



TB01: Certification Requirements for Sub-Contractors

1 OVERVIEW

This technical bulletin aims to inform members of the certification requirements for any sub-contractors the use. It applies to work where there is direct handling of the refrigerants but also for work involving the pipework which is designed to contain the refrigerants, even if the sub-contractor is not directly handling the refrigerant itself.

There is a common misconception that there is only a requirement to hold company FGAS Registration where the sub-contractor is buying refrigerant or equipment. **This is not the case.**

Members have a legal obligation to ensure any sub-contractors they employ to carry out installation, servicing, decommissioning, maintenance or repairs of stationary refrigeration, air conditioning or heat pump equipment (SRAC) which comes under the scope of the F-Gas Regulations are properly registered with the **FGAS Register** (or equivalent EU certifying body).

2 WHAT TYPE OF WORK IS “IN-SCOPE” FOR CERTIFICATION REQUIREMENTS?

Whilst the UK Government is currently reviewing the scope and content of the F-Gas Regulations from a GB perspective¹ the current position for the UK is as it was under the last iteration of the EU F-Gas Regulation EC517/2014.

EC517/2014, Chapter II, Containment, Article 3(4) states:

“Natural persons carrying out the tasks referred to in points (a) to (c) of Article 10(1) shall be certified in accordance with Article 10(4) and (7)...

Undertakings carrying out the installation, servicing, maintenance, repair or decommissioning of the equipment listed in points (a) to (d) of Article 4(2) shall be certified in accordance with Article 10(6) and (7)...”

Article 4(2) points (a) to (d) are: stationary refrigeration, air conditioning, heat pump and fire protection equipment.

Article 10(6) states: **“Member states shall establish or adapt certification...for undertakings carrying out the installation, servicing, maintenance, repair or decommissioning of the equipment listed in points (a) to (d) of Article 4(2) for other parties.”**

Therefore, **all works** of the above type are considered as “in-scope” for the purpose of the regulations. The regulation does not distinguish between main contractor / sub-contractor, nor differentiate between who bought the equipment.

¹ The updated GB Regulations are under review and consultation at the time of publication and new GB Regulations are expected by the end of 2024 for implementation early 2025. This technical bulletin will be updated once there is clarity on the updated GB position.

3 DEFINITIONS OF WHAT IS AN ENGINEER OR A COMPANY²

The definition of “an undertaking” under the F-Gas Regulation is as follows:

“Undertaking” means any natural or legal person who³:

- (a) Produces, uses, recovers, collects, recycles, reclaims, or destroys fluorinated greenhouse gases;
- (b) Imports or exports fluorinated greenhouse gases or products and equipment that contains such gases;
- (c) Places on the market fluorinated greenhouse gases or products and equipment that contain, or whose functioning relies upon, such gases;
- (d) Installs, services, repairs, checks for leaks or decommissions equipment that contains, or whose functioning relies upon, fluorinated greenhouse gases;
- (e) ...etc.

A “natural person” is a legal definition which refers to the individual person in question – the F-Gas qualified engineer or technician in this instance;

A “legal person” can refer simultaneously to that individual “natural person” or a business or company, depending on the context of its use. It is important to note that the use of the term “**company**” in EU law does not necessarily mean that the text only refers to an incorporated company registered with Companies House as is normal in UK legal systems but simply **refers to any natural or legal person carrying out services for a third party for remuneration or reward, in other words a sub-contractor carrying out work for a main, or employing, contractor for payment or reward would be classed as being “a company” in the context of the F-Gas Regulations whether or not they are incorporated as a business in the UK.**

4 F-GAS REGULATION CERTIFICATION REQUIREMENTS

Therefore, **all sub-contractors** working in the SRAC sector involved in any part of the installation, servicing, maintenance, repair or decommissioning of any stationary refrigeration, air conditioning, or heat pump system **must be registered with the FGAS Register (or equivalent EU company registration certifying body)** as a company as well as holding their individual F-Gas qualification such as City & Guilds 2079, BESA FGas, or LCL FGas.

There is confusion about certification types with people commonly referring to “having their F-Gas” whilst referring to either their personal qualifications or their company registration certificate depending on the context of the conversation.

For clarity, **every person** (natural person) **working in the sector must hold a personal F-Gas qualification and every business entity** (legal person), **whether working as a sole trader or a limited company, must hold a company registration certificate** (FGAS Register) for any work involved with any part of an installation, repairs, servicing, maintenance, or decommissioning.

² EC517/2014, Article 2 Definitions, paragraph 30

³ Redacted to remove examples not relevant to contractors operating in this sector