EXPLANATORY MEMORANDUM TO

THE NOISE EMISSION IN THE ENVIRONMENT BY EQUIPMENT FOR USE OUTDOORS (AMENDMENT) (NORTHERN IRELAND) REGULATIONS 2025

2025 No. 407

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

2.2 Sophie George, Deputy Director for Product Sectors and Metrology Policy, at the Department of Business and Trade confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Maeve Nicholson at the Department of Business and Trade, Telephone: 0121 345 1201 or email: OPSS.enquiries@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 recent changes made by the European Union to the Noise Emission in the Environment by Equipment for Use Outdoors Directive 2000/14/EC ("the Directive"). The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 ("the Regulations") implemented the Directive in the United Kingdom. Following the changes made by the EU to the Directive, the Regulations must also be amended as they apply in Northern Ireland. These changes must be made to comply with the terms of the Windsor Framework Agreement. The changes amend Schedule 6 of the Regulations to update the methods by which airborne noise is tested for equipment in scope of the legislation. In addition, the changes amend regulation 12 of the Regulations, to reduce the reporting requirements for manufacturers of products in scope of the legislation so that they no longer need to provide the Commission and the relevant national authority with a copy of their declaration of conformity.

Where does the legislation extend to, and apply?

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

4.3 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 Directive regulates certain types of outdoor machinery to control the noise they produce, in order to reduce its environmental impact and impact on human health. It sets out permissible noise levels that certain equipment within scope must meet and be tested to before they can be placed on the market. Some equipment within scope of the Directive does not have a maximum noise limit and is subject to noise marking only, which does not require external testing to be completed. The particular requirements for each specific type of outdoor equipment are clearly set out in the Directive.

5.2 The Directive covers outdoor machinery typically used on construction sites or in large parks and gardens, such as chainsaws, cranes, dumpers, excavators, lawnmowers, leaf blowers and power generators. It does not apply to machinery for the transport of goods or people by road, rail, air or waterways, nor for use by the military, police or emergency services.

5.3 The Regulations implemented the Directive in the United Kingdom. The European Union Withdrawal Act 2018 preserved the Regulations and enabled them to be amended so as to continue to function effectively now that the UK has left the European Union.

5.4 On 22 May 2024, the European Union adopted Delegated Regulation (EU) 2024/1208 to amend and update Annex III of the Directive which corresponds to Schedule 6 of the Regulations. Recent technological progress has provided opportunities to improve the methods used to measure airborne noise emitted by equipment for use outdoors.

5.5 In addition, on 16 November 2023, as part of a wider package of reform impacting multiple sectors, the EU adopted Directive (EU) 2024/2839 which removes the requirement for manufacturers of products in scope of the legislation to provide the European Commission and the responsible authority of the Member State with a copy of their declaration of conformity.

5.6 In order to facilitate dual access to both the UK internal market and the EU Single Market, Northern Ireland continues to apply EU rules with respect to the regulation of noise emissions by equipment used outdoors, under the terms of the Windsor Framework.

What was the previous policy, how is this different?

5.7 The new testing methods will be applicable from 22 May 2025. The new testing methods will apply to new models of equipment, the first item of which was placed on the market on or after 22 May 2025. Existing models, which have already been placed on the market before 22 May 2025 can also rely on the results from the old testing methods until 22 May 2028. This means, in reality, most product types which are already on the market will have three years to fully transition to the new testing requirements.

5.8 The new methods are expected to ensure legislation maintains pace with technological advancements, improve standardisation of testing methods, ensure measurements are independent of the environment they operate in and improve understanding of test uncertainties.

5.9 In practice, the Government considers that these changes to the Regulations will not substantially impact the placing on the market of outdoor equipment and will further

support both workers and consumers in terms of having confidence in the declared values of noise emissions.

5.10 Additionally, removing the requirement for manufacturers to provide their declaration of conformity to the appropriate authorities will reduce reporting requirements and burdens on industry in Northern Ireland. This change will not become applicable until 29 November 2025 but should also have minimal impact on businesses.

6. Legislative and Legal Context

How has the law changed?

6.1 Schedule 6 of the Regulations sets out methods of noise measurement of airborne noise emitted by equipment used outdoors, in order for responsible persons to comply with their obligations under the Regulations. It copies out Annex III to the Directive as originally enacted. This instrument updates the measurement methods to implement the updated Annex III to the Directive.

6.2 In addition, regulation 12 places an obligation on the responsible person to send a copy of the declaration of conformity to the Secretary of State within 28 days of placing the equipment on the market. This requirement implemented Article 2 of the Directive and has now been removed as a requirement from the Directive. These Regulations therefore remove that requirement in order to implement the relevant update to the Directive.

Why was this approach taken to change the law?

6.3 Under the terms of the Windsor Framework, EU legislation listed in Annex 2 to the Windsor Framework continues to apply in Northern Ireland, including updates to the legislation like those implemented here.

6.4 This instrument amends the Regulations to implement, in Northern Ireland only, the changes made to the Directive by the Regulation (EU) 2024/1208 and the Directive (EU) 2024/2839. This is necessary for the UK to comply with its obligations under the Windsor Framework.

6.5 Except for regulations 2(3) and 2(4), this instrument comes into force on 22 May 2025 to coincide with the date from which Regulation (EU) 2024/1208 applies. There is a savings and transitional provision in regulation 3 of this instrument which reflects the minor transitional provisions contained in the updated Annex. The Directive (EU) 2024/2839 entered into force on 27 November 2024 and obligations to comply with Article 2(1) apply from 29 November 2025 (Article 5(1)). Regulation 2(3) and 2(4) under this instrument, which implement the Directive (EU) 2024/2839, will therefore come into force on 29 November 2025.

6.6 Regulation (EU) 2024/1208 and Directive (EU) 2024/2839 are delegated EU legislation made under the Directive and amend the Directive itself. Even though Regulation (EU) 2024/1208 is a Regulation (and therefore not usually required to be separately implemented), it needs express implementation because it amends the Directive. Both instruments are therefore required to be implemented in Northern Ireland and that can only be done via legislation.

6.7 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 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 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. Interested parties have expressed support for the changes as having a positive impact on legislation.

7.3 In September 2024, the Government also published a Call for Evidence to seek views from interested parties on the changes to outdoor noise legislation. This Call for Evidence asked stakeholders whether they would like to see similar measures implemented across the whole of the UK, rather than just in Northern Ireland, and whether CE recognition should continue for products in scope. The majority of respondents supported the changes to outdoor noise legislation and wanted to see similar measures implemented in Great Britain and continued CE recognition.

8. Applicable Guidance

8.1 The Office for Product Safety and Standards has published and regularly updates on gov.uk a guide for economic operators on the Regulations[1].

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 given effect in legislation through the European Union (Withdrawal Agreement) Act 2020, which adds provisions and powers to the European Union (Withdrawal) Act 2018.

Impact on businesses, charities and voluntary bodies

9.2 This instrument will impact manufacturers of outdoor equipment in scope that are placed on the Northern Ireland marketplace, as well as authorised representatives carrying out manufacturers' tasks on their behalf. 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 no, or no significant, impact on the public sector because they are very unlikely to be participating in activities related to the subject matter of the Statutory Instrument. It is primarily a matter for businesses placing products on the market or testing that they meet the necessary requirements.

[1] https://www.gov.uk/government/publications/noise-emission-in-the-environment-by-equipment-for-use-outdoors-regulations-2001

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 Acts (as defined at 13.1), 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 The Parliamentary Under-Secretary of State (Minister for Employment Rights, Competition and Markets) has made the following statement regarding Human Rights:

"In my view the provisions of the Noise Emission in the Environment by Equipment for use Outdoors 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), and paragraph 21 of Schedule 7, to the European (Withdrawal) Act 2018 and therefore relates to the withdrawal of the United Kingdom from the European Union. It does not trigger the statement requirements under the European Union (Withdrawal) Act.