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STATUTORY INSTRUMENTS

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**2019 No. 492**

**ENVIRONMENTAL PROTECTION**

**The Restriction of the Use of Certain Hazardous  
Substances in Electrical and Electronic  
Equipment (Amendment) Regulations 2019**

<i>Made</i>	- - - -	<i>4th March 2019</i>
<i>Laid before Parliament</i>		<i>7th March 2019</i>
<i>Coming into force</i>	- -	<i>12th June 2019</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

The Secretary of State is a Minister designated for the purposes of section 2(2) of that Act in relation to the restriction of the use of hazardous substances in electrical and electronic equipment(2).

**Citation and commencement**

1. These Regulations may be cited as the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2019 and come into force on 12th June 2019.

**Amendments to the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012**

2. The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(3) are amended as set out in regulations 3 to 6.

**Amendment to regulation 2**

3. In regulation 2—
- (a) at the appropriate place, insert—

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(1) [1972 c 68](#); section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c.51](#)) and Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 ([c. 7](#)). It is prospectively repealed by section 1 of the European Withdrawal Act 2018 ([c. 16](#)).

(2) [S.I. 2004/706](#). It is prospectively revoked by regulation 2 of [S.I./2018/1011](#).

(3) [S.I. 2012/3032](#), amended by [S.I. 2018/942](#); there is another amending instrument but it is not relevant. It is prospectively amended by [S.I. 2019/188](#).

“2002 Directive” means [Directive 2002/95/EC](#) of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment<sup>(4)</sup>

- (b) in the definition of “the Directive” for “[Commission Delegated Directive \(EU\) 2017/1011](#)” substitute “[Commission Delegated Directive \(EU\) 2019/178](#)”<sup>(5)</sup>.

#### **Amendment to regulation 5**

4. In regulation 5(1) omit “and regulation 6”.

#### **Omission of regulation 6**

5. Regulation 6 is omitted.

#### **Amendments to Schedule 1**

- 6.—(1) Schedule 1 is amended as follows.

- (2) In Part 2—

- (a) in paragraph 18, after “power source” insert “or with a traction drive powered by an external power source”;
- (b) after paragraph 21, insert—
- “**21A.** Pipe organs.”.

- (3) In Part 3—

- (a) in paragraph 22—

- (i) at the end of sub-paragraph (b) omit “and”;
- (ii) after sub-paragraph (c) insert—

“and

- (d) to all other EEE that was outside the scope of the 2002 Directive and which is placed on the market before 22nd July 2019.”;

- (b) in paragraph 23—

- (i) in sub-paragraph (1)—

- (aa) after paragraph (e) insert—

“(ea) all other EEE that was outside the scope of the 2002 Directive and which is placed on the market before 22nd July 2019.”;

- (bb) in paragraph (f), for “previous Directive” substitute “2002 Directive”;

- (ii) omit sub-paragraph (2);

- (c) for paragraph 24 substitute—

“**24.** Provided that reuse takes place in auditable closed-loop business-to-business return systems, and that the reuse of spare parts is notified to the consumer, regulations 3(1), 10, 15, 19, 20, 21, 22, 23, 25, 26, 27 and 28 do not apply to reused spare parts—

- (a) recovered from EEE placed on the market before 1st July 2006 and used in EEE placed on the market before 1st July 2016;

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(4) OJ No. L 37, 13.02.2003, p 19.

(5) OJ No L 33, 5.2.2019, p 32.

- (b) recovered from medical devices or monitoring and control instruments placed on the market before 22nd July 2014 and used in EEE placed on the market before 22nd July 2024;
- (c) recovered from in vitro diagnostic medical devices placed on the market before 22nd July 2016 and used in EEE placed on the market before 22nd July 2026;
- (d) recovered from industrial monitoring and control instruments placed on the market before 22nd July 2017 and used in EEE placed on the market before 22nd July 2027;
- (e) recovered from all other EEE that was outside the scope of the 2002 Directive and which is placed on the market before 22nd July 2019, and used in EEE placed on the market before 22nd July 2029.”.

4th March 2019

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement [Directive \(EU\) 2017/2102](#) of the European Parliament and of the Council (OJ No L305, 21.11.2017, p8) (“the amending Directive”), which amends [Directive 2011/65/EU](#) (recast) (OJ No L174, 01.07.2011, p88) (“the 2011 Directive”). The 2011 Directive seeks to reduce the risks posed by hazardous substances to health and the environment by imposing harmonised restrictions. The 2011 Directive was implemented in the United Kingdom by the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 ([S.I. 2012/3032](#)), as amended (“the 2012 Regulations”). These Regulations amend the 2012 Regulations.

Regulation 3 inserts a definition of the “2002 Directive” which is used in the amendments to paragraphs 22 and 23 of Schedule 1 to the 2012 Regulations, inserted by regulation 6(3). Regulation 6(3)(b)(i)(bb) and (ii) makes consequential amendments to paragraph 23. Regulation 3 also updates the definition of “the Directive” in regulation 2 of the 2012 Regulations by substituting a reference to [Commission Delegated Directive \(EU\) 2019/178](#) (OJ No L 33, 5.2.2019, p. 32), which is the most recent amending Directive.

Regulation 5 omits regulation 6 of the 2012 Regulations, consequential on the amendment of paragraph 22 of Schedule 1 to the 2012 Regulations, which is made by regulation 6(3)(a). Regulation 4 makes a consequential amendment, removing a cross-reference to regulation 6 of the 2012 Regulations.

Regulation 6 amends Schedule 1 to the 2012 Regulations so as to amend the scope of those Regulations in respect of the electrical and electronic equipment (“EEE”) covered. Paragraph (2) amends Part 2 (EEE to which the Regulations do not apply) by amending the definition of non-road machinery and adding pipe organs. Paragraph (3) amends Part 3 (categories of EEE with special rules of application) so as to extend the exclusions from scope in relation to secondary market operations, cables and spare parts, including reused spare parts.

An impact assessment has not been produced for these Regulations as no or no significant impact on the private, voluntary or public sectors is foreseen. A transposition note is available from the Defra website ([www.defra.gov.uk](http://www.defra.gov.uk)) and is also published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).