

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL LAYING DOWN HARMONISED CONDITIONS FOR THE MARKETING OF
CONSTRUCTION PRODUCTS, AMENDING REGULATION (EU) 2019/1020 AND
REPEALING REGULATION (EU) 305/2011 – EM 7799/22 = COM (2022) 144

Letter from the Chair to Lord Greenhalgh, Minister of State (Minister for Building Safety and Fire), Department for Levelling Up, Housing and Communities

Thank you for your Explanatory Memorandum, dated 9 May 2022, on EM 7799/22, the proposal for a Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 8 June 2022.

We would be grateful for clarification on a number of matters.

We note that the proposed Regulation will result in regulatory divergence between Great Britain and Northern Ireland. We also note that “the European Commission’s impact assessment estimates that the proposal would increase annual costs for manufacturers by approximately 8% of their baseline costs.” Can you advise on the practical impact of this regulatory divergence and increased costs for businesses and consumers based in and trading between Great Britain and Northern Ireland? Can you specify what steps the UK Government plans to take to mitigate the impact of this divergence, which the EM states will “make trade more difficult” as well as more costly? Does the Government have plans to consult formally with key external stakeholders, in light of the significant impact of the proposed Regulation, or to introduce equivalent measures in respect of Great Britain?

We note that the proposed Regulation will “increase the costs of market surveillance for governments.” What is the likelihood that the proposed Regulation will result in increased costs for the UK Government and/or the Northern Ireland Executive, and what would the associated impacts of these costs be?

We would be grateful for a response to this letter by 23 June 2022. In the meantime, we retain an active interest in this document.

9 June 2022

Letter to the Chair from Lord Greenhalgh, Minister of State (Minister for Building Safety and Fire), Department for Levelling Up, Housing and Communities

Thank you very much for your letter of 9 June 2022.

The government has decided to take a case-by-case approach on whether to diverge from the EU or not. In this case, the government will consider the advantages and disadvantages of aligning with the EU’s approach to come to this decision. This is a significant proposal set out over 92 articles which will take some time to fully consider. As part of that consideration process, we will assess the impact on businesses and consumers based in and trading between Great Britain and Northern Ireland and will of course engage with key external stakeholders to inform this decision. This will also include an assessment of the cost and associated impact of the proposal for a minimum level of market surveillance to be carried out by Member States.

The government has already agreed measures to mitigate the impact of divergence between Great Britain and Northern Ireland. Firstly, NI Qualifying Goods meeting EU regulatory requirements already enjoy unfettered access to the GB market. Secondly, the government has introduced the Northern

Ireland Protocol Bill. The Bill will remove regulatory barriers to goods made to UK rules being sold in Northern Ireland. Businesses will be able to choose between meeting UK or EU rules in a new dual regulatory regime.

I note your continued active interest in this document and will keep the committee informed as the government fully considers the merits of this proposal.

22 June 2022

Letter from the Chair to Lord Greenhalgh, Minister of State (Minister for Building Safety and Fire), Department for Levelling Up, Housing and Communities

I am writing in response to your letter, dated 22 June 2022, on the above Regulation 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 29 June.

We are disappointed at the poor quality of your reply and your failure to deal with the specifics of the Committee's questions on the practical implications of this Regulation for Northern Ireland and for regulatory divergence between Great Britain and Northern Ireland. You state that the Government's assessment "will take some time". Yet this Regulation is, as you say, a significant proposal in an important industry for the UK economy, and it is therefore imperative that the Government swiftly undertakes and communicates to Parliament its assessment of the impact of the Regulation in the context of the Protocol.

You state that you will "keep the Committee informed as the Government fully considers the merits of this proposal". We therefore urge you to write again setting out this analysis, and a detailed response to the Committee's questions, by 9 September 2022 at the latest.

1 July 2022

Letter to the Chair from Lee Rowley MP, Parliamentary Under-Secretary of State for Local Government and Building Safety, Department for Levelling Up, Housing and Communities

Thank you for your letter of 1 July 2022, addressed to Lord Greenhalgh. I am responding as the Minister now responsible for this area in my role as Parliamentary Under Secretary of State for Local Government and Building Safety. Please accept my sincere apologies for the delay in my response.

The government announced on 9 December that ending recognition of CE marking for construction products will be delayed until June 2025. We will take the opportunity in this period to reform the regulatory regime for construction products to ensure that it is fit for purpose. We have taken further powers to regulate the sector through the Building Safety Act 2022, but it is clear from the evidence presented to the Grenfell Tower Public Inquiry that more work is needed to fully address the failings of the construction products industry, including reform of the existing regulatory framework. As part of this work, we will examine the merits of the Commission's proposals and consider whether they should be fully or partially implemented in GB. This means that at this time, it is not possible to fully address the committee's questions about the potential impact of the Commission's proposals on the UK market.

I would very much value the contribution of the committee into the development of these reforms. I would welcome the committee's views on how my department can best engage with the committee to

do this. My officials would be very happy to discuss an approach with the committee's clerks if that would be helpful.

27 March 2023

Letter from the Chair to Lee Rowley MP, Parliamentary Under-Secretary of State for Local Government and Building Safety, Department for Levelling Up, Housing and Communities

We note your letter of 27 March 2023 on the above Regulation applying to Northern Ireland under the Windsor Framework. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 19 April 2023.

We wrote to your predecessor, Lord Greenhalgh, on 1 July 2022, inviting a response by 9 September 2022. The delay of over six months in receiving your reply is in our view unacceptable, in particular given that it still provides no substantive response to the questions originally set out in our letter of 9 June 2022.

We note that the Government has announced that ending recognition of CE marking for construction products will be delayed until June 2025, and that the Government will take the opportunity to reform the regulatory regime for construction products in the meantime. We also note that the Government will "examine the merits of the Commission's proposals and consider whether they should be fully or partially implemented in GB." We urge you in that context to bear in mind the implications of the Government's reforms for Northern Ireland, and for regulatory divergence between Great Britain and Northern Ireland, including in the context of the Windsor Framework. We therefore request a full response to the questions as set out in our letter of 9 June 2022, and that you keep us updated on the progress of the Government's reforms, in the context of the Commission Regulation.

We request a further update by 20 July 2023 at the latest. In the meantime, we retain an active interest in the document.

20 April 2023

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON FLUORINATED GREENHOUSE GASES, AMENDING DIRECTIVE (EU) 2019/1937 AND REPEALING REGULATION (EU) NO 517/2014 – EM 8042/22 = COM (2022) 150

Letter from the Chair to Jo Churchill MP, Parliamentary Under Secretary of State, (Minister for Agri-Innovation and Climate Adaptation), Department for Environment, Food and Rural Affairs

Thank you for your Explanatory Memorandum, dated 17 May 2022, on EM 8042/22: the proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014. The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 8 June 2022.

We would be grateful for clarification of a number of matters.