EXPLANATORY MEMORANDUM TO

THE ECODESIGN FOR ENERGY-RELATED PRODUCTS AND ENERGY INFORMATION (AMENDMENT) (NORTHERN IRELAND) REGULATIONS 2025

[2025] No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Energy Security and Net Zero and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Miatta Fahnbulleh, Parliamentary Under-Secretary of State at the Department for Energy Security and Net Zero confirms that this Explanatory Memorandum meets the required standard.

2.2 Tara Desphande, Deputy Director for Electrification, Products, Buildings & Delivery, at the Department for Energy Security and Net Zero confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Nicole Wilson at the Department for Energy Security and Net Zero Telephone: 07511 166668 or email: Nicole.wilson@energysecurity.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 In order to facilitate its dual access to both the UK Internal Market and EU Single Market, Northern Ireland continues to apply EU rules on ecodesign and energy labelling, as per the terms of the Windsor Framework. Accordingly, this instrument makes amendments to the Ecodesign for Energy-Related Products Regulations 2010 ("the 2010 Regulations") and the 2011 Energy Information Regulations ("the 2011 Regulations") such that the relevant Schedules refer to the correct, up to date product-specific measures that apply in Northern Ireland, so that these can be enforced by the Market Surveillance Authorities.

4.2 The impact of the legislation on the UK internal market is expected to be minimal. However, these changes do deliver certain consumer and environmental benefits. The Department for Energy Security and Net Zero will therefore also be consulting as soon as reasonably practicable on adopting a consistent regime across the whole of the UK.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Northern Ireland only.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Northern Ireland only.

5. Policy Context

What is being done and why?

5.1 Ecodesign and Energy Labelling policies aim to reduce environmental impact of energy-related products by reducing their energy consumption and use of material resources. This reduces carbon emissions and saves businesses and consumers money on their energy bills. They also aim to help consumers make more informed decisions when purchasing energy-related products, encouraging them to buy the most efficient products.

5.2 Post-Brexit, GB assimilated its regulatory regime for energy-related products standards into domestic law, which it may in future amend. In order to facilitate dual access to both the UK internal market and EU single market, Northern Ireland continues to apply EU rules with respect to the regulation of energy-related products under the terms of the Windsor Framework.

What was the previous policy, how is this different?

5.3 This instrument will update Schedules 1 of both the 2010 and 2011 Regulations, so that they accurately reflect the latest product-specific ecodesign and energy labelling measures with respect to Northern Ireland. These updates will ensure that the Northern Ireland table in the 2010 and 2011 Regulations accurately reflect the relevant measures. This will enable these measures to be enforced by Market Surveillance Authorities.

5.4 The EU has updated their ecodesign product-specific measures, which apply to:

- Off and standby modes for household and office equipment;
- Fans driven by motors with an electric input power between 125W and 500kW;
- Household tumble dryers;
- Local space heaters and separate related controls; and
- Smartphones mobile phones, cordless phones and slate tablets,

And energy labelling product-specific measures which apply to:

- Household tumble dryers; and
- Smartphones and slate tablets.

5.5 In addition, the instrument will extend the current ambulatory references to EU measures in the 2010 Regulations and 2011 Regulations for Northern Ireland, ensuring that these Schedules continue to reflect the most up to date versions of these EU Ecodesign or Energy Labelling measures in force, whether amended or replaced, whilst minimising the need for further updates to the 2010 and 2011 Regulations.

5.6 This instrument has staggered coming into force dates, to mirror the dates which the various EU specific measures' provisions will come into force in the EU and NI. The first of these coming into force dates is 9 May 2025.

6. Legislative and Legal Context

How has the law changed?

6.1 Schedule 1 to the 2010 Regulations and Schedule 1 to the 2011 Regulations list the Ecodesign and Energy Labelling measures, respectively, that must be complied with in Northern Ireland (as well as in Great Britain).

6.2 Schedule 1 to the 2010 Regulations and Schedule 1 to the 2011 Regulations, with respect to Northern Ireland, will be amended so it refers to the most recent Ecodesign

and Energy Labelling product-specific measures which apply in Northern Ireland. This will allow the measures to be enforced by the Market Surveillance Authorities.

6.3 In addition, the instrument will extend the current ambulatory references to product-specific measures in the 2010 Regulations and 2011 Regulations for Northern Ireland.

Why was this approach taken to change the law?

6.4 Under the Windsor Framework, EU product-specific measures for Ecodesign and Energy Labelling apply in Northern Ireland. For EU product-specific measures to be enforceable by the Market Surveillance Authorities in Northern Ireland, the 2010 and 2011 Regulations must cover the most up-to-date EU product-specific measures, as amended, replaced, or added to over time.

7. Consultation

Summary of consultation outcome and methodology

7.1 There was no legal duty to undertake a consultation. As this instrument does not make any substantive policy changes, no consultations were undertaken. In previous years, similar instruments conducted consultations and found that no concerns were raised by industry stakeholders, who understood that the instrument, just as this one, is merely enabling a routine update to policy, that is not expected to have any significant impact in practice.

7.2 However, the Department for Energy Security and Net Zero will consult as soon as practicable on the merits of applying equivalent measures in Great Britain, and will conclude these consultations no later than by March 2026.

8. Applicable Guidance

8.1 The legislation does not implement or require guidance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the changes brought about by this instrument are expected to have no significant direct or no significant indirect, impact on business, charities or voluntary bodies. This is due to the fact that this instrument is not changing any underlying, core policy, but rather enabling a routine update.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on the charities, voluntary bodies or the public sector.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this instrument is not changing any underlying, core policy, but rather enabling a routine update.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring of this legislation is ongoing. This will ensure the Regulations are effective and working as intended.

10.2 As this instrument is made under the European Union (Withdrawal) Act 2018, no review clause is required. Furthermore, the 2010 Ecodesign and 2011 Labelling Regulations, both amended by this instrument, already include a review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Specific procedural and publication requirements are not applicable in this instance because the instrument is made under powers in the European Union (Withdrawal) Act 2018.

12. European Convention on Human Rights

12.1 The Parliamentary Under-Secretary of State (Minister for Energy Consumers) has made the following statement regarding Human Rights:

"In my view the provisions of The Ecodesign for Energy-Related Products and Energy Information (Amendment) (Northern Ireland) Regulations 2024 are compatible with the Convention rights."

This instrument is not being made to address a deficiency in retained EU law but relates to the withdrawal of the United Kingdom from the European Union because it is being made under section 8C(1) of the European Union (Withdrawal) Act 2018 and ensures the correct implementation of the Windsor Framework.

13. The Relevant European Union Acts

This instrument is made under section 8C(1) and 8C(2) of the European Union (Withdrawal) Act 2018 and therefore relates to the withdrawal of the United Kingdom from the European Union because it is implementing obligations under the Windsor Framework.