EXPLANATORY MEMORANDUM TO

THE RADIO EQUIPMENT (AMENDMENT) (NORTHERN IRELAND) REGULATIONS 2025

2025 No. [XXXX]

1. Introduction

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

2. Declaration

2.1 Kate Dearden MP, Parliamentary Under-Secretary of State (Minister for Employment Rights and Consumer Protection) at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

2.2 Sophie George, 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, Telephone: 07391 864783 or 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 In accordance with the terms of the Windsor Framework, which provides for Northern Ireland's dual market access to both the internal UK market and the EU Single Market for goods, Commission Delegated Regulation (EU) 2022/30 (which supplements the Radio Equipment Directive 2014/53/EU), applies in Northern Ireland. This Instrument will amend the Radio Equipment Regulations 2017 as they apply in Northern Ireland to implement Regulation (EU) 2022/30 in Northern Ireland and enable it to be legally enforced.

4.2 Regulation EU (2022/30) applies additional essential requirements to certain categories of radio equipment that manufacturers must meet, before placing such equipment on the EU market. These additional essential requirements support protection against cybersecurity risks and can be summarised as requiring relevant equipment to be constructed to ensure: that it does not harm the network or its functioning; the protection of personal data and privacy of the user and subscriber; and protection from fraud. These additional essential requirements apply (with certain exceptions) to "internet-connected radio equipment" such as consumer electronics and smart devices, and also other radio equipment as set out in paragraphs 5.3 to 5.7.

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 In accordance with the terms of the Windsor Framework, which provides for Northern Ireland's dual market access to both the internal UK market and the EU Single Market for goods, the EU legislation listed in its Annex 2 (which includes the Radio Equipment Directive 2014/53/EU) applies in Northern Ireland. The Radio Equipment Regulations 2017 implemented the Radio Equipment Directive into UK law.

5.2 The European Commission has adopted Regulation (EU) 2022/30, which supplements the Radio Equipment Directive 2014/53/EU. Article 3(1) and (2) of the Radio Equipment Directive sets out the essential requirements that all radio equipment must comply with before being placed on the EU market, and Article 3(3) lists additional essential requirements that radio equipment within certain categories or classes must comply with.

5.3 Regulation (EU) 2022/30 applies additional essential requirements in Article 3(3) of the Radio Equipment Directive to certain categories of radio equipment placed on the EU market from 1 August 2025. The additional essential requirements applied are that relevant radio equipment is to be constructed to ensure that: it does not harm the network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service (Article 3(3)(d)); it incorporates safeguards to ensure that the personal data and privacy of the user and subscriber are protected (Article 3(3)(e)); and it supports certain features ensuring protection from fraud (Article 3(3)(f). The relevant radio equipment to which the additional essential requirements apply is set out below.

5.4 The essential requirement not to harm the network or its functioning applies to any "internet-connected radio equipment" (that is, radio equipment that can communicate itself over the internet, whether it communicates directly or via any other equipment). This would include consumer electronics and smart devices.

5.5 The essential requirement to ensure the protection of user/subscriber personal data and privacy also applies to the following radio equipment, where that equipment is capable of processing personal data, traffic data or location data:

- Internet-connected radio equipment; and
- Radio equipment, whether internet-connected or not, that is: (i) designed or intended exclusively for childcare; (ii) covered by the EU Toys Directive; or (iii) designed or intended, to be worn on, strapped to, or hung from the body or clothing.

5.6 The essential requirement to ensure protection from fraud also applies to internet-connected radio equipment, if that equipment enables the user to transfer money, monetary value or virtual currency.

5.7 None of the additional essential requirements set out above, apply to radio equipment covered by Regulation (EU) 2017/745 (The Medical Devices Regulation) or Regulation (EU) 2017/746 (The In Vitro Diagnostic Medical Devices Regulation).

5.8 The essential requirements to ensure the protection of user/subscriber personal data and privacy, and protection from fraud do not apply to radio equipment covered by:

- Regulation (EU) 2018/1139 (Common Rules in the Field of Civil Aviation)
- Regulation (EU) 2019/2144 (Type Approval of Vehicles, Systems and Components)
- Directive (EU) 2019/520 (Interoperability of Electronic Road Toll Systems and for Facilitating Cross-Border Exchange of Information on the Failure to Pay Road Fees in the Union)

5.9 This instrument will also set out the procedures that manufacturers must follow for the appropriate conformity assessment under the Radio Equipment Directive.

What was the previous policy, how is this different?

5.10 The UK Radio Equipment Regulations 2017 implement the Radio Equipment Directive 2014/53/EU into UK law. The Radio Equipment Regulations 2017 regulate the safety and electromagnetic compatibility of radio equipment and promote protection of the radio spectrum. The Radio Equipment Regulations 2017 apply to the whole of the UK, but some provisions apply to Northern Ireland only, in accordance with the Radio Equipment Directive which applies in Northern Ireland under the Windsor Framework.

5.11 The Radio Equipment Directive requires all radio equipment to comply with essential requirements before being placed on the EU market. Regulation (EU) 2022/30 supplements the Radio Equipment Directive by applying additional essential requirements to certain categories of radio equipment and therefore this instrument amends the Radio Equipment Regulations 2017 as they apply in Northern Ireland, in order to implement Regulation (EU) 2022/30 in Northern Ireland. This instrument will also set out the procedures that manufacturers must follow for the appropriate conformity assessment under the Radio Equipment Directive. The additional essential requirements required by Regulation (EU) 2022/30, apply to relevant radio equipment placed on the Northern Ireland market on or after 1 August 2025.

6. Legislative and Legal Context

How has the law changed?

6.1 The Radio Equipment Regulations 2017 as they apply in Northern Ireland, give effect to the provisions of the Radio Equipment Directive 2014/53/EU, by virtue of the European Union (Withdrawal) Act 2018 and the Windsor Framework. Regulation (EU) 2022/30 supplements Directive 2014/53/EU by applying additional essential requirements to certain categories of radio equipment, and therefore this instrument amends the Radio Equipment Regulations 2017 in order to implement Regulation (EU) 2022/30 in Northern Ireland and enable it to be legally enforced. This instrument will also set out the procedures that manufacturers must follow for the appropriate conformity assessment under the Radio Equipment Directive.

6.2 This instrument will also amend the scope of existing criminal offences under the Radio Equipment Regulations 2017 as they apply in Northern Ireland.

Why was this approach taken to change the law?

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

7. Consultation

Summary of consultation outcome and methodology

7.1 The Government has not undertaken a formal 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 however undertaken stakeholder engagement with a cross-representation of stakeholders, including industry, trade associations, and other Government Departments with an interest. As set out in paragraph 9.1, many UK businesses also supply the EU market (as well as the UK market) and have already taken steps to come into compliance with the Radio Equipment Directive. We therefore do not anticipate any significant impacts on the supply of products from Great Britain to Northern Ireland. The UK's Product Security and Telecommunications Infrastructure (PSTI) Act 2022 sets a framework for the cybersecurity of internet-connected products in the UK and works alongside Radio Equipment Directive provisions in Northern Ireland. The Government intends to review the operation of PSTI in the coming years, including through an interim Post Implementation Review in 2026, and will continue to monitor the functioning of the internal market.

8. Applicable Guidance

8.1 The Office for Product Safety and Standards (OPPS) has produced guidance on GOV.UK on the Radio Equipment Regulations 2017[1], prescribing the obligations on economic operators in addition to enforcement and market surveillance provisions. OPSS has also produced a factsheet providing guidance for business on Regulation (EU) 2022/30[2]. Further guidance will be provided on the requirements of this instrument.

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. Discussions with industry stakeholders have not identified significant impacts for this instrument. Many manufacturers have already prepared to comply with Regulation (EU) 2022/30 to continue to supply the EU market as well as the Northern Ireland market. Manufacturers of qualifying Northern Ireland goods in scope of (EU) 2022/30 will continue to have unfettered access to the rest of the UK internal market, as set out in the United Kingdom Internal Market Act 2020.

[1] https://www.gov.uk/government/publications/radio-equipment-regulations-2017
[2] https://www.gov.uk/government/publications/radio-equipment-regulations-2017/regulation-eu-202230-factsheet

Impact on businesses, charities and voluntary bodies

9.2 This instrument will impact on manufacturers of specific types of radio equipment 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 or 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 relevant 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 Kate Dearden MP, Parliamentary Under-Secretary of State (Minister for Employment Rights and Consumer Protection) 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 2025 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.