Directive (EU) 2017/2102 of the European Parliament and of the Council of 15 November 2017 amending Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment (Text with EEA relevance)

Article 1

Directive 2011/65/EU is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraph 2 is deleted;

(b) in paragraph 4, the following point is added:

(k) pipe organs.;

(2) in Article 3, point (28) is replaced by the following:

(28) "non-road mobile machinery made available exclusively for professional use" means machinery, with an on-board power source or with a traction drive powered by an external power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working, and which is made available exclusively for professional use.;

(3) Article 4 is amended as follows:

(a) paragraph 3 is replaced by the following:

3. Paragraph 1 shall apply to medical devices and monitoring and control instruments which are placed on the market from 22 July 2014, to in vitro diagnostic medical devices which are placed on the market from 22 July 2016, to industrial monitoring and control instruments which are placed on the market from 22 July 2017, and to all other EEE that was outside the scope of Directive 2002/95/EC and which is placed on the market from 22 July 2019.;

(b) in paragraph 4, the following point is inserted:

(ea) all other EEE that was outside the scope of Directive 2002/95/EC and which is placed on the market before 22 July 2019;;

(c) paragraph 5 is replaced by the following:

5. 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, paragraph 1 shall not apply to reused spare parts:

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

b recovered from medical devices or monitoring and control instruments placed on the market before 22 July 2014 and used in EEE placed on the market before 22 July 2024;

c recovered from in vitro diagnostic medical devices placed on the market before 22 July 2016 and used in EEE placed on the market before 22 July 2026;

d recovered from industrial monitoring and control instruments placed on the market before 22 July 2017 and used in EEE placed on the market before 22 July 2027;

e recovered from all other EEE that was outside the scope of Directive 2002/95/EC and which is placed on the market before 22 July 2019, and used in EEE placed on the market before 22 July 2029.;

(4) Article 5 is amended as follows:

(a) in paragraph 2, the second subparagraph is replaced by the following:

For the exemptions listed in Annex III as at 21 July 2011, unless a shorter period is specified, the maximum validity period, which may be renewed, shall be:

(a) for categories 1 to 7 and category 10 of Annex I, 5 years from 21 July 2011;

(b) for categories 8 and 9 of Annex I, 7 years from the relevant dates laid down in Article 4(3); and

(c) for category 11 of Annex I, 5 years from 22 July 2019.;

(b) in paragraph 4, the following point is inserted:

(ba) within 1 month of receipt of an application, provide to the applicant, the Member States and the European Parliament a timeline for the adoption of its decision on the application;;

(c) in paragraph 5, the first sentence of the second subparagraph is deleted.