

Implementing the new EU Fluorinated Greenhouse Gases Regulation

CIBSE response to the Consultation Document

Introduction

This paper is submitted by the Chartered Institution of Building Services Engineers (CIBSE) in response to the Department for Environment, Food and Rural Affairs consultation on the Enforcement of the F-Gas Regulation issued in November 2014.

The Chartered Institution of Building Services Engineers is the professional engineering body that exists to:

'support the Science, Art and Practice of building services engineering, by providing our members and the public with first class information and education services'

For further information about the Institution, please see Appendix 1 to this response.

CIBSE understands that the consultation deals with enforcement of the EU F-Gas Regulation. However, the institution operates a scheme approved by the Secretary of State for Communities and Local Government for the accreditation of air conditioning system inspectors under the requirements of the EU Energy Performance of Buildings Directive. The Institution considers that there are anomalies in the enforcement regime proposed in this consultation and the current arrangements relating to air conditioning inspections. We believe that these discrepancies may hinder an efficient and effective approach to the regulation of F-gases, and so we are responding on this issue in particular.

CIBSE fully supports the response being submitted by the Air Conditioning and Refrigeration Industry Board (ACRIB) of which we are a constituent body. This document is supplementary to that response.

Consistency with the Energy Performance of Buildings Regulations 2012

The European Directive requires member states to establish regular inspection of air conditioning systems with a rated output exceeding 12kW. These are undertaken by inspectors approved under the regulations by one of the schemes authorised by the Secretary of State for Communities and Local Government.

There is a national register of approved inspectors, which enables those requiring inspections to identify suitable inspectors. There is also a national register of air conditioning inspection reports, which may be of considerable use to the F-Gas enforcement bodies, if they are able to gain access to this register. It is operated by a private contractor to DCLG. CIBSE supports the creation of a similar register for F-Gas certified personnel.

Where they are undertaken, the inspections will have the significant benefit of alerting the duty holder where they have a system which contains F-gas. Unfortunately, there is significant concern about levels of compliance with the EPB Regulations. Compliance is hard to ascertain for various reasons. However, lodgement rates, as published by DCLG, of 12,000 a year are only sufficient for 60,000 installed air conditioning units over 12kW rated output in the whole of England and Wales to be compliant with the regulations. The most conservative estimates are that there are 300,000 such units, although there could be two and a half times that figure in practice. In other words, the best compliance rate is 20%, though it could be as bad as 8%.

Enforcement in this case is the duty of Trading Standards Officers, and there is no Primary Authority provision in place for these regulations. The powers available to the enforcement body are significantly restricted in comparison to those proposed for the F-Gas Regulation. Trading Standards. Indeed, CIBSE understands from engagement with the TSO community that if someone they believe to have obligations to comply with the EPB Regulations in this regard claims to have no obligation, they have no powers of further investigation. This appears a little perverse.

It is even more perverse to read draft Regulation 23 of the F-Gas Regulations 2015, which says:

“Information notices

23. An authorised person may, by notice served on any person, require that person to furnish such information as is specified in the notice, in such form and within such period following the service of the notice or at such time as is so specified.”

This gives those enforcing the F-Gas Regulation greater power to pursue an enquiry about an air conditioning inspection report under the EPB Regulations than the enforcement body specified by the EPB Regulations. This is a very odd outcome.

The principles of better regulation would suggest that enforcement provisions across related instruments should be proportionate, reasonable, and consistent. CIBSE suggests that in relation to the enforcement of the F-Gas Regulation and EPB Regulation, this is not the case.

We appreciate that this is not a matter within the responsibility of DeFRA, but we do believe that it is relevant for DeFRA to be made aware of the weakness in the enforcement arrangements under the EPB Regulations in relation to air conditioning systems containing F-Gas, since they have the potential to undermine the effective delivery of policy through the F-Gas regulation. If air conditioning system inspections were being undertaken more effectively, they would provide those enforcing the F-Gas regulation with a ready source of information on buildings which have air conditioning systems containing F-Gas.

These observations do not lead us to propose any significant change in the draft F-Gas regulations. They are intended to make the Department aware of the inconsistencies, and to indicate the direction which CIBSE would advocate in removing those inconsistencies, by bringing the provisions and powers available to TSOs under the EPB Regulations in line with the F-Gas provisions.

Dr Hywel Davies
CIBSE Technical Director
16th January 2015

About the Chartered Institution of Building Services Engineers

The Chartered Institution of Building Services Engineers (CIBSE) is the primary professional body for the engineers who design, install and operate the energy using systems, both mechanical and electrical, which are used in buildings. Our members therefore have a pervasive involvement in the use of electricity (and other energy carriers) in buildings in the UK.

CIBSE is one of the leading global professional organisations for building performance related knowledge and a pioneer in responding to the threat of climate change. It publishes numerous Professional Guides and other titles setting out best practice in support of the industry.

The Institution is the primary source of professional guidance for the building services sector on the design and installation of energy efficient building services systems to deliver healthy and effective building performance. CIBSE publishes Guidance and Codes which provide best practice advice and are internationally recognised as authoritative.

The CIBSE Knowledge Portal, which makes our Guidance available online to all CIBSE members globally, is the leading systematic engineering resource for the building services sector. Over the last year it has been accessed over 100,000 times, and is used regularly by our members to access the latest guidance material for the profession. Currently we have users in over 160 countries worldwide, demonstrating the world leading position of UK engineering expertise in this field.

CIBSE began to develop codes specifically intended to reduce energy consumption in the early 1980s, in response to the energy crises of that time. CIBSE is now at the forefront of efforts to reduce carbon emissions from our building stock.

In addition to the production of technical standards and guidance CIBSE provides professional development training for system designers and installers, covering design, installation, commissioning and system maintenance. CIBSE is also actively engaged in the gathering of performance data to help inform good practice and compliance with existing requirements.