



## TB02: Supply of pre-charged split type RACHP systems

### 1 OVERVIEW

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F-gases are used as refrigerants in several types of products and appliances, such as in refrigeration, air-conditioning and heat pump equipment. Despite F-gases having no ozone depletion potential, they are potentially powerful greenhouse gases with a global warming effect. Therefore, the F-Gas Regulation<sup>1</sup> aims at reducing emissions of these gases through a variety of measures: rules on containment, use, recovery and destruction, but also quantitative limits for the placing on the market of HFCs (phase-down).

The revised F-Gas Regulation sets new requirements for delivery of fluorinated greenhouse gases: sellers of refrigerant gas and pre-charged systems which require on site connections of the refrigerant circuit to be made must perform a check. They need to ensure that the buyer of fluorinated greenhouse gases holds the appropriate certificate. As the gas included in split systems is covered by the phase-down quota restrictions, so the equipment containing that gas comes into scope of the requirements of the regulation itself.

There is also a requirement made upon end users, or “operators”, of equipment in scope to ensure the person(s) installing and/or maintaining their equipment are properly qualified and certificated to do so.

This guide aims to provide practical guidance for distributors and re-sellers to help them fulfilling their obligations both in the strictly legal and in the spirit of the Regulation. This guide is divided in two parts:

- a summary of the specific articles within the F-gas Regulation spelling out the relevant sections extracted from the Regulation,
- and guidance for sellers of pre-charged split systems and end users as to what evidence of competence they are required to take as a screening measure.

### 2 EC517/2014 – “THE F-GAS REGULATION”

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#### *Article 6*

#### **Record keeping**

1. Operators of equipment which is required to be checked for leaks pursuant to Article 4(1), shall establish and maintain records for each piece of such equipment specifying the following information:

- (a) the quantity and type of fluorinated greenhouse gases installed;
- (b) the quantities of fluorinated greenhouse gases added during installation, maintenance or servicing or due to leakage;

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<sup>1</sup> the adopted EU Regulation 517/2014/EC is still in force for Great Britain at the time of publication.

(c) whether the quantities of installed fluorinated greenhouse gases have been recycled or reclaimed, including the name and address of the recycling or reclamation facility and, where applicable, the certificate number;

(d) the quantity of fluorinated greenhouse gases recovered;

(e) the identity of the undertaking which installed, serviced, maintained and where applicable repaired or decommissioned the equipment, including, where applicable, the number of its certificate;

(f) the dates and results of the checks carried out under Article 4(1) to (3);

(g) if the equipment was decommissioned, the measures taken to recover and dispose of the fluorinated greenhouse gases.

2. Unless the records referred to in paragraph 1 are stored in a database set up by the authorised body the following rules apply:

(a) the operators referred to in paragraph 1 shall keep the records referred to in that paragraph for at least five years;

(b) undertakings carrying out the activities referred to in point (e) of paragraph 1 for operators shall keep copies of the records referred to in paragraph 1 for at least five years.

#### *Article 11*

#### **Restrictions on the placing on the market**

4. For the purposes of carrying out the installation, servicing, maintenance or repair of the equipment that contains fluorinated greenhouse gases or whose functioning relies upon those gases for which certification or attestation is required under Article 10, fluorinated greenhouse gases shall only be sold to and purchased by undertakings that hold the relevant certificates or attestations in accordance with Article 10 or undertakings that employ persons holding a certificate or a training attestation in accordance with Article 10(2) and (5).

5. Non-hermetically sealed equipment charged with fluorinated greenhouse gases shall only be sold to the end user where evidence is provided that the installation is to be carried out by an undertaking certified in accordance with Article 10.

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.

### 3 WHAT EVIDENCE SHOULD I ASK FOR?

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A company F Gas Registration certificate is required by law.

These are issued by the F-Gas Register to companies and business entities that can demonstrate they employ suitably qualified personnel and have sufficient quantities of properly calibrated equipment to carry out the scope of work they are certified to carry out.

It is important to note that there are different levels of certification and careful attention should be paid to the wording on the certificate. Some companies may only be certified to carry out leak checks, for example, or recovery of gas at decommissioning.

For the purposes of installation, the wording shall clearly state that the company named in the certificate is qualified to carry out “...*installation, commissioning, repair, maintenance or servicing, decommissioning...*”

### 4 WHOLESALER/DISTRIBUTOR SCREENING FOR “END USER” PURCHASES

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An end user wishing to purchase equipment pre-charged with fluorinated greenhouse gases must provide evidence that it will be installed by a competent person. An engineer purchasing pre-charged equipment on behalf of an end user may fall outside of this scope, but a retailer is entitled to request qualification evidence and refuse sale if they are concerned that an attempt is being made to circumvent installation by competent persons.

An end user by definition cannot include building developers as they will not be the end user of the systems once the building has been built and sold on or rented out under agreement. The end user is, in effect, the “owner/operator” of the system and this terminology is defined in the regulations as:

- *“operator” means the natural or legal person exercising actual power over the technical functioning of products and equipment covered by this regulation.*

Crucially this means the seller must obtain the evidence set out in section 3 above before they deliver the equipment. Asking for a name is not sufficient as evidence of this requirement – they must obtain a declaration from the installer as an acknowledgment that they will be installing the equipment at the end user’s premises.

That installer must have an F-Gas Register (or equivalent) registration. The technical qualifications certificate does not count as “registration” regardless of whether the business entity is acting as a sub-contractor is a sole trader or operates as an unincorporated business without registration, or an incorporated business registered at Companies House.