

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Seventh Delegated Legislation Committee

DRAFT RADIO EQUIPMENT (AMENDMENT)  
(NORTHERN IRELAND) REGULATIONS 2023

*Wednesday 22 February 2023*

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**The Committee consisted of the following Members:**

*Chair:* DAME MARIA MILLER

† Ali, Tahir ( <i>Birmingham, Hall Green</i> ) (Lab)	† Penning, Sir Mike ( <i>Hemel Hempstead</i> ) (Con)
† Amesbury, Mike ( <i>Weaver Vale</i> ) (Lab)	† Penrose, John ( <i>Weston-super-Mare</i> ) (Con)
† Bacon, Gareth ( <i>Orpington</i> ) (Con)	Ribeiro-Addy, Bell ( <i>Streatham</i> ) (Lab)
† Bradshaw, Mr Ben ( <i>Exeter</i> ) (Lab)	† Stevenson, Jane ( <i>Wolverhampton North East</i> ) (Con)
† Fabricant, Michael ( <i>Lichfield</i> ) (Con)	† Throup, Maggie ( <i>Erewash</i> ) (Con)
† Hollinrake, Kevin ( <i>Parliamentary Under-Secretary of State for Business and Trade</i> )	† Wakeford, Christian ( <i>Bury South</i> ) (Lab)
† Johnson, Gareth ( <i>Dartford</i> ) (Con)	† Yasin, Mohammad ( <i>Bedford</i> ) (Lab)
† Lord, Mr Jonathan ( <i>Woking</i> ) (Con)	Abi Samuels, Beth Goodwin, <i>Committee Clerks</i>
† Morrissey, Joy ( <i>Beaconsfield</i> ) (Con)	
† Onwurah, Chi ( <i>Newcastle upon Tyne Central</i> ) (Lab)	† <b>attended the Committee</b>

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

Stafford, Alexander (*Rother Valley*) (Con)

# Seventh Delegated Legislation Committee

Wednesday 22 February 2023

[DAME MARIA MILLER *in the Chair*]

## Draft Radio Equipment (Amendment) (Northern Ireland) Regulations 2023

2.30 pm

**The Parliamentary Under-Secretary of State for Business and Trade (Kevin Hollinrake):** I beg to move,

That the Committee has considered the draft Radio Equipment (Amendment) (Northern Ireland) Regulations 2023.

It is a pleasure to serve under your chairmanship, Dame Maria. The purpose of the instrument is to give effect to Commission delegated regulation (EU) 2019/320 in Northern Ireland and enable it to be legally enforced. The radio equipment directive is an EU directive that requires that radio equipment placed on to the EU market or put into service in the EU must meet specified essential requirements. The directive also allows the Commission to put additional essential requirements on manufacturers of radio equipment.

Radio equipment is defined as any electrical product that emits or receives radio waves for the purposes of radio communication. That includes products such as mobile phones and smartphones. The UK's Radio Equipment Regulations 2017 implemented the radio equipment directive in UK law, and they have been amended to reflect the fact that we have left the European Union. The Radio Equipment Regulations 2017 apply across the UK, but some of the provisions apply differently in Northern Ireland because, as we know, it remains subject to EU law for radio equipment under the terms of the Northern Ireland protocol.

In December 2018, the Commission issued delegated regulation (EU) 2019/320, which added to the essential requirements in the directive and required that smartphones must be able to transmit their location data in calls to emergency services. The instrument will therefore put in place the additional requirement for smartphones, as required under the delegated regulation in Northern Ireland, and enable it to be legally enforced there. The amendment is required under the terms of the protocol.

I will explain what the SI does in more detail. It adds the caller location requirements of EU regulation 2019/320 to the essential requirements in the Radio Equipment Regulations 2017 as they apply to Northern Ireland. The essential requirements set the overall objectives for how radio equipment must be constructed before it can be placed on the market. Because the SI adds to the essential requirements, it extends the scope of an existing offence in the Radio Equipment Regulations for manufacturers in relation to non-compliance with the essential requirements when placing products on the market.

Failure to comply with the new regulatory requirement will be a criminal offence in Northern Ireland. However, we envisage that it will be only in very rare circumstances. Enforcement authorities will continue to take a proportionate approach to compliance and enforcement

activities. They will prioritise working with businesses to help them understand their obligations and support them to comply.

The European Commission's assessment in its explanatory memorandum published in 2018 was that a technical solution incorporating global navigation satellite systems, or GNSS, and wi-fi signal-based information has already been anticipated by the market, and is now available in over 95% of all smartphones. The Commission's assessment was that the impact on smartphone manufacturers was therefore anticipated to be minimal, as nearly all new smartphones have the required capability. The EU Commission engaged with industry during the development of the regulation. It has been adopted by the EU since 2019, and we are not aware of any concerns from smartphone manufacturers in relation to these regulations.

My excellent officials in the Office for Product Safety and Standards will be providing online industry guidance to ensure businesses have all the information they need on how to comply with the regulations. They are also liaising with the Northern Ireland district councils that are responsible for enforcing the Radio Equipment Regulations there, and ensuring they have all the necessary information to do so.

We are not currently considering introducing a similar requirement for Great Britain, for two main reasons. First, as the European Commission's assessment for the regulation shows, nearly all new smartphones currently on the market already have the technical capabilities that it requires. Given the existing widespread adoption, we see no reason to mandate this requirement through legislation. Secondly, now that we have left the European Union, we will make our decisions on product safety regulations based on what is in the best interests of the UK.

We note that the Commission's policy for this regulation is to provide better information to the EU's emergency services and to promote the EU's global navigation satellite system. Given that, we do not think there are strong policy reasons for implementing this change across Great Britain, but we will keep this position under review.

The UK is required to implement this regulation in Northern Ireland under the current terms of the Northern Ireland protocol. The SI does that by amending the UK's Radio Equipment Regulations 2017 and enabling it to be legally enforced, so I urge the Committee to approve the SI.

2.36 pm

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): It is a pleasure to serve under your chairship for the first time, Dame Maria, and I hope it is not the last. I am sure Members will welcome me saying that we will not oppose this delegated legislation, and therefore I will not detain the Committee longer than is necessary. [HON. MEMBERS: "Hear, hear!"] That met with approval on all sides. Having spent 23 years in the telecoms industry designing and rolling out networks of this type, this subject is of great interest to me, but I recognise that that is not shared to the same extent by the entire Committee.

The effect of this instrument is to implement an EU regulation on requirements for smartphones in Northern Ireland, as per the terms of what I note the Minister

referred to as the “current” Northern Ireland protocol. Attempts by the Government to renege on this agreement and unilaterally change the protocol have risked Britain’s reputation as a dependable country that plays by the rules. Three years after we left the European Union, the Government’s progress on fixing the protocol that they negotiated has been woeful. We are pleased to understand that there may be a deal on the table, but the Prime Minister refused to be drawn on the details of that deal at Prime Minister’s questions today and could not confirm that the deal being negotiated will see Northern Ireland continue to follow some EU laws, such as this statutory instrument, in order to avoid a hard border on the island of Ireland.

The Leader of the Opposition made it clear that, despite the poor implementation of the deal by this Government, we welcome attempts to make the protocol work more effectively, and we are committed to working with all parties to ease tensions and find a way forward. By supporting this statutory instrument, we are fulfilling a treaty commitment and working to ensure that Britain is a country where international laws are respected and followed. However, that is not to say that we do not have questions or concerns arising from the introduction of this statutory instrument, and I will briefly go through them.

The regulation that this instrument intends to implement was introduced by the EU via secondary legislation in 2018. That regulation imposes an additional essential requirement on smartphone manufacturers to support technical solutions for the reception and processing of location data derived from wi-fi signals and data from GNSS for the purpose of making emergency communications more effective.

According to the European Telecommunications Standards Institute, one of the biggest challenges facing the emergency services is determining the location of mobile callers. Ambulance service measurements show that, on average, 30 seconds per call can be saved if a precise location is automatically provided. Several minutes can be saved where callers are unable to describe their location verbally, which can happen due to stress, injury or simple unfamiliarity with the area.

Historically, caller location was based upon identification of the coverage area of nearby cell towers. Tests carried out by the European Union found that GNSS location accuracy ranged from 6 metres to 28 metres, a significant improvement on the 1.5 km to 5 km precision range of cell ID. Furthermore, a hybrid system based on a combination of GNSS, wi-fi and cell-ID positioning will increase reach in environments where radio signal is compromised, such as urban canyons or narrow streets, where buildings obstruct visibility of satellites. It is no overstatement, therefore, to say that this technology saves lives. The faster a patient’s location is identified, the faster the emergency services can reach them and the faster they can receive treatment.

The question must therefore be asked of the Government is why the legislation has not been introduced in England, Scotland or Wales. I note that the Minister said that 95% of all smartphones already meet the requirements, but I wonder what assessment he made of the incremental cost of introducing the legislation. The response provided by the Government to the Secondary Legislation Scrutiny Committee highlighted this draft instrument as of interest. The Department—then operating as Business, Energy

and Industrial Strategy, before the shuffling of the deckchairs—told SLSC that it thought the requirement unnecessary, as hybrid positioning technology is already widely adopted in new smartphones in the UK. Indeed, I understand that advanced mobile location, a technical solution endorsed by the EU, has been fully deployed in Google and Apple phones in this country.

Given that a legal requirement would have a minimal impact on manufacturers—because the technology is already widespread, and does not require any hardware, as discussed—can the Minister assure me that his Department has made a thorough assessment of the potential of placing this standard on a legal footing in the rest of the United Kingdom? Those on the Conservative Benches tend to see regulation as a dirty word, but it can enable and shape effective markets. Given that hybrid positioning technology is literally life-saving, will the Government keep their word that they will keep the matter under review?

Another pertinent issue raised by the draft statutory instrument is its relationship to the GNSS that is owned by the European Commission—Galileo. The EU regulation introduced by this instrument requires that all smartphones are compatible and interoperable with the Galileo system. That requirement is unlikely to have practical implications within Northern Ireland, as all mobile phones produced by major manufacturers are already capable of operating Galileo. However, it does raise questions concerning the UK’s technological sovereignty following our expulsion from the Galileo programme.

In 2018, the Government threatened to spend the entire UK science budget on duplicating Galileo, because the Government had bungled negotiations on Galileo with the European Union. Four years on, the Defence Committee has reported:

“with tens of millions of pounds of taxpayers’ money spent...the Government appears no closer to coming to any conclusions about development of the UK’s own space-based Position, Navigation and Timing (PNT) capabilities.”

The result is that our critical national infrastructure within the UK is now dependent on a foreign-owned GNSS over which the Government have no influence. That includes our emergency services.

In outlining the rationale for requiring Galileo compatibility in smartphones, the European Commission argued for the importance of securing the independence and resilience of emergency services within the European Union. I hope that the Minister understands and agrees with that objective. May I ask him what work the Government are doing to ensure that emergency services within the UK are similarly resilient?

**Michael Fabricant (Lichfield) (Con):** I am following this absolutely gobsmacking, extraordinary speech. Apart from the fact that the Galileo programme has absolutely nothing to do with this particular SI, does the hon. Lady not recall that the United Kingdom Government decided that we would use the GPS system? The Galileo system is not as accurate as GPS and, moreover, is simply an EU vanity project.

**The Chair:** Before I call the shadow Minister to respond to that intervention, I remind everyone that the draft legislation is very tightly drawn. I thank Mr Fabricant for drawing that to everyone’s attention. Gently, perhaps the shadow Minister will come back to her point.

**Chi Onwurah:** Thank you for that guidance, Dame Maria. I am just trying to establish that the Minister believes that the emergency services, which will now be subject to different regulatory requirements, have the technical capacity. I appreciate that the hon. Member for Lichfield is gobsmacked, but I am often equally gobsmacked by his contributions, so perhaps that is not surprising.

Does the Government recognise the resilience issue, given that that is part of the reason why the SI was introduced by the European Commission?

**Michael Fabricant:** It is not GPS—

**The Chair:** Order.

**Chi Onwurah:** I am sorry—

**The Chair:** Not you: I meant the hon. Member for Lichfield.

**Chi Onwurah:** Thank you, Dame Maria. Why has it taken the Government four years to introduce the draft SI? Might there be implications for the UK space sector in location applications being unable to be supported by UK sovereign capability?

I hope the Minister will address the longer-term implications of the divergence and the resilience of, and support for, the emergency services, which we all wish to be—

**Michael Fabricant:** On a point of order, Dame Maria. It may save the Committee time to know that the emergency services do not use Galileo, they never intended to use Galileo and they continue to use GPS. There is no resilience issue.

**The Chair:** I thank the hon. Gentleman for that point of order. I am not sure it was a point of order, but I am sure that his comments were heard by those sitting on the Front Benches.

**Chi Onwurah:** In response to the point of order, I am not sure whether the hon. Member for Lichfield is saying that there is no issue with our emergency services, even though this delegated legislation, the draft SI, specifically states that it is a requirement to improve the resilience of the emergency services. He might need to discuss that with his Minister, if they have a difference of opinion.

**Michael Fabricant:** The hon. Lady is misunderstanding the whole issue. She claims that she worked in the telecommunications industry; I set up radio stations in 48 countries around the world, so I also know a teeny bit about it. She will know that Galileo is not an issue.

**The Chair:** I will take that as a question. I call the shadow Minister.

**Chi Onwurah:** I am glad to see that the hon. Member for Lichfield is as amusing as he always is—even if he is not as accurate as he should be.

The debate has been much livelier than was anticipated—

**Kevin Hollinrake:** And longer.

**Chi Onwurah:** And longer than was anticipated—thanks to so many contributions from the hon. Member for Lichfield.

I hope that the Minister will address seriously the concerns about the difference in requirements within the United Kingdom because of this delegated legislation. What are the implications for smartphone market resilience and national sovereign capability in the future?

2.49 pm

**Mike Amesbury (Weaver Vale) (Lab):** It is a pleasure to serve under your chairmanship, Dame Maria. I am sure that Members will be pleased to hear that, unlike some, I will be brief. The Minister said that criminals would face criminal circumstances in exceptional circumstances. Could he expand on what those exceptional circumstances will be?

2.50 pm

**Kevin Hollinrake:** I will try to go through the points raised as quickly as possible. The hon. Member for Newcastle upon Tyne Central asked whether Government Members consider “regulation” to be a dirty word. The answer is absolutely not. What we do believe, though, is that we should regulate and intervene in markets only when absolutely necessary. That is our position. The rest of the time, the best thing we can do for consumers is allow business to deliver solutions. Competition is the best thing for consumers.

On the incremental increase in cost and the 95% to 100%, I do not know the figure.

I am happy to speak to the OPSS to see whether we have a number. Of course we will keep it under review, as I said in my opening speech.

The principal point raised by the hon. Lady related to resilience, and my hon. Friend the Member for Lichfield also made some points. In addition to the EU’s Galileo system, the other main global navigation satellite systems are the United States global positioning system, Russia’s GLONASS and China’s BeiDou navigation satellite system—GNSS is a generic term—so there is resilience. Whenever we in this place are spending taxpayers’ money or deciding whether we should do so, we need to be very careful. Any duplication of spend is an unnecessary and inappropriate way of spending taxpayers’ money. We believe that there is resilience in the system and that manufacturers are already providing a solution in terms of the 95% already covered.

The hon. Member for Newcastle upon Tyne Central asked why this has been delayed. She will have noticed that quite a lot of legislation has been brought to this place over the past few years, and there are other factors, not least parliamentary drafting time, that have delayed some of the issues we would like to bring forward. But we are here now—that is the important thing.

To respond to the hon. Member for Weaver Vale, the maximum penalty is three months in jail. He asked about exceptional circumstances. This is about consumer detriment and I think that those are the kinds of serious concerns that could be raised. As I have said, we expect enforcement agencies to deal with those in a proportionate manner. It is very difficult to specify the exact situations in which a case may be brought forward, but I think that such cases would be very serious and very rare and that they would relate to consumer detriment.

If the hon. Member for Newcastle upon Tyne Central does not mind, I will not be drawn on the Northern Ireland protocol, other than to say that we need to make sure that we maintain the delicate political balance in Northern Ireland, about which there are concerns, as she knows.

**Chi Onwurah:** Will the Minister give way?

**Kevin Hollinrake:** I will not, because I am going to conclude.

I thank the Committee for its consideration of this SI and the very valuable contributions to the debate. I commend the SI to the Committee.

*Question put and agreed to.*

2.53 pm

*Committee rose.*

