

EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND WINDSOR FRAMEWORK

2024/2839

**DIRECTIVE (EU) 2024/2839 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directives 1999/2/EC, 2000/14/EC, 2011/24/EU and 2014/53/EU as regards
certain reporting requirements in the fields of food and food ingredients, outdoor
noise, patients' rights, and radio equipment**

Submitted by Department for Business and Trade

21 November 2024

SUBJECT MATTER

1. This explanatory memorandum sets out the implications of the EU's Directive to amend Directives 1999/2/EC, 2000/14/EC, 2011/24/EU and 2014/53/EU. These Directives concern product safety (in respect of outdoor noise and radio equipment), food and food ingredients, and patients' rights. I am submitting this Explanatory Memorandum on behalf of Government as the issues concerned are the responsibility of multiple departments including Department for Business and Trade, the Department for Health and Social Care and the Food Standards Agency. They have been consulted in the production of this Explanatory Memorandum.
2. Directive 1999/2/EC provides that Member States report annually to the Commission the results of official controls they have carried out in food irradiation facilities and on irradiated food placed on the market. These reporting obligations have become redundant, as similar reporting obligations are also laid down in Articles 113 and 114 of Regulation (EU) 2017/625, so this Directive provides for their deletion.
3. Directives 2000/14/EC and 2014/53/EU both concern product safety – the former in respect of noise emissions from outdoor equipment and the latter in respect of radio equipment. The Directive will remove Article 16 of Directive 2000/14/EC, which provides that manufacturers or their authorised representatives shall send to both the authorities of Member States and to the Commission a copy of the EC declaration of conformity for equipment covered by that Directive. It also removes the obligation in Article 20(1), point (a) to submit a review of the noise data collected in accordance with Article 16 to the European Parliament and the Council. The Directive will also amend

Article 47(1) of Directive 2014/53/EU such that Member States shall submit a report on the application of the Directive to the Commission every 5 years, rather than every 2 years as at present.

4. Directive 2011/24/EU concerns the application of patients' rights in cross-border healthcare. The Directive will amend Article 20(1) of the Directive such that the Commission shall draw up a report on the operation of the Directive every 5 years, rather than every 3 years as at present.

SCRUTINY HISTORY

5. The previous Government submitted an initial Explanatory Memorandum on this Directive in December 2023, shortly after the proposed Directive was first published. Following an exchange of letters, it was cleared from scrutiny by the then Windsor Framework Sub-Committee in April 2024.

MINISTERIAL RESPONSIBILITY

6. The Secretary of State for Business and Trade is responsible for Directive 2000/14/EC and Directive 2014/53/EU. The Secretary of State for Health and Social Care is responsible for Directive 1999/2/EC and Directive 2011/24/EU.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

7. Consumer safety in relation to goods is reserved. Food and food ingredients, and patients' rights, are both devolved matters. Given these are minor technical changes to the law relating solely to reporting requirements, the Government has not consulted with the DAs on this Directive.

LEGAL AND PROCEDURAL ISSUES

8. The Directives which will be amended by this Directive are implemented in Northern Ireland by secondary legislation. Any amendments made to the Directives covered by Annex 2 of the Windsor Framework Agreement (which include Directives 1999/2/EC, 2000/14/EC and 2014/53/EU but not Directive 2011/24/EU) will apply in Northern Ireland in accordance with the Windsor Framework Agreement. Where necessary, secondary legislation will implement the amendments to the Directives in Northern Ireland.

POLICY AND LEGAL IMPLICATIONS

9. The proposed changes to the law aim to make limited and targeted changes to legislation to rationalise reporting requirements without undermining the related policy objectives.

10. The proposal to amend Directives 2000/14/EC and 2014/53/EU reduces the direct requirements on Member States and, due to the Windsor Framework Agreement, Northern Ireland. The amendments will create a minor but positive impact on businesses in that they will no longer be obliged to provide the EU Declaration of Conformity required by Directive 2000/14/EC, and moreover authorities will not have to request information from business as frequently to fulfil the reporting requirement under Directive 2014/53.
11. It is not expected that there will be any negative policy or legal impact on UK businesses from this minor change, which merely rationalises reporting. Additionally, it is not envisaged that there will be any impact on the ability of UK authorities to fulfil their duties due to a reduction in reporting.
12. There are no effects on NI's participation in the UK's free trade agreements or in the UK's Common Frameworks.

CONSULTATION

13. No consultations or impact assessments have been undertaken by the Government for this Directive, as its impacts are expected to be negligible in practice.

FINANCIAL IMPLICATIONS

14. There are no financial implications for the UK.

MINISTERIAL NAME AND SIGNATURE

A handwritten signature in black ink, appearing to read 'Justin Madders', with a stylized flourish at the end.

Justin Madders
Parliamentary Under Secretary of State
Department for Business and Trade