
STATUTORY INSTRUMENTS

2020 No. 1620

**The Control of Mercury (Amendment)
(EU Exit) Regulations 2020**

PART 4

Amendments to retained direct EU legislation

CHAPTER 1

Amendments to the EU Mercury Regulation

Amendments to Article 8

19.—(1) Article 8 is amended as follows.

(2) In paragraph 1—

(a) in the first subparagraph—

(i) for “by means of a decision taken pursuant to” substitute “in accordance with”;

(ii) for “[Directive 2011/65/EU](#) of the European Parliament and of the Council” substitute “the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012⁽¹⁾”;

(b) in the second subparagraph, in point (a), for “Member States” substitute “the United Kingdom”.

(3) In paragraph 2, for “by means of a decision taken pursuant to” substitute “in accordance with”.

(4) In paragraph 3, in the first sentence—

(a) for “a decision pursuant to” substitute “authorisation in accordance with”;

(b) for “the competent authorities of the Member State concerned” substitute “one of the competent authorities”.

(5) For paragraph 4 substitute—

“**4.** The competent authority concerned shall forward to the Secretary of State, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, the Scottish Ministers and the Welsh Ministers the notification received from the economic operator if the competent authority considers on the basis of its own assessment of the information provided that the condition in the second subparagraph of paragraph 6 is fulfilled.

The competent authority concerned shall inform the Secretary of State, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, the Scottish Ministers and the Welsh Ministers of cases in which it considers that the condition in the second subparagraph of paragraph 6 is not fulfilled.”.

(6) Omit paragraph 5.

(7) In paragraph 6—

(a) in the first subparagraph—

(i) for “Commission” substitute “Secretary of State”;

(ii) for the words from “new mercury-added” to the end substitute “condition in the second subparagraph is met”;

(b) for the second and third subparagraphs substitute—

“The condition is that the new mercury-added product or new manufacturing process would provide significant environmental or health benefits and pose no significant risks either to the environment or to human health, and that no technically practicable mercury-free alternatives providing such benefits are available.

The Secretary of State shall inform the competent authority of the result of the assessment under the first subparagraph.

Where the Secretary of State assesses that the condition in the second subparagraph is met, the Secretary of State shall, by regulations, specify that the relevant new mercury-added product or new manufacturing process is authorised.”.

(8) Omit paragraph 7.