

Subsidiary Legislation made under s.18.

Ozone Depleting Substances (Qualifications) Regulations 2014

LN.2014/041

Commencement (LN.2014/089)

1.6.2014

Amending enactments	Relevant current provisions	Commencement date
LN. 2014/258	rr. 2(1), (2), 4(c)-(e), 6A, Sch.	1.1.2015
2026/047	rr. 2-4, 6(5)(a), 6B-6D, Sch.	19.3.2026

Transposing:

Regulation (EU) No 517/2014

Regulation (EU) 2024/573

Regulation (EU) 2024/590

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**Ozone Depleting Substances (Qualifications) Regulations
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In exercise of the powers conferred upon it by section 18 of the Environment Act 2005, the Government has made the following Regulations—

Title and Commencement.

1. These Regulations may be cited as the Ozone Depleting Substances (Qualifications) Regulations 2014 and comes into operation on the day appointed by the Government by notice in the Gazette.

Interpretation.

2.(1) In these Regulations—

“authorised person” means a person authorised under regulation 7;

“competent” has the meaning given in regulation 3;

“course of training” includes the training of an employee while that employee is engaged in work for which the employee is employed;

“EEA State” means a State party to the Agreement on the European Economic Area;

“employed” means employed under a contract of employment and “employee” and “employer” are construed accordingly;

“F-Gas Regulation” means Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, as the same may be amended from time to time;

“in-house qualification” means a qualification verified by a certificate of competence or other written confirmation issued by an employer to such of the employees of that employer who have successfully completed a course of training provided by that employer relating to relevant work;

“the Minister” means the Minister with responsibility for the Environment;

“natural refrigerant” means a refrigerant that occurs naturally in the environment, including ammonia, carbon dioxide, hydrocarbons and water,

“Ozone Regulation” means Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer, as the same may be amended from time to time;

“refresher course” means a course of training designed to update the knowledge and skills of a person holding a certificate or training attestation under these Regulations;

“training attestation” means a document evidencing that a natural person has successfully completed a training programme covering the minimum requirements specified by the Minister.

“relevant work” has the meaning given in regulation 4; and

“work with methyl bromide” means work which involves preventing or minimising the leakage of methyl bromide from fumigation installations and operations in which methyl bromide is used.

(2) Unless the context otherwise requires expressions used in these Regulations and in the F-Gas Regulation or the Ozone Regulation have the same meaning in these Regulations as they have in those regulations.

Meaning of “competent”.

3.(1) For the purposes of these Regulations-

- (a) a person is competent to carry out relevant work whilst performing a task specified in column 1 of Part 1 of the Schedule in respect of the equipment specified in the corresponding entry in column 2 of that Part if that person holds a certificate issued in accordance with a certification programme established under regulation 6B, including where such work involves natural refrigerants or other alternatives to fluorinated greenhouse gases;
- (b) a person is competent to carry out relevant work whilst performing a task specified in column 1 of Part 2 of the Schedule in respect of the equipment specified in the corresponding entry in column 2 of that Part if that person holds at least a training attestation issued in accordance with a training programme established under regulation 6C;
- (c) a person is competent to carry out any other relevant work to which paragraphs (a) and (b) do not apply if that person has obtained an in-house qualification in respect of that other relevant work; or
- (d) a person is competent to carry out work with methyl bromide if that person has obtained the minimum qualifications as set out by the Minister by notice in the Gazette.

(1A) A person who holds a certificate or training attestation issued in accordance with these Regulations shall participate in refresher courses or complete an evaluation process at least every 7 years in order to maintain competence.

(1B) The Minister shall, by notice in the Gazette, specify the requirements for refresher courses, which shall include-

- (a) updates to applicable regulations and technical standards;
- (b) emission prevention techniques;
- (c) recovery of fluorinated greenhouse gases;
- (d) safe handling of equipment containing flammable or toxic gases or operating under high-pressure or involving other relevant risks;
- (e) safe handling of equipment containing natural refrigerants;
- (f) measures for improving or maintaining the energy efficiency of equipment during installation or maintenance or servicing.

(2) Such notice in the Gazette shall state the extent to which these Regulations apply.

Meaning of “relevant work”.

4. In these Regulations, "relevant work" means any work which involves-

- (a) recovering, recycling, reclaiming or destroying controlled substances;
- (b) preventing or minimising the leakage of controlled substances other than work with methyl bromide;
- (c) installation, maintenance or servicing, repair or decommissioning of the following stationary equipment-
 - (i) refrigeration equipment;
 - (ii) air-conditioning equipment;
 - (iii) heat pumps;

- (iv) fire protection equipment;
- (v) organic Rankine cycles;
- (vi) electrical switchgear;
- (d) installation, maintenance or servicing, repair or decommissioning of the following mobile equipment-
 - (i) refrigeration units of refrigerated trucks and refrigerated trailers;
 - (ii) refrigeration units of refrigerated light-duty vehicles, intermodal containers, including reefers, and train wagons;
- (e) leak checks of the equipment referred to in paragraphs (c) and (d);
- (f) recovery of fluorinated greenhouse gases as provided for in Article 8 of the F-Gas Regulation;
- (g) maintenance or servicing, or repair of air-conditioning equipment in motor vehicles, and recovering of fluorinated greenhouse gases from such equipment;
- (h) maintenance or servicing, repair and leak checks of air-conditioning equipment and heat pumps in heavy duty vehicles, vans, non-road mobile machinery used in agriculture, mining and construction operations, trains, metros, trams and aircraft;
- (i) work involving relevant alternatives to fluorinated greenhouse gases, including natural refrigerants, where such work is connected to any of the activities in paragraphs (c) to (h).

Qualification and supervision.

5.(1) Subject to subregulation (5), no person shall carry out any relevant work unless that person is competent to do so.

(2) Subject to subregulation (6), no person shall carry out work with methyl bromide unless that person is competent to do so.

(3) The employer of a person employed to carry out relevant work must ensure that subregulation (1) is complied with.

(4) The employer of a person employed to carry out work with methyl bromide must ensure that subregulation (2) is complied with.

(5) A person who is not competent to carry out relevant work may carry out such work if the person does so—

- (a) under the supervision of a person who is so competent; and
- (b) with a view to obtaining—
 - (i) a qualification referred to in regulation 3(a); or
 - (ii) an in-house qualification.

(6) A person who is not competent to carry out work with methyl bromide may carry out such work if the person does so under the supervision of a person who is so competent, and if the person has obtained at least the minimum qualifications as set out by the Minister by notice in the Gazette.

(7) A person commits an offence if he fails to comply with subregulation (1), (2), (3) or (4).

Training.

6.(1) A training employer must ensure that the course of training which the training employer provides will enable an employee who has been trained to carry out a relevant job satisfactorily.

(2) In respect of each employee trained, a training employer must keep for the required period a record of—

- (a) the name of the employee;
- (b) the training provided;
- (c) the date of the training; and
- (d) the date on which is issued the certificate of competence or other written confirmation that the course of training has been successfully completed.

(3) A training employer must provide a copy of the record referred to in subregulation (2) to the employee in question when requested to do so by that employee during the required period.

(4) A training employer commits an offence if he fails to comply with subregulation (1), (2) or (3).

(5) In this regulation—

(a) “relevant job” means—

- (i) relevant work involving a task specified in column 1 of Part 2 of the Schedule in respect of the equipment specified in the corresponding entry in column 2 of that Part for which a training attestation is required; or
- (ii) relevant work not involving any task specified in column 1 of Part 1 or Part 2 of the Schedule;

(b) “the required period” means both—

- (i) the period during which the employee in question undergoes training provided by the training employer; and
- (ii) the period during which the employee is employed by the training employer to carry out a relevant job; and

(c) “training employer” means an employer who provides training leading to an in-house qualification.

F-Gas Regulations: authorised undertakings.

6A.(1) The Environmental Agency shall maintain a list of undertakings that carry out the installation, servicing, maintenance, repair or decommissioning of the equipment listed in Article 4(2)(a) to (d) of the F-Gas Regulation.

(2) For the purposes of listing pursuant to subregulation (1), the undertaking must provide the Environmental Agency with—

- (a) details of its employees and the nature of their qualifications, including details of any qualifications obtained in an EEA State;
- (b) such other information as the Environmental Agency may require for the purpose of enforcing the provisions of the F-Gas Regulation.

(3) An undertaking that is not listed in accordance with this regulation may not undertake any of the activities set out in subregulation (1).

- (4) The list maintained in accordance with this regulation shall be made publicly available.

Certification programmes - establishment and adaptation.

6B.(1) Within 1 year following the commencement of this regulation, the Minister shall establish or adapt certification programmes, including evaluation processes, for natural persons carrying out the activities referred to in Part 1 of the Schedule.

(2) The Minister shall ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the activities referred to in regulation 4.

(3) The certification programmes and training on practical skills and theoretical knowledge shall cover the following-

- (a) applicable regulations and technical standards;
- (b) emission prevention;
- (c) recovery of fluorinated greenhouse gases listed in Annex I and Section 1 of Annex II of the F-Gas Regulation;
- (d) safe handling of equipment of the type and size covered by the certificate;
- (e) safe handling of equipment containing flammable or toxic gases or operating under high-pressure or involving other relevant risks;
- (f) measures for improving or maintaining the energy efficiency of equipment during installation, or maintenance or servicing;
- (g) information on relevant technologies to replace or reduce the use of fluorinated greenhouse gases and their safe handling, including natural refrigerants.

(4) Certificates under the certification programmes referred to in subsection (1) shall be subject to the condition that the applicant has successfully completed an evaluation process as referred to in that subsection.

Training attestations.

6C.(1) The Minister shall ensure that training programmes for obtaining training attestations are available for natural persons carrying out the activities referred to in Part 2 of the Schedule.

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(2) A person who holds only a training attestation shall not carry out activities for which a full certificate is required under regulation 3(1)(a) and Part 1 of the Schedule.

Mutual recognition of certificates and training attestations.

6D.(1) Certificates and training attestations issued in a Member State or the United Kingdom in accordance with Article 10 of the F-Gas Regulation shall be valid in Gibraltar.

(2) Where the obligations under these Regulations relating to the provision of certification and training would impose disproportionate burdens on Gibraltar because of the small size of its population and the consequent lack of demand for such certification and training, compliance may be achieved through the recognition of certificates issued in other States.

Enforcement and authorised persons.

7.(1) These Regulations are enforced by the Environmental Agency.

(2) The Environmental Agency may authorise in writing such persons as they consider appropriate to act for the purpose of enforcing these Regulations.

(3) In relation to—

(a) cases of a particular description; or

(b) a particular case,

the Minister may direct that the duty in subregulation (1) imposed on the Environmental Agency is to be discharged by him, and not by the Environmental Agency.

Powers of an authorised person.

8.(1) An authorised person may, on production (if so required) of the authority of that authorised person, exercise any of the powers specified in subregulation (2) for the purpose of enforcing these Regulations.

(2) The powers are—

(a) at any reasonable time to enter premises, other than premises used wholly or mainly for residential purposes, which the authorised person has reason to believe it is necessary for the authorised person to enter;

- (b) on entering any premises by virtue of subregulation (a), to take with the authorised person any other person whose presence appears to the authorised person to be required in connection with the exercise by the authorised person of any power under this regulation, including, if the authorised person has reasonable cause to apprehend any serious obstruction in the execution of the duty of the authorised officer, a constable;
 - (c) to carry out such inquiries and to make such examination as may be necessary;
 - (d) to require any person whom the authorised person reasonably believes can give any information relevant to any examination or investigation under subregulation (c)–
 - (i) to answer (in the absence of anyone other than someone nominated by that person to be present and anyone whom the authorised may allow to be present) such questions as the authorised person thinks fit to ask; and
 - (ii) to sign a declaration of the truth of the answers of that person;
 - (e) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records which it is necessary for the authorised person to see for the purposes of any examination or investigation under subregulation (c) and to inspect and take copies of, or of any entry in, the records; and
 - (f) to require any person to afford the authorised person such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred on the authorised person by this regulation.
- (3) No answer given by a person in pursuance of a requirement imposed under subregulation (2)(d) is admissible in evidence against the person in any proceedings.
- (4) Nothing in this regulation is taken to compel the production by any person of a document of which that person would be entitled to withhold production on the grounds of legal professional privilege on an order for disclosure and inspection in an action in the Magistrates' Court or the Supreme Court of Gibraltar.

Miscellaneous offences.

9. A person commits an offence if he–

- (a) intentionally prevents another person from-
 - (i) appearing before an authorised person under regulation 8(2)(d); or
 - (ii) answering any questions to which an authorised person may by virtue of that regulation require an answer;
- (b) intentionally obstructs an authorised person in the exercise or performance of the powers of that authorised person;
- (c) furnishes to an authorised person any information which the person knows to be false or misleading;
- (d) fails to produce a record when required to do so by an authorised person; or
- (e) pretends to be an authorised person.

Corporate offences.

10.(1) If an offence committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on the part of the officer,

the officer as well as the body corporate commit an offence and are liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, subregulation (1) applies in relation to the acts and defaults of a member in connection with the functions of management of that member as if the member were a director of the body.

(3) If an offence committed by a partnership is shown—

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on the part of that partner,

the partner as well as the partnership commit an offence and are liable to be proceeded against and punished accordingly.

(4) Subject to subregulation (7), proceedings for an offence alleged to have been committed by an unincorporated association must be brought in the name of the association and not in the name of any of its members.

(5) For the purpose of such proceedings-

- (a) rules of court relating to the service of documents have effect as if the association were a body corporate; and
- (b) the following provisions apply as they apply in relation to a body corporate—
 - (i) sections 178 and 179 of the Criminal Procedure and Evidence Act 2011; and
 - (ii) section 296 of that same Act.

(6) A fine imposed on an unincorporated association on its conviction for an offence must be paid out of the funds of the association.

(7) If an offence committed by an unincorporated association, other than a partnership, is shown—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

that officer or member as well as the association commit an offence and are liable to be proceeded against and punished accordingly.

(8) In this regulation—

- (a) “offence” means an offence under these Regulations;
- (b) “officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity; and
- (c) “partner” includes a person purporting to act as a partner.

Penalties.

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11. A person guilty of an offence under these Regulations is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum on the standard scale; or
 - (b) on conviction on indictment, to a fine.

Repeal.

12. The Ozone Depleting Substances (Qualifications) Regulations 2006 are repealed.

SCHEDULE

Regulations 3(a) and 6(5)

TABLE OF RELEVANT WORK

PART 1 - ACTIVITIES REQUIRING FULL CERTIFICATION

Activities for which natural persons must hold a certificate issued in accordance with these Regulations.

Column 1 - Tasks	Column 2 - Equipment
Installation, maintenance or servicing, repair and leak checks	Stationary refrigeration equipment Stationary air-conditioning equipment Stationary heat pump equipment Stationary fire protection equipment Organic Rankine cycles Stationary electrical switchgear Commercial and domestic refrigerators and freezers which are stationary at all times when in operation Portable refrigeration, air-conditioning and heat pump equipment
Installation, maintenance or servicing, repair and leak checks of mobile equipment	Refrigeration units of refrigerated trucks and refrigerated trailers Refrigeration units of refrigerated light-duty vehicles Refrigeration units of intermodal containers, including reefers Refrigeration units of train wagons
Decommissioning	Refrigeration, air-conditioning and heat pump equipment which is stationary at all times when in operation and which can only be dismantled at the place at which the equipment is used Refrigeration units of refrigerated trucks and refrigerated trailers Refrigeration units of refrigerated light-duty vehicles

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Recovery of fluorinated greenhouse gases and ozone-depleting substances	Refrigeration units of intermodal containers, including reefers
	Refrigeration units of train wagons
	The cooling circuits of stationary refrigeration, stationary air-conditioning and stationary heat pump equipment
	The cooling circuits of refrigeration units of refrigerated trucks and refrigerated trailers
	Equipment containing fluorinated greenhouse gas-based solvents
	Fire protection equipment
	Electrical switchgear

PART 2 - ACTIVITIES REQUIRING TRAINING ATTESTATION ONLY

Activities for which natural persons must hold at least a training attestation issued in accordance with these Regulations.

Column 1 - Tasks	Column 2 - Equipment
Maintenance or servicing, repair and recovery of fluorinated greenhouse gases	Air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC
Recovery of fluorinated greenhouse gases	The cooling circuits of refrigeration units of refrigerated light-duty vehicles The cooling circuits of intermodal containers, including reefers The cooling circuits of train wagons Air-conditioning equipment in road vehicles not falling within the scope of Directive 2006/40/EC
Maintenance or servicing, repair and leak checks	Air-conditioning equipment and heat pumps in heavy duty vehicles Air-conditioning equipment and heat pumps in vans Air-conditioning equipment and heat pumps in non-road mobile machinery used in agriculture, mining and construction operations Air-conditioning equipment and heat pumps in trains, metros and trams

	Air-conditioning equipment and heat pumps in aircraft
Maintenance or decommissioning	Fire protection systems and fire extinguishers (where not otherwise requiring full certification)

PART 3 – INTERPRETATION

1. In this Schedule-

- (a) "Directive 2006/40/EC" means Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air-conditioning systems in motor vehicles;
- (b) "heavy duty vehicle" means a motor vehicle with a mass exceeding 3.5 tonnes that is designed and constructed primarily to carry goods or passengers;
- (c) "intermodal container" means a container designed for the transport of cargo by two or more modes of transport;
- (d) "light-duty vehicle" means a motor vehicle with a mass of 3.5 tonnes or less that is designed and constructed primarily to carry goods;
- (e) "non-road mobile machinery" means any mobile machine, transportable equipment or vehicle with or without bodywork that is not intended for carrying passengers or goods on roads, and which is equipped with an internal combustion engine or electric motor;
- (f) "organic Rankine cycle" means a cycle containing condensable substances converting heat from a heat source into power for the generation of electric or mechanical energy;
- (g) "reefer" means a refrigerated intermodal container;
- (h) "refrigerated trailer" means a vehicle that is designed and constructed to be towed by a road vehicle or a tractor, primarily to carry goods and that is equipped with a refrigeration unit;
- (i) "refrigerated truck" means a motor vehicle with a mass exceeding 3.5 tonnes that is designed and constructed primarily to carry goods and that is equipped with a refrigeration unit.

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2. References in this Schedule to installation, maintenance or servicing, repair, leak checks, recovery or decommissioning include activities involving-

- (a) fluorinated greenhouse gases listed in Annex I and Section 1 of Annex II of the F-Gas Regulation;
- (b) ozone-depleting substances listed in Annex I of the Ozone Regulation; and
- (c) natural refrigerants and other alternatives to fluorinated greenhouse gases, where such work is connected to any of the activities in Part 1 or Part 2 of this Schedule.