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STATUTORY INSTRUMENTS

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**2024 No. 696**

**The Product Safety and Metrology  
etc. (Amendment) Regulations 2024**

**Amendment to the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012**

**8.**—(1) The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(1) are amended as follows.

(2) In regulation 2, for the definition of “the Directive” substitute—

““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)as read in accordance with regulation 2B;”.

(3) For regulation 34A substitute—

**“Obligations which are met by complying with obligations in the Directive**

**34A.**—(1) In this regulation—

- (a) any reference to an Article is a reference to an Article of the Directive;
- (b) “CE marking” has the meaning given to it in Article 3(15).

(2) Paragraph (3) applies where, before placing EEE on the market, the manufacturer—

- (a) ensures the EEE has been designed and manufactured in accordance with the requirements set out in Articles 4 and 7;
- (b) ensures that the conformity assessment procedure that applies to the EEE in accordance with Article 7(b) has been carried out;
- (c) affixes a CE marking, in accordance with Articles 7(c) and 15(1) and (2);
- (d) draws up an EU declaration of conformity, in accordance with Article 13; and
- (e) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 12(1), 13 and 14(1) and (2) are satisfied in respect of that EEE;
- (b) regulation 14(3), (5) and (6) apply to that EEE subject to the modifications in paragraph (8).

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(1) [S.I. 2012/3032](#); they were made under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018 (c. 16); in regulation 2 the definition of “the Directive” was amended by [S.I. 2018/942](#) and [2020/1647](#); regulation 34A was inserted in respect of England and Wales and Scotland by [S.I. 2019/188](#); regulation 34B was inserted in respect of England and Wales and Scotland by [S.I. 2020/1647](#) and was amended by [S.I. 2022/1393](#); there are other amending instruments but none is relevant.

(2) OJ L 174, 1.7.2011, p. 88.

(4) Paragraph (5) applies where, before placing EEE on the market, the importer ensures that—

- (a) the conformity assessment procedure that applies to that EEE in accordance with Article 7(b) has been carried out;
- (b) the manufacturer has drawn up the technical documentation referred to in Article 7(b); and
- (c) the EEE bears the CE marking referred to in Article 7(c).

(5) Where this paragraph applies, regulation 23(b) applies to that EEE subject to the modifications in paragraph (8).

(6) Paragraph (7) applies where, before making EEE available on the market, a distributor ensures that the EEE bears the CE marking referred to in Article 7(c).

(7) Where this paragraph applies, regulation 29(1)(a) applies to that EEE subject to the modifications in paragraph (8).

(8) The modifications referred to in paragraphs (3)(b), (5) and (7) are that—

- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
- (b) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 7(b);
- (c) any reference to “UK marking” is to be read as a reference to the CE marking.

(9) Nothing in this regulation is to be taken to affect the prohibition in regulation 3(1) on placing, or making available, EEE on the market containing the substances listed in Schedule A1, subject to any exemptions as listed in Table 1 or Table 2 of Schedule A2.

(10) Where an exemption continues to apply by virtue of regulations 6(4), 7(3) or (4) or 10(4) of the Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020(3), Table 1 and Table 2 of Schedule A2 are to be read in accordance with those Regulations.”.

(4) For regulation 34B, substitute—

**“Further use of the UK marking**

**34B.**—(1) In this regulation—

- (a) any reference to an Article is a reference to an Article of the Directive;
- (b) “harmonised standard” has the meaning given to it in Article 3(13).

(2) Paragraph (3) applies where, before placing EEE on the market, the manufacturer—

- (a) ensures the EEE has been designed and manufactured in accordance with the requirements set out in Articles 4 and 7; and
- (b) ensures that the conformity assessment procedure that applies to the EEE in accordance with Article 7(b) has been carried out.

(3) Where this paragraph applies—

- (a) the requirements of regulation 12(1) are treated as being satisfied in respect of that EEE;
- (b) regulations 15 and 17(2) and paragraphs 25 and 26 of Schedule 1 and paragraph 6 of Schedule 1A apply to that EEE subject to the modifications in paragraph (6).

- (4) Paragraph (5) applies where, before placing EEE on the market, the importer ensures that—
- (a) the conformity assessment procedure that applies to that EEE in accordance with Article 7(b) has been carried out;
  - (b) the manufacturer has drawn up the technical documentation referred to in Article 7(b).
- (5) Where this paragraph applies—
- (a) the requirements of regulation 23(b)(i) are treated as being satisfied in respect of that EEE;
  - (b) regulation 27(1)(b) applies to that EEE subject to the modifications in paragraph (6).
- (6) The modifications referred to in paragraphs (3)(b) and (5)(b) are that—
- (a) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (b) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 7(b).
- (7) Nothing in this regulation is to be taken to affect the prohibition in regulation 3(1) on placing, or making available, EEE on the market containing the substances listed in Schedule A1, subject to any exemptions as listed in Table 1 or Table 2 of Schedule A2.
- (8) Where an exemption continues to apply by virtue of regulations 6(4), 7(3) or (4) or 10(4) of the Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020, Table 1 and Table 2 of Schedule A2 are to be read in accordance with those Regulations.”.