

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT ECODESIGN FOR ENERGY-RELATED PRODUCTS AND ENERGY INFORMATION (AMENDMENT) (NORTHERN IRELAND) REGULATIONS 2025

Monday 31 March 2025

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Friday 4 April 2025

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The Committee consisted of the following Members:

Chair: † DR RUPA HUQ

† Baker, Richard (<i>Glenrothes and Mid Fife</i>) (Lab)	† Stone, Will (<i>Swindon North</i>) (Lab)
† Fahnbulleh, Miatta (<i>Parliamentary Under-Secretary of State for Energy Security and Net Zero</i>)	† Swann, Robin (<i>South Antrim</i>) (UUP)
Farron, Tim (<i>Westmorland and Lonsdale</i>) (LD)	† Thomas, Bradley (<i>Bromsgrove</i>) (Con)
Heylings, Pippa (<i>South Cambridgeshire</i>) (LD)	† Timothy, Nick (<i>West Suffolk</i>) (Con)
† Hodgson, Mrs Sharon (<i>Washington and Gateshead South</i>) (Lab)	† Trickett, Jon (<i>Normanton and Hemsworth</i>) (Lab)
† Hurley, Patrick (<i>Southport</i>) (Lab)	† Turley, Anna (<i>Lord Commissioner of His Majesty's Treasury</i>)
† Ingham, Leigh (<i>Stafford</i>) (Lab)	Yasin, Mohammad (<i>Bedford</i>) (Lab)
† McDonald, Chris (<i>Stockton North</i>) (Lab)	Chloe Smith, <i>Committee Clerk</i>
† Mayhew, Jerome (<i>Broadland and Fakenham</i>) (Con)	† attended the Committee
† Russell, Mrs Sarah (<i>Congleton</i>) (Lab)	

The following also attended, pursuant to Standing Order No. 118(2):

Allister, Jim (*North Antrim*) (TUV)

First Delegated Legislation Committee

Monday 31 March 2025

[DR RUPA HUQ *in the Chair*]

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

6.42 pm

The Parliamentary Under-Secretary of State for Energy Security and Net Zero (Miatta Fahbulleh): I beg to move,

That the Committee has considered the draft Ecodesign for Energy-Related Products and Energy Information (Amendment) (Northern Ireland) Regulations 2025.

This instrument forms an important part of the Government's commitment to ensuring energy-related products are sustainable and efficient, by enabling new regulations to be enforced as they apply to Northern Ireland. Ecodesign policies aim to reduce environmental impacts of products by reducing their energy consumption, reducing carbon emissions and saving businesses and consumers money on their energy bills. As hon. Members will already understand, following our exit from the European Union, Great Britain assimilated its regulatory regime for energy-related product standards into domestic law, which we may in future amend. Hon. Members will also be aware of the agreement reached by the UK and the EU regarding the Windsor framework, which was passed overwhelmingly by a large majority in this place. The Windsor framework helps to ensure the flow of trade within the UK internal market by removing trade barriers and safeguarding Northern Ireland's place in the Union. It allows Northern Ireland to maintain dual market access by continuing to apply EU rules with respect to the regulation of energy-related products. Therefore, it is vital that we keep the enforcement legislation for Northern Ireland up to date.

The instrument will update both the Ecodesign for Energy-Related Products Regulations 2010 and the Energy Information Regulations 2011 with respect to Northern Ireland. These updates will ensure that the specific Northern Ireland tables in the 2010 and 2011 regulations accurately reflect the latest product-specific eco-design and energy labelling measures, and enable these measures to be enforced by the relevant market surveillance authority. There are seven new product regulations that will apply in Northern Ireland, which range from smartphones through to tumble dryers and heaters. The eco-design regulations seek to improve the energy efficiency of all products, while the new energy labelling regulations reflect new labelling standards. Repairability and recyclability of products have been included for the first time under EU eco-design and certain energy labelling regulations to ensure further sustainability and to benefit consumers.

The statutory instrument will ensure that these schedules continue to reflect the most up-to-date versions of these EU eco-design and energy labelling measures in force,

whether amended or replaced, while minimising the need for further updates to the enforcement regulations. The requirements updated by this instrument will not restrict manufacturers' ability to sell into the EU or Northern Ireland, unless they are not willing to meet the EU regulations. The EU's higher standards are likely to become the industry default and we can assume that manufacturers are likely to choose to meet those standards. If that is the case, these measures will have no impact on traders who abide by the relevant standards.

Since Great Britain is looking to achieve higher product efficiency, it is very likely that Great Britain will seek to meet similar standards. As such, we will be consulting as soon as possible on the merits of mirroring the new EU regulations, with the first consultation, on tumble dryers, expected to be launched shortly. Our intention is to apply the measures on a UK-wide basis and maintain the UK's internal market. Our consultation will be on the appropriate means to achieve that aim. I commend the regulations to the Committee.

6.45 pm

Nick Timothy (West Suffolk) (Con): It is a pleasure to serve under your charismatic and generous chairship this evening, Dr Huq, and to respond to these regulations on behalf of His Majesty's Opposition.

We agree that, by ensuring that products meet minimum requirements for energy efficiency, regulation can reduce their negative environmental impact, make them longer lasting and encourage greater recycling. Energy labelling also gives more information to consumers, helping them to make better-informed decisions about their energy usage. In principle, energy efficiency clearly helps to reduce bills and emissions. We understand that these particular regulations need to be implemented as part of the Windsor framework.

However, we offer a word of caution to Ministers. These regulations put a modest compliance cost on manufacturers that sell their goods in both Great Britain and Northern Ireland, but the Government are now considering aligning the whole of the UK with net zero laws written and decided in Brussels. We would be signing up not only to the European Union emissions trading scheme, with its significantly higher carbon price—increasing our carbon price has not been ruled out by Ministers in a succession of answers to our questions—but to a whole slew of regulations that will be enforced by the European Court of Justice.

There certainly needs to be co-operation with our European neighbours, but we must also maintain our sovereignty and flexibility in an increasingly volatile world. Brussels will, understandably, always act in the interests of the European project and its member states. That is why we must protect the interests of our citizens by putting British industry and consumers first.

6.47 pm

Robin Swann (South Antrim) (UUP): I rise to oppose these regulations, not because I am against improving energy efficiency, but because in our opinion they represent yet another example of unfair and unnecessary regulation being imposed on Northern Ireland. Although the Government have insisted that these measures are vital, it is noticeable that they are choosing to consult on similar regulations that will be implemented across the

rest of the United Kingdom, while simply imposing them in Northern Ireland. I ask the Minister: why is it acceptable to consult in one part of the United Kingdom, but not the other?

The Minister referenced some items that the regulations would cover. These regulations will cover air conditioning units, comfort fans, computers, domestic ovens, hobs—there is a catch-all phrase for all electrical and electronic household and office equipment. They will also cover electric motors, electronic displays, dishwashers, tumble dryers, washing machines, light sources, fridges, smartphones, mobile phones, space-saving heaters, vacuum cleaners, water pumps and welders. These regulations have an impact on everyday life and everyday items in Northern Ireland specifically—they will only affect Northern Ireland. The items listed are parts of everyday life for each of us and each of our constituents. I therefore ask Committee members: why, in recognition of the implementation of these regulations, are my constituents of less importance or less worth than those of a Welsh, Scottish or Cornish MP? Why do we have to accept a differential or disruption on supply of these goods being forced on the people of Northern Ireland? Why does Northern Ireland continue to be treated as an afterthought when it comes to regulation?

This instrument, as drafted, follows a pattern we have seen before: Northern Ireland being forced to align with EU-derived rules, while the rest of the United Kingdom retains the flexibility to shape its own policies. The Minister said it was likely that manufacturers would follow the EU standard. I question whether a Government should really draft and implement regulations based on the likelihood of something happening by an outside body that they seek to have no control over.

This is not just an administrative issue; it has consequences. Businesses in Northern Ireland will face additional costs and compliance burdens compared with their counterparts across Great Britain, which may ultimately avoid them or get a say in shaping how the regulations are enforced. That places Northern Ireland and its consumers at a competitive disadvantage, creating yet another barrier to economic growth at a time when we should be supporting, not stifling, investment—something that we had been told, by both this Government and the previous one, would not happen under the Windsor framework. While the goal of improving energy efficiency is commendable, imposing a rigid one-size-fits-all approach does not guarantee real progress. Indeed, it risks increasing costs for manufacturers and consumers, while delivering minimal environmental benefits.

Have we assessed whether the regulations will genuinely reduce energy consumption in a meaningful way, or are we simply enforcing them for the sake of regulatory conformity? There was no consultation for Northern Ireland, no consultation with trade bodies, with consumer rights organisations or with families, who might, when their tumble dryer broke down, have looked for a cheaper or second-hand model, but now will have to buy the one that meets EU standards. Why should a constituent in South Antrim have less access to different products than someone in Southampton?

On consultation, the explanatory memorandum simply says that the bodies were not consulted because of previous consultation outcomes. Why were trade or consumer bodies not consulted in Northern Ireland? Was it because the Government did not want to hear

their concerns, or let other hon. Members on this Committee know what they had to say? Or did they simply assume that they would not raise any objections, as they did last time?

Beyond the economic and environmental concerns, there is a broader constitutional issue at play. The Government speak of Northern Ireland as an integral part of this United Kingdom, yet time and again we see it subjected to different rules, dictated by external frameworks. That raises a fundamental question: are we truly committed to regulatory consistency across the UK, or is Northern Ireland to be permanently treated as a special case?

For those reasons, I urge the Committee to reject the regulations. If consultation is appropriate for Great Britain, it should be appropriate for Northern Ireland as well, as part of the United Kingdom. I believe that anything less is unacceptable, and I urge Members to oppose the measures.

6.53 pm

Jerome Mayhew (Broadland and Fakenham) (Con): I have nothing further to add on the meat of the debate than what my hon. Friend the Member for West Suffolk put forward. I rise to explain my delayed arrival to the Committee; I was a Teller in the Divisions in the Chamber, but I came as quickly as I could. I did not mean any rudeness to you in the Chair, Dr Huq, and I am sorry for the delay.

The Chair: That is very polite, and it is on the record.

6.54 pm

Jim Allister (North Antrim) (TUV): The essence of these regulations is that a part of this United Kingdom should be subjected to regulation governing energy-related products, not by the laws made by this Parliament, nor even by the laws made by the devolved Stormont institutions, but by laws made by a foreign Parliament and initiated by an unelected foreign institution—namely, the European Commission. Those are the laws that would be imposed on consumers and citizens of Northern Ireland by these regulations.

Any rational observer might expect that the right to make the laws of any part of a country would rest with the elected representatives of that country—but in fact, pursuant to the protocol/Windsor framework, the right to make those laws was surrendered to a foreign polity. We have an absurd situation, illustrated by these regulations, whereby seven new EU regulations are being enforced automatically upon citizens of the United Kingdom, and the very Parliament of that United Kingdom is prohibited from changing, amending or disapplying them—or doing anything other than applying them—because the lawmaking powers on these issues have been surrendered to the EU.

That is all set out in graphic, frightening detail in annex 2 of the protocol, where we read 289 areas of law where the United Kingdom can no longer make laws for Northern Ireland. These regulations represent one of those ambits or areas of law.

Of course, that has many ramifications, including the important democratic fact that it disenfranchises the people of Northern Ireland. The fundamental principle

[Jim Allister]

of this nation, and indeed of any democratic nation, is that people live under the laws made by those whom they elect. These laws, however, are made by those elected not by anyone in Northern Ireland or the rest of the United Kingdom, but by people in 27 foreign countries. That is the absurdity of what has been imposed in these regulations.

That issue is of immense constitutional significance and, in truth, it is why there is no consultation. There is no consultation about whether these laws should be applied to Northern Ireland for the simple reason that, if there were a consultation, and if that consultation suggested that they should not be applied, it could not be adhered to. It would only show up the impotency of Parliament and the institutions in the United Kingdom, because the right to make these laws has already been surrendered to a foreign Parliament. The view of the Government is that there is no necessity or point to consulting, because their hands are tied.

However, if there is a suggestion that similar regulations might be imposed in Great Britain, there has to be a consultation. Paragraph 7.2 of the explanatory memorandum says that there will be such a consultation—why? Because that is the normal process. We do not impose something without going through the due process of consulting about it. But what we are doing here tonight is the antithesis of that. We are imposing on Northern Ireland regulations upon which we will not consult, because we have already sold the right to consult and the right to make any decision other than to impose them.

It is not just a constitutional issue; it is a practical economic issue. It applies to the vast range of energy-related products, from smartphones through to tumble dryers. Take tumble dryers as an example. There are basically two types: the convector or vented tumble dryer, and the heat pump tumble dryer. Under the regulations, it will become illegal to have a convector tumble dryer in Northern Ireland, or for a retailer to sell one. It will be impossible for a manufacturer in Great Britain to complete an order for a convector tumble dryer in Northern Ireland. A convector tumble dryer operates at lower ambient temperatures, so many of them are in garages attached to houses, whereas a heat pump tumble dryer would not operate in those colder temperatures. We are saying to the people of Northern Ireland, “You cannot any longer have a British-made convector tumble dryer in your garage. Why? Because the EU says you can’t.”

Think of the magnitude of the absurdity of that: citizens of this United Kingdom are being dictated to not by the democratic mandate of this House but by the undemocratic control of a foreign Parliament. That is the abiding absurdity of the regulations. The Government’s answer to all of that will be to just align the whole of the United Kingdom to the same EU standards, as we will see tomorrow with the Product Regulation and Metrology Bill and as we are seeing through their approach to these regulations. What was the point of Brexit? The whole point of Brexit, we were told, was that we could be master in our own house and make our own regulations, but now we will simply reregulate back into line with the EU. That is a very retrograde step.

One other very important thing about the regulations is that they provide that there will be no further debate about such matters when it comes to further new regulations. All there will be is a statement by a Minister that they have come into effect. Courtesy of what is being approved tonight, there will never again be a debate, a discussion, a Delegated Legislation Committee or a debate on the Floor of the House about new measures, because that right is being surrendered as well. That was confirmed by Lord Hunt in the other place.

I say to the members of this Committee—although I know that, whipped as they are, they will not do it—that this is a step they should not take. They should have some thought for their fellow citizens in the rest of the United Kingdom, in Northern Ireland, and stand up for the right that they should be governed by laws that this Parliament can make and that this Parliament can change, and not subject them, colony-like—because that is what it is, colony-like—to the laws of others.

7.3 pm

Miatta Fahnbulleh: I thank hon. Members for their valuable contributions to the debate. I start by saying that we have our obligations under the Windsor framework, which was passed in this House with an overwhelming majority. We are not here to litigate the rights and wrongs of that process; that has already been done. We are here to discuss the specific regulations that are being put in place. Critically, the regulations are about improving the efficiency of products that we believe will be good for consumers and good for businesses, and will create opportunities.

Jim Allister: Surely the truth is that we are here to impose regulations that the EU thinks will be better for consumers, because it treats Northern Ireland as EU territory. These are not the regulations of the United Kingdom Government.

Miatta Fahnbulleh: Let me say to the hon. Member that we have absolutely looked at the regulations. As the UK Government, we believe that they are good for consumers. In fact, the ambition that has been set by the regulations is one that we wish to mirror ourselves. We will consult on these standards, not because the EU is telling us to but because we think that it is the right thing for UK businesses and consumers.

The vast majority of manufacturers who sell not only in the GB market but in the EU market are already making the transition, because that market is much bigger. They are already driving up product standards. That is good for businesses, and we want to support and encourage that.

I hear the arguments and the caution about not being dictated to by the EU, but please hear me when I say that we think it is right that we drive up standards for our consumers. We would want to do this. The EU has done it, but we would want to do it in our own right. That is why we have tabled this SI and it is why we are also planning to consult on improved standards.

Robin Swann: I thank the Minister for giving way. My opening comment was not about being opposed to the cost or energy savings that the regulations will bring about, but why is it right for them to be enforced in

Northern Ireland now? Setting aside the Windsor framework and its implications, as a UK Minister, why does she feel it is right and proper that the rest of the UK is consulted and gets to engage, and that people get to have their say? Or is the Minister really saying to this House, “When the time comes, we will tell you that because it is the right thing to do, we are doing it?” The consultation that she is talking about, mentioned in paragraph 7.2, as well as her explanation of it, are actually fictitious, too, because it sounds to me as though this Government are going to do it anyway, while the Opposition sit on their hands.

Miatta Fahnbulleh: We are trying to work within the Windsor framework. We are not here to litigate that. It sets out a set of protocols and procedures that we are working under. EU rules have come forward, and it is right that we make sure that we create the legal framework so that these measures apply in Northern Ireland. Critically, irrespective of all that, the basics of what is proposed

are good for consumers. They are about improving the efficiency and design of products. In the case of smartphones, it is about improving some of the protections that are available to consumers. The hon. Gentleman and other Members should want that, and we as a Government do want that, irrespective of whether or not we want to litigate the Windsor framework.

We are introducing the SI because we believe it is the right thing to do. We believe it is important that we improve and drive up standards. We will consult on the proposition because we think it is good. Based on the engagement we have had, manufacturers are supportive of the direction of travel. As they want to sell in the EU single market, that sets the default for industry. In that spirit, we propose the SI today and I commend the regulations to the House.

Question put and agreed to.

7.7 pm

Committee rose.

