

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by sections 8(1) and 8C(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to (a) address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (c), (ea) and (g) of that Act) arising from the withdrawal of the UK from the European Union, and (b) implement the Protocol on Ireland/Northern Ireland in the Withdrawal Agreement (“the Protocol”).

The Regulations make amendments to legislation in the field of ecodesign and energy labelling for energy-related products. Part 2 amends the Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019 (“the No.1 Regulations”) in order to (a) take account of developments in retained direct EU legislation since that instrument was made, and (b) make amendments consequential on the Protocol; in particular, it provides that the amendments made to EU-derived domestic legislation by the No.1 Regulations will apply only in Great Britain, and for the circumstances in which qualifying Northern Ireland goods will have access to the market in Great Britain.

Part 3 makes amendments to the Ecodesign for Energy-related Products Regulations 2010 in respect of Northern Ireland only; it specifies the requirements for affixing the UK(NI) conformity marking to products to which the regulations apply.

Part 4 amends various Commission Regulations relating to ecodesign. Parts 5 and 7 amend various Commission Delegated Regulations relating to energy labelling; Part 5 also revokes a number of Regulations with effect from 1 March 2021.

Part 6 provides for specified provisions of Commission Delegated Regulations relating to energy labelling to have effect in Great Britain as if they were retained direct EU legislation. The specified Regulations contain some provisions which apply before the end of the Implementation Period (and so are retained EU law), and some which apply from a later date. The effect of the amendments is to treat the whole of the specified Regulations as retained EU law.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.