

2. Products intended to be totally or partially introduced into the human body through surgically invasive means for the purpose of modifying the anatomy or fixation of body parts with the exception of tattooing products and piercings.
3. Substances, combinations of substances, or items intended to be used for facial or other dermal or mucous membrane filling by subcutaneous, submucous or intradermal injection or other introduction, excluding those for tattooing.
4. Equipment intended to be used to reduce, remove or destroy adipose tissue, such as equipment for liposuction, lipolysis or lipoplasty.
5. High intensity electromagnetic radiation (e.g., infra-red, visible light and ultra-violet) emitting equipment intended for use on the human body, including coherent and non-coherent sources, monochromatic and broad spectrum, such as lasers and intense pulsed light equipment, for skin resurfacing, tattoo or hair removal or other skin treatment.
6. Equipment intended for brain stimulation that apply electrical currents or magnetic or electromagnetic fields that penetrate the cranium to modify neuronal activity in the brain.

*15 March 2023*

**Letter from the Chair to Will Quince MP, Minister of State for Health and Secondary Care, Department of Health, and Social Care**

Thank you for your letter, dated 15 March 2023, on the above Implementing Regulations with implications for Northern Ireland under the Protocol on Ireland/Northern Ireland. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 29 March 2023.

We are now content to draw our detailed scrutiny of these documents to a close. However, we would be grateful for an update if the Government's assessment of the impact of these Implementing Regulations changes, on the basis of any significant feedback from industry, or if the Windsor Framework has a substantive impact on the application of these Regulations to Northern Ireland.

*30 March 2023*

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) NO 1272/2008 ON CLASSIFICATION, LABELLING AND PACKAGING OF SUBSTANCES AND MIXTURES AND C (2022) 9383 AND COMMISSION DELEGATED REGULATION (EU) .../... OF 19.12.2022 AMENDING REGULATION (EC) NO 1272/2008 AS REGARDS HAZARD CLASSES AND CRITERIA FOR THE CLASSIFICATION, LABELLING AND PACKAGING OF SUBSTANCES AND MIXTURES - EM 16258/22 & 16273/22 = COM (2022) 748 & C (2022) 9383

**Letter from the Chair to Mims Davies MP, Minister for Social Mobility, Youth and Progression, Department for Work and Pensions**

Thank you for your Explanatory Memorandum, dated 1 February 2023, on the above Proposed Regulation and Delegated Act within the scope of the Protocol on Ireland/Northern Ireland. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 22 February 2023.

We are grateful for your detailed EM. We invite your response to the following questions:

1. We note your assessment that “some GB-based businesses may become dissuaded from engaging with the Northern Ireland market when faced by regulatory barriers.” How significant do you expect the regulatory barriers created by these Regulations to be, and what steps will the Government take to mitigate this impact?
2. We note the predicted costs of changes to businesses based in Northern Ireland. How have these changes been communicated to affected businesses, and what steps will the UK Government take to mitigate this impact?
3. Notwithstanding the Government’s description of the EU’s approach to amending CLP Regulation in advance of consensus at UN GHS as a “significant break with the established international convention”, what is the Government’s assessment of the merits of the proposal itself?
4. In view of the concerns that some Member States and EU industry bodies have expressed about the Commission’s approach, what is the likelihood of the Regulations coming into effect as proposed? What steps is the Government taking to engage with the Commission regarding its own concerns?
5. We note that there has been “no formal public consultation by the Health and Safety Executive of key external stakeholders on the impact of [the] Commission proposal and delegated act.” Considering the likely impact of these changes, how does the Government plan to engage with affected businesses and stakeholders on the Regulations?
6. We note that UK and UN officials met the Commission’s UN GHS delegation in December 2022. What was the outcome of these meetings, and what steps are being taken to encourage the Commission to propose that its intended measures are introduced into a biennium work programme at the UN GHS?

We would be grateful for a response to these questions by 9 March 2023. Furthermore, we note your assessment that “it is not possible to fully assess the financial implications of the EU’s proposals at this stage as this will depend on the final shape of the legislation and its application to Northern Ireland.” We therefore ask that you write again to the Committee once this assessment has been performed.

In the meantime, we retain an active interest in the Commission Proposed Regulation and Delegated Act.

*23 February 2023*

**Letter to the Chair from Mims Davies MP, Minister for Social Mobility, Youth and Progression, Department for Work & Pensions**

Thank you for your letter of 23 February asking for further information following the submission of an Explanatory Memorandum, dated 1 February 2023, on the above Regulation applying to Northern Ireland under the Protocol on Ireland/Northern Ireland. I would also like to thank you for granting an extension to the original deadline of 9 March until 17 March 2023.

I welcome the opportunity to give a response on behalf of the Government, which is set out in the Annex below.

## ANNEX

1. **We note your assessment that “some GB-based businesses may become dissuaded from engaging with the Northern Ireland market when faced by regulatory barriers.” How significant do you expect the regulatory barriers created by these Regulations to be, and what steps will the Government take to mitigate this impact?**
2. As Chloe Smith MP explained in her Ministerial reply to the Sub-Committee of 9 June 2022, under the previous Northern Ireland Protocol arrangements, Northern Ireland-based businesses in the chemicals sector, in particular, distributors and retailers, have experienced difficulties with GB based businesses passing on the additional costs of meeting EU regulatory requirements relating to classification, labelling and packaging as well as other notification and paperwork requirements making their products more expensive.
3. The potential regulatory barriers created by these Regulations through the introduction of new hazard classes and new hazard communication and labelling requirements will increase divergence between the Great Britain Classification Labelling and Packaging Regulation (‘GB CLP Regulation’) and the EU CLP Regulation system.
4. We will continue to work with stakeholders to identify and mitigate any impacts that do arise.
5. **We note the predicted costs of changes to businesses based in Northern Ireland. How have these changes been communicated to affected businesses, and what steps will the UK Government take to mitigate this impact?**
6. In the Explanatory Memorandum, HSE provisionally estimated the costs of the Commission proposal and Commission Delegated Regulation on businesses based in Northern Ireland using information from the summary of the impact assessment provided by the Commission.
7. The relevant Northern Ireland government departments and agencies such as the Department for the Economy, Department of Justice (with respect to civil explosives) and Health and Safety Executive NI (HSE NI) and other Northern Ireland Executive departments such as the Department of Agriculture, Environment and Rural Affairs have been providing information on developments at EU level to businesses based in Northern Ireland through either their own websites, or the shared government platform, nibusinessinfo.com.
8. **Notwithstanding the Government’s description of the EU’s approach to amending CLP Regulation in advance of consensus at UN GHS as a “significant break with the established international convention”, what is the Government’s assessment of the merits of the proposal itself?**
9. The proposed Regulation of the European Parliament and Council and the Commission Delegated Regulation go beyond the introduction of new hazard classes to include more comprehensive identification and classification of chemical hazards and proposals for improved hazard communication and to address legal gaps and ambiguities.
10. While some of these proposals may offer potential opportunities as part of consideration of potential future reforms to the Great Britain Classification Labelling and Packaging Regulation (‘GB CLP Regulation’), at this stage we will be carefully investigating the scientific and technical evidence, and the wider policy context, that might justify the introduction of new hazard classes 3 beyond the current hazard classifications included in the United Nations ‘Globally Harmonized System’ of classification and labelling of chemicals (UN GHS).

11. This is because the duties to communicate and/or address these hazards are already partially covered by requirements in relation to existing GHS/CLP hazard classes, or in other chemicals legislation. For example, in other chemicals legislation, risks arising from substances with endocrine disrupting properties are controlled through the UK REACH Regulation, Great Britain Plant Protection Products Regulation and Great Britain Biocidal Products Regulation. Substances that are persistent, bioaccumulative and toxic (PBT) or very persistent and very bioaccumulative (vPvB) are also subject to chemical assessment under the UK REACH Regulation and the Great Britain Biocidal Products Regulation.
12. More work is needed to develop reliable and robust scientific methodologies at international level that would make it possible to decide whether a substance meets the criteria for classification under the proposed new hazard classes.
13. **In view of the concerns that some Member States and EU industry bodies have expressed about the Commission's approach, what is the likelihood of the Regulations coming into effect as proposed? What steps is the Government taking to engage with the Commission regarding its own concerns?**
14. Our expectation is that the proposed Regulation of the European Parliament and Council and the Commission Delegated Regulation will come into effect as proposed despite the concerns expressed by some Member States and EU industry trade bodies.
15. The Commission Delegated Regulation introducing the new hazard classes has already cleared EU Council scrutiny under the delegated acts procedure despite objections. The European Parliament's Internal Market and Consumer Protection Committee also completed its examination on 28 February. As no objection was raised during the objection period, the delegated act enters into force after the end of the objection period.
16. On the proposed Regulation of the European Parliament and Council, the Commission is currently undertaking a public consultation exercise to inform the discussions and legislative debate around the adoption of the proposal at first reading under the ordinary legislative procedure. There is support from the Commission and Member States as well as EU non-governmental organisations which have welcomed the proposals. The European Parliament will examine the Commission proposal and may adopt it or introduce amendments to it at the first reading stage.
17. The Government has engaged with the Commission and EU officials in the context of the UN GHS with regard to the introduction of the new hazard classes at UN GHS level.
18. **We note that there has been "no formal public consultation by the Health and Safety Executive of key external stakeholders on the impact of [the] Commission proposal and delegated act." Considering the likely impact of these changes, how does the Government plan to engage with affected businesses and stakeholders on the Regulations?**
19. There has been no formal UK public consultation on the impact of the proposed Regulation of the European Parliament and Council and the delegated act because this relates to a directly applicable EU Regulation and to a delegated act that will not apply in Great Britain as a result of the UK's withdrawal from the EU but will apply automatically in Northern Ireland by virtue of the current arrangements in the UK/EU Withdrawal Agreement and Northern Ireland Protocol. As set out above, we will continue to work with stakeholders to identify and mitigate any impacts that do arise.

20. **We note that UK and UN officials met the Commission’s UN GHS delegation in December 2022. What was the outcome of these meetings, and what steps are being taken to encourage the Commission to propose that its intended measures are introduced into a biennium work programme at the UN GHS?**
21. Representatives from HSE met with officials from the EU bilaterally to discuss the EU proposal for the formation of a new working group reporting to the UN GHS subcommittee, regarding the presentation of the potential hazard issues that make up the amendments to EU CLP Regulation.
22. The UK delegation was able to provide advice on the required documentation and presentation in order to put a proposal to the UN GHS subcommittee. The formation of a new working group to be chaired by the EU Commission on “potential hazard issues and their presentation in GHS” was agreed by the UN GHS subcommittee in the December meeting (details can be found in paragraph 51-52 of the meeting report ST/SG/AC.10/C.4/86 (unece.org)). This group has already met twice with HSE in attendance for the UK on both occasions alongside representatives from US, Canada, EU Member States and from industry.
23. **Furthermore, we note your assessment that “it is not possible to fully assess the financial implications of the EU’s proposals at this stage as this will depend on the final shape of the legislation and its application to Northern Ireland.” We therefore ask that you write again to the Committee once this assessment has been performed.**
24. There are no plans to fully assess the financial implications of these EU proposals or the impacts of divergence at this stage. Regulatory impact assessments are not triggered where divergence arises via EU-led changes and there are no plans at this stage to introduce similar changes at Great Britain level. However, divergence analysis may be commissioned in relation to UK or EU policies being escalated for collective consideration via centrally coordinated processes. We would also expect the EU to set out how their proposal will impact on the EU Single Market, including on the island of Ireland.

14 March 2023

**Letter from the Chair to Mims Davies MP, Minister for Social Mobility, Youth and Progression, Department for Work and Pensions**

Thank you for your letter, dated 14 March 2023, on the above Regulation and Delegated Regulation with implications for Northern Ireland under the Protocol on Ireland/Northern Ireland. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 29 March 2023.

We are grateful for this helpful response, and invite your response to the following questions:

1. What practical steps will the UK Government take to mitigate the impact of the Regulation and accompanying Delegated Regulation?
2. We note your update regarding the creation of a new working group reporting to the UN GHS subcommittee. What is the direction of travel of this working group and subcommittee?
3. What impact, if any, will the Windsor Framework will have on the application of the Regulations to Northern Ireland?

We invite you to write again with an update on these matters by 27 April 2023. In the meantime, we retain an active interest in these documents.

30 March 2023

**Letter to the Chair from Mims Davies MP, Minister for Social Mobility, Youth and Progression, Department for Work and Pensions**

Thank you for your letter of 30 March asking for further information following the submission of an Explanatory Memorandum, dated 1 February 2023, on the above Regulations applying to Northern Ireland under the Windsor Framework (formerly the Protocol on Ireland/Northern Ireland). I would also like to thank you for granting an extension to the original deadline of 27 April until 5 May 2023.

I welcome the opportunity to respond on behalf of the Government, which is set out in the Annex below.

**ANNEX**

**UPDATE ON RECENT DEVELOPMENTS**

1. In my previous reply, I explained that it was our expectation that the proposed European Parliament and Council Regulation and Commission Delegated Regulation would come into effect as proposed despite the concerns expressed by some Member States and EU industry bodies.
2. The Commission Delegated Regulation introducing the new hazard classes cleared Council and European Parliament scrutiny under the delegated acts procedure and was published in the Official Journal of the European Union on 31 March 2023 as Commission Delegated Regulation (EU) 2023/707 of 19 December 2022. This delegated act, which entered into force on 20 April 2023, formally introduces the new hazard classes and criteria for classifying substances and mixtures (chemicals) into the Annexes of the EU CLP Regulation.
3. As a result of this delegated act, EU suppliers (manufacturers/ importers/downstream users, including Northern Ireland-based suppliers) will have to classify their substances and mixtures (self-classify) against these new hazard classes and criteria from 1 May 2025 for new substances and for new mixtures by 1 May 2026. The classifications of substances that have already been placed on the market must also be reviewed and evaluated and where necessary updated by 1 November 2026, and mixtures by 1 May 2028.
4. However, classification under the new hazard classes will not become subject to mandatory (harmonised) classification and labelling until after the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures has been adopted and the required changes have been made to the EU CLP Regulation but this will depend on the progress of the proposed Regulation under the ordinary legislative procedure.

**What practical steps will the UK Government take to mitigate the impact of the Regulation and accompanying Delegated Regulation?**

5. Since EU Exit and the end of the implementation (transition) period, Health and Safety Executive (HSE) officials have continued to engage with Northern Ireland government departments in respect of chemicals legislation where HSE has policy responsibility, by providing advice and guidance and through meetings with officials in the Health and Safety Executive Northern Ireland (HSENI) and the Department for the Economy (DfE). Monthly HSE/HSENI NI Protocol (now Windsor Framework) meetings continue to be held with the Head of Chemicals Group and Deputy Chief Executive in HSENI's Market Compliance & Operations Division.
6. Under the provisions of the Chemicals and Pesticides Provisional Common Framework, a number of departments are represented at quarterly UK Chemicals Governance Group (UKCGG) meetings to develop the UK view on the prioritisation of the UK chemicals work programme. Membership comprises:
  - The Department for Environment, Food and Rural Affairs (Defra)
  - Scottish Government (SG)
  - Welsh Government (WG)
  - The Department of Agriculture Environment and Rural Affairs (DAERA)
  - The Department for the Economy (DfE)
  - The Health and Safety Executive (HSE)
  - The Environment Agency (EA)
7. HSE will continue to work with officials in Northern Ireland government departments on any practical steps that might be taken to mitigate the impact of the proposed Regulation and accompanying Delegated Regulation.

**We note your update regarding the creation of a new working group reporting to the UN GHS subcommittee. What is the direction of travel of this working group and subcommittee?**

8. This working group has continued to meet virtually, with the HSE representing the UK, to define its initial tasks and priorities.
9. The working group has focussed on the development of a proposed mandate to the Organization for Economic Co-operation and Development (OECD) for the OECD to review the science needed for classification and labelling of substances and mixtures that have endocrine disrupting properties and to identify gaps in the existing United Nations Globally Harmonized System (UN GHS) hazard classes for such chemicals. This proposed OECD mandate will be considered by the UN GHS Sub-Committee of Experts at the July 2023 session, prior to any work being undertaken by the OECD.
10. In the coming months, the working group intends to commence their consideration of other potential hazard issues on persistent, bioaccumulative, toxic (PBT), very persistent, very bioaccumulative (vPvB), persistent, mobile, toxic (PMT) and very persistent, very mobile (vPvM) chemicals.
11. All of this work is expected to take a considerable amount of time to complete, potentially beyond the current UN GHS 2023-2024 biennium work programme.

**What impact, if any, will the Windsor Framework will have on the application of the Regulations to Northern Ireland?**

12. The rules for chemical substances and mixtures on the market (manufactured goods) in Northern Ireland will continue to apply under Annex 2 of the Windsor Framework.
13. In many cases, both EU and UK rules will continue to reflect the same underlying international standards such as the UN GHS. In practice, this means a generally aligned approach with regards to classification, labelling and packaging of chemical substances and mixtures and related testing including animal testing, testing methodologies or specifications of technical requirements.
14. The Windsor Framework builds out joint UK-EU structures further to anticipate and deal with issues that may emerge. The UK and the EU have agreed to establish new mechanisms for stakeholder engagement within those structures, including business and civic society groups, to ensure their expertise and insight can inform discussions about how the agreement operates in practice. The UK and the EU will also establish new structured expert groups to allow detailed UK-EU discussion of new rules applied under the Windsor Framework across the full range of issues - including on goods regulation - with new commitments to engage earlier and more intensively to look at the implications of new rules. Through the new Special Goods Body, there is also the opportunity for early engagement on new rules, with the ability to find appropriate solutions through the Joint Committee. This will be an important mechanism for considering future UK and EU rule changes to ensure that their interaction does not inadvertently lead to any new unnecessary regulatory barriers. Both the UK and the EU have also jointly declared that they will make full use of these UK-EU structures to deal with issues in operating the agreement.

*27 April 2023*

**Letter from the Chair to Mims Davies MP, Minister for Social Mobility, Youth and Progression, Department for Work and Pensions**

Thank you for your letter, dated 27 April 2023, on the above proposed Regulations with implications for Northern Ireland under the Windsor Framework. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered these documents at its meeting on 7 June 2023.

We note steps taken to mitigate any impact of the Regulation, further information on the UN GHS subcommittee working group, and your assessment of the impact of the Windsor Framework on the Regulations.

Framework on the Regulations. We have now completed our detailed scrutiny of this matter and do not require a response to this letter.

*8 June 2023*

**PROPOSAL FOR A COUNCIL DIRECTIVE ON STANDARDS FOR EQUALITY BODIES IN THE FIELD OF EQUAL TREATMENT BETWEEN PERSONS IRRESPECTIVE OF THEIR RACIAL OR ETHNIC ORIGIN, EQUAL TREATMENT IN THE FIELD OF EMPLOYMENT AND OCCUPATION BETWEEN PERSONS IRRESPECTIVE OF THEIR RELIGION OR BELIEF, DISABILITY, AGE OR SEXUAL ORIENTATION, EQUAL TREATMENT BETWEEN**