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Lord Jay of Ewelme
House of Lords
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14 July 2022

Dear Lord Jay,

Product Security and Telecommunications Infrastructure Bill

Thank you for your letter of 1 July regarding the Product Security and Telecommunications Infrastructure Bill and the Northern Ireland Protocol. As you note, the Bill will apply UK-wide and I have considered the questions you raise in detail.

Interaction with the existing Protocol

The provisions of this Bill are compatible with the existing Protocol on Ireland / Northern Ireland, including the provisions of the Protocol that prohibit the UK from creating new regulation that could hinder intra-EU trade in respect of Northern Ireland.

Through this Bill, the Government will mandate security requirements on which there is broad international consensus, and which align with provisions of the world-leading standard for consumer 'internet of things' cyber security developed by the European Telecommunications Standards Institute – ETSI EN 303 645. We notified the EU Commission in relation to the technical regulations in this Bill last year under our commitments in line with the Technical Standards and Regulation Directive. This notification process provides the Commission and EU member states with the opportunity to raise concerns relating to measures that create barriers to the free movement of goods, or relate to areas in which the EU intends to implement regulation. The notification period for this Bill has now concluded, with no such concerns being raised.

None of the European Union Law listed in Annex 2 of the Protocol currently applies cyber security requirements in relation to consumer connectable products. From mid-2024, consumer connectable products to which the Radio Equipment Directive (listed in Annex 2 of the Protocol) applies placed on the Northern Ireland market will need to comply with some or all of the essential requirements detailed in Articles 3(3)(d), (e) and (f) of the Directive, as per the provisions of the existing Protocol.

It is not yet clear what practical measures the EU expects manufacturers of radio equipment to take once the essential requirements in Articles 3(3)(d), (e) and (f) become applicable. We are closely monitoring the work of the EU as it develops the harmonised standards that will set these details out. Once these details are available, if it becomes apparent that action is necessary to remove unnecessary regulatory burden on businesses without compromising security outcomes, the Government has the necessary powers to take appropriate action.

Part 1 of the Bill places duties on the manufacturers, importers, and distributors of consumer connectable products that will be made available to UK customers to comply with relevant security requirements. Where requirements have not been met, the products must not be made available to UK customers. Where businesses in the supply chain do not comply with these duties, the Bill also empowers the Secretary of State with a suite of enforcement powers to take proportionate action. These measures only place restrictions in respect of products that are to be supplied to customers in the UK. Businesses involved in making products available that are ultimately destined for supply to customers outside of the UK will not need to comply with these duties.

Impact of the Northern Ireland Protocol Bill

As you noted in your letter, clause 7 of the Northern Ireland Protocol Bill would establish a dual regulatory regime. It makes clear that businesses will have a choice of which regulatory route to follow when placing goods on the market in Northern Ireland. For manufactured goods to which provisions of EU law listed in Annex 2 of the Northern Ireland Protocol apply, businesses can choose to comply with either domestic UK law relating to that product, relevant separation agreement law relating to that product, or both.

Relevant connectable products made available to UK consumers that also fall within the definition of "radio equipment" set out in Article 2 of the Radio Equipment Directive will be considered "regulated goods" for the purposes of the Northern Ireland Protocol Bill. For Northern Ireland, this Bill would allow the option of compliance with UK law (including the Product Security and Telecommunications Infrastructure Bill), relevant provisions of EU law listed in Annex 2 of the Protocol (including the essential requirements in Articles 3(3)(d),(e) and (f) of the Radio Equipment Directive), or both. The Northern Ireland Protocol Bill will provide businesses with the necessary assurances that compliance with UK law will enable their consumer connectable products to be made available to customers anywhere in the UK.

I hope that this response is helpful, but do not hesitate to contact me for further clarification if necessary.

With all best wishes,



Lord Parkinson of Whitley Bay
Minister for Arts