

Briefing: second reading of the Product Regulation and Metrology Bill



7 October 2024

Legislation and
Governance Unit

Introduction

The [Product Regulation and Metrology Bill](#) contains a welcome explicit power to maintain alignment with new EU laws on product standards. Various similar powers already exist but these are scattered across the regulatory landscape, so we understand the merit in seeking a broad regulatory power on product standards.

The government will be able to use this new power to improve product safety and to reduce or mitigate the environmental impact of products where the EU makes provision in that area.

The government has [said](#) that the bill “...will preserve the UK’s status as a global leader in product regulation”. To achieve this aim, it will need to target the use of its new powers to regulations where the UK’s product standards have not kept pace with higher EU standards, for example on ecodesign and chemical regulations. It will also need to establish a programmatic approach on product standards going forward, underpinned by a principle of alignment by default, where higher product standards are proposed by the EU.

The bill represents a welcome and symbolic about turn from the deregulatory thrust of the Retained EU Law (Revocation and Reform) Act 2023, which contains extraordinary powers for ministers to amend assimilated law through secondary legislation as they see appropriate, with no requirements to consult the public, and very limited parliamentary oversight, up to June 2026.

Commentary on the bill’s provisions

The bill contains a section 20 statement as required by [section 20](#) of the Environment Act 2021. The [purpose](#) of section 20 is to help maintain environmental protections by highlighting to both Houses when a bill may have the impact – intended or otherwise – of weakening or reducing existing levels of environmental protection.

The section 20 statement for the Product Regulation and Metrology Bill concludes that the bill itself will not have the effect of reducing the level of environmental protection. However, it is not possible to assess the impact of the delegated powers in the bill on environmental protections until the point of use.

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We therefore suggest that the minister should be asked how the government will ensure that its use of the bill's powers will not reduce the existing level of environmental protection and what safeguards will be put in place on this.

Clause 2(7) allows product regulations to provide that a product requirement may be treated as being met by meeting specified provision in relevant EU law. This is an opportunity for the government to implement a high standards agenda. However, we note there is no requirement for the Secretary of State to exercise the power, and thus no guarantee that UK product standards will match those of the EU where these are higher than the UK's. **It would therefore be helpful to ask the minister to clarify the government's intended use of this helpful provision.**

Clause 2(8) requires the Secretary of State to “have regard to the social, environmental and economic impact of making the provision concerned” when exercising the power. This is welcome, but given the underwhelming role that ‘have regard’ duties often play in law making (for example, see the [recommendations](#) of the Lords Select Committee that examined the public authority biodiversity duty), **we suggest a stronger standard for the duty should be considered.**

Ecodesign regulations – an example of how the bill could be used to raise environmental standards

We welcome the mention of ecodesign regulations in relation to the scope of the bill (footnote 1, page 3, [final stage impact assessment](#)).

Ecodesign regulations that the UK and the EU jointly developed while the UK was a member of the European Union are an environmental and economic [success story](#). The most conservative estimate suggests that these measures are preventing eight million metric tonnes of CO₂ equivalent (MtCO₂e) from being emitted in the UK a year. They have also benefited consumers, with higher quality goods that save the average UK household at least £100 on their annual energy bills.

The previous administration promised to “match or where economically practicable exceed the ambition of the EU's Ecodesign standards”. It did [adopt](#) a set of resource efficiency standards during the transition period, but since then has quickly fallen behind.

Earlier in 2024, the EU agreed new requirements for tablets and phones, including around durability and repairability. Producers will have to make critical spare parts available and offer system upgrades for at least five years. When buying products, information on battery longevity and a repairability score will be required. The UK has not followed suit, meaning the UK public will not benefit from these improvements.

The EU is also set to become more ambitious when it comes to ecodesign standards, having brought in a new framework for improving products, the [Ecodesign for Sustainable Products Regulation](#) (ESPR).

This will further expand the focus of product regulation in the EU, driving much more circularity. It also moves away from the Ecodesign Directive's approach of setting standards on a product by product basis, which is very time intensive and has taken on average four years for each product.

The new framework will allow standards to be set on a horizontal basis for products that share similar characteristics, significantly speeding up the delivery of benefits to the public and environment. To date, there has been no movement in the UK to develop an equivalent approach.

It would be useful to ask the government for clarity on whether this new framework can be replicated using the powers in this bill.

Urgent action is needed on chemical safety

Chemical safety is one of the areas where UK standards are most rapidly **falling behind** higher EU requirements. The new government has **recognised** the need for a new approach to protecting and restoring the natural environment. This must include a reboot of the UK's approach to aligning with EU chemical safety protections.

The government should commit to make progress on the following areas:

- Adopting stricter new EU requirements for chemical substances in toys at the earliest possible opportunity, to better protect children's health from exposure to harmful endocrine disrupting chemicals.
- The bill's powers appear to primarily extend to product regulations which fall under the Department for Business & Trade and the Office for Product Safety and Standards. While these include toys and cosmetics, other products which contain potentially harmful chemicals should also be included.
- The scope of the powers in the bill should therefore be extended to include EU REACH restrictions and bans on the use of certain harmful substances used in consumer products. For example, the EU restriction on formaldehyde restricts the use of this carcinogenic substance in wood-based products such as furniture, aiming to better protect people from the risk of cancer from exposure to these products in indoor environments.
- The government should use the opportunity provided by this bill to adopt a default policy position of alignment with new EU chemical protections, and to consult on a new chemicals strategy to develop a roadmap to achieve this.
- This would be a welcome shift from the previous government's 'risk based' approach in which chemicals of concern have not been restricted in the UK and a **drastically weaker** approach to 'forever chemicals' known as PFAS has emerged.

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