



Windsor Framework Democratic Scrutiny Committee

OFFICIAL REPORT (Hansard)

COM/2024/561 Proposal for a directive amending
directive 2014/32/EU as regards electric vehicle
supply equipment, compressed gas dispensers, and
electricity, gas and thermal energy meters

10 April 2025

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mrs Ciara Ferguson (Chairperson)
Mr David Brooks (Deputy Chairperson)
Dr Steve Aiken
Mr Peter Martin
Ms Emma Sheerin
Mr Eóin Tennyson

Witnesses:

Mr Michael Bradley	Department for the Economy
Mr Damien Doherty	Department for the Economy

The Chairperson (Ms Ferguson): Good morning. I welcome Michael Bradley, head of the gas team in the Department for the Economy, and Damien Doherty, chief inspector at the Department for the Economy's Trading Standards Service. Thank you very much, gentlemen, for coming along this morning. We will start with a briefing from you, and then, if you are content, I will open it up for members' questions.

Mr Michael Bradley (Department for the Economy): The Minister has cleared the impact assessment, and it is working its way through the system. I know that you have not received it yet — apologies for that. It will be with you soon.

Dr Aiken: Sorry, Chair, but I would like clarification. The Minister has signed off the impact assessment. What steps does it have to go through before it gets to the Committee?

Mr Bradley: I just got a phone call to say that the Minister has signed it off. I think that it just has to be emailed through the system. I have just received that information and thought that I should update you about it.

The Chairperson (Ms Ferguson): I assume that it is imminent and that we should be receiving it shortly in our mailboxes.

Mr Bradley: Yes.

The Chairperson (Ms Ferguson): You are going to talk us through it.

Mr Bradley: Yes, I will talk through what is in the impact assessment. The proposal is a targeted technical amendment of the measuring instruments directive (MID). In April 2016, the Measuring Instruments Regulations 2016 implemented directive 2014/32/EU into UK law. The scope and the associated essential requirements covered by the MID remained unchanged for more than 20 years. That means that the MID does not cover new measuring instruments that need to be brought into scope, and there is a need for further harmonisation in standards. In view of that and to avoid further fragmentation of the single market, a targeted technical amendment to the MID is considered necessary by the EU.

The proposed updates are the essential requirements — defines the standards of instruments; gas meters and conversion devices — updates technical requirements; active electricity energy meters — sets requirements for electrical meters; electric vehicle supply equipment — harmonises standards; thermal energy meters — sets requirements/conformity and brings air conditioning units into scope.

The responsible Departments are the Department for Business and Trade (DBT), including its agency the Office for Product Safety and Standards (OPSS); the Department for Infrastructure in Northern Ireland; the Department for the Economy in Northern Ireland; and the Northern Ireland Utility Regulator. This is a reserved matter, with the exception of electricity supply, transmission and distribution, which is devolved to the Department for the Economy in NI. The Secretary of State for Business and Trade is responsible for enforcing the Measuring Instruments Regulations in the UK, with some exceptions that are the responsibility of the Secretary of State for Transport. The Office for Product Safety and Standards, which is part of DBT, leads on this for the UK. DFE has limited enforcement function on behalf of OPSS and some metrology functions but has no role in testing new instruments covered in this directive. The Department for Infrastructure has an interest, and the Department for the Economy has an interest relating to energy matters, as the NI Utility Regulator is responsible for regulating utility meters in Northern Ireland. The Trading Standards Service has some Measuring Instruments Regulations enforcement responsibility.

The energy input is quite limited. The Northern Ireland Utility Regulator has considered the directive as it relates to ongoing electricity and gas metering operations, and it does not presently foresee that the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. The majority of this act relates to other types of meters that are not related to energy, so energy group has not commented on those other types of meters.

The Trading Standards Service has no metrology role in relation to this directive and is unable to advise. It suggests that it would be for the Office for Product Safety and Standards to assess the matter and provide evidence to the Committee. The Department for Infrastructure does not have a policy interest in the addition of electric vehicle supply equipment within the scope of the measuring instruments directive. Whilst the Department encourages the switch to electric vehicles, it does not own, operate, maintain or regulate the commercial charge point market. Taxi meters and exhaust gas analysers are already covered by the existing directive and so are not impacted by the new proposal to widen its scope.

No UK Government (UKG) explanatory memorandum has been published to date. The Department has asked for it but has not received it. It will be provided to the Committee as soon as it is received. No impact assessment has been published by the European Commission, as this is a technical and targeted amendment. As I said, DFE has requested the UK Government explanatory memorandum, but no further engagement has been undertaken. As I said, the impact assessment will be with you as soon as possible.

The Committee sent some questions. Damien will respond to them.

The Senior Assistant Assembly Clerk: Members, we have just received the impact assessment, so it should land in your inbox in the next few seconds.

The Chairperson (Ms Ferguson): We have it.

The Senior Assistant Assembly Clerk: We are printing it now as well.

The Chairperson (Ms Ferguson): Thank you.

Mr Damien Doherty (Department for the Economy): The Committee posed a number of questions that it wants to be answered today. We will do our best to answer them, but with the majority of them, we cannot.

The first question was about regulatory alignment and divergence. Guidance from the UK Government's Office for Product Safety and Standards states that the Measuring Instruments Regulations 2016 currently apply across the UK but some of the provisions apply differently in Northern Ireland so that it continues to implement in NI directive 2014/32/EU. The UK Product Regulation and Metrology Bill is undergoing consideration in the House of Commons. The UK Government state that it will ensure that the Government can facilitate the continued smooth flow of goods between GB and Northern Ireland, and clause 1 would empower the Secretary of State for Business and Trade to make regulations for products marketed in the UK that are designed for weighing and measuring, among other products.

The first question was:

"What provisions of the Measuring Instruments Regulations 2016 currently apply differently in NI?"

The differences have come about because of the EU exit and Northern Ireland having to align with EU regulations. In 2019, the Measuring Instruments Regulations 2016 were amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 to fix any deficiencies that would arise from the UK leaving the EU, such as references to EU institutions, and to make specific provision for the UK market. In the main, that meant changes to definitions in the like of a CE mark, notified body, the European Economic Area (EEA), qualifying goods and conformity assessment bodies. Effectively, we have a Northern Ireland version of the Measuring Instruments Regulations 2016, which is almost comparable with the GB measuring instruments regulations. It "Northern Ireland-ises" the regulations and makes them operable by removing the references to the EU and institutions. By and large, they are identical, other than for the fact that we have had to make minor changes to make sure that we can exist within the EU.

The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 were then amended by the Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 to apply to GB only; not to Northern Ireland. That was in support of implementing the Windsor framework, or Northern Ireland protocol as it was at the time.

There are other differences in that schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 allows for the UKNI marking. Again, that is a requirement to ensure that goods can be properly marked and indicated for assessment and conformity for Northern Ireland. Part 6 of and schedule 6 to the Measuring Instruments Regulations 2016 are also different in Northern Ireland. Again, that is purely on a technical basis related to putting instruments into use for trade. In GB, the 2006 regulations contained provisions for putting instruments into use for trade. Those regulations were repealed in Northern Ireland. We had our 2000 regulations for each piece of weighing and measuring equipment. Those regulations are still in force. Effectively, we have the provisions for use for trade replicated in our statutory instruments from 2007, and they had to be replaced in the 2016 regulations for GB. Everything is, therefore, the same, effectively, but we do not have Part 6 of and schedule 6 to the Measuring Instruments Regulations in Northern Ireland.

The next question was:

"If this proposal were applied in NI, what would be its likely effect on any current GB-NI regulatory divergence/alignment?"

Unfortunately, the Department is unable to answer that question. The lead on the matter at the Department for Business and Trade would be best placed to answer it.

The next question was:

"What impact is that likely to have on industry and/or consumers in NI?"

Again, unfortunately, the Department is unable to answer that question. The lead at the Department for Business and Trade would be better placed to answer it.

Most of the questions are unknowns. The Committee will probably need to seek the views of the Department for Business and Trade. It has the subject matter expertise in this highly technical and scientific area.

The next question was:

"How does that compare with the likely impact if it is not applied?"

Again, the Department is unable to answer that question.

The next question was:

"Has the UK Government indicated how it expects the UK Product Regulation and Metrology Bill — if passed — to interact with this proposed Directive?"

The Department's answer to that is no. DFE officials have no knowledge of the UK Government's intent on the Bill and how it will interact with the proposed directive.

With regard to the impact for GB-NI movements of products, the OPSS guidance states that:

"Measuring instruments that can be placed on the market in NI ... can be sold in the rest of the UK without any additional approvals."

However, some provisions of the 2016 regulations apply differently to products being placed on the market in GB alone.

The next question was:

"Would application of the proposed Directive have any impact on GB-based businesses who wish to export products to NI?"

Again, that question would need to be answered by the lead officials on the Product Regulation and Metrology Bill at DBT.

The next question, which was on engagement with the UK Government, was:

"Has UKG highlighted any risks or problems that might arise if the proposed Directive is applied in NI? If so, what mitigations has it proposed?"

The Department for the Economy has requested the UK Government explanatory memorandum, but no further engagement has taken place. Again, any further details will need to be provided by lead officials at the Department for Business and Trade.

The next question was:

"Has UKG highlighted any likely benefits if the proposed Directive is applied in NI? If so, what is your assessment of those benefits?"

Again, that question needs to be answered by the lead officials at the Department for Business and Trade, as that is a reserved matter.

On stakeholder engagement, the question was:

"Can you provide details of any: a) engagement that has taken place on the proposed Directive; and b) potentially impacted stakeholders?"

No impact assessment has been published, because that is a technical and targeted amendment. Again, further details can be requested from the lead officials at DBT.

The Department is aware that the EU launched a call for evidence with the aim of collecting information on technical issues and expected economic impacts. Responses were received from a wide range of stakeholders. The overwhelming majority of feedback supported the EU's decision to review and amend the current directive. The EU Commission hosted workshops and did an evaluation

study of the non-automatic weighing instruments directive and the measuring instruments directive in November 2024. We believe that it met UK representatives as well.

The final question was:

"If any engagement has taken place, what potential benefits, risks or costs to businesses and/or consumers have been highlighted?"

Again, that question needs to be directed to officials at the Department for Business and Trade.

The Chairperson (Ms Ferguson): Thank you, Michael and Damien. I note your continual reference to the fact that we will have to consult the lead officials at the Department for Business and Trade. I therefore seek agreement from members to field the series of questions that Damien highlighted to the Department for Business and Trade. Are members agreed?

Members indicated assent.

The Chairperson (Ms Ferguson): If you are OK to stay on, I will now open the floor to members for questions.

Mr Brooks: I make it clear that my comments are not necessarily directed at you. I have an ongoing frustration. Whilst I understand the need to forward those questions, and it is right that we do that, I am disappointed with the lack of constructive engagement on this. When we met the previous Economy Minister, I thought that we had got to a reasonable place and had a good discussion that would lead to the Department coming forward with, at least, its view on what may be happening. We made all the necessary caveats, such as the fact that we understood that it does not always sit with the local Departments, but, in some ways, they are the gatekeepers to some of those relationships. I will be flabbergasted and very disturbed if the Department has not engaged with the relevant Departments in Whitehall on this or any other significant issue related to it to get some insight into what those Departments are thinking.

I understand that, when officials come here, they can be reluctant to speak to that. In our discussion with the Minister, we said that we understood that they are not responsible for that but that we would welcome some insight into what may be coming or any insight that officials are able to give us in that regard. That is directed at the Department, not at you, because it is a consistent theme. To use my colleague's favourite phrase, it is worrying if the Department has been incurious about some of that stuff and has not been engaging. If it has been engaging, officials should be given permission to come here and give some insight into that. It is right that we engage with Whitehall. It is not just the Department for the Economy; we have had it with DAERA and so on as well.

There has been a change in Ministers, and I wonder whether it is a ministerial decision or whether other officials have taken the opportunity to reset the thinking on it. I am slightly concerned. We, as a Committee, have said that we, from across parties, expect Departments to come here and give us what information they can, while we understand that they are not responsible for some of it. I just express that view. You have addressed most of the questions that I had — I thank you for that — although not necessarily with satisfactory answers, as you have heard, but that is another issue.

The Chairperson (Ms Ferguson): I note that Eóin Tennyson has now joined us on online. Can you hear us OK, Eóin?

Mr Tennyson: Yes.

Dr Aiken: I echo what the Deputy Chair said. Our job is to do scrutiny. I cannot do any scrutiny, because I have absolutely no information. I am no further forward than I was before this. I have read the impact assessment that was held up by the Minister for whatever reason, bearing in mind that it is known when and at what time the Committee sits, and it does not actually say anything. I am very disappointed, Chair. We cannot make any sort of decision or take a view because we have no information.

Mr Martin: My thoughts are similar to those of my colleagues. It is a Government Department, but I heard at least four times that the Department is unable to answer the question. Again, with respect to the officials, it is not about you guys; it has been a theme at the Committee. I understand that there is

a lead Department in Westminster, but, as colleagues to my right and left said, it makes our job of scrutiny and making a judgement very difficult.

The Chairperson (Ms Ferguson): Concerns have been noted by members. At this stage, if members have no further questions, I thank Damien and Michael for coming this morning. It is much appreciated.