EXPLANATORY MEMORANDUM TO

THE ELECTRICAL EQUIPMENT (SAFETY) REGULATIONS 2016

2016 No. 1101

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of the instrument is to implement EU Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to the making available on the market of electrical equipment designed for use within certain voltage ranges.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 This instrument is being made in order to implement the provisions of the revised EU Low Voltage Directive ("LVD") (2014/35/EU), the majority of the provisions of which were required to be transposed by 20 April 2016.

4.2 This instrument will replace and repeal the current Regulations (the Electrical Equipment (Safety) Regulations 1994, (S.I. 1994/3260) as amended).

5. Extent and Territorial Application

5.1 The extent of this instrument is the United Kingdom.

5.2 The territorial application of this instrument is the United Kingdom.

6. European Convention on Human Rights

6.1 The Minister for Small Business, Consumers and Corporate Responsibility, Margot James, has made the following statement regarding Human Rights:

"In my view the provisions of the Electromagnetic Compatibility Regulations 2016 are compatible with the Convention rights."

7. Policy background

What is being done and why

7.1 The Low Voltage Directive (Directive 2006/95/EC) provides the technical requirements that ensure the safety of electrical equipment designed for use with voltages of between 50 and 1000 volts alternating current and between 75 and 1500 volts direct current. It was reviewed and aligned with the New Legislative Framework (NLF). NLF consists of EU Decision 768/2008/EC on a Common Framework for the Marketing of Products and EU Regulation 765/2008/EC on requirements for accreditation and market surveillance relating to the marketing of products.

7.2 The NLF seeks to apply a number of principles across all Single Market Product Directives:

- to address the number of non-compliant products that reach the market through improved traceability and clearer requirements on manufacturers, importers and distributors to co-operate with enforcement authorities;
- to address inconsistent performance between Notified Bodies through a reinforced notification process;
- to address the complexity of the current legislation through alignment of commonly used definitions and certain aspects of the conformity assessment process.

7.3 The Electrical Equipment (Safety) Regulations 2016 ("the Regulations") correspondingly repeal and replace the provisions in the Electrical Equipment (Safety) Regulations 1994 to align UK rules with NLF. There are no changes to the technical requirements for equipment under the Regulations.

7.4 The Regulations copy out the relevant parts of the revised Directive. A Transposition Note is attached in the Annex to this Memorandum.

7.5 The Department for Business, Innovation and Skills submitted an Explanatory Memorandum on a number of proposals for revised Directives under the NLF, including LVD on 8 December 2010, which was cleared by both the Lords and Commons Scrutiny Committees.

7.6 On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of the exit negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

8. Consultation outcome

8.1 The Department for Business, Innovation and Skills carried out two stakeholder consultations on a number of proposals for revised Directives under the NLF, including LVD in January 2012 and August 2015 respectively. Copies of the consultations are available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31800/12-550-proposals-align-directives-with-new-legislative-framework-consultation.pdf
and
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451121

/BIS-15-468-alignment-of-nine-EU-single-market-directives-with-the-new-legislative-framework.pdf

8.2 Responses to both consultations were generally supportive of the measure. The government response to the first consultation was published in August 2012 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/34759/12-998-consultation-proposals-align-directives-with-new-legislative-framework-response.pdf). The government response to the 2015 consultation will be published shortly.

9. Guidance

9.1 BEIS will be producing updated guidance to reflect the Regulations alongside the existing information on gov.uk.

10. Impact

10.1 The impact on business, charities or voluntary bodies is judged to be low.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment is submitted with this memorandum.

11. Regulating small business

11.1 The legislation applies to small businesses. The Government considers that the legislation is not expected to impose a disproportionate cost to small firms.

12. Monitoring & review

12.1 The Electrical Equipment (Safety) Regulations 2016 provide that a review should be carried out within five years of the entry into force of the Regulations, and at intervals of no longer than 5 years thereafter.

13. Contact

13.1 Richard Harris at the Department for Business, Energy and Industrial Strategy Telephone: 0207 215 1325 or email: Richard.harris@beis.gov.uk can answer any queries regarding the instrument.