

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/JJ/2255/23

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

1 September 2023

Dear Huw,

I wish to inform the Committee of my intention to consent to the UK Government making and laying one Statutory Instrument (SI): The Fluorinated Greenhouse Gases (Amendment) Regulations 2023 on 4 September 2023.

I have received a letter from the Minister of State for Biosecurity, Marine and Rural Affairs, The Rt. Hon. Lord Benyon, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. Therefore, the provisions could be made by Welsh Ministers in exercise of our own powers. The Regulations will extend to England, Scotland and Wales and a similar request for consent has been sent to Scottish Ministers.

This SI amends retained Regulation (EU) No 517/2014 on fluorinated greenhouse gases (the EU F-Gas Regulations). The amendment will correct a technical error made in a previous amending instrument (SI 2020/1616) related to the date from which data can be used to recalculate the quantities of hydrofluorocarbons that can be lawfully placed on the GB market from 2024. The amendment is required to once again align the GBs phase-down of hydrofluorocarbons with our previous commitments made under the Montreal protocol. Article 16(3) of the retained regulations requires a recalculation of reference values by 31 October 2023.

This SI is being made under Articles paragraph 5(5) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023 and is subject to the affirmative resolution procedure. It is proposed that the SI is made and laid before the UK Parliament on 4 September 2023, in order for a commencement date of 31 October 2023. This is the deadline by which references values must be recalculated as set out in the legislation.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Welsh Government's general principle is the law relating to devolved matters should be made and amended in Wales. On this occasion, it is considered appropriate for the substance of the amendments to apply to Wales as there is no policy divergence between the Welsh and UK Government on this matter. The EU F-Gas Regulations, which is being amended, is a GB-wide Regulation, so any amendments to it could not be made in the Welsh language.

Making these amendments through a GB-wide amending SI ensures a coherent and consistent statute book, with the regulations being accessible in a single instrument. Importantly, this approach also supports the continued operation of the GB-wide systems for registration, quota allocation and reporting, underpinned by the provisional Common Framework in this area, which provides consistency and equality for Welsh stakeholders.

I consider that legislating separately for Wales would not be the most appropriate way to give effect to necessary changes nor a prudent use of Welsh Government resources given other important priorities.

Yours sincerely,



**Julie James AS/MS**  
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