EXPLANATORY MEMORANDUM TO

THE SUPPLY OF MACHINERY (SAFETY) (AMENDMENT ETC.) AND THE EU MACHINERY REGULATION (ENFORCEMENT ETC. IN NORTHERN IRELAND) REGULATIONS 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Business and Trade and is laid before Parliament by Command of His Majesty

2. Declaration

2.1 Kate Dearden MP, Parliamentary Under-Secretary of State (Minister for Employment Rights and Consumer Protection) at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

2.2 Sophie George, Deputy Director for Product Safety and Metrology Policy, and Gillian Econopouly, Deputy Director for UKCA Policy and Strategic Delivery, at the Department for Business and Trade confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Danny McMorran at the Department for Business and Trade can be contacted by email at the following address with any queries regarding the instrument: opssbriefinghub@businessandtrade.gov.uk. Alternatively, the Department can be contacted by telephone: 0121 345 1202.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Statutory Instrument (SI) provides for the effective application and enforcement of Regulation (EU) 2023/1230 (the EU Machinery Regulation) in Northern Ireland (NI) under the Windsor Framework, including conformity assessment, market surveillance, penalties and information-sharing arrangements, ahead of the EU Machinery Regulation applying from 20 January 2027.

4.2 Additionally, this SI will continue recognition for machinery placed on the market in Great Britain (GB) that complies with specific requirements of the new EU Machinery Regulation. Under current UK legislation, businesses which comply with specific requirements of Directive 2006/42/EC on machinery (the Directive), which will be repealed on 20 January 2027 can place their machinery on the market in GB. This policy is referred to as “CE recognition”.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.4 The territorial extent of this SI is the United Kingdom. The provisions that put in place enforcement authorities, offences, penalties, conformity assessment arrangements, market surveillance and information-sharing measures apply to (that is, where the instrument produces a practical effect) NI. The provisions to extend CE recognition apply to England and Scotland and Wales.

5. Policy Context

What is being done and why?

Northern Ireland

5.1 The UK Government is required to introduce this legislation to meet its obligations under the Windsor Framework, to give effect to the EU Machinery Regulation in NI. This includes putting in place arrangements for enforcement and market surveillance, establishing rules on offences and penalties for non-compliance, enabling conformity assessment and the use of UK-based conformity assessment bodies for the NI market where permitted, and ensuring mechanisms for cooperation and information-sharing with the European Commission. Failure to do so would create regulatory uncertainty in NI and risk undermining the UK's relationship with the EU. These measures must be in place by October 2026, ahead of the EU Machinery Regulation applying from 20 January 2027.

5.2 This instrument also includes provisions relating to qualifying NI goods, ensuring that products in free circulation in NI continue to benefit from unfettered access to the GB market.

5.3 This SI applies to both workplace machinery and consumer products, including excavators, cranes, and leaf blowers. The Health and Safety Executive Northern Ireland (HSENI) and local government district councils will be responsible for enforcement of workplace and consumer products, respectively. The Secretary of State also has discretion to enforce the SI.

Great Britain

5.4 Under current UK legislation, the UK continues to recognise the certain EU requirements including the CE marking, alongside or in place of the UKCA marking, the UK's conformity assessment marking, for products placed on the GB market. This SI will extend CE recognition for machinery placed on the GB market after 20 January 2027.

5.5 The approach supports the continued supply of machinery on the GB market and supports regulatory consistency across the UK, including the free movement of goods between GB and NI, and trade with the EU. Feedback from the call for evidence and stakeholder engagement indicated broad support for continuing CE recognition, with respondents highlighting reduced duplication, administrative efficiency, and ongoing access to the EU and NI markets.

5.6 This SI therefore addresses the risks that would be associated with not taking any action in response to the EU's adoption of its new Machinery Regulation as, from 20 January 2027, businesses face a regulatory cliff edge where products meeting the new EU requirements will not be accepted in GB without the Government changing its machinery legislation.

5.7 The Government has also announced that similar measures to those taking effect in Northern Ireland will be introduced in Great Britain as soon as parliamentary time allows.

What was the previous policy, how is this different?

Northern Ireland

5.8 The Directive sets essential health and safety requirements and conformity assessment rules for machinery placed on the EU market. The Directive was transposed in the UK as *Supply of Machinery (Safety) Regulations 2008* (2008 Regulations) (amended following the United Kingdom's withdrawal from the European Union). On 20 January 2027, the EU Machinery Regulation will apply in the European Union in full, repealing and replacing the Directive.

5.9 The EU Regulation is a modernised, directly applicable framework. It ensures that risks associated with machinery use are reduced or mitigated. It places expanded responsibilities on all economic operators, introduces a list of products subject to mandatory third-party assessment, allows for improved digitalisation and sets specific requirements for machinery incorporating certain digital technologies, such as self-evolving behaviour in safety-related functions. Under the Windsor Framework, the EU Regulation will apply directly to NI.

Great Britain

5.10 In 2024, the UK Government introduced secondary legislation to continue the recognition of certain EU requirements, including the CE marking, for a range of manufactured products, including machinery. This meant that businesses that complied with the specific requirements of the Directive and marked machinery with the CE marking could continue to place machinery on the GB market.

5.11 This SI continues the recognition of EU machinery requirements, including CE marking, for machinery placed on the GB market from 20 January 2027 onwards, by replacing references to the provisions of the Directive to corresponding provisions of the EU Machinery Regulation. The Government is taking the approach that it has determined will be the most beneficial for both industry and consumers. This SI will create certainty and clarity for businesses ahead of the regulatory cliff edge, which will support investment, trade and growth.

6. Legislative and Legal Context

How has the law changed?

Northern Ireland

6.1 The EU Regulation applies directly in NI under the Windsor Framework and introduces a set of changes, outlined in *Section 5* above. This legislation provides the effective application and enforcement of the EU Regulation in NI.

6.2 This SI amends the 2008 Regulations, clarifying that their territorial extent is limited to GB and allowing the EU Regulation to function effectively in NI. It updates the offences and penalties framework to support effective enforcement. It introduces new and expanded offences, corresponding to the expanded responsibilities on economic operators placed on them by the EU Machinery Regulation in comparison to the Directive, requiring economic operators to comply with obligations relating to the EHSRs; requirements of manufacturers, importers and distributors; conformity assessment and the use of UKNI, the NI specific conformity assessment mark.

6.3 Surveillance and enforcement are provided for through the *Market Surveillance (Northern Ireland) Regulations 2021*. HSENI and district councils remain responsible for enforcement for workplace and consumer products, respectively. These authorities hold the powers necessary to ensure effective compliance of the requirements.

6.4 This legislation updates provisions on UKNI marking. Businesses placing a product solely on the NI market may demonstrate compliance with the relevant safety regulations by affixing the UKNI mark, which must always be accompanied by the CE marking. UK Notified Bodies can carry out mandatory conformity assessment and certify products with the UKNI and CE. CE only marked machinery may also continue to be placed on the NI market, under the Windsor Framework.

6.5 In addition, this legislation ensures that machinery products originating in NI and in free circulation can continue to benefit from unfettered access to the GB market. No additional restrictions or approvals apply to such products, regardless of any regulatory differences between NI and GB.

Great Britain

6.6 The *Product Safety and Metrology etc (Amendment) Regulations 2024* (2024 Regulations) amended various pieces of UK legislation, including the 2008 Regulations, to remove the deadline which would have ended the recognition of EU requirements, including the CE marking, after 31 December 2024. The 2024 Regulations continued the recognition of EU requirements for a range of manufactured products, including machinery.

6.7 This SI will continue CE recognition for machinery placed on the GB market. Using powers in the Product Regulation and Metrology (PRAM) Act 2025, the Government will revoke and replace the current EU recognition provisions in the 2024 Regulations and update the references from the Directive to the EU Regulation.

6.8 Machinery that complies with the EU's EHSRs and other requirements will be deemed to have met the GB requirements. Requirements in GB will be updated as soon as parliamentary time allows.

Why was this approach taken to change the law?

6.9 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Between July and October 2025, the Government ran a call for evidence to gather views from stakeholders on the future of machinery legislation in the UK. The call for evidence received 48 responses from UK, EU and global manufacturers and distributors, UK Approved Bodies, trade associations, professional bodies and enforcement authorities. The Government's response to the call for evidence is available on Gov.uk [1].

7.2 In parallel with the call for evidence, the Government gathered verbal feedback through a series of roundtable events. These were held in 10 locations across the UK and internationally and were attended by more than 190 stakeholders.

[1] https://www.gov.uk/government/calls-for-evidence/machinery-safety-legislation-call-for-evidence/outcome/government-response-to-the-call-for-evidence-on-machinery-safety-legislation

Northern Ireland

7.3 The call for evidence received several responses from businesses operating in NI. In addition, two roundtable discussions were held in Belfast.

7.4 There was broad support among NI stakeholders for the measures being introduced, including for modernising and strengthening safety requirements. Many stakeholders also expressed support for continued CE recognition and for broadly similar regulatory approaches to be taken in GB, to ensure a consistent approach across the UK internal market.

7.5 NI stakeholders also highlighted several issues to support effective implementation, including the importance of clarity for businesses and trading partners on NI's regulatory position, the need for clear and timely guidance and support and the early publication of updated standards. The Government is engaging closely with the EU and relevant stakeholders to address these issues and provide clarity to businesses as implementation approaches.

Great Britain

7.6 45 out of 48 respondents to the call for evidence supported the continued recognition of EU product requirements, with just one respondent opposed and two respondents not answering the question. Respondents in favour cited benefits including operational efficiency, reduced administrative burdens and continued access to EU and NI markets. Continued recognition was viewed as particularly important for small to medium-sized enterprises and sectors with limited resources.

7.7 Stakeholders also highlighted that ending recognition of CE-marking for machinery could result in increased costs, reduced product availability and a risk that lower specification products could be placed on the GB market. This engagement further emphasised the importance of clear and timely guidance on CE marking, including on the interaction and coexistence of the CE, UKCA and UKNI markings.

8. Applicable Guidance

8.1 The Office for Product Safety and Standards in the Department for Business and Trade has published and regularly updates guidance for economic operators.[2].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument. For the GB measures, it is deemed that there will be a low level of impact per business from the introduction of this instrument. Additionally, on the NI aspects of this instrument, the measures resulting from the European Union (Withdrawal) Act 2018 are out of scope of assessment. The Windsor Framework has already given effect in legislation through the European Union (Withdrawal Agreement) Act 2020, which adds provisions and powers to the European Union (Withdrawal) Act 2018.

Impact on businesses, charities and voluntary bodies

9.2 We expect that the direct impact on GB businesses from introducing the continued CE recognition measures to be net positive and small and thereby falling within the De-minimis assessment threshold.

[2] https://www.gov.uk/government/publications/supply-of-machinery-safety-regulations-2008

9.3 The impacts on GB businesses will include incurring familiarisation costs. Additionally, there will be an impact on conformity assessment bodies carrying out testing on machinery equipment in-scope.

9.4 There will be cost savings for GB businesses from not having to make permanent marking and labelling changes on products in-scope and cost savings from avoiding duplicate conformity assessment costs, which is expected to be the largest benefit to GB businesses.

9.5 There is no, or no significant, impact on charities and voluntary bodies because they are unlikely to be participating in activities related to the subject matter of the instrument.

9.6 The legislation does impact small or micro businesses.

9.7 The legal requirements do not differentiate between businesses in terms of their size. Therefore, we are unable to take any mitigating actions to minimise the regulatory burdens on small or micro businesses. Small and micro businesses will, however, be among those benefiting from the cost savings resulting from this instrument.

9.8 There is no, or no significant, impact on the public sector because they are also unlikely to be participating in activities related to the subject matter of the instrument.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

Northern Ireland

10.1 As this component of the instrument is made under the relevant European Union Acts (as defined at 13.1), no review clause is required.

Great Britain

10.2 The instrument does not include a statutory review clause for the GB measures because this is an amending SI and there is already a review clause in the SI it amends (in relation to GB.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Parliamentary Under-Secretary of State (Minister for Employment Rights, Competition and Markets) has made the following statement regarding Human Rights: "In my view the provisions of *the Supply of Machinery (Safety) (Amendment etc.) and the EU Machinery Regulation (Enforcement etc. in Northern Ireland) Regulations 2026* are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 The provisions which apply to NI in this instrument are made under section 8C (1), and paragraph 21 of Schedule 7 of the European Union (Withdrawal) Act 2018 and therefore relates to the withdrawal of the United Kingdom from the European Union. It does not trigger the statement requirements under the European Union (Withdrawal) Act 2018.