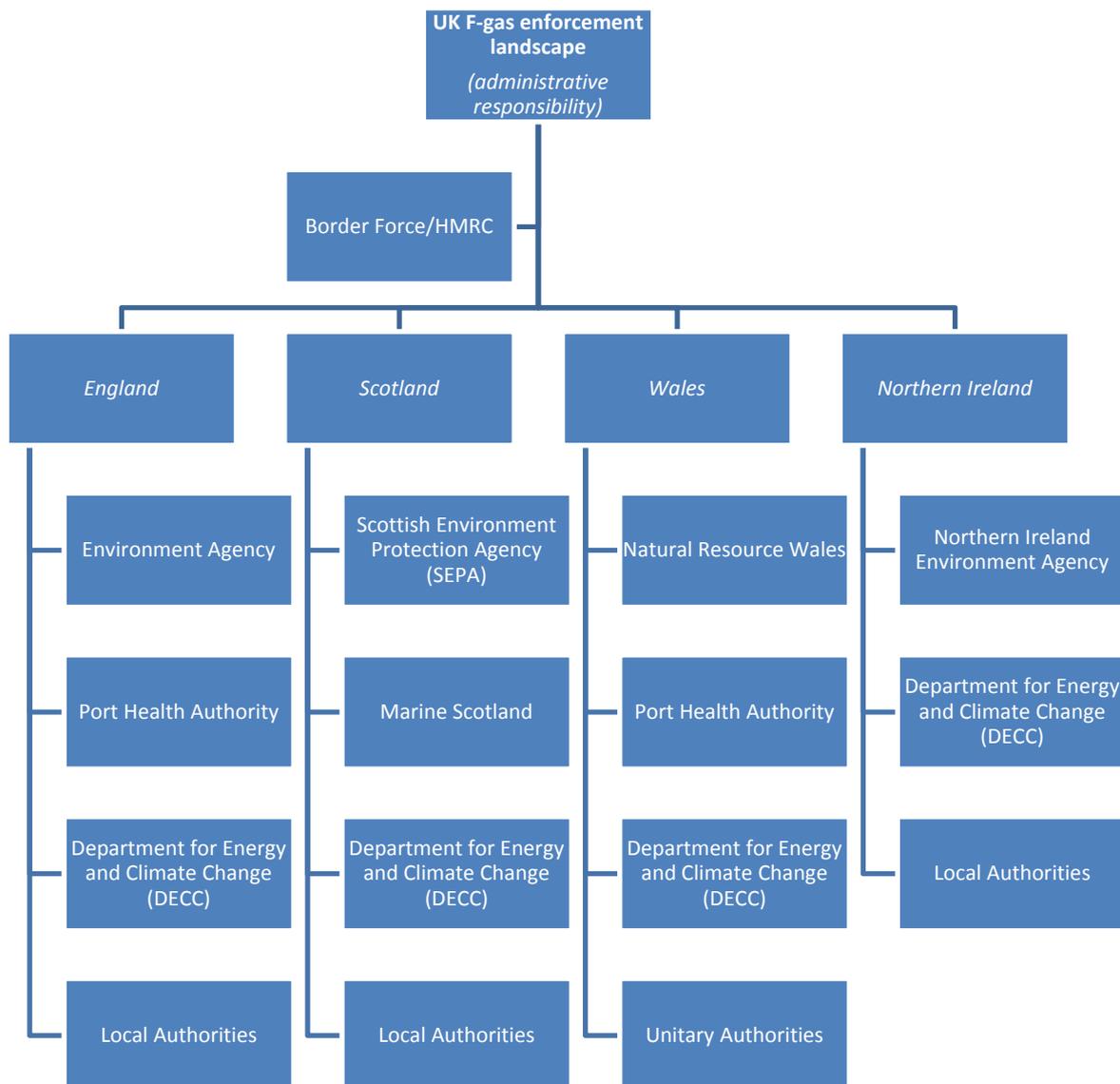
- 23 Information Notices issued in order to legally oblige companies to provide information
- 66 investigations carried-out
- 2 companies warned for promoting DIY/non-qualified installation of F-Gas equipment
- 2 Enforcement Notices issued to legally oblige companies to carry-out an action
- 2 Advisory letters issued

- one warning letter issued
- one interview under caution as part of case-file investigation

The Agency has confirmed that the results of these activities have directly led to additional companies' certificates being registered; individuals attending training course, and virgin HFC gas being removed from sale

4 - How high profile is F Gas enforcement?

These are in addition to the 1546 help desk queries answered, numerous presentations to trade association groups and industry events given and liaison activities with local Environment Agency offices and other related Government Departments and Agencies as shown below:



5-What can the industry do about non-compliance?

The F Gas help desk is available to answer your queries and for anyone to report non-compliance of companies, individuals or equipment operators. As detailed, the Environment Agency have the powers to investigate and to force businesses to provide the necessary evidence or take required actions if they are made aware of any instances of non-compliance.

**You can contact or provide evidence to the
Environment Agency directly via
f-gassupport@environment-agency.gov.uk
or anonymously on 03708 506 506.**

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