
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 **E+W+S**

2. In these Regulations—

[^{F1}“2002 Directive” means [Directive 2002/95/EC](#) of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment](2);

“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;

^{F2}
...

“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;

[^{F3}“designated standard” has the meaning given in regulation [2A](#).]

“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)[^{F4}, as last amended by [^{F5}Commission Delegated Directive (EU) 2019/1846, and read in accordance with regulation [2B](#)]];

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

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

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

Status: Point in time view as at 31/12/2020.

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)

“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;

F6 ...

[F7“importer” means a person who is established in—

- (a) the United Kingdom, who places on the market EEE from a country outside of the United Kingdom; or
- (b) Northern Ireland, who places on the market EEE that has been supplied to that person for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;]

“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 [F8on the market of Great Britain], 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(3);

“notice” means a notice in writing;

“place on the market” means to make EEE available [F8on the market of Great Britain] 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(4);

“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;

[F9“technical documentation” means the documentation referred to in paragraph 2 of Part 4 of Schedule 1;]

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

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

[^{F10}“UK 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 published in accordance with Article 30(1) of RAMS;]

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

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F1** Words in reg. 2 inserted (12.6.2019) by [The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2019 \(S.I. 2019/492\)](#), regs. 1, **3(a)**
- F2** Words in reg. 2 omitted (E.W.S.) (31.12.2020) by virtue of [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(2)(a)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 2 inserted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(2)(b)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 2 inserted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **22(a)**
- F5** Words in reg. 2 substituted (E.W.S.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **12(2)(a)**
- F6** Words in reg. 2 omitted (E.W.S.) (31.12.2020) by virtue of [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(2)(d)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 2 substituted (E.W.S.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **12(2)(b)**
- F8** Words in reg. 2 substituted (E.W.S.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **12(2)(c)**
- F9** Words in reg. 2 substituted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(2)(g)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 2 inserted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(2)(h)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Interpretation **N.I.**

2. In these Regulations—

[^{F25}“2002 Directive” means [Directive 2002/95/EC](#) of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment]

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

Status: Point in time view as at 31/12/2020.

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)

“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 [^{F26}as amended from time to time before or after IP completion day];

“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 [^{F27}, as last amended by [^{F28}Commission Delegated Directive 2019/1846]];

“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;

“harmonised standard” means a standard adopted by one of the European standardisation bodies listed in [^{F29}Annex 1 to Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation] on the basis of a request made by the European Commission in accordance with [^{F30}Article 10 of that Regulation], the reference of which standard has been published in the Official Journal of the European Union;

“importer” means a person established [^{F31}in a relevant state] who places EEE from a third country on the [^{F32}relevant 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 [^{F33}relevant] 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;

“notice” means a notice in writing;

“place on the market” means to make EEE available on the [^{F34}relevant] 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;

“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;

[^{F35c}“relevant market” means the market comprised of the market in Northern Ireland and the markets of the EEA states;]

[^{F35c}“relevant state” means Northern Ireland or any EEA state;]

“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⁽⁵⁾;

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

Extent Information

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F25** Words in reg. 2 inserted (12.6.2019) by [The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2019 \(S.I. 2019/492\)](#), regs. 1, **3(a)**
- F26** Words in reg. 2 inserted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(2)(a)**
- F27** Words in reg. 2 inserted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **22(a)**
- F28** Words in reg. 2 substituted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(2)(b)**
- F29** Words in reg. 2 substituted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **22(b)(i)**
- F30** Words in reg. 2 substituted (17.9.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **22(b)(ii)**
- F31** Words in reg. 2 substituted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(2)(c)(i)**
- F32** Words in reg. 2 substituted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(2)(c)(ii)**
- F33** Word in reg. 2 substituted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(2)(d)(i)**
- F34** Word in reg. 2 substituted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(2)(d)(ii)**

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

Status: Point in time view as at 31/12/2020.

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)

F35 Words in reg. 2 inserted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(2)(e)**

[^{F11} Interpretation: designated standard

2A.—(1) In these Regulations a “designated standard” means a technical specification which is—

- (a) adopted by a recognised standardisation body [^{F12}or an international standardising body], for repeated or continuous application, with which compliance is not compulsory; and
- (b) designated and published by the Secretary of State in accordance with paragraphs (3) to (5).

(2) In this regulation, a “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- (a) the characteristics required of a product, including—
 - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and
 - (ii) the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; and
- (b) production methods and processes relating to the product, where these have an effect on the characteristics of the product.

(3) Before designating the reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent with [^{F13}such] technical specifications adopted by the other recognised standardisation bodies [^{F14}or by international standardising bodies as the Secretary of State considers to be relevant.]

(4) The Secretary of State must publish a reference to a designated technical specification in a manner which the Secretary of State considers appropriate to draw the standard to the attention of any person who may have an interest in the standard.

(5) The Secretary of State may withdraw the designation of a technical specification, and as soon as reasonably practicable after doing so must publish notice of that withdrawal in a manner which the Secretary of State considers appropriate to draw that withdrawal to the attention of any person who may have an interest in it.

(6) In paragraph (2), a reference to a “product” is a reference to any materials, components and EEE to which these Regulations apply.

[^{F15}(7) In this regulation—

- (a) “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time);
- (b) a “recognised standardisation body” means any one of the following—
 - (i) the European Committee for Standardisation (CEN);
 - (ii) the European Committee for Electrotechnical Standardisation (Cenelec);
 - (iii) the European Telecommunications Standards Institute (ETSI);
 - (iv) the British Standards Institution (BSI).]

Textual Amendments

- F11** Regs. 2A, 2B inserted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(3)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in reg. 2A(1)(a) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 6(a)**; S.I. 2020/1662, reg. 2(ee)
- F13** Word in reg. 2A(3) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 6(b)(i)**; S.I. 2020/1662, reg. 2(ee)
- F14** Words in reg. 2A(3) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 6(b)(ii)**; S.I. 2020/1662, reg. 2(ee)
- F15** Reg. 2A(7) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 6(c)**; S.I. 2020/1662, reg. 2(ee)

Modifications to the Directive

2B.—(1) For the purposes of these Regulations, except regulation 34A, the Directive is to be read in accordance with this regulation.

(2) A term which is used in the Directive and which is defined in Part 1 of these Regulations is to be read as having the meaning given by Part 1.

(3) Article 3 is to be read as if points (1), (2), (5), (11), (12), (21), (22), (24) and (27) were omitted.

(4) Article 4 is to be read as if—

- (a) in paragraph 1, for “Member States” there was substituted “ the Secretary of State ”;
- (b) in paragraph 2, the second sentence were omitted.

(5) Annex 3 is to be read as if, in entry 41 of the table, in the second column, for the words “classes SH:1” to the end, substitute “category NRSh' of Article 4(1), point 3 of Regulation (EU) 2016/1628 of the European Parliament and of the Council on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile”.

(6) Annex 4 is to be read as if—

- “(a) in points 21 and 30, “EU” were omitted;
- (b) in point 33, for the words from “Directive 93/42/EEC” to “defibrillators” there were substituted “mobile medical devices (other than portable emergency defibrillators) that are classified as belonging to Class IIa or IIb for the purposes of the Medical Devices Regulations 2002.”]

Textual Amendments

- F11** Regs. 2A, 2B inserted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(3)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Restriction on the use of certain hazardous substances in EEE **E+W+S**

3.—(1) Subject to paragraph (2) and (4) EEE placed on the market must not contain the substances listed in [^{F16}Schedule A1].

(2) The presence of those substances in quantities no greater than the maximum concentration value by weight in homogeneous materials as specified in [^{F17}Schedule A1], is allowed.

Status: Point in time view as at 31/12/2020.

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)

(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 [^{F18}Schedule A2].

Extent Information

E2 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F16 Words in [reg. 3\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), [12\(3\)\(a\)](#)

F17 Words in [reg. 3\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), [12\(3\)\(b\)](#)

F18 Words in [reg. 3\(4\)](#) substituted (E.W.S.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), [12\(3\)\(c\)](#)

Restriction on the use of certain hazardous substances in EEE **N.I.**

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 [^{F36}before or after IP completion day].

(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 [^{F37}before or after IP completion day].

Extent Information

E5 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F36 Words in [reg. 3\(1\)](#) inserted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), [14\(3\)](#)

F37 Words in [reg. 3\(4\)](#) inserted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), [14\(3\)](#)

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) ^{F19}..., 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.

Textual Amendments

F19 Words in reg. 5(1) omitted (12.6.2019) by virtue of [The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2019 \(S.I. 2019/492\)](#), regs. 1, 4

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

^{F20}6.

Textual Amendments

F20 Reg. 6 omitted (12.6.2019) by virtue of [The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2019 \(S.I. 2019/492\)](#), regs. 1, 5

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(6).

(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;

(6) [S.I. 2009/581](#).

Status: Point in time view as at 31/12/2020.

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)

(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 **E+W+S**

8. Nothing in these Regulations affects the application of [^{F21}retained EU law] 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(7); and
- (c) specific [^{F22}retained EU law on waste management].

Extent Information

E3 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F21** Words in reg. 8 substituted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(4)(a)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in reg. 8(c) substituted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(4)(b)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Existing legislation **N.I.**

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; and
- (c) specific EU waste management legislation.

Extent Information

E5 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Presumption of conformity for EEE **E+W+S**

9.—(1) Any EEE which bears the [^{F23}UK] marking is presumed to comply with the provisions of these Regulations.

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

(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 [^{F24}a designated standard], shall be presumed to comply with the requirements of these Regulations.

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

Extent Information

E4 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F23 Word in reg. 9(1) substituted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(5)(a)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

F24 Words in reg. 9(2) substituted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(5)(b)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Presumption of conformity for EEE **N.I.**

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.

Extent Information

E5 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Status:

Point in time view as at 31/12/2020.

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.