
STATUTORY INSTRUMENTS

2012 No. 3032

The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 and come into force on 2nd January 2013.

Interpretation

2. In these Regulations—

“2008 Regulations” means the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2008(1);

“authorised person” means a person authorised by the market surveillance authority in accordance with regulation 35(2);

“authorised representative” means a person appointed in accordance with regulation 22(1);

“cables” means all cables with a rated voltage of less than 250 volts that serve as a connection or an extension to connect EEE to the electrical outlet or to connect two or more items of EEE to each other;

“CE marking” means a marking by which a manufacturer indicates that a product complies with the applicable requirements set out in these Regulations and which takes the form set out in Annex II of RAMS;

“compliance notice” means a notice given under paragraph 1 of Schedule 3;

“conformity assessment” means the process demonstrating whether the requirements of these Regulations are met in relation to EEE;

“the Directive” means 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(2);

“distributor” means a person in the supply chain, other than the manufacturer or the importer, who makes EEE available on the market;

“economic operator” means a manufacturer, authorised representative, importer or distributor;

“EEE” means electrical and electronic equipment as defined in regulation 4;

“enforcement notice” means a notice given under paragraph 2 of Schedule 3;

(1) S.I. 2008/37, as amended by S.I. 2009/581.

(2) OJ No L 174, 1.7.11, p 88.

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Changes to legislation: There are currently no known outstanding effects for the The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012, PART 1. (See end of Document for details)

“harmonised standard” means a standard adopted by one of the European standardisation bodies listed in Annex I to Directive [98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services⁽³⁾ on the basis of a request made by the European Commission in accordance with Article 6 of that Directive, the reference of which standard has been published in the Official Journal of the European Union;

“importer” means a person established within the EU who places EEE from a third country on the EU market;

“industrial monitoring and control instruments” means monitoring and control instruments designed for exclusively industrial or professional use;

“infringing EEE” means EEE that does not comply with the requirements of these Regulations;

“make available on the market” means to supply in the course of a commercial activity (whether in return for payment or free of charge) for distribution, consumption or use on the EU market, and related expressions are to be construed accordingly;

“manufacturer” means a person who manufactures EEE or who has EEE designed or manufactured, and markets it under that person’s name or trademark;

“market surveillance authority” has the meaning given in regulation [35\(1\)](#);

“medical device”, “active implantable medical device”, and “in vitro diagnostic medical device” have the meanings given in regulation 2(1) of the Medical Devices Regulations 2002⁽⁴⁾;

“notice” means a notice in writing;

“place on the market” means to make EEE available on the EU market for the first time, and related expressions are to be construed accordingly;

“RAMS” means Regulation [\(EC\) No 765/2008](#) of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation [\(EEC\) No 339/93](#)⁽⁵⁾;

“recall” means to take any measure aimed at achieving the return of EEE that has already been made available to the end user;

“recall notice” means a notice given under paragraph 4 of Schedule 3;

“spare part” means a separate part of an item of EEE that can replace a part of an item of EEE and—

- (a) the item of EEE cannot function as intended without that part; and
- (b) the functionality of the item of EEE is restored or upgraded when the part is replaced by the spare part;

“technical documentation” has the meaning given in Module A of Annex II to Decision [768/2008/EC](#) of the European Parliament and of the Council on a common framework for the marketing of products⁽⁶⁾;

“withdraw” means to take any measure aimed at preventing an item of EEE in the supply chain from being made available on the market.

(3) OJ No L 204, 21.7.98, p 37.

(4) [S.I. 2002/618](#), amended by [2008/2936](#); there are other amending instruments but none are relevant.

(5) OJ No L 218, 13.8.08 p 30.

(6) OJ No L 218, 13.8.08, p 82.

Restriction on the use of certain hazardous substances in EEE

3.—(1) Subject to paragraph (2) and (4) EEE placed on the market must not contain the substances listed in Annex II to the Directive, as amended from time to time.

(2) The presence of those substances in quantities no greater than the maximum concentration value by weight in homogeneous materials as specified in that Annex, as so amended, is allowed.

(3) In paragraph (2) “homogeneous material” means one material of uniform composition throughout or a material, consisting of a combination of materials, that cannot be disjointed or separated into different materials by mechanical actions such as unscrewing, cutting, crushing, grinding and abrasive processes.

(4) Paragraph (1) shall not apply to the applications listed in Annex III and IV to the Directive, as amended from time to time.

Definition of EEE

4.—(1) “EEE” means electrical and electronic equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current.

(2) In paragraph (1) “dependent” means needing electric currents or electromagnetic fields to fulfil at least one intended function.

(3) References to EEE include references to cables and spare parts for its repair, its reuse, updating of its functionalities or upgrading of its capacity.

EEE to which these Regulations apply

5.—(1) Subject to paragraphs (2) and (3) and regulation 6, these Regulations apply to EEE which falls within the categories set out in Part 1 of Schedule 1 and—

- (a) is placed on the market on or after 2nd January 2013; or
- (b) was placed on the market before 2nd January 2013 as set out in paragraph (2) of regulation 7.

(2) These Regulations do not apply to EEE which falls within the categories set out in Part 2 of Schedule 1.

(3) These Regulations apply to EEE which falls within the categories set out in Part 3 of Schedule 1 as set out in that Part.

Exclusion until 22nd July 2019 for EEE outside the scope of the 2008 Regulations

6. Without prejudice to paragraphs 22 and 23 of Schedule 1, any EEE to which these Regulations apply but which was outside the scope of the 2008 Regulations may be made available on the market until 22nd July 2019 even if the EEE does not comply with the provisions of these Regulations.

Revocation and transitional arrangements

7.—(1) The following are revoked—

- (a) the 2008 Regulations; and
- (b) the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2009(7).

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- (2) Where EEE was placed on the market before 2nd January 2013—
 - (a) any obligations that arose under the 2008 Regulations may be enforced under Schedules 2 and 3 of these Regulations;
 - (b) obligations under these Regulations which arise after the placing on the market of the EEE apply.
- (3) This regulation does not affect liability under the 2008 Regulations for any offences committed before 2nd January 2013.

Existing legislation

8. Nothing in these Regulations affects the application of existing EU legislation or legislation giving effect to EU legislation as regards requirements in relation to—

- (a) safety and health;
- (b) chemicals, in particular as set out in Regulation [\(EC\) No 1907/2006](#) of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals⁽⁸⁾; and
- (c) specific EU waste management legislation.

Presumption of conformity for EEE

9.—(1) Any EEE which bears the CE marking is presumed to comply with the provisions of these Regulations.

(2) Materials, components and EEE on which tests and measurements demonstrating compliance with the requirements of regulation 3 have been performed, or which have been assessed, in accordance with harmonised standards, shall be presumed to comply with the requirements of these Regulations.

(3) The presumptions of conformity in paragraphs (1) and (2) are rebuttable.

(8) OJ No L 396/1 30.12.06, p 1.

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There are currently no known outstanding effects for the The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012, PART 1.