



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Fluorinated Greenhouse Gases (Amendment) (EU Exit) Regulations 2021**

**DATE**            **25 March 2021**

**BY**                **Rebecca Evans MS, Minister for Finance and Trefnydd**

**SI laid in Parliament, which amends secondary legislation in a devolved area**

**The Fluorinated Greenhouse Gases (Amendment) (EU Exit) Regulations 2021**

The 2021 Regulations corrects deficiencies in the following two European Union Implementing Regulations relating to restrictions on the use of fluorinated greenhouse gases (“F-Gases”):

- Regulation (EU) 2019/661 on ensuring the smooth functioning of the electronic registry for quotas for placing hydrofluorocarbons (HFCs) on the market; and
- Regulation (EU) 1191/2014 on determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) 517/2014 (“the F-Gas Regulation”).

**Any impact the SI may have on the Senedd’s legislative competence and/or the Welsh Ministers’ executive competence**

The 2021 Regulations contain administrative functions that will transfer to the appropriate regulator.

Welsh Ministers have the power to establish and operate their own F-Gases and Ozone Depleting Substances (ODS) systems if they choose to. In practice, however, the Welsh, UK, and Scottish Governments are operating GB-wide F-Gases and ODS systems, administrated by the Environment Agency.

**The purpose of the amendments**

The 2021 corrects deficiencies in Regulation (EU) 2019/661 and Regulation (EU) No 1191/2014 by omitting references and substituting for appropriate alternatives where necessary, and by returning non-legislative powers and functions exercised by the

European Commission to regulatory bodies in each part of Great Britain (appropriate regulators).

These corrections are necessary to ensure that the legislation continues to operate effectively following the United Kingdom's exit from the EU and now that the Transition Period has ended.

The 2021 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-fluorinatedgreenhouse-gases-amendment-eu-exit-regulations-2021>

### **Why consent was given**

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully and there is no divergence in policy. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.