

**EXPLANATORY MEMORANDUM TO**  
**THE ECODESIGN FOR ENERGY-RELATED PRODUCTS AND ENERGY**  
**INFORMATION (AMENDMENT) (EU EXIT) REGULATIONS 2019**

**2019 No. XXXX**

**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 Act.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 This instrument is being made to address failures of retained EU Ecodesign and Energy Labelling law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU. In the event of the UK leaving the EU without an agreement at the end of March 2019, this instrument will ensure that all current minimum performance and labelling requirements for energy-related products in households and the commercial sector remain enforceable in the UK after exit. It also gives the Secretary of State the power (formerly vested in the European Commission) to introduce measures to improve the energy efficiency and sustainability of energy-related products placed on the UK market, and encourage the purchase of energy efficient products. Finally, this instrument makes minor non-exit-related changes to update the Energy Information Regulations 2011.

*Explanations*

What did any relevant EU law do before exit day?

- 2.2 There are two main pieces of European legislation pertaining to the ecodesign and energy labelling of energy-related products and multiple European product-specific regulations sitting under them.

**Directive 2009/125/EC establishing a framework for the setting of ecodesign requirements for energy-related products (“the Ecodesign Directive”)**

- 2.3 The Ecodesign Directive provides the legal framework within which the European Commission brings forward EU regulations (“product-specific ecodesign regulations”) in relation to specific energy-related products or product groups to require improved energy and environmental performance.
- 2.4 The 28 product-specific ecodesign regulations this instrument amends put in place minimum energy performance requirements and requirements relating to the protection of the environment that energy-related products have to meet to be placed on the EU market.

## **Regulation (EU) 2017/1369 setting a framework for energy labelling (“The Energy Labelling Regulation”)**

- 2.5 The Energy Labelling Regulation sets the framework for the energy labelling of energy-related products. Its purpose is to inform consumers about the energy efficiency and other environmental impacts of energy-related products and encourage them to buy more energy efficient products.
- 2.6 It provides the legal framework within which the European Commission brings forward EU regulations (“product-specific energy labelling regulations”). The 15 product-specific energy labelling regulations this instrument amends put in place requirements on suppliers to produce accurate energy labels for relevant products and requirements on dealers to display the labels at point of sale.

### *Why is it being changed?*

- 2.7 EU retained Ecodesign and Energy Labelling legislation need to be amended to address deficiencies arising from the UK’s withdrawal from the EU. Without these amendments, the legislation would set minimum energy performance and labelling requirements for the EU single market, meaning these requirements would not apply to the UK market. This could allow suppliers to place less efficient and more polluting products on the market meaning a potential reduction in consumer energy bill savings and carbon emission savings. The amendments will ensure the legislation operates effectively after exit and that all minimum energy performance and labelling requirements for energy-related products remain enforceable.
- 2.8 The amendments will also ensure regulatory continuity by giving the Secretary of State power to introduce product-specific ecodesign and energy labelling regulations. This will allow the UK, after exit, to introduce its own ecodesign and energy labelling measures to improve the energy efficiency and sustainability of energy-related products placed on the UK market, and encourage the purchase of energy efficient products.

### *What will it now do?*

- 2.9 This instrument ensures that ecodesign and energy labelling requirements already in force or scheduled to apply before the point of exit will continue to apply to products placed on the UK market before or following exit.
- 2.10 While UK and EU ecodesign and energy labelling requirements will stay the same immediately after exit, this instrument gives a power to the Secretary of State to set ecodesign and labelling requirements for energy-related products following exit (see section 7.4). The power to legislate will enable the Secretary of State to implement the strategy set out on page 44 of the Clean Growth Strategy which is to “keep step with equivalent standards [after exit] wherever possible and appropriate, or even exceed them where it is in the UK’s interest to do so”. The Committee on Climate Change’s assessment is that it is essential this commitment is delivered.
- 2.11 This instrument also sets out a UK system of product testing standards. UK “designated standards” will give rise to a presumption of conformity with UK requirements, in the same way that “harmonised standards” do now in respect of EU requirements. These standards will be the same after exit (see section 7.3).
- 2.12 In addition, this instrument creates an independent UK regime for third-party verification whereby space heaters and combination heaters for the UK market will be

assessed by UK approved bodies after exit. This replaces the pre-exit requirement to use an EU Notified Body (see section 7.5).

- 2.13 In addition, this regime will be subject to the framework for a new UK marking which a supplier will affix to a product to indicate that the product is in conformity with UK ecodesign requirements. This replaces the CE marking (see section 7.6). Transitional provisions are however in place to allow products assessed by an EU notified body which lawfully bear the CE marking to be placed on the UK market after exit.
- 2.14 Finally, after exit, suppliers placing relevant energy-related products on the UK market will not be required to enter relevant information into the EU “product database” (a new EU online portal coming into force on 1 January 2019 made of a compliance section where Market Surveillance Authorities (MSA) can view technical product-related information uploaded by suppliers and an open section for consumers to view product-related information). These suppliers will however continue providing technical product information to the UK’s MSA as they do now, upon request (see section 7.11).

### **3. Matters of special interest to Parliament**

#### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 Paragraph 12 of Schedule 1 and paragraph 11 of Schedule 4 of this instrument give a power to the Secretary of State to make product-specific ecodesign and energy labelling regulations for the UK. This power already exists but until the point of exit is exercised by the Commission. It is being retained for the Secretary of State as, after exit, the Commission will lose the power it currently has to introduce product-specific ecodesign and energy labelling regulations for the UK market. Giving this power to the Secretary of State will allow the UK to keep in line with the strategy set out in the Government's Clean Growth Strategy as described in section 2.10. Without this power the UK would be at risk of losing out on potential carbon savings and exposing consumers to higher energy bills.
- 3.2 The power given to the Secretary of State to adopt product-specific ecodesign and energy labelling regulations will be exercised through future secondary legislation which will be subject to:
- the negative resolution procedure (legislation will automatically become law without debate unless there is an objection from either House of Parliament) where the Secretary of State uses the power to create ecodesign and energy labelling requirements identical to those adopted by the EU.
  - the affirmative procedure (legislation will require the formal approval of both Houses of Parliament before it becomes law) where the Secretary of State sets UK ecodesign and energy labelling requirements that differ from EU requirements.
- 3.3 This instrument also takes a power to amend the list of product-specific regulations that can be enforced under domestic law, which if exercised could in effect widen the scope of criminal offences under the ecodesign and labelling regime (new regulation 24(2)(d) for ecodesign and new article 11A(3)(a) for energy labelling). This instrument does not itself however widen the scope of criminal offences. It merely gives a power to the Secretary of State to add any new product-specific regulations to the relevant Schedules in domestic legislation so that Market Surveillance can enforce them.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.4 The territorial application of this instrument includes Scotland and Northern Ireland.
- 3.5 The powers under which this instrument is made cover the entire United Kingdom (see section 24 of the European Union (Withdrawal) Act 2018) and the territorial application of this instrument is not limited either by the Act or by the instrument.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is the United Kingdom.
- 4.2 The territorial application of this instrument is the United Kingdom.

**5. European Convention on Human Rights**

- 5.1 The Minister of State for Energy and Clean Growth, Claire Perry has made the following statement regarding Human Rights:

“In my view the provisions of the Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019 are compatible with the Convention rights.”

**6. Legislative Context**

- 6.1 Part 2 of this instrument makes minor non-exit-related changes to update the Energy Information Regulations 2011 to include reference to two EU product-specific energy labelling regulations that are in force (Commission Delegated Regulation (EU) No 874/2012 and Commission Delegated Regulation (EU) No 65/2014).
- 6.2 This instrument is however predominantly made to amend retained EU law to ensure it operates effectively following UK exit (Part 3 of this instrument).
- 6.3 As explained in section 2, there are two main pieces of European legislation relating to energy-related products: the Ecodesign Directive and the Energy Labelling Regulation. Both provide a framework under which multiple pieces of product-specific European legislation sit.
- 6.4 The Ecodesign Directive is not directly applicable. The Ecodesign Directive is implemented domestically by the Ecodesign for Energy-Related Products Regulations 2010. These regulations transpose the Directive and create domestic obligations and a related enforcement regime to ensure the UK’s MSAs have the powers to enforce these obligations. The Office for Product Safety and Standards (OPS&S) is the appointed MSA responsible for the implementation and enforcement of the Ecodesign for Energy-Related Products Regulations 2010.
- 6.5 The Energy Labelling Regulation and the 15 product-specific energy labelling regulations this instrument amends are directly applicable in the UK. The Energy Information Regulations 2011 create domestic obligations and a related enforcement regime to ensure the UK’s MSAs have the powers to enforce these obligations. OPS&S and Trading Standards in Great Britain and OPS&S and the Department for the Economy in Northern Ireland are the appointed MSAs responsible for the implementation and enforcement of the Energy Information Regulations 2011.
- 6.6 Before exit, the power to set product-specific ecodesign and energy labelling-related requirements rested with the European Commission. However, the Commission will

no longer be able to exercise that power in relation to the UK after exit, leaving a gap that needs to be filled by retaining an equivalent power for the Secretary of State, exercisable via statutory instrument.

- 6.7 The Secretary of State will likely use this power in the year following exit to coincide with the entry into force of new EU energy labelling and ecodesign product-specific regulations. These new EU regulations will introduce more stringent requirements for several product groups and introduce requirements for some new product groups.
- 6.8 As explained in section 3.2, future legislation will be subject to the negative or affirmative parliamentary procedure depending on whether, after exit, the Secretary of State sets ecodesign and energy labelling requirements identical to those adopted by the EU or not.

## 7. Policy background

### *What is being done and why?*

- 7.1 Part 2 of this instrument is made under section 2(2) of the European Communities Act 1972 to make minor non-exit-related changes to the Energy Information Regulations 2011. The changes consist in updating Schedule 1 to include reference to two EU product-specific energy labelling regulations: Commission Delegated Regulation (EU) No 874/2012 on household lamps, and Commission Delegated Regulation (EU) No 65/2014 on household electric ovens. This is to ensure the MSA can carry out its enforcement activities with regards to the labelling of these products.
- 7.2 Predominantly however, this instrument is made under powers in section 8(1) of the Withdrawal Act and corrects deficiencies arising from the UK's withdrawal from the EU (Part 3). In the event of the UK leaving the EU without an agreement at the end of March 2019, it will ensure that all current minimum performance and labelling requirements for energy-related products made under retained EU law remain operable in the UK after exit. It will also ensure regulatory continuity by giving the Secretary of State power (currently vested in the Commission) to make product-specific regulations pertaining to the ecodesign and energy labelling of energy-related products.

### **Schedule 1: Amendments to the Ecodesign for Energy-Related Products Regulations 2010**

- 7.3 Paragraph 3 sets out that UK "designated standards" will, after exit, replace EU harmonised standards (used in the UK before exit day as a way to demonstrate conformity with EU ecodesign and energy labelling requirements). After exit, designated standards will be used as a way to demonstrate conformity with UK ecodesign and energy labelling requirements. Immediately after exit, they will remain the same as harmonised standards. The Secretary of State will have the power to designate a standard by publishing a reference to that standard. The publication by the Secretary of State is intended to replicate the current procedure of publishing harmonised standards in the Official Journal of the EU.
- 7.4 Paragraph 12 gives the Secretary of State the power to introduce ecodesign requirements, where there is significant potential for the environmental impact of a product to be reduced without imposing excessive costs. The power given to the Secretary of State will be exercised through future secondary legislation. As explained in section 3.2, future secondary legislation will be subject to the negative or

affirmative procedure depending on whether the Secretary of State sets ecodesign requirements after exit identical to those introduced by the EU.

- 7.5 Paragraph 15 provides details of the regime relating to UK Approved Bodies. Under the ecodesign regime, suppliers are responsible for undertaking an assessment of a product and to make a declaration (“Declaration of Conformity”) that a product is compliant with the requirements in the legislation. For the vast majority of products currently regulated under the ecodesign regime, this can be done through self-certification. For space heaters and combination heaters however (Commission Regulation (EU) No 813/2013), the process currently involves a third-party conformity assessment body, known as a Notified Body. Notified Bodies undertake a conformity assessment providing the evidence a supplier needs to provide the Declaration of Conformity for space and combination heaters. For instances where the conformity assessment process is done through a Notified Body, this instrument creates a UK only regime which mirrors the requirements at EU level but replaces the requirements to use an EU Notified Body with a requirement to use a UK Approved Body. UK Approved Bodies will assess products for the UK market against UK requirements.
- 7.6 In addition, this regime will be subject to the framework for a new UK conformity marking, which applies to any enactment which makes reference to the “UK marking” and is being introduced by the Product Safety and Metrology (Amendment etc.) (EU Exit) Regulations. The new framework will provide for the UK marking to be affixed to products to indicate conformity with UK requirements. This replaces the CE marking which indicates conformity with EU requirements. The Secretary of State will publish the prescribed form of the UK marking on the GOV.UK website prior to exit day.
- 7.7 Paragraph 11 puts in place transitional provisions to ensure that the availability of products is not diminished after exit. These provisions ensure that after exit:
- products already placed on the market (and meeting EU ecodesign requirements) will be able to continue to circulate in the UK;
  - products placed on the market after exit that meet pre-exit EU ecodesign requirements will be allowed to continue to circulate in the UK;
  - products assessed by an EU notified body which lawfully bear the CE marking will still be able to be placed on the UK market after exit, as well as those that lawfully bear the UK marking.

#### **Schedule 2: Amendments to EU product-specific ecodesign regulations**

- 7.8 Schedule 2 of this instrument amends the 28 EU product-specific ecodesign regulations. It replaces certain terms with the UK-equivalent. It specifies which definitions apply and what form the conformity assessment and the verification of compliance must take. It also omits provisions concerning review of the regulation by the Commission to reflect the fact that the UK is leaving the EU.

#### **Schedule 3: Amendments to the Energy Information Regulations 2011**

- 7.9 Schedule 3 makes minor technical fixes to the Energy Information Regulations 2011. The Regulations relate primarily to the domestic enforcement regime, so are relatively unaffected by exit. The amendments do not make changes to the enforcement powers the MSAs currently have.

#### **Schedule 4: Amendments to the Energy Labelling Regulation 2017/1369**

- 7.10 Paragraph 3(8) provides a definition of "designated standards" (see section 7.3). Accordingly, references to harmonised standards in the Energy Labelling Regulation have been replaced with references to designated standards.
- 7.11 Paragraph 5 removes references to the EU "products database" to reflect the fact that in a situation where the UK leaves the EU without an agreement, the UK's MSA will no longer have access to the compliance section of the database and suppliers who do not export to the EU will not be able to register in the database and enter the relevant information. After exit, suppliers placing relevant energy-related products on the UK market will not be required to enter relevant information into the database. These suppliers will however have to continue providing the UK's MSA with technical product information as they do now, upon request.
- 7.12 Paragraph 11 gives the Secretary of State a power to adopt product-specific energy labelling regulations in the UK and therefore create new labels or rescale existing ones. Before exit, the power to adopt energy labelling requirement for the UK market was conferred on the Commission. Giving the power to the Secretary of State is necessary in so far as the Commission will no longer have that power for the UK market following exit. Several amendments have been made to the Energy Labelling Regulation to reflect this new situation:
- The provision mandating the Commission to rescale labels for certain product groups by a certain date has for instance been deleted. This is because these prescribed timings will no longer be appropriate once the UK leaves the EU. The Secretary of State will decide to rescale labels when criteria specific to the UK market are met.
  - The provision mandating the Commission to adopt a separate delegated act for each specific product group has also been deleted. This was done to allow the Secretary of State to lay bundled regulations for numerous products, where appropriate, and use parliamentary time efficiently.
  - Similarly, all references to how the European Parliament and Council oversee the power to introduce and rescale labels have been removed. This is to reflect the fact that the UK is leaving the EU and cannot be bound by its institutional arrangements. Adequate and proportionate oversight of the use of the power by the Secretary of State is in place. The Secretary of State will consult before introducing and rescaling labels. As explained in section 3.2, future secondary legislation will be subject to the negative procedure where the Secretary of State sets ecodesign requirements identical to those adopted by the EU and the affirmative procedure where the requirements differ from EU requirements.
- 7.13 Paragraph 16 provides transitional provisions. These provisions make clear that obligations to which a person was subject before exit day in relation to a product placed on the market before exit continue to apply on and after exit day, despite the amendments this instrument makes.

#### **Schedule 5: Amendments to EU product-specific energy labelling regulations**

- 7.14 Schedule 5 amends the EU products-specific energy labelling regulations made to date. It replaces certain terms with the UK-equivalent. It omits provisions concerning review of the regulation by the Commission to reflect the fact that the UK is leaving the EU and specifies requirements for the verification of compliance.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

8.1 This instrument is being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In accordance with the requirements of that Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

8.2 Alongside the EU (Withdrawal) Act 2018 powers, the instrument is also being made under section 2(2) of the European Communities Act 1972 to make minor non-exit-related changes to update Schedule 1 to the Energy Information Regulations 2011.

## **9. Consolidation**

9.1 There are no plans to consolidate the domestic regulations amended by this instrument.

## **10. Consultation outcome**

10.1 Informal engagement has been undertaken since the summer of 2018 with trade bodies covering products currently regulated under ecodesign and energy labelling.

10.2 Views were sought on:

- the proposal to keep the design of the energy label.
- the proposal to remove obligations in relation to the EU product database.
- the proposal to retain the legislative functions currently carried out by the European Commission for the Secretary of State.

10.3 Stakeholders supported these three proposals. They stressed the importance of not creating new costs for businesses and the importance for the UK to be able to legislate at pace after exit.

10.4 Other stakeholders including consumer and environmental groups have also been engaged with and informed of the purpose of this instrument. Questions were answered, and no opposition to this instrument was expressed.

10.5 A wider and more formal consultation has not been necessary in so far as this instrument only makes those amendments needed to ensure that retained Ecodesign and Energy Labelling legislation is workable after EU exit and enable the Secretary of State to legislate. This does not extend to making policy changes of a nature which might justify wider consultation. Substantive policy decisions will be for future secondary legislation, with appropriate consultation.

## **11. Guidance**

11.1 No guidance has been produced for this instrument.

11.2 A technical notice entitled “Energy-Using Products: Ecodesign and Energy Labelling” was however published on 12 October to inform suppliers, retailers, and consumers of energy-related products of the implications of the UK leaving the EU in March 2019 with no agreement in place. It can be accessed [here](#).



## **12. Impact**

- 12.1 There is no, or no significant impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because ecodesign and energy labelling regulations which are in force and apply before the point of exit will be maintained bringing no immediate change to trading practices or to consumers. The main changes brought about by this instrument, i.e. giving the Secretary of State the power to make product-specific measures and removing obligations in relation to the product database are expected to have no significant direct cost to businesses, charities, voluntary bodies or the public sector.

## **13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

## **14. Monitoring & review**

- 14.1 Monitoring of this legislation will be ongoing.
- 14.2 As this instrument is made under the EU Withdrawal Act 2018, no review clause is required.

## **15. Contact**

- 15.1 Marie Lepesqueux at the Department for Business, Energy and Industrial Strategy Telephone: 02072 153 791 or email: [marie.lepesqueux@beis.gov.uk](mailto:marie.lepesqueux@beis.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Sam Balch, Deputy Director for Home Retrofit and Energy Using Products, at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Minister of State for Energy and Clean Growth, Claire Perry at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.

# Annex

## Statements under the European Union (Withdrawal) Act 2018

### Part 1

#### Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them.  State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.

		23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

## Part 2

### Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

#### 1. Appropriateness statement

- 1.1 The Minister of State for Energy and Clean Growth, Claire Perry, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019 does no more than is appropriate”.

- 1.2 This is the case because this instrument goes no further than making appropriate fixes to EU retained law, examples of which are mentioned in section 8 in the main body of this explanatory memorandum.

#### 2. Good reasons

- 2.1 The Minister of State for Energy and Clean Growth, Claire Perry, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action”.

- 2.2 This is the case because the amendments to EU retained law brought about by this instrument will ensure existing energy labelling and ecodesign requirements still have effect in the UK. This will prevent less efficient and more polluting products being placed on the UK market after exit and safeguard the positive impacts of ecodesign and energy labelling legislation thus far on consumer energy bills and greenhouse gas emission. Giving the Secretary of State the power to bring in new ecodesign and energy labelling requirements will ensure that these requirements remain at least as high as the EU's, in line with the Government's position as set out in the Clean Growth Strategy, so that the UK can continue to make significant energy bill and carbon emission savings.

#### 3. Equalities

- 3.1 The Minister of State for Energy and Clean Growth, Claire Perry, has made the following statement(s):

“The draft instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.

- 3.2 The Minister of State for Energy and Clean Growth, Claire Perry, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to the draft instrument, I, Claire Perry, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010”.

#### **4. Explanations**

- 4.1 The explanations statement has been made in section 2 of the main body of this explanatory memorandum.