

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

COM(2024) 561

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2014/32/EU as regards electric vehicle supply equipment, compressed gas dispensers, and electricity, gas and thermal energy meters

SUMMARY

1. The EU Measuring Instrument Directive 2014/32/EU (the “MID”) seeks to harmonise the requirements for various types of measuring instruments across the EU, meaning that instruments approved as conforming with specified metrological standards can be sold across the EU Single Market.
2. The EU is planning on updating the MID via a targeted technical amendment (TTA) to consider developments from new technologies, such as electric vehicle charging stations and hydrogen refilling stations, and to bring compressed gas dispensers, thermal cooling energy meters and DC meters in scope of the MID for the first time. It also updates the requirements for smart utility meters (e.g. gas and electricity meters).
3. The proposed updates would amend the following annexes;
 - a. **Annex I (Essential Requirements)** defines fundamental accuracy, reliability, and provides the performance standards for all measuring instruments covered by the Directive. This includes a requirement that all measuring instruments must have a physical, in-built display. The proposed amendments update these essential requirements to allow for remote-only displays for utility meters, electric vehicle supply equipment (EVSE) and measuring systems for compressed gas dispensers. These changes are being proposed to realign the current requirements with technological advancements, and to ensure consistency across different categories of instruments.
 - b. **Annex IV (Gas Meters and Conversion Devices)** contains detailed technical specific requirements for gas meters. The amendment proposes technical changes to take into account the growing use of hydrogen and other gases and includes a definition for smart gas meters.
 - c. **Annex V (Active Electrical Energy Meters)** establishes instrument-specific requirements for electricity meters. The amendment takes into account the rollout of smart electricity meters and explicitly brings direct current (DC) meters into the scope of the Directive. This means DC meters, which are typically used in devices such as fast changing electrical vehicle charge points, will now need to meet the requirements set out in MID and be conformity assessed.

- d. **Annex Va (Electric Vehicle Supply Equipment (EVSE))** This would be a new Annex inserted into MID which addresses the need to introduce a harmonised standard for EVSE used in residential, commercial and light industrial settings. This allows for the use of DC meters in EVSE (e.g. for fast charge points), introduces three classes of EVSE with different accuracy levels, and sets out choices for conformity assessment modules that can be used by manufacturers.
 - e. **Annex VI (Thermal Energy Meters)** the TTA proposes technical adjustments to include specific requirements for thermal energy meters for cooling applications to avoid additional national certification procedures and instead enable them to be conformity assessed under MID. These changes will bring air conditionings units in scope of MID, as they would now be included in the definition of thermal energy meters.
 - f. **Annex VIIa (Measuring Systems for Compressed Gas Dispensers)** This new Annex proposed by the TTA addresses the increased use of compressed gas and would enable the dispensers to be conformity assessed. It sets out the specific requirements that need to be met for measuring the continuous and dynamic amount of compressed gas dispensed, specifically identifies hydrogen as a compressed gas for the first time and sets out choices for conformity assessment modules that can be used by manufacturers.
- 4. Article 2 of the TTA confirms that the transition period for these proposed changes would allow up to 24 months for regulated measuring instruments that currently comply with MID to still be used and sold. This ensures a grace period for businesses to adapt to the updated regulations.
 - 5. Certificates for regulated measuring instruments that are issued in accordance with MID in the 2-year transition period after the TTA Directive comes into force, will remain valid until the certificate either expires, or for 12 years, whichever comes first.
 - 6. To ensure its dual access to both the UK internal market and the EU Single Market, Northern Ireland continues to apply certain EU rules in relation to measuring instruments under the terms of the Windsor Framework. This amendment to the MID, which is listed in Annex 2 of the Windsor Framework, will therefore apply in Northern Ireland, subject to the democratic scrutiny mechanisms set out in Article 13(3a) of the Windsor Framework and Schedule 6B of the Northern Ireland Act 1998.
 - 7. However, we do not consider that the proposed amendments are likely to result in significant impacts for those selling products covered by the MID in Northern Ireland or will substantively affect the movement of goods between Northern Ireland and Great Britain. The UK Government shares similar ambitions to support new technological development and progress towards net zero. To that end, the Government intends to consult, in the first half of this year, on similar measures in respect of allowing remote-only displays on certain meters in Great Britain and once the EU's targeted amendments are adopted, noting the 24 month transition period for existing compliant products

on the market, will review whether further equivalent measures across the UK are required, taking into account any implications for the UK internal market and for UK businesses who are trading with the EU.

BACKGROUND

8. The original Measuring Instruments Directive 2004/22/EC was published in the Official Journal of the EU on 30 April 2004 and EU Member States had to transpose the Directive into domestic law by 30 April 2006. The Directive set out essential requirements and conformity assessments procedures for measuring instruments.
9. The recast Measuring Instrument Directive 2014/32/EU replaced Directive 2004/22/EC from 20 April 2016 and placed additional obligations on manufacturers and other economic operators regarding the sale and use of various types of measuring instruments across the EU. However, the essential requirements for the approval of instruments were identical to those in Directive 2004/22/EC.
10. In April 2016 the Measuring Instrument Regulations 2016 (MIR) implemented the Directive 2014/32/EU into UK law, which harmonised the requirements of different measuring instruments such as petrol pumps, gas meters, electricity meters, water meters and taxi meters, replacing fifteen individual regulations with a single regulation.
11. The essential requirements within the MID have remained unchanged for more than 20 years, therefore the EU's proposed TTA for the MID addresses technological advancements and brings new measuring instruments into scope of the Directive (e.g. EVSE, DC Meters, Hydrogen compressed gas dispensers etc.). These changes are to facilitate the rollout of green and digital transitions and to improve the efficiency of energy distribution in the EU.

SCRUTINY HISTORY

12. The EU launched a call for evidence with the aim of collecting information on technical issues and expected economic impacts, as well as views and ideas that could assist the Commission in the preparation of a possible legislative proposal for the MID. The Call for Evidence opened on 20 of September 2024 and ran until 18 of October 2024.
13. The EU received 53 responses for its CfE and 48 responses for its commission adoption feedback. Responses were received from a wide range of stakeholders and the overwhelming majority of feedback supported the EU's decision to review and amend the current Directive.
14. The EU Commission has hosted workshops on the evaluation study of the Non-Automatic Weighing Instruments and the Measuring Instruments Directives in November 2024; including with UK representatives.

MINISTERIAL RESPONSIBILITY

15. The Secretary of State for Business and Trade is responsible for enforcing the Measuring Instrument Regulations 2016 in the UK.
16. The Secretary of State for Transport is responsible for enforcing the MIR in relation to taximeters and exhaust gas analysers in the UK.

INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)

17. Whilst MIR is a reserved matter for Wales, Scotland and Northern Ireland (NI), electricity supply, transmission and distribution are devolved to the NI Executive (NIE).

LEGAL AND PROCEDURAL ISSUES

i. EU Legal Basis

18. Directive 2014/32/EU is listed in paragraph 13 to Annex 2 of the Windsor Framework, and the TTA proposes to make updates to this Directive. In accordance with Article 13(3), the obligations in the updated Directive will therefore apply to the UK in respect of NI.
19. Directive 2014/32/EU was created having regard to Article 114 of the Treaty on the Functioning of the European Union to approximate the law on measuring instruments between Member States. This allows the European Parliament and the Council to adopt measures which aim to improve the establishment and functioning of the internal market.

ii. Voting procedure

20. The ordinary legislative procedure.

iii. Timetable for adoption and implementation

21. As per Article 2 of the draft TTA, it is proposed that measuring instruments that comply with the previous version of the MID can still be placed on the market and used if they were made available before a set date, which is 24 months after the new directive enters into force. This provides a transition period for businesses to adapt to the updated regulations.
22. Certificates of compliance following conformity assessments issued under the previous Directive remain valid until they expire. However, no certificate can remain valid beyond 12 years from the entry into force of the new Directive. We do not yet know when the EU will formally adopt the TTA.

POLICY AND LEGAL IMPLICATIONS

23. The current regulatory framework in Great Britain is derived from EU law. The MID was introduced in 2006 and recast in 2016. MIR implemented the recast MID domestically and came into force on 28 December 2016. If the proposal is adopted by the EU, this amendment to the MID, which is listed in Annex 2 of the Windsor Framework, will apply in Northern Ireland, subject to the

democratic scrutiny mechanisms set out in Article 13(3a) of the Windsor Framework and Schedule 6B of the Northern Ireland Act 1998.

24. There are some new measures in the proposed TTA which will impact those placing products on the market in Northern Ireland. The key changes include:

- a. The option to allow for remote-only displays for utility meters, electric vehicle supply equipment (EVSE) and measuring systems for compressed gas dispensers.
- b. technical changes for gas meters and conversion devices.
- c. technical changes for Active Electrical Energy Meters, bringing DC meters into scope for the first time.
- d. technical changes for Electric Vehicle Supply Equipment, allowing use of DC current for the first time.
- e. technical changes for Thermal Energy Meters, including bringing air conditioners into scope for the first time.
- f. new technical changes for Measuring Systems for Compressed Gas Dispensers.

25. The Government has regularly engaged with representatives from the Energy Smart Appliances (ESA) sector. During this engagement, industry outlined that they consider the prohibition of remote only displays to be a barrier to the rollout of low carbon technologies that are fundamental to help achieve Net Zero. The Government plans to consult on the display requirements under the UK's Measuring Instrument Regulations 2016 (MIR), including provision for remote only displays, in the first half of 2025 and this consultation was under development prior to the TTA being published by the EU. The option of remote displays is also a component of the EU's TTA.

26. The consultation will seek views on the proposal to amend the essential requirements in MIR to permit the use of remote displays as an alternative to in-built physical displays for active electrical energy meters used for trade in ESAs (such as Electrical Vehicle Smart Charge Points). This approach would remove a potential barrier to the rollout of low carbon technologies by lowering production costs and better reflecting modern consumer preferences and expectations regarding monitoring their energy use.

27. Beyond the changes to remote-only displays, the Government's forthcoming consultation will not cover the full set of proposals outlined in the EU's TTA, as the EU's proposals are not yet final. However, the Government's forthcoming consultation intends to ask recipients whether there are any other changes the Government should consider making to measuring instruments regulation, including whether to implement domestically any of the other changes proposed to MID by the EU in the TTA.

28. Once the EU has finalised its proposals for the TTA, then the Government will review whether equivalent measures in Great Britain would best serve the UK's interests, including any implications for the UK internal market and for UK businesses who are trading with the EU.

29. As this is a technical and targeted amendment of the MID to make amendments in line with technological advancements, the EU has not

published an Impact Assessment. As noted above, the EU's earlier Call for Evidence and feedback mechanism suggests there is widespread support from stakeholders for this targeted revision.

30. In line with the Government's commitment to ensuring Northern Ireland traders have unfettered access to the rest of the UK internal market, these measures would not have any impact on the movement of qualifying Northern Ireland goods from Northern Ireland to Great Britain. Such goods would also continue to benefit from the market access principles set out in the United Kingdom Internal Market Act 2020 and retain their privileged unfettered access.
31. We are not aware of any major meter manufacturers in the UK. Production is primarily elsewhere in Europe, Asia or North America. Therefore, it is not envisioned that the requirements in the TTA for new types of meters to be conformity assessed and made in accordance with the revised essential and specific requirements will cause any negative impacts or barriers on GB or NI businesses. As noted, the Government will shortly consult on introducing similar measures for remote-only displays in Great Britain and will review the internal market implications once the EU's TTA has been finalised and will consider measures necessary to address any barriers that may arise.
32. The Northern Ireland Utility Regulator (UREGNI) is responsible for regulating utility meters in NI. We understand they are developing a smart meter implementation programme for electricity (and partially for gas), akin to GB's domestic and light industrial electricity smart meter roll out. We understand a consultation took place in NI on smart meters, which concluded in December 2024, however, due to high demand the consultation was reopened for an additional month and closed for good in January 2025.

CONSULTATION

33. The UK Government is engaging with the Northern Ireland Civil Services on these measures while these EU proposals are in draft. The Government is also in regular engagement with the ESA sector and will shortly seek views on amendments to the MIR (as noted above). Once the measures are adopted, the UK Government will review whether equivalent measures in Great Britain would best serve the UK's interests. The UK Government would require the powers in the Product Regulation and Metrology Bill, which is currently making its way through Parliament to make these amendments to MIR. Royal assent is anticipated in the second half of 2025. There will be a statutory duty to consult when making regulations under the Bill.

FINANCIAL IMPLICATIONS

34. No EU impact assessment has been completed as the proposal is considered to be of a technical nature and therefore does not require one. As the proposals are still in draft, we are unable to give a clear indication of any financial implications but will review once further details are available.



Christopher Dickison, Senior Assistant Clerk
Windsor Framework Democratic Scrutiny
Committee (DSC)

Ref: DSC 73/25

11 April 2025

Edmund Ramsden,
Windsor Framework Taskforce – Cabinet Office

Issued via email to: wftf-sg@cabinetoffice.gov.uk

Dear Edmund,

COM/2024/561 Proposal for a Directive as regards electric vehicle supply equipment, compressed gas dispensers, and electricity, gas and thermal energy meters

At its meeting on 10 April 2025, the Windsor Framework Democratic Scrutiny Committee (DSC) heard oral evidence from officials in the Department for the Economy (DfE) on the abovementioned proposed EU act.

In advance of the evidence session, the Committee sent questions to the DfE for answer. However, during the evidence session officials advised that DfE was unable to answer a number of the questions and that the Department for Business and Trade would be better placed to do so.

The Committee therefore agreed to forward the questions to the UK Government for written answer. A copy of the questions is enclosed.

I also note that a UK Government Explanatory Memorandum on the proposed EU act has not yet been furnished to the Committee and I would be grateful for an update on when the Committee should expect to receive it.

I would appreciate a response by 9 May 2025.

Yours sincerely,

**Christopher Dickison, Senior Assistant Clerk
Windsor Framework Democratic Scrutiny Committee**

Questions to the UK Government – COM/2024/561

- What provisions of the Measuring Instruments Regulations 2016 currently apply differently in Northern Ireland?
- If this proposal were applied in Northern Ireland, what would be its likely effect on any current GB-NI regulatory divergence/alignment?
- What impact is that likely to have on industry and/or consumers in Northern Ireland?
- How does that compare with the likely impact if it is not applied?
- How does the UK Government expect the Product Regulation and Metrology Bill – if passed – to interact with this proposed Directive?
- Would application of the proposed Directive have any impact on GB-based businesses who wish to export products to NI?
- Is the UK Government aware of any risks or problems that might arise if the proposed Directive is applied in Northern Ireland? If so, how does the UK Government propose to mitigate them?
- Is the UK Government aware of any likely benefits if the proposed Directive is applied in Northern Ireland? If so, what is the UK Government's assessment of those benefits?
- Can you provide details of any: a) engagement that the UK Government has undertaken on the proposed Directive; and b) potentially impacted stakeholders?
- If any engagement has taken place, what potential benefits, risks or costs to businesses and/or consumers have been highlighted by stakeholders?