

**EXPLANATORY MEMORANDUM TO**  
**THE PRESSURE VESSELS (AMENDMENT) (NORTHERN IRELAND) (EU EXIT)**  
**REGULATIONS 2020**

**2020 No. 678**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 The purpose of this instrument is to place the Protocol on Ireland / Northern Ireland to the withdrawal agreement (“the Protocol”) on a legal footing for the product safety frameworks as they relate to pressure vessels, as required at the end of the Transition Period. This will be done by making changes to the UK's existing EU derived underlying product safety regulations, so they continue to properly implement EU law in Northern Ireland only.
- 2.2 The instrument will help ensure the UK meets its obligations under the Protocol in respect of product safety requirements for simple pressure vessels and pressure equipment, by amending the Simple Pressure Vessels Regulations 2016 (“the SPV Regulations”) and the Pressure Equipment Regulations 2016 (“the PE Regulations”) so they continue to apply with necessary amendments in Northern Ireland.
- 2.3 We are laying this legislation now for the SPV Regulations and PE Regulations because it provides a template for a wide range of very similar EU manufactured goods Directives that we need to ensure are implemented in Northern Ireland to give effect to the Protocol.

***Explanations***

*What did any relevant EU law do before exit day?*

- 2.4 The SPV and PE Regulations implement two EU Directives: Directive 2014/29/EU of the European Parliament and of the Council on the harmonisation of Member States’ laws relating to the making available of simple pressure vessels and Directive 2014/68/EU of the European Parliament and of the Council on the harmonisation of Member States’ laws relating to the making available on the market of pressure equipment, respectively (collectively, “the Directives”).
- 2.5 The Directives follow a similar format and their overall purpose is to ensure that the products they cover can only be placed on the EU market if they are safe. The Directives place obligations on economic operators throughout the supply chain (manufacturers, importers, and distributors) and provide that before a product is placed on the market it must meet the essential safety requirements. For certain products, they require that conformity with the essential safety requirements is demonstrated by conformity assessment procedures carried out by third party conformity assessment bodies. Before placing the product on the market, the manufacturer must affix a CE marking to the product, which is the manufacturer’s attestation that the product meets all the requirements of the legislation. Furthermore,

there are requirements as to information that must be supplied along with the products (for example, instructions on use, name and address of the manufacturer and importer, where relevant).

*Why is it being changed?*

- 2.6 The Protocol requires that the Directives are implemented in Northern Ireland. The SPV and PE Regulations are currently drafted as if the United Kingdom is a Member State of the European Union. Now that the UK is no longer a Member State, the SPV and PE Regulations must be amended to make clear that provisions that implement the Directives only apply to Northern Ireland.

*What will it now do?*

- 2.7 This instrument will ensure that necessary amendments are made to the SVP and PE Regulations so they continue to apply in Northern Ireland only as required by the Protocol.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage. In addition, the territorial scope of this instrument is limited to Northern Ireland.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is Northern Ireland.  
4.2 The territorial application of this instrument is the same as its extent.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Legislative Context**

- 6.1 The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 made amendments to the SVP and PE Regulations to correct deficiencies ensuring that these Regulations would work following the UK's exit from the EU. However, because of Protocol obligations, we are now laying another SI (The Product Safety & Metrology etc. (Amendment) Extent and Meaning of Market Regulations 2020) alongside this instrument which will disapply these changes to the SPV and PE Regulations for Northern Ireland. This ensures that the United Kingdom meets its obligations in respect of Northern Ireland under the Protocol of following relevant EU law.  
6.2 The provisions made in this instrument, combined with those in the instrument on extent and meaning of the market, will ensure that the SPV and PE Regulations

provide effective, and separate, product safety frameworks for both Great Britain and Northern Ireland.

- 6.3 Under the Protocol, EU product safety legislation will continue to apply in Northern Ireland after the end of the Transition Period. This includes the Directives.
- 6.4 The SPV Regulations sets out the regulatory requirements for the placing on the market of simple pressure vessels. The PE Regulations sets out the regulatory requirements for the placing on the market of pressure equipment and assemblies with a maximum allowable pressure PS greater than 0.5 bar.
- 6.5 Amendments need to be made to the SPV and PE Regulations so that they continue to be properly implemented in Northern Ireland after the end of the Transition Period. These amendments include ensuring that references to “Member States” are replaced with an appropriate term that includes Northern Ireland (only) and the EEA states and ensuring that information obligations on the United Kingdom to inform the Commission and Member States only apply to information in respect of Northern Ireland.
- 6.6 These amendments will complement changes we are making via separate statutory instruments, which will provide a robust and effective product safety and metrology framework for Great Britain and will also ensure a functioning framework for the UK. We are laying this legislation now for the SPV Regulations and PE Regulations because it provides a template for a wide range of very similar EU manufactured goods Directives that we need to implement in Northern Ireland to give effect to the Protocol.
- 6.7 If this legislation is not in place by Transition Period completion day, the UK will be in breach of its international obligations under the Protocol.

## **7. Policy background**

### *What is being done and why?*

- 7.1 Under the Protocol, EU rules concerning the placing of goods on the market will still apply in Northern Ireland. This includes product safety legislation, designed to ensure that products that are placed on the market are safe or accurate and compliant with relevant regulatory requirements. To this end, EU legislation places obligations on economic operators throughout the supply chain (manufacturers, importers, distributors and, in certain product legislation, authorised representatives appointed by manufacturers). The key obligations are that products are safe and/or accurate and meet certain requirements.
- 7.2 The relevant EU legislation that will continue to apply in Northern Ireland at the end of the Transition Period is listed in Annex 2 of the Protocol and includes the Directives (see paragraph 12).
- 7.3 The purpose of this instrument is to assist in ensuring that the UK meets its international obligations under the Protocol by allowing for the proper implementation of the Directives in Northern Ireland (only) at the end of the Transition Period.
- 7.4 The instrument amends the SPV and PE Regulations so that, for example, the market to which the Regulations refer is the market of Northern Ireland and the EEA states. Therefore, the Protocol will be implemented in Northern Ireland in respect of the

Directives. These amendments will ensure that these Regulations are applied within an operable legal framework, while meeting Protocol obligations.

- 7.5 This will complement changes the Department is making via separate statutory instruments, which will provide a robust and effective product safety and metrology framework for Great Britain and will also ensure a functioning framework for the whole of the UK.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument is made using powers under section 8C of the European Union (Withdrawal) Act 2018.

## **9. Consolidation**

- 9.1 There are no plans to consolidate the legislation amended by this instrument.

## **10. Consultation outcome**

- 10.1 The Government did not undertake a formal public consultation given that this instrument's provisions are limited to implementing the Protocol and ensuring that Northern Ireland continues to properly implement EU derived safety frameworks for these pressure vessels.
- 10.2 There has been engagement with the Northern Ireland Executive on this instrument as well as the NI Health & Safety Executive and the NI Department of Justice. This has included sharing draft legislation and receiving their acknowledgment of the proposed instrument in areas which apply and extent to Northern Ireland.

## **11. Guidance**

- 11.1 Guidance on the UK's approach to the Protocol was published on 20 May 2020 and is available on the GOV.UK website. The government will publish further guidance in due course.
- 11.2 Further support and advice is available by contacting [goodsregulation@beis.gov.uk](mailto:goodsregulation@beis.gov.uk).

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because the impacts are expected to be low level for business. The impact of this instrument is limited to familiarisation costs to business to understand the changes being made to the earlier legislation.

## **13. Regulating small business**

- 13.1 The legislation applies activities that are undertaken by small businesses.
- 13.2 No specific action is proposed to minimise the regulatory burdens on small businesses as no new operational costs are anticipated.
- 13.3 The legal requirements on the industry do not differentiate between businesses in terms of their size, they are dependent on the type and nature of product being

produced and placed on the market. Therefore, we are unable to take any mitigating actions to reduce burdens on small business.

**14. Monitoring & review**

- 14.1 The Department does not intend to monitor this instrument.
- 14.2 As this instrument is made under the EU Withdrawal Act 2018, no review clause is required.

**15. Contact**

- 15.1 Laura Deslandes at the Department for Business, Energy and Industrial Strategy. Telephone: 0207 215 3218 or email: [laura.deslandes@beis.gov.uk](mailto:laura.deslandes@beis.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Giles Hall, Deputy Director for Trade in Goods, at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Paul Scully, Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets) at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.