

Submission from Jim Allister KC MP on the draft Ecodesign for Energy-Related Products and Energy Information (Amendment) (Northern Ireland) Regulations 2025 and response from DESNZ

Dear Lord Hunt,

Re: The Ecodesign for Energy-Related Products and Energy Information (Amendment) (Northern Ireland) Regulations 2025

I write to draw the Committee's attention to the Ecodesign for Energy-Related Products and Energy Information (Amendment) (Northern Ireland) Regulations 2025. I do so very much with your terms of reference in front of me and wish to comment specifically under: '*3 (a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House; and (e) that there appear to be inadequacies in the consultation process which relates to the instrument.*

The regulations are politically and legally important, giving rise to issues of public policy likely to be of interest to the House because:

- i) They give effect to legislation that has been drafted by a polity of which we are not a part, the European Union, and which the people of the United Kingdom voted to leave in the biggest ever manifestation of democracy in our history.
- ii) There has been no consultation with the UK citizens who will be impacted by this legislation, the people of Northern Ireland, about either the framing of the EU standards that these regulations apply or of the framing of the Eco-Design regulations themselves.
- iii) The regulations bring division by virtue of the fact they only apply to part of the United Kingdom. By honouring the attempt of 27 other sovereign states, working through the EU, to place this legislation on Northern Ireland, giving NI a different law from the rest of the country on the matters concerned, these regulations are implicated in undermining a key principle of international law. '*Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.*' See: The UN Declaration on Principles of International Law, Friendly Relations and Co-operation among states in accordance with the Charter of the United Nations.
- iv) Whether intentionally or not the injustice of the division is being allowed to undermine the impact of the biggest democratic vote in the history of the UK by means of seeking to bring the rest of the UK into line with EU legislation and thereby undermining not only Brexit in one part of the UK, but across the UK as a whole. This point is illustrated by the following with respect to the EU Washing Machine Regulations which are engaged by these Eco Design Regulations:

'Question for Northern Ireland Office: UK Trade with EU: Northern Ireland

To ask the Secretary of State for Northern Ireland, what assessment he has made of the potential impact of the implementation of Commission Regulation (EU) 2023/2533 and Commission Regulation (EU) 2023/2534 on (a) businesses selling tumble dryers in Northern Ireland, (b) consumers buying tumble dryers in Northern Ireland and (c) Northern Ireland after 1 July 2025.

Asked 12 February 2025

The Government is committed to increasing the environmental performance of energy-related products. In support of that, the Government will be consulting on adopting measures equivalent to Commission Regulation (EU) 2023/2533 and Commission Regulation (EU) 2023/2534 in domestic law. Subject to the outcome of that consultation, such measures would ensure a consistent regime across the UK.

Answered 28 February 2025

By [Hilary Benn](#) (Labour, Leeds South)

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[UIN 31222](#)

The difficulties with the Eco Design Regulations when viewed from the perspective of SLSC terms of reference 3 (a) and 3 (e) are further underlined by reference to the Explanatory Memorandum, in relation to paras 7.1 and 7.2

'7.1 There was no legal duty to undertake a consultation. As this instrument does not make any substantive policy changes, no consultations were undertaken. In previous years, similar instruments conducted consultations and found that no concerns were raised by industry stakeholders, who understood that the instrument, just as this one, is merely enabling a routine update to policy, that is not expected to have any significant impact in practice.

7.2 However, the Department for Energy Security and Net Zero will consult as soon as practicable on the merits of applying equivalent measures in Great Britain, and will conclude these consultations no later than by March 2026.'

Para 7.1 acknowledges that no consultation has taken place. It is bad enough for a national executive to develop standards and legislation without any consultation but at least in that instance the alienation between those for whom the law is made and the law is less because the law is made by the executive of the country of which the people are a part. In this instance the point of alienation is much greater both because there has been no consultation and because the standards imposed are standards made by the executive of a body politic of which the people of NI are not a part. This makes the difficulty that much greater.

Para 7.2, however, then makes things even more difficult by introducing discrimination in that having just stated that while UK citizens in Northern Ireland can have legislation imposed on them without consultation, the government then commits to providing a consultation for UK citizens living in GB ahead of introducing the same legislation in Great Britain. This arrangement is transparently discriminatory.

Given that there has been no Northern Ireland consultation, nor any intention that there should be a consultation, the discriminatory implication of the covering ministerial letter, with which the regulations have been sent out (which implies that there might be scope for partial rather than the full alignment suggested by the WPQ above), is plain for all to see. There has been no examination of these issues to see whether the legislation is in the interests of NI consumers and NI businesses.

*'We will consult as soon as practically possible on the merits of alignment with new EU regulations and will align where it makes sense to do so. **GB may not align unless in the interests of consumers, businesses, and our wider policy goals.'***

Yours

Jim Allister KC MP

14 March 2025



Department for
Energy Security
& Net Zero

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March 2024

Dear Lord Watson,

Re: The Ecodesign for Energy-Related Products and Energy Information (Amendment) (Northern Ireland) Regulations 2025

I am writing in respect to the letter by Jim Allister MP (14 March) for the attention of the Secondary Legislation Scrutiny Committee concerning the above regulations. The letter raised some important issues in respect to the applicability of this regulation in Northern Ireland, its impact on businesses and consumers, and future alignment across the United Kingdom. I am happy to reply to the committee as the lead minister for this policy area.

I recognise that issues relating to Northern Ireland and protecting its continued status as an integral part of the United Kingdom are important to Mr Allister and his constituents. The government also takes these matters very seriously and is determined to act both in the interests of the people of Northern Ireland and in line with the international agreements that reflect the status of Northern Ireland within the UK.

Applicability of new EU regulations to Northern Ireland

The 2010 Ecodesign and 2011 Energy Labelling Regulations transposed the EU's Ecodesign Directive, creating the UK's enforcement regime for Ecodesign and energy labelling. As you know, under the terms Windsor Framework, Northern Ireland remains aligned with EU single market rules for certain goods and maintains access to this market. As such new EU regulations on Ecodesign and Energy Labelling will automatically apply in Northern Ireland, under section 57A of the European Union (Withdrawal) Act 2018.

This SI updates references to EU law in the 2010 and 2011 Regulations, ensuring proper enforcement in Northern Ireland. It covers various energy-related products and allows market surveillance authorities to enforce new energy efficiency requirements, in accordance with our duty under the Windsor Framework.

The EU has updated their Ecodesign product-specific measures, which apply to:

- Electrical and electronic household and office equipment;
- Fans driven by motors with an electric input power between 125W and 500kW;
- Household tumble dryers;
- Local space heaters; and
- Smartphones, mobile phones, cordless phones, and slate tablets.

And energy labelling measures which apply to:

- Household tumble dryers; and
- Smartphones and slate tablets.

It is right to say that these measures have been drafted by the European Union, of which we are no longer a part. However, without wanting to rerun the debate on the Windsor Framework, which Parliament voted to approve in March 2023, it is necessary that the UK government fulfils its obligations by making sure we can legally enforce regulations as they apply in Northern Ireland. In this case, the first of these new regulations will come into effect in the EU (and Northern Ireland) on 9 May 2025.

This SI seeks to address our obligations under international law by arranging for the effective enforcement of relevant Ecodesign and energy labelling regulations in Northern Ireland. This should not impact trade from Northern Ireland to the rest of the UK, provided manufacturers comply with the new regulations.

Consultation and the impact of the regulation on Northern Ireland

There is no requirement to consult on this legislation. These regulations apply automatically in Northern Ireland under the terms of the Windsor Framework and the European Union (Withdrawal) Act 2018. However, the government continues to monitor the impact of new and planned EU regulation and has done so in this instance, having provided explanatory notes to relevant scrutiny committees.

We have assessed the impact of this regulation on Northern Ireland and have found its impact on businesses and consumers to be minimal. The requirements updated by this SI will not restrict manufacturer's ability to sell into the EU or NI markets unless they are not willing to meet the EU's higher regulations. The higher EU standards are likely to become the industry default with which businesses should in any case comply with to continue to sell into both the GB and EU markets. Nonetheless, we consider that the regulations could bring certain environmental and consumer benefits for the people of Northern Ireland. For example, under these regulations manufacturers will have responsibilities to ensure consumers can repair products more easily.

Future consultation on EU alignment

The government is committed to the integrity of the UK's internal market and intends to apply these measures to products covered by this SI on a UK-wide basis. We will therefore consult on the introduction of aligning regulations in the rest of the UK as soon as possible. I recognise that this consultation be for GB only, but that reflects the requirements set by the 2010 Ecodesign and 2011 Energy Labelling Regulations, which require consultation to be conducted on new regulations. The difference in respect to Northern Ireland is that EU regulations automatically apply under the terms of the Windsor Framework and the European Union (Withdrawal) Act 2018.

I would be happy to meet to discuss any of this further.

Yours sincerely

A handwritten signature in black ink, consisting of several vertical lines on the left and a long, sweeping horizontal line extending to the right.

DR MIATTA FAHNBULLEH MP
Minister for Energy Consumers