

**Notes of the Electrotechnical Regulatory Group Meeting
held on 11th January 2017
at KTN-UK, Business Design Centre, Islington, London N1 0QH**

Members Present

Nigel Burttt, IABM	Susanne Baker, techUK
Ian Blackman, Iiom	Nigel Rix, KTN-UK
Aubrey Dunford, ECSN	Alan Warner, EMCIA
Richard Hughes, AMDEA	Idris Price, ESTnet
Barany Sothirajah, AMDEA	Andrew Willman, BEAMA
Hannah Woodrose, Valpak	Victoria Montag, GAMBICA

Member Apologies

Adam Fletcher, ECSN	Alex Martin, Edif-ERA
Steve Brambley, GAMBICA	Jon Helliwell, CPI
Anne Humberstone, BEAMA	Alan Hutley, EMCIA
Ashleigh Williams, Valpak	Paul Goodman, Edif-ERA

Visitors

Craig Simmons, Anthesis Group/UKELA	Alex Kay, DExEU
-------------------------------------	-----------------

Introductions

Nigel Burttt, as the current ERG Acting Chair, welcomed everyone and thanked Nigel Rix for hosting the meeting at the KTN-UK offices. Thanks also were extended to Victoria Mengham of KTN-UK who had made all the arrangements for the administration of the meeting. All attendees then introduced themselves and the organisations they represent.

Nigel Burttt explained that officials from the Department for Exiting the European Union (DExEU) had been in contact who were seeking to engage with representatives from our industry to hear our concerns around "Brexit." Originally, two officials from DExEU were hoping to attend today's meeting, but Phil Earl had been in contact to say that he would be unable to come due to needing to cover at another important meeting for another colleague who was sick. Alex Kay would attend alone towards the end of the meeting instead.

Presentation from Craig Simmons on regulatory impact of Brexit

Nigel Burttt introduced Craig, who he had met recently whilst attending at a meeting at the BBC concerning a project to encourage common environmental sustainability initiatives within the broadcast and digital media industry. Craig is the Chief Technical Advisor for the consultancy, Anthesis Group, and is a member of the UK Environmental Law Association's Brexit Task Force.

Craig gave a useful summary of various possible scenarios for the future of EU regulations that will continue to have some influence over our industry even after the UK leaves the EU. His opening statement that what his own organisation's clients want most now concerning Brexit is "certainty" was certainly echoed by many ERG members.

The size of the task for the UK government was highlighted by Craig's estimate that the EU produces around 1500 pieces of legislation each year, mostly decisions and regulations, but also around 100 directives, all of which will have some impact on the UK lawbook.

Of all the environmental laws in the UK, around 50% were introduced following EU legislation changes with around 80 significant laws added since joining the EU in 1972. The most recent being the Circular Economy Package adopted in 2015. Until the UK actually leaves the EU, Craig says that the government has indicated they expect “business as usual” so we should assume that the bulk of the measures in the Circular Economy package due to be introduced until 2018 will still become part of UK laws. This stance also implies that new and emerging Directives that arise in the transition period will be incorporated into UK law until Brexit is complete. This flies in the face of the continuing desire of the government to cut “red tape” as part of Brexit and may prove a challenge. For those concerned with the UK’s environmental policy and regulation, there is a worry that this is an area that will look to be heavily revised to reduce controls.

Craig noted that in order to untie the knots of 40+ years of laws linked to Europe, despite any political rhetoric, after the UK’s “great repeal bill” promised there will need to be a transitional period whilst negotiations take place to create the replacement trading arrangements. He estimated it might take until 2024 to conclude the creation of these new arrangements with the EU and similar arrangements under WTO rules with other nations for the newly separated UK to operate.

ERG Brexit Discussion

Using Craig’s presentation as a springboard, the meeting then had a wide-ranging discussion on the topic. The ideas raised were to be put forward for later discussions with DExEU officials.

- Many members were keen to express the need to protect especially UK SMEs, so that their products and services did not have to comply with two different sets of regulations in future. It would be impracticable to set up different production lines, one manufacturing equipment complying with EU rules and another with products meeting UK/WTO rules. A common core set of product safety requirements was essential.
- There was concern over how the UK will incorporate the moving compliance targets of the RoHS Directive and REACH regulation. Since REACH acts directly without transposition into UK law, there was some confusion about how its mechanisms would be incorporated. Comments were made about the status of the chemical dossiers and how UK companies could access this information. It seemed that the UK would have to maintain some relationship with ECHA when outside the EU.
- Another concern was the status after Brexit of UK companies that provide an equipment repair for re-use service for products distributed within the EU.
- The issue of compliance with the Eco-Design Directive after Brexit was raised. How will the UK aim to align itself with this, or not?
- The status of CE marking and the associated harmonised standards for compliance was thought to be a major worry. Will the UK develop its own version of the marking, like the old BSI kitemark? Products will still need to comply with EU laws and have CE marking and WEEE marking to sell in Europe. Can the UK stay as a member of CENELEC or would it need to become a new applicant country or affiliate?
- If the UK relaxes its product compliance laws to be less stringent than CE requirements, does that mean other countries would export products for the UK market which are lower quality and less safe?
- As the UK was a member of the WTO only as a member of the EU, is it even a default member of the WTO? It seemed like it will need to adopt the current EU schedules at least initially and then adapt to accommodate the correct quotas as a portion of the current UK contributions to the EU total.
- How will policy and regulations be enforced? There may need to be two different levels on enforcement, one for EU-UK and one for UK-elsewhere. Similarly, for market access and surveillance, will we need two levels? Will the UK have access to RAPEX outside the EU?

Presentation from Richard Hughes on the Radio Equipment Directive (RED)

Following concerns circulated from IABM members about the implementation of this new Directive, Richard had offered to give a presentation to the ERG.

Richard began by explaining how RED replaced the existing Radio and Telecommunications Terminal Equipment Directive (RTTE.) RED should have been transposed into UK law by June 2016, but this has still not happened, nor is the UK the only country not to have done so.

One key difference between RTTE and RED is that RTTE had voltage limits, whereas RED does not. In fact, by complying with RED dis-applies the Low Voltage Directive and the EMC Directive. So, you cannot produce a product with a CE Certificate of Conformity which lists compliance with RED, LVD and EMC.

The definition of what products are covered is becoming more difficult. The emergence of Internet of Things (IOT) technologies means that RED is of growing importance. All equipment that relies upon wireless communication is potentially within its scope, such as wi-fi, ZigBee, GPS, etc. Items that rely upon RFID or NFC technology are also of concern.

At what point does an item that would not normally be within scope need to comply with RED? Does a dog's microchip mean that it is within the scope of RED? Or an electric toothbrush that communicates its charging status to its base by electrical non-contact means?

What is the status of a product sold without radio capability, but which can have this function added later by the user as an optional upgrade? This has led to the definition of "combined equipment" for items with a non-integral and separable radio module. However, there has been no agreement on how to test such equipment for compliance with EMC and product safety requirements.

One of the main concerns is the lack of harmonised standards existing for RED. This gives a problem for enforcement because Member States anyway do not necessarily have to agree that meeting the relevant harmonised standards presumes compliance with the Directive and can raise objections if they think the standards are insufficient.

Richard explained the current status of "work in progress" standards, such as they are, via CEN, ETSI and CENELEC and concluded that ...we're in a right mess!

Discussion on the future status and direction of the ERG

Nigel Burt explained what he knew of the history of the ERG as it emerged from the UKEA and more recently ESCO. ERG contains both paid-up trade-body members of ESCO and non-affiliated ESCO members and ESCO's structure is being revised and the organization re-launched which does not necessarily include the ERG as a work-stream within it. This means that ERG has lost its sponsoring connection within BEIS, hence the need to meet at KTN-UK as we no longer have free access to the BEIS Conference Centre as a meeting venue. This also means that we have lost the services of a paid secretariat, with Roger Rogowski leaving his position at ESCO.

After a brief discussion, it was agreed that the ERG still had value for the members and after a show of hands the consensus was to carry on with the ERG as it stands. Nigel Rix said he could offer the KTN-UK as a venue for the quarterly meetings if required. It was agreed to accept this kind offer.

It has been past practice for the ERG Chair position to rotate annually, with the Vice-Chair moving into the role. Nigel Burt was Chair in 2016 but a Vice-Chair was never appointed. The meeting asked for Nigel to stay as Acting Chair until the next meeting when this could be discussed again. Ian Blackman offered his services as ERG Secretary which the meeting was glad to accept.

Next meeting dates

The dates for meetings in 2017 are still to be agreed. It was proposed that the next meeting should take place at KTN-UK near the end of April after the Easter break on a date to be agreed, depending on Nigel Rix confirming availability.

*POST MEETING NOTE: Nigel Rix has proposed **Thursday 27th April**. Currently Monday 24th or Friday 28th would also be a possibility*

Possible topics for discussion suggested were:

- Conflict Minerals
- REACH
- RoHS
- WEEE
- Standards and Enforcement
- Eco-Design
- Business Supply Chain Continuity
- Industrial Strategy

Members were encouraged to offer presentations or suggest possible speakers to invite to stimulate debate and discussion at the next meeting.

AOB

Nigel Rix mentioned that Innovate-UK were running workshop sessions on innovation with some focus on the Industry 4.0 initiative (linking to the IoT discussion related to RED earlier.) He noted that funding opportunities were still available via NPL and BEIS to help SEMs with research and innovation R&D where internal capability is not sufficient. Nigel will circulate details to ERG members.

Brexit Discussion with DExEU

Nigel Burttt welcomed Alex Kay from DExEU and gave him a flavour of the discussion earlier in the meeting.

Nigel also explained the need expressed by the ERG to have a suitable liaison and contact conduit into government, either in BEIS as before, or in DExEU or BRD and whether Alex might be able to suggest someone to contact. Richard Harris at BEIS was one person who might be suitable, perhaps, but Alex and Phil at DExEU were still keen to continue to engage with us.

Raising the topic of CE marking, Richard Hughes presented a slide showing a timeline of the EU CE mark to prompt further discussion and asked if DExEU had any thoughts of a replacement compliance marking scheme for products sold within or imported into the UK.

There followed a roundtable discussion where some of the issues aired earlier in the meeting were put forward again for feedback to Alex.

ERG members were encouraged to raise any new matters that their trade body members might be seeking clarification on and to forward them to Nigel Burttt by email who would collate them and send on to Alex and his DExEU colleagues.