



03.10.2024 / POLICY BRIEFING

The Products and Metrology Bill, environmental impacts of products and eco-design regulations



- The Products and Metrology Bill is a useful tool in aligning UK/GB standards with often higher EU environmental product standards particularly those set through the 'Ecodesign' framework.
- It is not enough however simply for the Secretary of State to have the power to align with EU environmental product standards through the use of secondary legislation. That power should be used to prevent lower quality products entering the UK market.
- Articles 1(2) and 2(7) are particularly key and should be protected through the Bill's passage in Parliament (Bill as introduced 4th September 2024).
- Parliamentarians should consider the implications for Devolved Administrations (DA's) of this Bill and how the intersection between reserved and devolved powers meet and how DA's might be consulted when using powers under this legislation.

Introduction

There are a broad array of product standards that this Bill potentially affects from consumer to industrial products (e.g., aerosols, machinery, lifts and toys) and though the Bill is heavily influenced by **product safety** related concerns, there are significant **environmental implications** too.

Many consumer and industrial products impact the environment; in how they're designed and made, used in their lifetime (for example the energy efficiency of the product), and then in how they are repaired, dismantled, recycled and disposed of. In broad terms, this is called 'ecodesign'.

As such, at the [Institute for European Environmental Policy UK](#) (IEEP UK) we are particularly interested in how standards for products can be used to lessen the impact on the environment. Robust '[ecodesign](#)' rules are a way to do this and the UK as part of the European Union helped to shape an [ecodesign](#) framework that we still implement today. The EU however has recently introduced a new [ecodesign](#) framework and new, tighter standards for a range of products are expected in the next years. As EU and UK law and policy gradually diverge from one another, [ecodesign](#) is an area where we should be looking to align wherever possible and seek the highest possible environmental product standards.

The Bill and the environment

IEEP UK is generally supportive of the Products and Metrology Bill and is particularly pleased that Article 1(2) makes reference to and provides a lever towards 'reducing and mitigating the environmental impact of products'. Article 2(7) stating that 'regulations may provide that a product requirement is met if...relevant EU law is met' is similarly significant and valuable in this aim.

Conversely, any attempt to remove such provisions would be counterproductive and unnecessarily risk the dumping of products in the UK marketplace with lower environmental standards.

It is important to note though that the Bill would only provide the power to make regulations to align with EU product standards. The Bill does not require the Secretary of State to use that power.

The UK should be ready and willing to activate those powers to ensure that the UK remains aligned with high environmental standards for products set by EU lawmakers, particularly those set inside the [ecodesign](#) framework.

The EU's Ecodesign framework

The EU's [Ecodesign for Sustainable Products Regulation](#) (ESPR) entered into force on 18 July 2024 and is part of the EU's wider objective of achieving its [2020 Circular Economy Action Plan](#). The ESPR is a 'framework' law that is intended to drive forward horizontal improvements across a range of different products and product categories by encouraging products that use less energy, that last longer, can be easily repaired or recycled, contain more recycled content or have parts that can be easily disassembled and put to further use. The new law also introduces a *Digital Product Passport* which requires producers to collect and record the sustainability of their products. This should help consumers, downstream businesses and public authorities with understanding how best to recycle, reuse or repurpose the product or its parts.

As part of this framework, a number of product standards are expected to change in the coming months and years. As it does so, GB will have to decide whether or not to align with these (often higher) environmental product standards. As a member of the EU, the UK would have been obligated to implement such standards but now there is no such obligation.

It is important to note that not all environment related product standards set by the EU will be higher than in the UK. However, the UK can and should be ready to exercise its independence to lead the way in environmental policy. Generally speaking though, we have seen the EU become a motor for positive environmental change in the area of ecodesign and the UK should look to mirror or align wherever possible.

This could lead to a situation where GB has several product categories with lower environmental standards, than in the EU, and accepts products that are potentially more damaging to health and the environment than in the EU – in other words, a ‘dumping’ of low quality products on the UK market.

Since the UK exited the EU, several ecodesign related regulations have already been passed by the EU which have set tighter environmental product standards, and which Great Britain has not been obligated to implement. These standards relate to tumble dryers, local space heaters, industrial fans driven by motors and products using standby and ‘off’ modes such as in televisions and computer monitors. This has caused regulatory divergence between the EU and GB. *Note, that Northern Ireland is obligated to implement these changes as part of the Windsor Framework/NI Protocol.*

Why are product standards important in environmental policy?

As IEEP UK set out in a [blog](#) in September 2024, we use a whole host of products in everyday life. Some manufactured and produced in the UK, many imported into our country. Our manufacturers also produce things and sell them abroad too. Energy efficiency standards, for example, set how much energy your TV or computer monitor consumes; noise standards, for example – how noisy your lawnmower or hedge trimmer is for your garden; or how much emissions from your car tailpipe can be produced. All of these not only affect our health but also impact upon the environment. [As IEEP UK recommended previously](#), more efficient products lead to a better environment for us all.

Implications for relations with devolved administrations

Whilst a great deal of the Bill (such as that related to product safety) relates to *Reserved* matters and the UK government need not seek or gain formal consent of devolved legislatures, environmental policy is a *Devolved* policy competence.

It may well be that Scotland and Wales are supportive of the broad policy objective within this Bill – namely to seek relevant powers to ensure that GB law can be updated to reflect new EU environmental product standards. Note, that Scotland for example in its [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#), has sought to ‘keep pace’ with EU standards.

However, it may be wise to consider the process in the Bill in which consultation and advice is sought. The Bill does not presently include any reference to seeking out the views of partners in Scotland and Wales (or Northern Ireland) and so including measures in this way may aid inter-UK relations.



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