

Proposed Regulatory Reforms and the Protocol on Ireland/Northern Ireland

On 16 September, Lord Frost [announced](#) plans to conduct a review of ‘retained EU law’ and, eventually, to “amend, replace or repeal all retained EU law that is not right for the UK”. As part of the review process, the Government [signalled](#) legislative changes in a range of areas previously governed by EU law. Some of the anticipated changes covered by the UK government proposals relate to EU acts that continue to apply in Northern Ireland under the [Protocol on Ireland/Northern Ireland](#). The potential exists therefore for increased regulatory divergence between the rest of the United Kingdom and Northern Ireland. The table below summarises the areas identified for ‘regulatory reform’ and whether they relate to EU Acts included in the Protocol.

PROPOSED REGULATORY REFORM	IN SCOPE OF PROTOCOL		RELEVANT EU ACT(S)
Reintroducing the Crown Stamp	Yes	Article 5 / Annex 2	Directive 2007/45/EC and Directive 80/171/EEC
Dematerialisation of Shares	No	-	-
Digital Transformation of Regulation	Potentially	-	-
Review EU Restrictions on Selling in Pounds and Ounces	Yes	Article 5 / Annex 2	Directive 2007/45/EC and Directive 80/171/EEC
Specification for Sharing Underground Asset Data	No	-	-
Access to Property Attribute Data Held by Valuation Office Agency	No	-	-
Digital Driving Licences, Test Certificates and MOT Testing	Potentially	Article 5 / Annex 2	Regulation (EC) 661/2009 and Regulation (EC) 2018/858
General Aviation Reform	No	-	-
Heavy Vehicle MOT Reform	Potentially	Article 5 / Annex 2	Regulation (EC) 661/2009 and Regulation (EC) 2018/858
Aviation Consumer Policy Reform	No	-	-
Transport Sandboxing	No	-	-

In the absence of detailed reform proposals, it is only possible to provide an indication of where they will have implications for obligations arising out of the Protocol and lead to regulatory divergence between Northern Ireland and the rest of the United Kingdom.

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PROPOSED REGULATORY REFORM	IN SCOPE OF PROTOCOL		RELEVANT EU ACT(S)
Modernising Diabetes Management for Lorry and Bus Drivers	Potentially	-	Regulation (EC) 726/2004 and Regulation (EU) 2017/745
Repeal of the EU Port Services Regulation	No	-	-
Ofgem Strategy and Policy Statement	Potentially	Article 9 / Annex 4	Regulation (EU) 1227/2011 and Directive (EU) 2019/944
Offshore Network Coordination	Potentially	Article 9 / Annex 4	Regulation (EU) 1227/2011 and Directive (EU) 2019/944
Medicines and Medical Devices	Yes	Article 5 / Annex 2	Regulation (EC) 726/2004 and Regulation (EU) 2017/745
Software and Artificial Intelligence as a Medical Device	Yes	Article 5 / Annex 2	Regulation (EU) 2017/745
Spraying of Plant Protection Chemicals from Drones	Yes	Article 5 / Annex 2	Regulation (EU) 2017/625
Electronic Trade Documents	Potentially	-	Regulation (EU) 952/2013 and Regulation (EU) 2015/479
Execution of Documents	No	-	-
Environmental Licencing and Permitting	No	-	-
Trading System for Biodiversity Offset Credits	Potentially	Article 10 / Annex 5	Commission Guidelines on State Aid for Environmental Protection
Digitalisation of Export Health Certificates, Imports, and Trade	Yes	Article 5 / Annex 2	Regulation (EU) 952/2013 and Regulation (EU) 2017/625

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