
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(f)) arising from the withdrawal of the United Kingdom from the European Union. They are also made in exercise of the powers conferred by section 8C of that Act to implement, and deal with matters arising out of or related to, the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement (“the NI Protocol”).

Part 2 provides for legislative and administrative functions of the European Commission under Directive 2011/65/EU of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (recast) (“the RoHS Directive”) to be exercisable instead by the Secretary of State in relation to England and Wales and Scotland.

Part 3 amends the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 (“the RoHS Regulations”) and the Packaging (Essential Requirements) Regulations 2015 (“the Packaging Regulations”) as they apply in England and Wales and Scotland, and Part 4 amends the RoHS Regulations and the Packaging Regulations as they apply in Northern Ireland.

In Part 3, regulation 12(8) inserts new Schedules, as set out in Schedule 2 to these Regulations, in the RoHS Regulations. Schedule A2 contains tables of exemptions from the restriction in regulation 3(1) of the RoHS Regulations, thereby setting out in the domestic law of England and Wales and Scotland exemptions corresponding to those in Annexes 3 and 4 of the RoHS Directive.

The rest of the amendments in Parts 3 and 4 are principally to take account of the NI Protocol.

Part 5 makes minor amendments to provisions of two other EU Exit Regulations, which amend the RoHS Regulations and two Commission Decisions relating to packaging.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.