
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement [Directive \(EU\) 2017/2102](#) of the European Parliament and of the Council (OJ No L305, 21.11.2017, p8) (“the amending Directive”), which amends [Directive 2011/65/EU](#) (recast) (OJ No L174, 01.07.2011, p88) (“the 2011 Directive”). The 2011 Directive seeks to reduce the risks posed by hazardous substances to health and the environment by imposing harmonised restrictions. The 2011 Directive was implemented in the United Kingdom by the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 ([S.I. 2012/3032](#)), as amended (“the 2012 Regulations”). These Regulations amend the 2012 Regulations.

Regulation 3 inserts a definition of the “2002 Directive” which is used in the amendments to paragraphs 22 and 23 of Schedule 1 to the 2012 Regulations, inserted by regulation 6(3). Regulation 6(3)(b)(i)(bb) and (ii) makes consequential amendments to paragraph 23. Regulation 3 also updates the definition of “the Directive” in regulation 2 of the 2012 Regulations by substituting a reference to [Commission Delegated Directive \(EU\) 2019/178](#) (OJ No L 33, 5.2.2019, p. 32), which is the most recent amending Directive.

Regulation 5 omits regulation 6 of the 2012 Regulations, consequential on the amendment of paragraph 22 of Schedule 1 to the 2012 Regulations, which is made by regulation 6(3)(a). Regulation 4 makes a consequential amendment, removing a cross-reference to regulation 6 of the 2012 Regulations.

Regulation 6 amends Schedule 1 to the 2012 Regulations so as to amend the scope of those Regulations in respect of the electrical and electronic equipment (“EEE”) covered. Paragraph (2) amends Part 2 (EEE to which the Regulations do not apply) by amending the definition of non-road machinery and adding pipe organs. Paragraph (3) amends Part 3 (categories of EEE with special rules of application) so as to extend the exclusions from scope in relation to secondary market operations, cables and spare parts, including reused spare parts.

An impact assessment has not been produced for these Regulations as no or no significant impact on the private, voluntary or public sectors is foreseen. A transposition note is available from the Defra website (www.defra.gov.uk) and is also published alongside the instrument on www.legislation.gov.uk.