



Northern Ireland  
Assembly

Committee for Agriculture, Environment and  
Rural Affairs

# OFFICIAL REPORT (Hansard)

Common Framework for Fluorinated  
Greenhouse Gases and Ozone-depleting  
Substances: DAERA Briefing

26 November 2020

# NORTHERN IRELAND ASSEMBLY

## Committee for Agriculture, Environment and Rural Affairs

### Common Framework for Fluorinated Greenhouse Gases and Ozone-depleting Substances: DAERA Briefing

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**Members present for all or part of the proceedings:**

Mr Declan McAleer (Chairperson)  
Mr Philip McGuigan (Deputy Chairperson)  
Ms Clare Bailey  
Mrs Rosemary Barton  
Mr John Blair  
Mr Maurice Bradley  
Mr Harry Harvey  
Mr William Irwin  
Mr Patsy McGlone

**Witnesses:**

Mr Colin Nugent

Department of Agriculture, Environment and Rural Affairs

**The Chairperson (Mr McAleer):** I welcome, via StarLeaf, Colin Nugent, environmental health officer. I invite Colin to begin the presentation, and we will then ask some questions. Thank you, Colin. You are very welcome.

**Mr Colin Nugent (Department of Agriculture, Environment and Rural Affairs):** Thank you, Chair. Good morning to you and the Committee members. I briefed you recently on some of the statutory instruments that are required to allow the new common framework to take effect appropriately. My briefing to you this morning will be brief, but I am very happy to take any questions that you wish to ask afterwards.

The reason why the United Kingdom is developing this framework is to ensure that our efforts to tackle climate change and protect the ozone layer remain in place after the transition period ends at the end of this year. That is because much of the legislation in place in the United Kingdom is based on European Union obligations and designed to ensure that we also meet our international obligations in the Montreal protocol. The reason for the framework and the statutory instruments, which I briefed you on recently, is to ensure that the EU regulations mentioned in annex 2 of the Northern Ireland protocol remain in place in Northern Ireland. Whilst the framework, as you will note, is a UK framework, you will see that DAERA has a watching-brief role in and observer status for that framework, but it means that we will continue to align ourselves with the EU obligations in the NI protocol.

In Northern Ireland, the prevalence of ozone-depleting substances (ODS) is relatively limited. They have been phased out over a long period of time in accordance with the Montreal protocol. In most

developed countries, they are still in use only in some medical practices and for some laboratory use, so the scale of use in Northern Ireland is quite limited.

With fluorinated greenhouse gases, or F-gases, we anticipate that the market will be much wider. Those are widely used in refrigeration, air conditioning, heat pumps and some medical uses, so they are much more prevalent in society.

We envisage that the macroscale use of those products in Northern Ireland, that is, bulk importation or bulk use, will be quite limited. It is those kinds of macroscale uses that would be important to maintain compliance with EU quota, for instance. On the microscale, we believe that there is much more activity in Northern Ireland, such as in the maintenance of refrigeration and air conditioning systems. We believe that there are at least 3,000 EU-certified maintenance operators who conduct business throughout the island of Ireland. We cannot precisely state whether they work only in Northern Ireland on those areas. The framework is designed to ensure that the integrity of the UK's efforts to tackle climate change and ozone-depleting substances will remain in place after the end of the transition period.

I will stop there and take any questions that you might have on that.

**The Chairperson (Mr McAleer):** OK, Colin. Thank you very much for that presentation. Colin, one of the questions that I want to ask you is about the local impact. You said that there are 3,000 operators here who may be impacted. Is there any assessment of the overall impact that the framework being implemented will have here?

**Mr Nugent:** There is a lot of information for the UK, but it is not so precise that we are able to break it down for Northern Ireland solely. The value to the business sector in the UK in 2013, for which the latest data is available, was estimated to be between £2.1 billion and £2.5 billion. In the whole of the UK, about 50,000 technicians are registered to work with those types of gases and products, so the estimate of about 3,000 in Northern Ireland seems to be an accurate figure.

I mentioned the operators who work at a local level with refrigeration equipment and air conditioning etc. I also mentioned the macro level, which is important, and we believe that there are only two companies in Northern Ireland that are registered for bulk import, one of which is required to have quota in the EU system. One is a refrigeration company that is based in Northern Ireland, and the other is a precision engineering firm that also imports bulk products such as fluorinated greenhouse gases.

We estimate that about only 3% of the emission of our greenhouse gases is accounted for by those fluorinated gases. However, to counterbalance that, the global warming power of fluorinated greenhouse gases can be up to 40,000 times stronger than carbon dioxide, so, on balance, it is still quite an important sector. However, generally, it seems that the Northern Ireland sector is quite small compared with that in the rest of the UK.

**The Chairperson (Mr McAleer):** Thank you, Colin. Philip, can you hear us?

**Mr McGuigan:** I have a couple of questions. The first is on administration. I note that annex B in one of the papers that we have states:

*"devolved ministers may consent to certain functions being administered on their behalf by the Secretary of State and direct the Environment Agency to administer functions on behalf of devolved regulators."*

Why is that the case, and in what areas will that apply?

I have another couple of quick questions. Our papers say that the framework replicates current EU arrangements, so I would like some clarity on that. The papers also state that the framework is "impacted by the Protocol". How and in what way will the protocol impact on the framework, or the other way around? How will the framework be impacted by any future relationship with the EU? Sin sin, a Chathaoirligh.

**Mr Nugent:** OK. Thank you. First, the situation to date has been that UK compliance with those international obligations, including the EU quota management system, has been handled by the Environment Agency in GB on behalf of all the UK authorities. To enable the new framework to work

correctly, some consent and direction were required for the GB authorities in order to ensure that the Environment Agency would continue to do that. We had also planned that that would be the case in Northern Ireland prior to the Northern Ireland protocol.

The requirements in the Northern Ireland protocol that only Northern Ireland remains in the EU mean that the Environment Agency in GB will manage only the new GB system for the other Administrations. Northern Ireland is required to remain in the EU system. We have been offered assistance by the Environment Agency to continue that work, but, by and large, the competency for that will fall to DAERA.

Future relations with the EU was the last part of your question. The EU regulations that govern the controls on F-gas and ODS are due to be reviewed next year. That is to try to align them with the Kigali amendment to the Montreal protocol, which took effect earlier this year. It seems certain that there will be some changes to EU law next year or the year after that Northern Ireland may be required to continue to follow. There is no reason to expect that the GB system will not also follow the same requirements.

**Mr McGuigan:** OK. Thank you.

**Mr Harvey:** Thank you, Colin. Per head of population, or even by land mass, how much of those gases do we produce here compared with other countries?

**Mr Nugent:** That is a good question. I do not think that we produce any of those products. Some countries manufacture those gases for use in various sectors, but I think that Northern Ireland is a user of those products rather than a producer. I assume that you might mean emissions. If F-gases are widely in use in the country, there is a risk and a chance that there could be indirect emissions. It is exactly those emissions that the legislation that we are talking about is designed to control.

I mentioned the certification standards that the EU has in place for operators who maintain refrigeration and air conditioning, for example. The training that those operators get shows them how to control and contain emissions and how to capture waste gases in order to ensure that they are disposed of correctly so that none is allowed to escape into the atmosphere. By ensuring that we continue to comply with the EU certification scheme in Northern Ireland, we should be in a good place to ensure that anyone who is working on that equipment is adequately trained and is fit and proper for the application of that role. That should ensure that there are no emissions.

**Mr Harvey:** On your goals for reduction, is there anything that we will have to do without because of it, or is it happening because we are tightening up the whole system? It is not as if we will have to make do without some things, is it?

**Mr Nugent:** None of the requirements as a result of the framework or, indeed, the Northern Ireland protocol, is new. The requirements have been in place for some years and stem from the Montreal protocol in the 1980s. Some changes have been made through the Kigali amendment, so I guess that, in the long term, we will have to look to the future to some of the phase-down of some of those usages. I mentioned at the beginning that ozone-depleting substances have been largely phased out in Europe. The phase-down of many of the hydrofluoric carbons (HFCs), which have the highest global warming potential, has begun from the beginning of this year. Businesses are very familiar with those phased-downs, and alternatives are available on the market, so, in the future, you will see alternative gases being used for refrigeration and *[Inaudible]* pumps, which have much less global warming potential. Therefore, our requirements and policy will not change, but they could change in the future in order to stay in line with those phase-downs.

**Mr Harvey:** The important thing that you said is that there are alternatives, so that is fine. Thank you.

**Mrs Barton:** Thank you for what you said. Will Great Britain have to follow European law in many respects? We are sort of caught as piggy in the middle, if I can use that phrase, as we have the Republic of Ireland and Great Britain. Do you think that Great Britain will fall in line with most of the European laws on this matter?

**Mr Nugent:** The framework is designed in such a way that means that, when it takes effect on 1 January, the policy and law in the United Kingdom will be identical to that of the European Union; in other words, we will have the situation that we have at the moment. In the future, if there are changes,

it would be up to the GB system to follow suit. It is the case today that imports into the European Union have to be regulated in Northern Ireland, as is the case elsewhere in the UK. The difference that there may be after 1 January is that, for Northern Ireland as the piggy in the middle, which you mentioned, any movement of the product between Great Britain and Northern Ireland would count as an import into the EU system. While the Northern Ireland Environment Agency (NIEA) and councils have had the regulatory role in Northern Ireland for a number of years, they never actually been required to implement it for movements of those products into the EU system.

I said that we envisage that the bulk import will be quite low in Northern Ireland, so we do not anticipate any major requirement in this regard, but there is a possibility that it could happen.

**Mrs Barton:** OK. How do you see the framework working with the Internal Market Bill?

**Mr Nugent:** I do not wish to get into any political discussions about a Bill that has not yet been passed. From what I understand about that Bill, and I am not an expert on it, it does not sit very well with the Northern Ireland protocol, so that is something that you may have to direct to others elsewhere in order to find out exactly what it means. However, as it stands, in order to maintain the integrity of not only the UK but the EU system of controlling those very important global warming and ozone-depleting gases, we need to maintain compliance with the current Northern Ireland protocol standards.

**Ms Bailey:** Thank you very much, Colin. First, are you confident that the framework is ready to go and that there will be no governance gaps come 1 January?

**Mr Nugent:** As I mentioned, you have already considered the statutory instruments and the statutory rule that are required to make it happen. My understanding is that those are on course for laying, so I do not anticipate any governance gaps. One thing that we have identified with the European Commission is that Northern Ireland's regulators no longer have any direct access to the EU's systems that offer the information about quota and how much it has. It would be very important for Northern Ireland regulators to have access to that, because they cannot carry out proper inspections without knowing what quota particular companies hold. Therefore, that has been raised with the European authorities directly by the Department for Environment, Food and Rural Affairs (DEFRA). I think that that is the case for quite a number of areas, not just F-gases and ODS. I would like to think that we would have access if we were required to regulate on this area in the future, but that is a potential gap.

**Ms Bailey:** OK. Under the current EU rules, a lot of flexibility is afforded to individual territories. Under the new framework, will that flexibility for tailoring in the UK regions will be there as well?

**Mr Nugent:** The GB system is structured in such a way that means that it could decide to evolve the policy in a manner that best suits the United Kingdom. For Northern Ireland, however, as long as we continue to be bound by the Northern Ireland protocol, we will have to maintain compliance with the EU system. As I mentioned, we effectively have full membership of the new governance structures for the GB system, and we will have observer status in those, so we will have a foot in each camp, and I think that we can follow closely what is happening in both jurisdictions and, in essence, decide what is best for Northern Ireland.

**Ms Bailey:** Do you have any more details on the dispute resolution process?

**Mr Nugent:** That is a good question. The dispute resolution process is built into the framework and is detailed in the concordat that accompanies it. That is quite common across all the frameworks and all the concordats that accompany them, so I think that that has been adequately addressed.

**The Chairperson (Mr McAleer):** I have no other members on the list to ask a question. Colin, thank you for coming to the Committee today. No doubt, we will engage with you in the time ahead.