
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule A2 to the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 ([S.I. 2012/3032](#), “the RoHS Regulations”) as they apply in England and Wales and Scotland.

Regulation 2(2) replaces old entries 1 to 9 of Table 1 in Schedule A2 with new entries 1 to 9.4. The amended entries have the effect of renewing or revoking exemptions from the restriction, in regulation 3(1) of the RoHS Regulations, on placing electrical and electronic equipment that contains certain hazardous substances on the market. The exemptions relate to mercury in various types of lighting. For the purposes of regulation 10(8) of the Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 ([S.I. 2020/1647](#)), the determinations which the Secretary of State has made in respect of the exemptions (all of which are “relevant exemptions” as defined in regulation 10(1)(a) of those Regulations) have substantially the same effect as the decisions made by the European Commission in respect of the corresponding exemptions under EU law.

The exemptions that have been renewed are granted for a period ending with the date specified in column 6 of the table included in regulation 2(2) of these Regulations. The exemptions that have been revoked have an expiry date of 1st February 2024, which is one calendar year from the date on which the Secretary of State’s determination to revoke the exemptions was made public. In some cases, the specific conditions of the exemptions have been amended including the allowable levels of mercury. In some cases, the exemptions have been amended so they now apply to all categories of electrical and electronic equipment.