
STATUTORY INSTRUMENTS

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

Transitional provision: new exemptions

9.—(1) Paragraph (3) applies where—

- (a) the Secretary of State proposes, either on an application under regulation 6 or on the Secretary of State’s own initiative, to make regulations under regulation 5(1) granting an exemption (“the proposed exemption”); and
- (b) the conditions in paragraph (2) are satisfied in relation to the proposed exemption.

(2) The conditions are that—

- (a) before IP completion day, an application has been made to the European Commission for an exemption to be granted under Article 5 of [Directive 2011/65/EC](#);
- (b) on or after IP completion day, the European Commission publishes a decision to grant that exemption (“the EU exemption”); and
- (c) the proposed exemption has substantially the same effect as the EU exemption.

(3) Where this paragraph applies—

- (a) the Secretary of State may treat the requirements in paragraphs (2) to (5) of regulation 5 as satisfied, without considering or determining any of those matters; and
- (b) the Secretary of State is not required to consult before determining the application (if any) or making the regulations.