

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

First Delegated Legislation Committee

## DRAFT FLUORINATED GREENHOUSE GASES (AMENDMENT) REGULATIONS 2023

*Monday 23 October 2023*

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**The Committee consisted of the following Members:**

*Chair:* MRS PAULINE LATHAM

- |   |  |
|---|--|
| † Bradley, Ben ( <i>Mansfield</i> ) (Con)   | † Mahmood, Mr Khalid ( <i>Birmingham, Perry Barr</i> ) (Lab)   |
| † Churchill, Jo ( <i>Vice-Chamberlain of His Majesty's Household</i> )                                      | † Menzies, Mark ( <i>Fylde</i> ) (Con)                         |
| † Fletcher, Colleen ( <i>Coventry North East</i> ) (Lab)  | † Moore, Robbie ( <i>Keighley</i> ) (Con)                      |
| Hamilton, Fabian ( <i>Leeds North East</i> ) (Lab)  | Russell-Moyle, Lloyd ( <i>Brighton, Kemptown</i> ) (Lab/Co-op) |
| † Harrison, Trudy ( <i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i> ) | Saxby, Selaine ( <i>North Devon</i> ) (Con)                    |
| † Howell, John ( <i>Henley</i> ) (Con)  | † Smith, Chloe ( <i>Norwich North</i> ) (Con)                  |
| † Jones, Ruth ( <i>Newport West</i> ) (Lab)   | Yasin, Mohammad ( <i>Bedford</i> ) (Lab)                       |
| † Loder, Chris ( <i>West Dorset</i> ) (Con)   | Beth Goodwin, <i>Committee Clerk</i>                           |
| † Longhi, Marco ( <i>Dudley North</i> ) (Con)   | † <b>attended the Committee</b>                                |
| McDonnell, John ( <i>Hayes and Harlington</i> ) (Lab)   |  |

# First Delegated Legislation Committee

Monday 23 October 2023

[MRS PAULINE LATHAM *in the Chair*]

## Draft Fluorinated Greenhouse Gases (Amendment) Regulations 2023

6 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Trudy Harrison):** I beg to move,

That the Committee has considered the draft Fluorinated Greenhouse Gases (Amendment) Regulations 2023.

It is a pleasure to serve under your chairmanship, Mrs Latham. The draft regulations were laid before the House on 4 September 2023.

Fluorinated greenhouse gases, also known as F-gases, are powerful greenhouse gases used mainly in refrigeration and air conditioning equipment, as well as for other uses such as medical inhalers. The most commonly known and used F-gases are known as hydrofluorocarbons, or HFCs. The purpose of this instrument is to correct a technical error in regulation No. 517/2014 on fluorinated greenhouse gases, known as the F-gas regulation, which is retained EU law. The correction will ensure that annual quotas, which limit the quantity of HFCs that can be placed on the market in Great Britain each year, are calculated as intended. Pursuant to the Windsor framework, separate EU F-gas legislation and systems apply in Northern Ireland.

For Great Britain, the F-gas regulation has provisions to phase down the amount of HFCs placed on the market for the first time. This is implemented using a quota system. Importers and producers may place on the market only up to the amount of quota they hold. The regulation sets out the phasedown schedule, with the starting point being 2015.

Every three years, the amount of quota issued to businesses is reduced, thereby driving a move to lower carbon options while giving industry time and flexibility to choose how to transition. The F-gas regulation provides for a 79% reduction of HFCs placed on the market by 2030. We have already reduced HFC levels by 55% since 2015 through quota limits. Annual quota amounts allocated to businesses are calculated based on reference values. Article 16(3) provides for recalculation of the reference values by the appropriate regulator based on the annual average of HFCs placed on the market by a business from a specified start date.

This statutory instrument corrects a technical error made in previous amending legislation relating to that start date. The start date should have been January 2015, but was erroneously changed to January 2021. This SI corrects that mistake. If the error is not corrected, it will result in too little quota being issued to businesses, which was not the intended outcome when the F-gas regulation was retained and amended as part of the UK's exit from the European Union. The intention was to retain the substance of the regulation, including the

calculation of reference values and pace of phasedown of HFCs. Obviously, issuing too little quota to businesses would cause significant problems for HFC supply into Great Britain, disrupting sectors across the economy and the business community.

The territorial application of this instrument is in England, Wales and Scotland. A GB-wide F-gas regime currently operates under the regulation. I am pleased to say that ministerial consent has been provided by the Welsh Government and the Scottish Government. The Joint Committee on Statutory Instruments considered this SI and cleared it without reporting it to the House at its meeting on 18 October 2023.

In conclusion, I hope the Committee understands the need for this SI. I reinforce that we have already reduced HFC levels by 55% since 2015 through the F-gas regulation and will continue to make good progress. For the reasons I have set out, I commend the regulations to the Committee.

6.4 pm

**Ruth Jones (Newport West) (Lab):** It is a pleasure to serve under your chairmanship today, Mrs Latham, and thank you for calling me in what I suspect will be a very brief sitting. It is good to see the Minister in her place; it is obviously a very busy day for the Department for Environment, Food and Rural Affairs in the Chamber and here.

I want to start by saying that the Opposition will not oppose the draft regulations, which I am sure will be a huge relief to the Minister. As she indicated, the purpose of the instrument is to correct a technical error in article 16(3) of EU regulation No. 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, which is retained direct EU legislation, as amended. As the Minister said, the correction will ensure that annual quotas that can be placed on the market in Great Britain each year by producers and importers are calculated as intended.

The fact that this is a technical change means that a long set of remarks from me would be surplus to requirements, but I wonder why the issue was not picked up sooner. Will the Minister set out why the technical correction was not built into the transfer from EU law to UK law at the time of our departure from the EU? It would be helpful for everyone here and all those watching and listening to know why we are here and whether the issue could have been avoided. I would be grateful if the Minister could outline any further technical changes that are required to existing and transferred legislation. Are her officials working on any now? Are they preparing to bring any back before the House? I appreciate that she may not have the answers today, but if she could write to me, I would be grateful.

I understand the very specific nature of the proposals, but I want to caution the Minister on their impact. The accompanying papers state:

“An Impact Assessment has not been prepared for this instrument because there is no impact as a result of its implementation.”

I understand that the instrument corrects a technical error, but I urge the Minister to return to her Department and make clear to her colleagues and officials that impact assessments should be the rule, not the exception. Does the Minister agree, and if so what will she do about it?

It was also made clear that consultation “was not deemed necessary”. Who made that call and on what basis? I do not want to understand the precise situation so much as the wider thinking and approach of the Government when it comes to consultation. Who decides when a consultation is necessary, who do they consult when making that call and what information do they factor in?

I will leave my remarks there. I acknowledge the technical nature of the proposals, but I hope the Minister can unpick some of the challenges.

6.7 pm

**Trudy Harrison:** Let me answer the shadow Minister’s questions. We acknowledge that there was a mistake, which is how we are in this situation. There was an administrative error in the dates. Instead of going through the sifting committee, we in DEFRA chose to go for the affirmative option, which is why we are having this

debate tonight. There are checks and balances, and that is how we came to discover that the date was not correct. We will continue with those checks and balances. As the hon. Lady will know, because we have left the European Union, there is a huge amount of work going on in DEFRA and, indeed, all Departments. Mistakes will be made, but it is important that those checks and balances are in place to catch any.

I thank hon. Members for their interest in this evening’s debate. The correction is most important because it will ensure that the Environment Agency recalculates the reference value correctly by the statutory deadline date of 31 October—not very long at all—and then it will continue every three years after that. Suffice it to say that everything has been covered, and I will take to my seat.

*Question put and agreed to.*

6.9 pm

*Committee rose.*





