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STATUTORY INSTRUMENTS

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**2020 No. 1647**

**The Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020**

**PART 2**

**Retention of legislative functions: restriction of hazardous substances in electrical and electronic equipment**

**Power to amend list of restricted substances and maximum concentration values**

- 3.—**(1) The Secretary of State may, by regulations, make provision for or in connection with—
- (a) amending the list of restricted substances;
  - (b) prescribing maximum concentration values by weight of restricted substances in homogeneous materials which may be contained in EEE placed on the market.
- (2) Regulations under paragraph (1) may only be made—
- (a) for the purpose of contributing to achievement of the objective of the protection of human health and the environment, including the environmentally sound recovery and disposal of waste EEE, and taking account of the precautionary principle; and
  - (b) following a review of the list of substances.
- (3) When carrying out a review of the list of substances or making regulations under paragraph (1), the Secretary of State must—
- (a) take into account other relevant legislation relating to chemicals, including among other things Annexes 14 and 17 to GB REACH, and use publicly available knowledge obtained from the application of such legislation;
  - (b) take into account whether a substance, including substances of very small size or with a very small internal or surface structure, or a group of similar substances—
    - (i) could have a negative impact during EEE waste management operations, including on the possibilities for preparing for the reuse of waste EEE or for recycling of materials from waste EEE;
    - (ii) could give rise, given its uses, to uncontrolled or diffuse release into the environment of the substance, or could give rise to hazardous residues, or transformation or degradation of products through the preparation for reuse, recycling or other treatment of materials from waste EEE under current operational conditions;
    - (iii) could lead to unacceptable exposure of workers involved in the waste EEE collection or treatment processes;
    - (iv) could be replaced by substitutes or alternative technologies which have less negative impacts.