

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4612 of 12 September, 2019

LEGAL NOTICE NO. 180 OF 2019

EUROPEAN UNION (WITHDRAWAL) ACT 2019

OZONE DEPLETING SUBSTANCES AND FLUORINATED GREENHOUSE GASES (EU) EXIT REGULATIONS 2019

In exercise of the powers conferred upon him by section 11(1), 15(1) and Schedule 3 of the European Union (Withdrawal) Act 2019 and all other enabling powers, the Minister with responsibility for the environment has made the following Regulations-

Part 1 Introduction

Title and commencement.

1. These Regulations may be cited as the Ozone Depleting Substances and Fluorinated Greenhouse Gases (EU) Exit Regulations 2019 and come into force on exit day.

Part 2 Ozone-depleting substances

Environmental Protection (Controls on Ozone-Depleting Substances) Act 2014.

2. Section 3 of the Environmental Protection (Controls on Ozone-Depleting Substances) Act 2014 is omitted.

Amendment to Regulation (EC) No 1005/2009.

3. Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer is amended in accordance with regulations 4 to 29.

Article 3 (definitions).

4. Article 3 is amended as follows-

- (a) in paragraph 13 substitute “the Community” with “Gibraltar”;
- (b) in paragraph 14 omit “ and the Community”;
- (c) in paragraph 17 substitute “within a Member State” with “Gibraltar”;

- (d) in paragraph 18 from “the customs territory of the Community” to the end substitute with “Gibraltar”;
- (e) in paragraph 19 from the words “the customs territory of the Community” to the end substitute with “Gibraltar”;
- (f) in paragraph 20-
 - (i) for “the Community” in the first and third place it occurs substitute with “Gibraltar”; and
 - (ii) omit the words from “, includes the release” to “Regulation (EC) No 450/2008”; and
- (g) after paragraph 25 insert-

“25A “third country” means a country other than Gibraltar”.

Article 7 (production, placing on the market and use of controlled substances as feedstock).

5.(1) Article 7 is amended as follows-

- (2) In paragraph 2, in the second subparagraph-
 - (a) in the first sentence, for “Commission may” substitute with “the Minister with responsibility for the environment may, by regulations,”; and
 - (b) omit the second sentence.

Article 8 (production, placing on the market and use of controlled substances as process agents).

6.(1) Article 8 is amended as follows-

- (2) In paragraph 3, in the second subparagraph-
 - (a) in the first sentence, for “Commission may” substitute with “the Minister with responsibility for the environment may, by regulations,”; and
 - (b) omit the second sentence.
- (3) In paragraph 4, in the first subparagraph-
 - (a) for “Commission” substitute with “the Minister with responsibility for the environment”; and

- (b) omit “in accordance with the management procedure referred to in Article 25(2),”.
- (4) In paragraph 4, in the second subparagraph-
 - (a) omit “maximum”;
 - (b) for “the Community shall not exceed 1 083 metric tonnes per year” substitute with “Gibraltar shall not, when added to the amounts that may be used as process agents, exceed a maximum amount of 2 metric tonnes per year”;
 - (c) in the third subparagraph-
 - (i) omit “maximum”; and
 - (ii) for “the Community shall not exceed 17 metric tonnes per year” substitute with “Gibraltar shall not, when added to the amounts that may be used as process agents, exceed a maximum amount of 0 metric tonnes per year”.
- (5) In paragraph 5, in the first subparagraph-
 - (a) in the words before point (a), for “Commission shall” substitute with “the Minister with responsibility for the environment shall, by regulations”; and
 - (b) omit the second paragraph.

Article 9 (placing on the market of controlled substances for destruction or reclamation and of products and equipment containing or relying on controlled substances for destruction).

7. In Article 9, for “the Community”, in each place it occurs, substitute with “Gibraltar”.

Article 10 (essential laboratory and analytical uses of controlled substances other than hydrochlorofluorocarbons).

8.(1) Article 10 is amended as follows-

- (2) In paragraph 2-
 - (a) for “Commission” substitute with “the Minister with responsibility for the environment”;
 - (b) omit “in accordance with the management procedure referred to in Article 25(2),”; and
 - (c) for “the Community” substitute with “Gibraltar”.

- (3) In paragraph 3-
 - (a) in the second subparagraph-
 - (i) in the first sentence, for “Commission may” substitute with “the Minister with responsibility for the environment may, by regulations,”; and
 - (ii) omit the second sentence;
 - (b) in the third subparagraph-
 - (i) in the second sentence, for “Commission may” substitute with “the Minister with responsibility for the environment may, by regulations,”; and
 - (ii) omit the third sentence.
- (4) In paragraph 4, for “Commission” substitute with “the Environmental Agency”.
- (5) In paragraph 5, for “Commission”, in each place it occurs, substitute with “the Environmental Agency”.
- (6) In paragraph 6-
 - (a) in the first subparagraph, for “Commission” substitute with “the Environmental Agency”;
 - (b) in the second subparagraph, for “110 ODP tonnes” substitute with “0 ODP tonnes”;
 - (c) in the third subparagraph
 - (i) in the first sentence, for “Commission” substitute with “the Minister with responsibility for the environment”;
 - (ii) after “importers” insert “and publish the determination”; and
 - (iii) omit the second sentence.
- (7) In paragraph 7-
 - (a) in the first subparagraph for the words from “competent authority” to “situated” substitute with “the Minister with responsibility for the environment”; and
 - (b) omit the second subparagraph.

(8) In paragraph 8-

- (a) in the first subparagraph, for the words from “competent authority” to “situated” substitute with “the Minister with responsibility for the environment”; and
- (b) omit the second subparagraph.

Article 11 (production, placing on the market and use of hydrochlorofluorocarbons and placing on the market of products and equipment containing or relying on hydrochlorofluorocarbons).

9.(1) Article 11 is amended as follows-

- (2) In paragraph 5, for “Commission” substitute with “the Environmental Agency”.
- (3) In paragraph 8, in the first subparagraph-
 - (a) for “Commission” substitute with “the Minister with responsibility for the environment”; and
 - (b) omit the words from “, following a request” to “Article 25(2),”.

Article 12 (quarantine and pre-shipment applications and emergency uses of methyl bromide)

10.(1) Article 12 is amended as follows-

- (2) omit paragraphs 1 and 2;
- (3) in paragraph (3)-
 - (a) from the words “Commission” to “Member State,” substitute with “the Minister with responsibility for the environment may”; and
 - (b) for “Directive 91/414/EEC and Directive 98/8/EC” substitute with “Regulation (EC) 1107/2009 and Regulation (EU) 528/2012”.

Article 13 (critical uses of halons and decommissioning or equipment containing halons).

11.(1) Article 13 is amended as follows-

- (2) In paragraph 1, for “competent authority of the Member State concerned” substitute with “the Environmental Agency”.
- (3) In paragraph 2-

- (a) in the first subparagraph, for the words from “Commission” to “modifications and” substitute with “the Minister with responsibility for the environment shall review Annex 6 and, if appropriate, make regulations to amend Annex 6 and set”; and
 - (b) omit the second subparagraph.
- (4) In paragraph 4, for the words from “Commission may” to “Article 25(2),” substitute with “the Minister with responsibility for the environment may, by regulations”.

Article 14 (transfer of rights and industrial rationalisation).

12. Article 14 is omitted.

Article 15 (imports of controlled substances or of products and equipment containing or relying on controlled substances).

13.(1) Article 15 is amended as follows-

- (2) In paragraph 2(g), for “competent authority of the Member State concerned” substitute with “the Environmental Agency”.
- (3) In paragraph 3-
 - (a) for “customs territory of the Community”, in each place it occurs, substitute with “Gibraltar”;
 - (b) omit “as referred to in Regulation (EC) No 450/2008,”;
 - (c) for “the Community” substitute with “Gibraltar”;
 - (d) for “Commission” substitute with “Department of the Environment”.

Article 16 (release for free circulation in the Community of imported controlled substances).

14.(1) Article 16 is amended as follows-

- (2) In the heading, for “the Community” substitute with “Gibraltar”.
- (3) In paragraph 1, in the first subparagraph-
 - (a) for “the Community” substitute with “Gibraltar”;
 - (b) for “Commission” substitute with “the Environmental Agency”;

- (c) for “1 January 2010 to 31 December 2010” substitute with “30 March 2019 to 31 December 2019”; and
 - (d) omit the words from “in accordance” to the end of the sentence.
- (4) In paragraph 2, for “Commission”, in each place it occurs, substitute with “the Environmental Agency”.

Article 17 (export of controlled substances or of products and equipment containing or relying on controlled substances)

15.(1) Article 17 is amended as follows-

- (2) In paragraph 2(e), for “competent authority of a Member State” substitute with “the Environmental Agency”.
- (3) In paragraph 3-
 - (a) for the words from “Commission may” to “Article 25(2)” substitute with “Minister with responsibility for the environment may,”; and
 - (b) for “Commission” substitute with “Minister with responsibility for the environment”.
- (4) In paragraph 4-
 - (a) for “re-exports” substitute with “non-domestic goods”;
 - (b) for “the customs territory of the Community” substitute with “Gibraltar”;
 - (c) omit “as referred to in Regulation (EC) No 450/2008,”;
 - (d) for “re-export” substitute with “export”;
 - (e) for “Commission” substitute with “Department of the Environment”.

Article 18 (licensing of imports and exports).

16.(1) Article 18 is amended as follows-

- (2) In paragraph 1, for “Commission” substitute with “the Department of the Environment”.
- (3) In paragraph 3(i), for “competent authority of a Member State” substitute with “Department of the Environment”.
- (4) In paragraphs 4 to 6, for “Commission”, in each place it occurs, substitute with “Department of the Environment”.

- (5) Omit paragraph 7.
- (6) In paragraph 8-
 - (a) for “Commission” substitute with “Department of the Environment”;
 - (b) omit “and the Member State concerned”.
- (7) In paragraph 9-
 - (a) in the first sentence, for “Commission may” substitute with “Minister with responsibility for the environment may, by regulations,”; and
 - (b) omit the second sentence.

Article 19 (measures for monitoring of illegal trade).

17.(1) In Article 19-

- (a) in the first paragraph-
 - (i) for “Commission may adopt” substitute with “the Minister with responsibility for the Environment may, by regulations, provide”; and
 - (ii) for “the customs territory of the Community” substitute with “Gibraltar”;
- (b) omit the second paragraph.

Article 20 (trade with a State not party to the Protocol and a territory not covered by the Protocol).

18.(1) Article 20 is amended as follows-

- (2) In paragraph 2, in the first sentence-
 - (a) for “Commission may adopt rules applicable” substitute with “the Minister with responsibility for the environment may make regulations in relation”;
 - (b) for “the Community” substitute with “Gibraltar”; and
 - (c) omit the third sentence.
- (3) In paragraph 3-
 - (a) in the first sentence, for “Commission” substitute with “the Minister with responsibility for the environment”; and

(b) omit the second sentence.

(4) In paragraph 4-

(a) in the second subparagraph, for “Commission” substitute with “the Minister with responsibility for the environment”; and

(b) omit the third subparagraph.

Article 21 (list of products and equipment containing or relying on controlled substances).

19. Omit Article 21.

Article 22 (recovery and destruction of used controlled substances).

20.(1) Article 22 is amended as follows-

(2) In paragraph 2, omit “Community and national”.

(3) In paragraph 3-

(a) in the first subparagraph, for “Commission may” substitute with “the Minister with responsibility for the environment may, by regulations,”; and

(b) omit the second subparagraph.

(4) In paragraph 4-

(a) in the second subparagraph-

(i) in the first sentence, for “Commission shall” substitute with “the Minister with responsibility for the environment shall, by regulations,”;

(ii) in the second sentence, for “Any draft measure to establish such an Annex shall” substitute with “Such regulations shall”; and

(iii) in the second sentence, omit the words from “taking into account the individual circumstances of Member States”;

(b) omit the third subparagraph.

(5) In paragraph 5-

- (a) in the first paragraph, for “Member States” substitute with “The Minister with responsibility for the environment ”;
- (b) in the second subparagraph-
 - (i) for “Commission shall evaluate the measures taken by the Member States” substitute with “the Minister with responsibility for the environment shall evaluate such measures”;
 - (ii) for “adopt measures” substitute with “make regulations”; and
- (c) omit the third subparagraph.

Article 23 (leakages and emissions of controlled substances).

21.(1) Article 23 is amended as follows-

- (2) In paragraph 3, for “competent authority of a Member State and to the Commission” substitute with “the Environmental Agency”.
- (3) In paragraph 4, in the first subparagraph-
 - (a) in the first sentence, for “Member States” substitute with “The Minister with responsibility for the environment”;
 - (b) in the second sentence-
 - (i) omit “taken by the Member States”;
 - (ii) for “Commission may adopt measures” substitute with “the Minister with responsibility for the environment may make regulations”; and
 - (iii) omit the second subparagraph.
- (4) In paragraph 7-
 - (a) in the first subparagraph, for “Commission may” substitute with “the Minister with responsibility for the environment may, by regulations,”; and
 - (b) omit the second subparagraph.

Article 24 (new substances).

22.(1) Article 24 is amended as follows-

- (2) In paragraph 1-

- (a) for “the customs territory of the Community” substitute with “Gibraltar to exports subsequent to imports already exempted”;
 - (b) omit the words “as referred to in Regulation (EC) No 450/2008”; and
 - (c) omit from the words “as referred to in that Regulation,”.
- (3) In paragraph 2-
- (a) in the first subparagraph, for “Commission shall” substitute with “the Minister with responsibility for the environment shall, by regulations”; and
 - (b) omit the second subparagraph.
- (4) In paragraph 3-
- (a) in the first sentence, for “Commission shall” substitute with “the Minister with responsibility for the environment shall, by regulations”; and
 - (b) omit the second sentence.

Amendment of heading for Chapter 7.

23. For the heading substitute with “Regulations, Reporting and Inspection”.

Article 25 (committee).

24. Substitute Article 25 with-

**“Article 25
Regulations**

1. Regulations made under this Regulation may-
- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
 - (b) make different provision for different purposes.
2. Before making any regulations under this Regulation, the Minister with responsibility for the environment shall consult-
- (a) such bodies or persons as appear to the Minister with responsibility for the environment to be representative of the interests likely to be substantially affected by the regulations;
 - (b) such other bodies or persons as the Minister with responsibility for the environment may consider appropriate.”.

Article 26 (reporting by the Member States).

25.(1) Article 26 is amended as follows-

- (2) In the heading omit “by the Member States”.
- (3) In paragraph 1-
 - (a) for “Member States shall report” substitute with “the Minister with responsibility for the environment shall report on”; and
 - (b) omit “in an electronic format to the Commission”.
- (4) For paragraph 2 substitute with-

“2. The Minister with responsibility for the environment shall publish a report under paragraph 1 in a manner which he considers appropriate.”.
- (5) In paragraph 3-
 - (a) in the first subparagraph, for “The Commission may” substitute with “Minister with responsibility for the environment may, by regulations,”; and
 - (b) omit the second subparagraph.

Article 27 (reporting by undertakings).

26.(1) Article 27 is amended as follows-

- (2) In paragraph 1, for the words from “Commission” to “concerned,” substitute with “the Environmental Agency”.
- (3) In paragraphs 2(b), (c) and (h), for “the Community” substitute with “Gibraltar”.
- (4) In paragraphs 3(a) and (e), for “the Community” substitute with “Gibraltar”.
- (5) In paragraph 4(c), for “the Community” substitute with “Gibraltar”.
- (6) In paragraph 7-
 - (a) for the words from “Commission” to “concerned,” substitute with “the Environmental Agency”;
 - (b) for “the Community” substitute with “Gibraltar”.
- (7) In paragraph 8, for “Commission” substitute with “the Environmental Agency”.

(8) For paragraph 9 substitute with-

“9. The Minister with responsibility for the environment may determine the format of the reports referred to in paragraphs 1 to 7 and publish the determination.”.

(9) In paragraph 10-

- (a) in the first subparagraph, for “Commission may” substitute with “the Minister with responsibility for the environment may, by regulations,”; and
- (b) omit the second subparagraph.

Article 28 (Inspection).

27.(1) Article 28 is amended as follows-

(2) In paragraph 1-

- (a) in the first sentence-
 - (i) omit “Member States shall conduct” and begin the sentence with “Inspections”; and
 - (ii) between the words “Regulation,” and “following” insert “shall be undertaken in accordance with the Environmental Protection (Controls on Ozone-Depleting Substances) Act 2014 ”;
- (b) omit the second sentence.

(3) Omit paragraphs 2 and 3.

(4) In paragraph 4-

- (a) omit the first subparagraph; and
- (b) in the second subparagraph, for “Commission” substitute with “the Environmental Agency”.

(5) Omit paragraph 5.

Article 29 (penalties).

28. Omit Article 29.

Article 31 (entry into force).

29. Omit the third paragraph.

Commission Decision 2010/372/EU.

30. Commission Decision 2010/372/EU on the use of controlled substances as process agents under Article 8(4) of Regulation (EC) No 1005/2009 of the European Parliament and of the Council is revoked.

Commission Regulation (EU) No 291/2011.

31.(1) Notwithstanding the amendment of Article 10(2) of Regulation 1005/2009, Commission Regulation (EU) No 291/2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer continues to apply.

(2) In Commission Regulation 291/2011, after Article 2 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Commission Regulation (EU) No 537/2011.

32. In Commission Regulation (EU) No 537/2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer-

- (a) after Article 2 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”; and
- (b) in the second subparagraph of paragraph 1 of the Annex, for “110” substitute with “13.6”.

The EEA agreement.

33. Annex 20 to the EEA agreement, omit point 21aa.

Part 3
Fluorinated greenhouse gases

Amendment to Schedule 4 of the Environmental Protection (Controls on Ozone-Depleting Substances) Act 2014 for the purposes of amending Regulation EU) No 517/2014.

34. Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases is amended in accordance with regulations 35 to 57.

Article 2 (definitions).

35.(1) Article 2 is amended as follows-

- (2) In point (8), for “a Member State” substitute with “the Environmental Agency”.
- (3) In point (10), for “the Union”, in each place it occurs, substitute with “Gibraltar”.
- (4) In (35), for “Member States” substitute with “Gibraltar”.

Article 4 (leak checks).

36. In Article 4(5)-

- (a) in the first sentence, for “Commission may, by means of implementing acts” substitute with “the Minister with responsibility for the environment may, by regulations”; and
- (b) omit the second sentence.

Article 6 (record keeping).

37.(1) Article 6 is amended as follows-

- (2) In paragraph (2)-
 - (a) in the first subparagraph, for “competent authorities of the Member States” substitute with “the Environmental Agency”; and
 - (b) in the second subparagraph-
 - (i) for the words from “competent” to “Commission” substitute with “the Environmental Agency”;
 - (ii) for “Directive 2003/4/EC of the European Parliament and of the Council or Regulation (EC) 1367/2006 of the European Parliament and of the Council” substitute with “the Freedom of Access to Information on the Environment Regulations 2005”.

- (3) In paragraph 3, in the third subparagraph-
- (a) for the words from “competent” to “Commission” substitute with “the Environmental Agency”; and
 - (b) for “Directive 2003/4/EC or Regulation (EC) 1367/2006” substitute with “the Freedom of Access to Information on the Environment Regulations 2005”.
- (4) In paragraph 4-
- (a) in the first sentence, for “Commission may, by means of an implementing act” substitute with “the Minister with responsibility for the environment may, by regulations”; and
 - (b) omit the second sentence.

Article 8 (recovery).

38. In Article 8, in paragraph 3-

- (a) in the second subparagraph, omit the words from “outside ” to “Council”; and
- (b) substitute the third subparagraph with “For the recovery of fluorinated greenhouse gases from air-conditioning of motor vehicles only natural persons holding the least training attestation shall be considered appropriately qualified.

Article 9 (producer responsibility schemes).

39. In Article 9-

- (a) in the first paragraph-
 - (i) omit “Union”; and
 - (ii) for “Member States” substitute “the Minister with responsibility for the environment”.
- (b) omit the second paragraph.

Article 10 (training and certification).

40.(1) Article 10 is amended as follows-

- (2) in paragraph (1)-

- (a) for “Member States”, in each place it occurs, substitute with “The Minister with responsibility for the Environment”; and
 - (b) for “establish or adapt” substitute “enable the establishment or adaptation of”.
- (3) Substitute paragraph 2 with-
- “2. The Minister with responsibility for the environment shall ensure that the training programmes for natural persons recovering fluorinated greenhouse gases from air-conditioning equipment in motor vehicles are available on the basis of the minimum requirements referred to in paragraph 5.”.
- (4) In paragraph 6, for the words “Member States shall establish or adapt” substitute with “The Minister with responsibility for the environment shall enable the establishment or adaptation of”.
- (5) In paragraphs 8 and 9, for “Member States” substitute with “The Minister with responsibility for the environment”.
- (6) For paragraph 10 substitute with-
- “10. Certificates and training attestations issued in a Member State, the United Kingdom or in Gibraltar in accordance with Article 10 of Regulation (EU) No 517/2014 shall be valid in Gibraltar.”.
- (7) In paragraph 12-
- (a) in the first sentence, for the words from “to provide” to “implementing acts,” substitute with “the Minister with responsibility for the environment shall, by regulations,”;
 - (b) omit the second sentence;
 - (c) in the third sentence, for “on it by this paragraph, the Commission” substitute with “by this paragraph, the Minister with responsibility for the environment shall”.
- (8) Omit paragraphs 13 and 14.
- (9) In paragraph 15, for “Member States from setting up” substitute with “the Minister with responsibility for the environment from enabling”.

Article 11 (restrictions on the placing on the market).

41.(1) Article 11 is amended as follows-

- (2) In paragraph 3-
 - (a) in the first subparagraph, omit the words from “Following” to “Member State and” and begin the sentence with “Taking”;
 - (b) for “the Commission may, exceptionally, by means of implementing acts,” substitute with “the Minister with responsibility for the environment may, exceptionally, by regulations”; and
 - (c) omit the second subparagraph.
- (3) Omit paragraph 6.

Article 12 (labelling and product and equipment information).

42.(1) Article 12 is amended as follows-

- (2) In paragraph 4, omit the second subparagraph.
- (3) In paragraph 14-
 - (a) in the first sentence-
 - (i) for “Commission may, by means of implementing acts” substitute with “the Minister with responsibility for the environment may, by regulations”; and
 - (ii) omit the words from “and may repeal” to “Regulation (EC) No 842/2006”;
 - (b) omit the second sentence.
- (4) In paragraph 15, for the words from “Commission shall” to “amending” substitute with “the Minister with responsibility for the environment may, by regulations, amend”.
- (5) After paragraph 15 insert-

“16. Labels, markings on packages and accompanying documents shall appear in English and may also appear in other languages.”.

Article 14 (pre-charging of equipment with hydrofluorocarbons).

43.(1) Article 14 is amended as follows-

- (2) In paragraph 2, in the second subparagraph-
 - (a) in point (a), for the words from “Directive” to “Council” substitute with-

“Commission Regulation (EU) No 600/2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council”;
 - (b) in point (b) omit from the words “in accordance” to the end of the sentence.
- (3) In paragraph 4-
 - (a) in the first sentence, for “Commission shall, by means of implementing acts” substitute with “the Minister with responsibility for the Environment shall, by regulations”;
 - (b) omit the second sentence.

Article 15 (reduction of the quantity of hydrofluorocarbons placed on the market).

44.(1) Article 15 is amended as follows-

- (2) In paragraph 1-
 - (a) for “Commission” substitute with “the Environmental Agency”; and
 - (b) for “the Union” substitute with “Gibraltar”.
- (3) In paragraph 2, in the second subparagraph, in points (a) and (c), for “the Union”, in each place it occurs, substitute with “Gibraltar”.
- (4) In paragraph 4-
 - (a) in the first subparagraph, in the words before point (a)-
 - (i) omit the words from “Following” to “Member State and” and begin the sentence with “Taking”; and
 - (ii) for “the Commission may, exceptionally, by means of implementing acts” substitute “the Minister with responsibility for the environment may, exceptionally, by regulations”;

- (b) omit the second subparagraph.

Article 16 (allocation of quotas for placing hydrofluorocarbons on the market).

45.(1) Article 16 is amended as follows-

(2) in paragraph (1)-

(a) in the first subparagraph, in the first sentence-

- (i) for the words from “By 31 October” to “implementing acts,” substitute with “The Environmental Agency shall”;
- (ii) omit “under Article 6 of Regulation (EC) No 842/2006”;
- (iii) after “reported data” insert “to the Environmental Agency on the quantities of hydrofluorocarbons placed on the market from 2015 to 2017,”;
- (iv) for “2009 to 2012” substitute with “2015 to 2017”;

(b) the second subparagraph is omitted.

(3) In paragraph 2-

(a) in the first subparagraph-

- (i) for “placing on the market hydrofluorocarbons under Article 6 of Regulation (EC) No 842/2006” substitute with “to the Environmental Agency the placing on the market of quantities of hydrofluorocarbons”;
- (ii) omit “reference”;
- (iii) omit “in the following year”;

(b) in the second and third subparagraphs, for “Commission”, in each place it occurs, substitute with “the Environmental Agency”.

(4) In paragraph 3-

(a) in the first subparagraph, in the first sentence-

- (i) for “31 October 2017” substitute with “31st October 2020”;
- (ii) for “Commission” substitute with “the Environmental Agency”;

- (iii) for “1 January 2015” substitute with “1 January 2019”;
 - (b) for the second sentence substitute with “The Environmental Agency shall determine those reference values.”;
 - (c) omit the second subparagraph.
- (5) In paragraph 5-
- (a) in the first subparagraph-
 - (i) for “Commission” substitute with “the Environmental Agency”; and
 - (ii) for “2015” substitute with “2019”;
 - (b) in the second subparagraph, for “the Union”, in each place it occurs, substitute with “Gibraltar”.

Article 17 (registry).

46.(1) Article 17 is amended as follows-

- (2) In paragraph 1-
- (a) in the first subparagraph-
 - (i) for “1 January 2015” substitute with “29 March 2019”;
 - (ii) for “Commission” substitute with “the Minister with responsibility for the environment”;
 - (b) in the third subparagraph-
 - (i) for the first reference to “Commission” substitute with “the Environmental Agency”;
 - (ii) for the second reference to “Commission” substitute with “the Minister with responsibility for the environment”.
- (3) In paragraph 2, in the first sentence-
- (a) for “Commission” substitute with “the Minister with responsibility for the environment”;
 - (b) for “means of implementing acts” substitute with “regulations”; and
 - (c) omit the second sentence.

- (4) In paragraph 3-
 - (a) for “Commission” substitute with “the Environmental Agency”; and
 - (b) omit “via the registry”.
- (5) Omit paragraph 4.

Article 18 (transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment).

47.(1) Article 18 is amended as follows-

- (2) In paragraph 1, for “the Union”, in each place it occurs, substitute with “Gibraltar;
- (3) In paragraph 2-
 - (a) after subparagraph 1, insert-

“Any producer or importer of pre-charged equipment holding an authorisation in accordance with Article 18(2) of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No. 842/2006 (issued prior to 29 March 2019 for placing pre-charged equipment on the market and who has not yet used that authorisation to place pre-charged equipment on the market, including Gibraltar, may upon application to the Environmental Agency, exchange that authorisation for an authorisation to place pre-charged equipment on the market in Gibraltar. An authorised quantity exchanged under this provision for use in Gibraltar shall not be used again to place pre-charged equipment on the EU market. The use of such authorisations shall be fully documented in accordance with Article 14.”;
 - (b) In subparagraph 3, for “Commission” substitute with “the Environmental Agency”.

Article 19 (reporting on production, import, export, feedstock use and destruction of the substances listed in Annexes I or II).

48.(1) Article 19 is amended as follows-

- (2) In paragraphs 1 to 5, for “Commission”, in each place it occurs, substitute with “the Environmental Agency”.
- (3) In paragraphs 1 to 4, for “31 March 2015”, in each place it occurs, substitute with “31 March 2020”-

- (4) In paragraph 6-
- (a) in the first subparagraph-
 - (i) for “30 June 2015” substitute with 30 June 2020”;
 - (ii) in point (a) between the words “pursuant to” and “Directive 2003/87/EC” insert “Commission Regulation (EU) No 600/2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the verification of verifiers pursuant to”; and
 - (iii) in point (b) omit “in accordance with the legislation of the Member State concerned”;
 - (b) in the second subparagraph, for the words from “competent authority” to “Commission” substitute with “the Environmental Agency”.
- (5) In paragraph 7-
- (a) in the first subparagraph-
 - (i) for “Commission may, by means of implementing acts” substitute with “the Minister with responsibility for the environment may”; and
 - (ii) after “Article” insert “and publish the determination”;
 - (b) omit the second subparagraph.
- (6) In paragraph 8, for “Commission” substitute with “the Environmental Agency”.

Article 20 (collection of emissions data).

49. In Article 20, for “Member States” substitute with “The Minister with responsibility for the environment”.

Article 21 (review).

50.(1) Article 21 is amended as follows-

- (2) In paragraph 1, for the words from “Commission shall” to “updating of” substitute with “the Minister with responsibility for the environment may, by regulations, amend”.
- (3) In paragraph 2-
 - (a) in the first subparagraph, for the words from “On the basis” to “Commission” substitute with “The Minister with responsibility for the environment”;

- (b) in the second subparagraph-
 - (i) for “Commission” substitute with “the Minister with responsibility for the environment”; and
 - (ii) for “Union” substitute “Gibraltar”;
- (c) in the third subparagraph-
 - (i) in point (b) omit “by the Union and its Member States”;
 - (ii) in point (c) for “European” substitute with “domestic”;
 - (iii) in point (c) omit “in Member States”.
- (4) Omit paragraph 3.
- (5) In paragraph 4-
 - (a) for “Commission” substitute with “the Minister with responsibility for the environment”;
 - (b) omit “shall submit”;
 - (c) omit “a legislative proposal to the European Parliament and to the Council to”;
 - (d) after the word “amend” insert “, by regulations,”.
- (6) Omit paragraphs 5 and 6.

Article 22 (exercise of the delegation).

51. Omit Article 22.

Article 23 (consultation forum).

52.(1) Article 23 is amended as follows-

- (2) For “Commission”, in each place it occurs, substitute with the Minister with responsibility for the environment ”.
- (3) Omit “Member States’ representatives and”.

Article 24 (committee procedure).

53. Omit Article 24.

Article 25. (penalties)

54. In Article 25-

- (a) omit paragraph 1; and
- (b) in paragraph 2 omit “In addition to the penalties referred to in paragraph 1,” and begin the sentence with “Undertakings”.

Article 27 (entry into force and date of application)

55. Omit the third paragraph.

Annex 5 (calculation of the maximum quantity, reference values and quotas for placing hydrofluorocarbons on the market).

56. In Annex 5-

- (a) for “the Union”, in each place it occurs, substitute “Gibraltar”;
- (b) in the first paragraph, omit the first sentence;
- (c) in the first paragraph, in the second sentence-
 - (i) omit “From 2018 onwards,” and begin the sentence with “The maximum”;
 - (ii) between the word “during” and “period” insert “the”;
 - (iii) for “2009 to 2012” substitute with “2015 to 2017 plus any necessary adjustment value”;
- (d) in the third paragraph, between the words “allocation period” and “but”, insert “plus any necessary adjustment value”; and
- (e) after the fourth paragraph, insert-

In this Annex, “necessary adjustment value” means a value determined by the Minister with responsibility for the environment to be necessary to ensure that the maximum quantity and reference values are no lower than they would have been if Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 applied to Gibraltar. The necessary adjustment value shall expire two years after the entry into force of these Regulations.”

Annex 7 (data to be reported pursuant to Article 19).

57. In Annex 7, for “the Union”, in each place it occurs, substitute with “Gibraltar”.

Commission Regulation (EC) No 1497/2007.

58. In Commission Regulation (EC) No 1497/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases, after Article 8 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Commission Regulation (EC) No 1516/2007.

59. In Commission Regulation (EC) No 1516/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases, after Article 11 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Commission Regulation (EC) No 304/2008.

60.(1) Commission Regulation (EC) No 304/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases is amended as follows-

- (2) Omit Articles 4(3), 6, 7(2) and 9.
- (3) In Article 10(1) omit “provided for by a national law or regulation, or designated by the competent authority of a Member State or other entities entitled to do so, as being”.
- (4) In Article 11(1) omit “designated by the competent authority of a Member State or other entities entitled to do so,”.
- (5) Omit Article 12 (notification).
- (6) In Article 13-
 - (a) in the heading omit “mutual”;
 - (b) in paragraph 1-

- (i) for “Mutual recognition” substitute with “Recognition”; and
 - (ii) for “other” substitute with “European Union”;
 - (c) in paragraph 2-
 - (i) for “Member States may require holders of certificates issued in another Member State”, substitute with “Holders of certificates may be required”; and
 - (ii) for “another official Community language”, substitute with “English”.
- (7) After Article 14 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Commission Regulation (EC) No 306/2008.

61.(1) Commission Regulation (EC) No 306/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment is amended as follows-

- (2) Omit Article 2(3).
- (3) In Article 4(1), omit “designated by the competent authority of a Member State or other entities entitled to do so, as being”.
- (4) In Article 5(1), omit “designated by the competent authority of a Member State or other entities entitled to do so,”.
- (5) Omit Article 6.
- (6) In Article 7-
 - (a) in the heading, omit “mutual”;
 - (b) in paragraph 1-
 - (i) for “Mutual recognition”, substitute with “Recognition”; and
 - (ii) for “other”, substitute with “European Union”;
 - (c) in paragraph 2-
 - (i) for “Member States may require holders of certificates issued in another Member State”, substitute with “Holders of certificates may be required”; and

- (ii) for “another official Community language”, substitute with “English”.

- (7) After Article 8 omit the words “This Regulation shall be binding in its entirety and applicable in all Member States”.

Commission Regulation (EC) No 307/2008.

62.(1) Commission Regulation (EC) No 307/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases is amended as follows-

- (2) Omit Article 2(3).
- (3) In Article 3(1) omit “or designated by the competent authority of a Member State or other entities entitled to do so”.
- (4) Omit Article 4.
- (5) In Article 5-
 - (a) in the heading omit “mutual”; and
 - (b) for paragraph 1 substitute-
 - “1. Training attestations issued in European Union member States in accordance with Article 3 shall be valid in Gibraltar”;
 - (c) in paragraph 2-
 - (i) for “Member States may require holders of training attestations issued in another Member State”, substitute with “Holders of certificates may be required”; and
 - (ii) for “another official Community language”, substitute with “English”.
- (6) After Article 6 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Commission Implementing Regulation (EU) No 1191/2014.

63.(1) Commission Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases is amended as follows-

- (2) In Article 1, for “Commission” substitute with “the Environmental Agency”.
- (3) After Article 3 omit the words “This Regulation shall be binding in its entirety and directly applicable in the Member States”.
- (4) In the Annex, for “the Union”, in each place it occurs, substitute with “Gibraltar”.

Commission Implementing Regulation (EU) 2015/2065.

64. Commission Implementing Regulation (EU) 2015/2065 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States is revoked.

Commission Implementing Regulation (EU) 2015/2066.

65.(1) Commission Implementing Regulation (EU) 2015/2066 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear is amended as follows-

- (2) In Article 1 omit “mutual”.
- (3) In Article 4(1), in the first subparagraph, omit “provided for in national law or designated by the competent authority of a Member State or other entities entitled to do so, as being”.
- (4) In Article 5(1), omit “designated by the competent authority of a Member State or other entities entitled to do so,”.
- (5) Omit Article 6.
- (6) In Article 7-
 - (a) in the heading, omit “mutual”; and
 - (b) for paragraph 1, substitute with-

“1. Certificates issued in a European Union member State in accordance with Article 3 shall be recognised.”.
 - (c) in paragraph 2-
 - (i) for “Member States may require holders”, substitute with “Holders”;
 - (ii) for “another Member State”, substitute with “a European Union member State”; and

- (iii) for “another official language of the Union”, substitute with “English”.
- (7) After Article 9 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Commission Implementing Regulation (EU) 2015/2067 .

66.(1) Commission Implementing Regulation (EU) 2015/2067 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases is amended as follows-

- (2) In Article 1 omit “mutual”.
- (3) In Article 7, in paragraph 1 omit “provided for in national law or designated by the competent authority of a Member State or other entities entitled to do so, as being”.
- (4) In Article 8, in paragraph 1 omit “designated by the competent authority of a Member State or other entities entitled to do so”.
- (5) Omit Article 9.
- (6) In Article 10-
 - (a) in the heading omit “mutual”; and
 - (b) for paragraph 1 substitute with-

“1. Certificates issued in a European Union member State in accordance with Article 4 for natural persons and Article 6 for companies shall be recognised.”;
 - (c) in paragraph 2-
 - (i) for “Member States may require holders” substitute with “Holders”;
 - (ii) for “another Member State” substitute with “a European Union member State”; and
 - (iii) for “another official language of the Union”, substitute with “English”.

- (7) After Article 12 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.
- (8) In Annex 1, in the table entry 2.01, for “EU” substitute with “Gibraltar”.

Commission Implementing Regulation (EU) 2015/2068.

67.(1) Commission Implementing Regulation (EU) 2015/2068 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format of labels for products and equipment containing fluorinated greenhouse gases is amended as follows-

- (2) In Article 2(7)-
 - (a) in point (a), for “the Union” substitute with “Gibraltar”;
 - (b) in point (c)-
 - (i) for “EU” substitute with “Gibraltar”; and
 - (ii) for “the Union” substitute with “Gibraltar”.
- (3) After Article 4 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Commission Implementing Regulation (EU) 2016/879.

68.(1) Commission Implementing Regulation (EU) 2016/879 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, detailed arrangements relating to the declaration of conformity when placing refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons on the market and its verification by an independent auditor is amended as follows-

- (2) In the following provisions, for “the Union”, in each place it occurs, substitute with “Gibraltar”-
 - (a) Article 1(2);
 - (b) Article 2;
 - (c) Article 3(1)(d); and
 - (d) the Annex.
- (3) In Article 4, for “using the reporting tool made available pursuant to Article 1 of Implementing Regulation (EU) No 1191/2014” substitute with “by submitting to the Environmental Agency”.
- (4) After Article 5 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Commission Implementing Decision (EU) 2017/1984.

69. Commission Implementing Decision (EU) 2017/1984 determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values for the period 1 January 2018 to 31 December 2020 for each producer or importer which has lawfully placed on the market hydrofluorocarbons from 1 January 2015 as reported under that Regulation is revoked.

Commission Implementing Regulation (EU) 2019/661.

70.(1) Commission Implementing Regulation (EU) 2019/661 of 25 April 2019 ensuring the smooth functioning of the electronic registry for quotas for placing hydrofluorocarbons on the market is amended as follows-

- (2) In Article 3-
 - (a) for “the Union”, in each place it occurs, substitute with “Gibraltar”; and
 - (b) omit paragraph 1(d).
- (3) In the following provisions, for “Commission”, in each place it occurs, substitute with “Minister”-
 - (a) Article 3;
 - (b) Article 4
 - (c) Article 5;
 - (d) Article 6;
 - (e) Article 7(2);
 - (f) Article 8; and
 - (g) Article 9(2).
- (4) In the following provisions, for “national laws”, in each place it occurs, substitute with “Gibraltar law”-
 - (a) Article 3 (1)(a); and
 - (b) Article 8;
- (5) Omit Article 10.

The EEA agreement.

71. In Annex 20 to the EEA agreement, omit points 21a.

Dated 12th September, 2019.

PROF J CORTES,
Minister with responsibility for the environment.

EXPLANATORY MEMORANDUM

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2019 for the purposes to address failures of EU law to operate effectively and other deficiencies arising from the withdrawal of Gibraltar from the European Union.

These Regulations make amendments to the legislation in the field of ozone-depleting substances and fluorinated greenhouse gases.

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