EXPLANATORY MEMORANDUM TO

THE RADIO EQUIPMENT (AMENDMENT) (NORTHERN IRELAND) REGULATIONS 2024

2024 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Business and Trade and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Justin Madders MP, Parliamentary Under-Secretary of State for Employment Rights, Competition and Markets at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

2.2 Tony Thomas, Deputy Director for Product Safety Policy at the Office for Product Safety and Standards in the Department for Business and Trade, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Stuart Barthropp at the Office for Product Safety and Standards in the Department for Business and Trade, Email: stuart.barthropp@businessandtrade.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 The purpose of this instrument is to implement Directive (EU) 2022/2380 (also known as the 'Common Charger Directive') in Northern Ireland. Directive (EU) 2022/2380, which amends the Radio Equipment Directive 2014/53/EU, introduces new requirements for certain categories of electrical/electronic devices to have a common charging solution based on USB-C, harmonised fast charging technology, the 'unbundling' of the sale of a charger with the sale of the device, meaning consumers have the choice to purchase a device without a new charger, and the provision to consumers of visual and written information about the charging characteristics of the device, including the power the device requires and whether it supports fast charging.

4.2 Directive (EU) 2022/2380 was adopted on 23 November 2022, and will apply to all EU Member States from 28 December 2024. In particular, the new requirements will apply to those categories of electrical/electronic devices placed on the EU market on or after 28 December 2024 with the exception of laptops for which the new requirements will apply on or after 28th April 2026. In accordance with the terms of the Windsor Framework, which provides for Northern Ireland's access to the EU Single Market for goods, Directive (EU) 2022/2380 will apply in Northern Ireland. This instrument will therefore amend the UK Radio Equipment Regulations 2017 (S.I. 2017/1206) in order to implement Directive (EU) 2022/2380 in Northern Ireland and to enable it to be legally enforced. The new requirements will therefore also apply

from the dates specified above, to the same electrical/electronic devices placed on the Northern Ireland market.

Where does the legislation extend to, and apply?

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

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

5. Policy Context

What is being done and why?

5.1 The European Union has adopted (EU) 2022/2380 – the 'Common Charger Directive'- which will require the use of USB-C based chargers for mobile phones and other portable electrical/electronic devices placed on the EU market from December 2024. The stated aims of the measures are to improve consumers' convenience, reduce the environmental footprint associated with the production and disposal of chargers, while maintaining innovation.

5.2 In accordance with the terms of the Windsor Framework, which provides for Northern Ireland's access to the EU Single Market for goods, the EU legislation listed in its Annex 2 is implemented in Northern Ireland. One of the Directives listed in Annex 2 is the Radio Equipment Directive 2014/53/EU. The Radio Equipment Regulations 2017 implemented the Radio Equipment Directive into UK law. Directive (EU) 2022/2380 amends the Radio Equipment Directive and therefore in accordance with the terms of the Windsor Framework, Directive (EU) 2022/2380 will apply in Northern Ireland.

5.3 Directive (EU) 2022/2380 introduces, new requirements for certain categories of electrical/electronic devices to have a common charging solution based on USB-C, harmonised fast charging technology, the 'unbundling' of the sale of a charger with the sale of the device, meaning consumers have the choice to purchase a device without a new charger, and the provision to consumers of visual and written information about the charging characteristics of the device, including the power the device requires and whether it supports fast charging.

5.4 This instrument therefore implements the provisions of Directive (EU) 2022/2380 in Northern Ireland. Many manufacturers have already moved to a common charger solution based on USB-C in order to continue to supply the EU market ahead of the new requirements coming into force. Industry has told the Government they are highly likely to adopt similar measures for devices supplied to the whole of the UK in order to avoid supply chain complexity. HM Government has published a Call for Evidence to help assess the potential for introducing similar measures to the Common Charger Directive across the UK.

What was the previous policy, how is this different?

5.5 The UK Radio Equipment Regulations 2017 implement the Radio Equipment Directive 2014/53/EU into UK law and have been amended to reflect that the UK is no longer part of the EU. The purpose of the Radio Equipment Regulations 2017 is to regulate the safety and electromagnetic compatibility of radio equipment and to promote the protection of the radio spectrum. The UK Regulations apply to the whole of the UK, but some provisions apply to Northern Ireland only in accordance with relevant EU law under the Windsor Framework. Directive (EU) 2022/2380 amends

the Radio Equipment Directive 2014/53/EU and therefore this instrument amends the Radio Equipment Regulations 2017 in order to implement Directive (EU) 2022/2380 in Northern Ireland.

5.6 The new requirements under Directive (EU) 2022/2380 will apply to all handheld mobile phones, tablets, digital cameras, headphones, headsets, portable speakers, videogame consoles, e-readers, earbuds, keyboards, mice and portable navigation systems from 28 December 2024. The new requirements will apply to laptops from 28 April 2026.

6. Legislative and Legal Context

How has the law changed?

6.1 The Radio Equipment Regulations 2017 (S.I. 2017/1206) as they apply in Northern Ireland give effect to the provisions of Directive 2014/53/EU by virtue of the European Union (Withdrawal) Act 2018 and the Windsor Framework. Directive (EU) 2022/2380 amends Directive 2014/53/(EU) and therefore this instrument amends the Radio Equipment Regulations 2017 in order to implement the new requirements of Directive 2022/2380 in Northern Ireland.

6.2 This instrument will also widen the scope of existing criminal offences under the Radio Equipment Regulations 2017 as they apply in Northern Ireland and create a new offence in relation to a breach of the requirement to offer consumers the choice to purchase the device without a charger.

Why was this approach taken to change the law?

6.3 This is the only approach available to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Government has not undertaken a public consultation as this instrument's provisions are confined to the implementation of provisions as required by the terms of the Windsor Framework, ensuring that Northern Ireland has in place EU derived essential product safety requirements.

7.2 The Government has undertaken stakeholder engagement with a cross-representation of stakeholders, including industry, other Government Departments and the Northern Ireland Office.

8. Applicable Guidance

8.1 The Department for Business and Trade has produced guidance[1] on GOV.UK on the Radio Equipment Regulations 2017, prescribing the obligations on economic operators in addition to enforcement and market surveillance provisions. This guidance will be updated to include information on the requirements of this instrument.

[1] Guidance is available at: http://www.gov.uk/government/publications/radio-equipment-regulations-2017/radio-equipment-regulations-2017-northern-ireland

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 measures resulting from the European Union (Withdrawal) Act 2018 are out of scope of assessment. The Windsor Framework has already been given effect in legislation through the European Union (Withdrawal Agreement) Act 2020, which adds provisions and powers to the European Union (Withdrawal) Act 2018. However, based on an analysis of the impact assessment for Directive (EU) 2022/2380 prepared by the EU Commission, the impacts of this instrument are expected to be de-minimis.

Impact on businesses, charities and voluntary bodies

9.2 This instrument will impact on manufacturers of specific types of electrical or electronic devices that are placed on the Northern Ireland marketplace, authorised representatives carrying out manufacturers' tasks on their behalf, importers who place these products on the Northern Ireland marketplace, and distributors who make these products available on the Northern Ireland marketplace. There is no, or no significant, impact on charities and voluntary bodies.

9.3 The legislation does impact small or micro businesses.

9.4 The legal requirements do not differentiate between businesses in terms of their size. Therefore, we are unable to take any mitigating actions to minimise the regulatory burdens on small or micro businesses.

9.5 There is an impact on the public sector because the enforcing authorities for this instrument in Northern Ireland are the Northern Ireland district councils.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 No specific monitoring arrangements are required, but the Department will keep this instrument under general review.

10.2 As this instrument is made under the European Union (Withdrawal) Act 2018, no review clause is required.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Justin Madders MP, Parliamentary Under-Secretary of State for Employment Rights, Competition and Markets at the Department for Business and Trade has made the following statement regarding Human Rights:

"In my view the provisions of The Radio Equipment (Amendment) (Northern Ireland) Regulations 2024 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is made under section 8C(1) of the European Union (Withdrawal) Act 2018. It does not trigger the statement requirements under the European Union (Withdrawal) Act 2018.