

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

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2000/14/EC, 2011/65/EU, 2013/53/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council as regards digitalisation and common specifications, &

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 765/2008, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/1230, (EU) 2023/1542 and (EU) 2024/1781 as regards digitalisation and common specifications

Submitted by the Department for Business and Trade on 18 June 2025

SUBJECT MATTER

1. On 21 May 2025, the EU Commission published proposals on digitalisation. These seek to amend the sectoral framework, i.e. product legislation which set out harmonised rules relating to the design, manufacture, conformity assessment and placing on the market of products. The package consists of a Proposal for a Directive, which would amend or replace 13 existing EU Directives, as well as a Proposal for a Regulation which would amend 7 current EU Regulations, all of which fall under Annex 2 of the Windsor Framework. (*See Annex A for further information*).
2. The proposed amendments seek to simplify reporting requirements and reduce administrative burdens for businesses and market surveillance authorities by:
 - i. mandating the use of digital formats for declarations of conformity and similar documents, which must be accessible by URL or QR code,
 - ii. requiring that manufacturers indicate a digital contact on products placed on the market
 - iii. specifying that instructions accompanying products may be provided in electronic form (with the exception of safety information which continues to require a paper format),
 - iv. amending reporting requirements to national authorities that require a 'paper or electronic format' to an electronic format only,
 - v. introducing an obligation for digital communication to national authorities,
 - vi. introducing a provision allowing common specifications as an alternative to harmonised standards where these are unavailable or insufficient,

- vii. obligating that information contained in declarations of conformity and instructions is available on a digital product passport (DPP) where a DPP is required by other EU legislation.
3. The digitalisation proposals represent a package of measures concerning the simplification of reporting requirements and regulatory procedures. The objective of this is to remove numerous paper-based obligations, transition to digital equivalents and contribute to the digitalisation of economic operators' obligations and business-to-authority reporting. This is to be achieved through the amendments to the directives and regulations mentioned above.
4. To ensure Northern Ireland's dual access to both the UK Internal Market and the EU Single Market, it continues to apply certain EU rules in relation to goods placed on the market under the terms of the Windsor Framework. These proposals amend or update legislation that is listed in Annex 2 of the Windsor Framework, and 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.
5. We consider the proposed amendments will not have significant impacts for those selling goods into Northern Ireland, as the overarching aim of these amendments is to streamline the provision of information for regulatory compliance purposes. Rather, the proposed amendments are likely to have a positive impact for those trading in goods by reducing administrative burdens, while providing a reasonable timeframe to familiarise with new requirements. The government is considering how to reduce regulatory burdens whilst ensuring consumer safety; therefore, we will be looking to engage further with industry and consumer organisations regarding similar measures for Great Britain, in due course.

SCRUTINY HISTORY

6. Parliamentary scrutiny has previously been undertaken for a proposal introducing similar simplification measures for reporting requirements; an Explanatory Memorandum was submitted to the House of Lords Windsor Framework Sub-Committee and the House of Commons European Scrutiny Committee on 13 December 2023 on the simplification of reporting requirements in Directive 2000/14/EC and Directive 2014/53/EU.
7. A non-exhaustive selection of recent scrutiny of the regulations covered by the amendments includes:
 - An EM submitted to the House of Lords Windsor Framework Sub-Committee and the House of Commons European Scrutiny Committee on

the 4th of July 2024 concerning Regulation (EU) 2024/1781, which sets out the Framework for the Eco-design of Sustainable Products.

- General parliamentary scrutiny of Regulation 2023/1230 on machinery, and Regulation (EU) 2023/1542 concerning batteries and waste batteries. However, this was focused on policy implications outside of the scope of streamlined reporting requirements.

MINISTERIAL RESPONSIBILITY

8. The Secretary of State for the Department for Business and Trade is responsible for the UK's overarching product safety and conformity assessment policy as well as the coordination of the UK's market surveillance and enforcement policy.
9. The Secretary of State for the Department for Transport is responsible for cableway installations, recreational craft, marine equipment and transportable pressure equipment.
10. The Secretary of State for Environment, Food and Rural Affairs has responsibility for batteries, tests on chemicals, certain hazardous substances and pollutants and resource efficiency policy in as much as it contributes to the minimisation of waste and protection of the natural environment.

INTEREST OF DEVOLVED GOVERNMENTS

11. Product safety regulation is primarily reserved, though some aspects of conformity assessment and required documentation may relate to devolved policy areas. This memorandum was shared in draft with the Devolved Governments. The UK will continue to work with Devolved Governments as these proposals develop, including with respect to Northern Ireland and the Windsor Framework.

LEGAL AND PROCEDURAL ISSUES

12.

i. EU Legal Basis

The proposal is based on Article 114 of the Treaty on the Functioning of the European Union.

ii. Voting Procedure

Ordinary legislative procedure.

iii. Timeline for adoption and implementation

The legislation is at proposal stage and requires approval from the European Parliament and Council under the ordinary legislative procedure. The exact length of time for this process to conclude is uncertain. Timelines are dependent on internal EU processes and vary depending on priority.

Following the ordinary legislative procedure, the Regulation will enter into force 20 days after its publication in the Official Journal of the European Union. Article 5 and Annex IV shall apply from the 20th of January 2027. The majority of provisions will apply 24 months after the regulation's entry into force.

EU Member States are required to adopt and publish the necessary legislation to comply with the Directive. These are to be applied 12 months after the entry into force of the amending Directive. However, the majority of provisions apply 24 months after the Directive enters into force.

POLICY AND LEGAL IMPLICATIONS

13. Currently, the UK and the EU have similar requirements to provide technical documentation, and the UK has continued to deem documentation provided under EU rules as sufficient for meeting UK requirements.
14. The EU's proposals here would amend the technical information that is supplied with the product, with the exception of safety information, mandate digital declarations of conformity, and ensure information can be supplied digitally. This has the potential to introduce a difference in approach for products in NI and for the EU rules we currently recognise in GB, with some, but not all, UK product rules still requiring physical documentation.
15. As set out in its response to the Product Safety Review and during the debates on the Product Regulation and Metrology Bill, the Government is considering the direction of UK regulation in this area. We note that the Electronic Trade Documents Act (ETDA) came into force on 20 September 2023 and applies to the whole of the UK. It provides legal recognition for trade documents in electronic form, granting them the same legal status as their paper equivalents. While the government encourages the adoption of electronic trade documents, their use is not mandatory. In some cases, paper versions of some trade documents are still required under historic international agreements.
16. The UK Government recognises the value of streamlining costs for business, while also noting that information for consumers or market surveillance authorities must be clear and easily accessible. In developing our own approach to the provision of a wider set of product information, dependent on product type and its suitability for different audiences, we will consider whether we would wish

to facilitate similar principles to the EU in moving wholesale towards the provision and sharing of information digitally.

17. With respect to UK regulation, potential areas for digitalisation include the provision of information for market surveillance authorities, certain consumer information and product instructions. Currently, such information can only be provided electronically if it is in addition to physical copies or indelible marking on the products themselves. Working with business and consumer groups, the Government will consider the EU's proposals, as well as potential options for UK policy development.

CONSULTATION

18. Whilst it is not for the UK to consult on the EU's legislative proposals, the government has carried out a consultation on measures similar to the EU proposal. Responses to the Government's Product Safety Review indicated support for the introduction of voluntary digital labelling. The majority of businesses supported this as a method of reducing business costs.

19. The European Commission held stakeholder consultations in April 2025 in the context of the Industrial Forum Task Force 1. This consisted of Member States, industry associations, and manufacturers and consumer associations. They provided opinions on the digitalisation of reporting and manufacturer's obligations. In particular, stakeholders were asked whether they believed providing declarations of conformity and instructions in electronic form would be seen as a burden reduction.

20. The Commission reports that stakeholders were largely in favour of digitalisation. The majority of respondents indicated that digital declaration of conformity and the option to provide digital instructions would reduce costs to business. The EU also carried out a written consultation via the same forum, with the majority of respondents indicating they favoured digitalisation, including digital declaration of conformity and digital instructions. Working with consumer groups and businesses across the UK, the Government will consider the EU's proposals as well as potential options for UK policy development.

FINANCIAL IMPLICATIONS

Business Impacts

21. Businesses who continue to place products on the EU market will be required to comply with the updated EU requirements. In such cases, they could face initial costs in transitioning to the digital requirements of the legislation. However, it is noted that the EU impact assessment describes the changes as 'limited and

targeted' with a focus on simplification. Therefore, UK businesses supplying the EU market may benefit from reduced administrative burdens.

22. EU consultations held with manufacturers, and consumer and industry associations, yielded positive feedback. The majority of respondents indicated that digitalisation was seen as an effective method of reducing business burdens.

MINISTERIAL NAME AND SIGNATURE

A handwritten signature in black ink, appearing to read 'Justin Madders', written over a horizontal line.

Justin Madders

Parliamentary Under Secretary of State

Department for Business and Trade

ANNEX A – List of Directives and Regulations (all of which fall under Annex 2 of the Windsor Framework) to be amended by the Digitalisation Proposal

Directives:

- **Directive 2000/14/EC** of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors
- **Directive 2011/65/EU** of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (recast)
- **Directive 2013/53/EU** of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC
- **Directive 2014/29/EU** of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels
- **Directive 2014/30/EU** of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility
- **Directive 2014/31/EU** of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments
- **Directive 2014/32/EU** of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments
- **Directive 2014/33/EU** of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts
- **Directive 2014/34/EU** of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres
- **Directive 2014/35/EU** of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits
- **Directive 2014/53/EU** of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC
- **Directive 2014/68/EU** of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment

- **Directive 2014/90/EU** of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC

Regulations:

- **Regulation (EC) No 765/2008** of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93
- **Regulation (EU) 2016/424** of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC
- **Regulation (EU) 2016/425** of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC
- **Regulation (EU) 2016/426** of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC
- **Regulation (EU) 2023/1230** of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC -
- **Regulation (EU) 2023/1542** of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC
- **Regulation (EU) 2024/1781** of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC