**IET: Engineering examples on the Impact of REUL**

This briefing from the Institution of Engineering and Technology ([IET](https://www.theiet.org/)) provides some specific examples of where the [Retained EU Law](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fbills.parliament.uk%2Fbills%2F3340&data=05%7C01%7CARylah%40theiet.org%7C1576834de5af4d5fb67508db0463a652%7C37f807baaa3943e38018abddb6f7781c%7C0%7C0%7C638108598255674366%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=%2FOu3N2II%2BOialDCbgy%2FMweik9nXw9aQJaUPeHxGMjz4%3D&reserved=0) bill (REUL) and its sunset clauses run the risk of harming UK industry, its economy and its population. It builds on the attached paper, ‘IET feedback on REUL’, which highlighted a range of trade and safety arguments from IET members across engineering and technology sectors.



Our recommendations from that earlier briefing were:

* 1. That retained EU law is not repealed until there has been consultation and review by technical specialists to ensure that any legislative changes are not detrimental to the UK and its interests;
	2. That deadlines, such as the sunset clause relating to 31 December 2023, are removed from REUL. Deadlines for any changes should be set after tailored, robust reviews of legislation have taken place;
	3. That each law under consideration is assessed on its own merits, and that there is no wholesale removal of legislation.

Below are details of some engineering-related areas that may be impacted by REUL and the potential implications of such changes. Given the scope of REUL, the details are illustrative of potential problems rather than attempting to provide fully comprehensive particulars.

**Construction**

[The Construction (Design and Management) Regulations 2015/51](https://www.legislation.gov.uk/uksi/2015/51/contents) (CDM) is a wide-ranging piece of legislation that underpins modern safety in both small and large construction projects. It has helped drive forward significant changes in the management of workplace health and safety in the built environment. CDM is closely linked to the [Building Safety Act 2022/30](https://www.legislation.gov.uk/ukpga/2022/30/contents) (BSA), which, as a UK Public General Act, will not be reviewed, per se, under REUL.

Dame Judith Hackitt, in her 2018 [Building a Safer Future Final Report](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707785/Building_a_Safer_Future_-_web.pdf), highlighted that inadequate regulatory oversight was one of four fundamental reasons why the legal system covering high-rise and complex buildings had failed. It is expected the publication of the Grenfell Tower Inquiry Phase 2 Report later this year will reinforce that point. We are therefore concerned that any construction-related regulation should be affected, directly or indirectly, by REUL. We believe any dilution of these regulations will have a profound and very detrimental effect on the safety of construction workers who build and refurbish properties, and the users of such buildings during occupation.

CDM is also closely connected to much other construction legislation such as [The Control of Asbestos Regulations 2012/632](https://www.legislation.gov.uk/uksi/2012/632/contents) and the [Work at Height Regulations 2005/735](https://www.legislation.gov.uk/uksi/2005/735/contents). All three regulations come under UK Statutory Instruments. However, the latter two regulations are also linked to EU regulations / Directives / Decisions. If EU-related regulation is repealed under sunset clauses, it could undermine the effective functioning of primary legislation.

In the same vein, there’s a risk that other construction legislation could be repealed, by choice or default, if originating from the EU. This will likewise reduce the effectiveness and comprehensive nature of the CDM and BSA regulations. Even minor changes tend to impact many areas including up-skilling and retraining of personnel to enable the management and compliance of such changes.

[**Product Safety for Businesses**](https://www.gov.uk/guidance/product-safety-for-businesses-a-to-z-of-industry-guidance#introduction-general-product-safety-law)

The UK has some of the safest industrial and consumer products in the world. Much of the relevant regulation originates from the EU. Whilst each of the legislation examples below were set up via UK Statutory Instruments, they have significant connections with EU regulations / Directives / Decisions:

* [The Electromagnetic Compatibility Regulations 2016 / 1091](https://www.legislation.gov.uk/uksi/2016/1091/contents)
* [Electrical Equipment (Safety) Regulations 2016 / 1101](https://www.legislation.gov.uk/uksi/2016/1101/contents)
* [Radio Equipment Regulations 2017 / 1206](https://www.legislation.gov.uk/uksi/2017/1206/contents)
* [The Supply of Machinery (Safety) Regulations 2008 / 1597](https://www.legislation.gov.uk/uksi/2008/1597/contents)

REUL could mean that UK products have to comply firstly with future [UKCA](https://www.gov.uk/guidance/using-the-ukca-marking) national product standards, then with EN / ISO standards and potentially also with further national standards from EU countries. Companies would face time-consuming administration with additional costs. It would put UK manufacturers at a clear, competitive disadvantage and potentially lead to more hazardous environments.

Medical Devices regulations are affected in the same way. Although UK Statutory Instruments underpin much legislation, the removal of EU regulation would have serious consequences around compliance, regulatory approval and certification.

**Environmental Management**

This is another connected area of dense legislation that is heavily derived from EU legislation. Without an appropriate legal framework, the inability to manage and mitigate the environmental impacts of products could result in second order effects on human health. If organisations were allowed to contaminate land, water and air, it could lead to health problems for neighbouring communities i.e. those that rely on clean water for drinking, agriculture, fishing, and manufacture etc. In addition, some recent coroner reports have determined that the cause of death of some members of society can be attributed to breathing heavily polluted air.

Topics of environmental legislation, which should be assessed to understand the implications of REUL, include:

* Energy efficient products;
* Hazardous Materials e.g. (PCBs, F-Gases, Ozone Depleting Substances, Radioactive substances, Ionising Radiation, COSHH, Volatile Organic Compounds, Persistent Organic Compounds);
* The use of REACH materials (see below);
* The use of ROHS materials;
* Waste management, including Waste Electrical and Electronic Equipment (WEEE) / Critical Raw Materials recycling and waste water;
* Water demands of manufacturers and end users;
* Nuisances;
* Air, Land & Water quality levels;
* CO2 footprints.

[**UK Reach**](https://www.hse.gov.uk/reach/about.htm)

This regulation covers the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and was incorporated into UK law from the EU REACH regulation. It applies to chemical substances (on their own / as part of a mixture / a manufactured product) that are manufactured in or imported into Great Britain. Its repeal could have huge implications for UK companies, particularly SMEs in the supply chain that previously could get help from EU suppliers / partners and now find themselves to be importers.

**Health and Safety Regulation**

A quick scan of the [HSE](https://www.hse.gov.uk/) website highlighted 28 UK regulations (see attached Word document) linked to EU Directives. Many regulations also cross-refer to other EU instruments that are not listed.



This is not a complete list of Health and Safety legislation, which comes under REUL. However, it is illustrative of the complexity and extensively interconnected nature of EU and UK legislation.

It is important to recognise that Health and Safety Legislation, notably the [Control of Major Accident Hazards Regulations 2015 (SI 2015/483)](https://www.legislation.gov.uk/uksi/2015/483/contents/made), that relates to major accident and hazard sites comes under REUL. This legislation that directly affects safety at these sites should be subject to an appropriate impact assessment and, as necessary, be retained.

Several of the UK regulations highlighted replaced / modified previous legislation. This raises the additional concern around the status of such earlier legislation if EU-derived regulation were repealed through sunset clauses. It could lead to great uncertainty which could result in legal challenges and actual public harm.

**In Conclusion**

The above examples are just a quick snapshot of some specific engineering and technology areas that would be affected by REUL. There are many more areas in many other sectors.

A key focus of the UK Government is to stimulate economic growth, and rightly so. Over many years UK and EU legislation has together created a complex framework in economic, social, health, environmental and other fields to support the health and well-being of the population, and the prosperity and security of the nation. REUL runs the significant risk of undermining the UK’s growth strategy and its future economic success.