



STATUTORY INSTRUMENTS.

S.I. No. 246 of 2019

EUROPEAN UNION (RESTRICTION OF CERTAIN HAZARDOUS
SUBSTANCES IN ELECTRICAL AND ELECTRONIC EQUIPMENT)
(AMENDMENT) REGULATIONS 2019

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SUBSTANCES IN ELECTRICAL AND ELECTRONIC EQUIPMENT)
(AMENDMENT) REGULATIONS 2019

I, RICHARD BRUTON, Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Commission Delegated Directives (EU) 2019/178 of the European Parliament and of the Council of 16 November 2018 and (EU) 2018/742, (EU) 2018/741, (EU) 2018/740 and (EU) 2018/739 of the European Parliament and of the Council of 1 March 2018 and (EU) 2018/738, (EU) 2018/737 and (EU) 2018/736 of the European Parliament and of the Council of 27 February 2018 and Directive (EU) 2017/2102 of the European Parliament and of the Council of 15 November 2017 amending Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment hereby make the following Regulations:

Citation

1. These Regulations may be cited as the European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) (Amendment) Regulations 2019.

Purpose of Regulations

2. The purposes for which these Regulations are made include the purpose of giving effect to the provisions of Commission Delegated Directives (EU) 2019/178 of the European Parliament and of the Council of 16 November 2018 and (EU) 2018/742, (EU) 2018/741, (EU) 2018/740 and (EU) 2018/739 of the European Parliament and of the Council of 1 March 2018 and (EU) 2018/738, (EU) 2018/737 and (EU) 2018/736 of the European Parliament and of the Council of 27 February 2018 and Directive (EU) 2017/2102, amending Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment including for the purposes of adapting to technical progress Annex III.

Interpretation

3. In these Regulations “Principal Regulations” means the European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2012 (S.I. No. 513 of 2012).

Amendment of Regulation 3 of the Principal Regulations

4. Regulation 3(1) of the Principal Regulations is amended –

(a) by substituting for the definition of “the Directive” the following:

“ “the Directive” means European Parliament and Council Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment, as amended by Commission Delegated Directives 2012/50/EU and 2012/51/EU of 10 October 2012 and Commission Delegated Directives 2014/1/EU, 2014/2/EU, 2014/3/EU, 2014/4/EU, 2014/5/EU, 2014/6/EU, 2014/7/EU, 2014/8/EU, 2014/9/EU, 2014/10/EU, 2014/11/EU, 2014/12/EU, 2014/13/EU, 2014/14/EU, 2014/15/EU and 2014/16 /EU of 18 October 2013 and Commission Delegated Directives 2014/69/EU, 2014/70/EU, 2014/71/EU, 2014/72/EU, 2014/73/EU, 2014/74/EU, 2014/75/EU and 2014/76/EU of 13 March 2014 and Commission Delegated Directives 2015/573/EU and 2015/574/EU of the European Parliament and of the Council of 30 January 2015 and Commission Delegated Directive (EU) 2015/863 of the European Parliament and of the Council of 31 March 2015 and Commission Delegated Directive (EU) 2016/585 of the European Parliament and of the Council of 12 February 2016 and Commission Delegated Directives (EU) 2016/1028 and (EU) 2016/1029 of the European Parliament and of the Council of 19 April 2016 and Commission Delegated Directives (EU) 2017/1975 of the European Parliament and of the Council of 7 August 2017 and (EU) 2017/1011 of the European Parliament and of the Council of 15 March 2017 and (EU) 2017/1010 and (EU) 2017/1009 of the European Parliament and of the Council of 13 March 2017 and Directive (EU) 2017/2102 of the European Parliament and of the Council of 15 November 2017 and Commission Delegated Directives (EU) 2018/736, (EU) 2018/737 and (EU) 2018/738 of the European Parliament and of the Council of 27 February 2018 and Commission Delegated Directives (EU) 2018/739, (EU) 2018/740, (EU) 2018/741 and (EU) 2018/742 of the European Parliament and of the Council of 1 March 2018 and Commission Delegated Directive (EU) 2019/178 of the European Parliament and of the Council of 16 November 2018;”.

(b) by the substitution of the following for the definition of non-road mobile machinery made available for professional use:

“ “non-road mobile machinery made available exclusively for professional use” means machinery, with an on-board power source or with a traction drive powered by an external power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working, and which is made available exclusively for professional use;”

Amendment to Regulation 4 of the Principal Regulations

4. Regulation 4 of the Principal Regulations is amended by the deletion of regulation 4(5).

Amendment to Schedule 2 of the Principal Regulations

5. Schedule 2 of the Principal Regulations is amended-

- (a) by the substitution of the following for No. 7-
“7. Non-road machinery made available exclusively for professional use;”;
- (b) by the insertion of the following after No. 10.
“11. Pipe Organs.”;

Amendment to Schedule 3 of the Principal Regulations

6. Schedule 3 of the Principal Regulations is amended-

- (a) by the deletion of “and” at 1.(b);
- (b) by the replacement of “.” with “;” at 1.(c);
- (c) by the insertion of the following after 1.(c)-
“(d) to all other EEE that was outside the scope of Directive 2002/95/EC placed on the market on or after 22 July 2019.”;
- (d) by the insertion of the following after 2.(e)-
“(ea) all other EEE that was outside the scope of Directive 2002/95/EC and which is placed on the market before 22 July 2019;”;
- (e) by the insertion of the following after 3.(b)-
“(c) recovered from medical devices or monitoring and control instruments placed on the market before 22 July 2014 and used in EEE placed on the market before 22 July 2024;
- (d) recovered from in vitro diagnostic medical devices placed on the market before 22 July 2016 and used in EEE placed on the market before 22 July 2026;
- (e) recovered from industrial monitoring and control instruments placed on the market before 22 July 2017 and used in EEE placed on the market before 22 July 2027;
- (f) recovered from all other EEE that was outside the scope of Directive 2002/95/EC and which is placed on the market before 22 July 2019, and used in equipment placed on the market before 22 July 2029,”.



GIVEN under my Official Seal,
5 June 2019.

RICHARD BRUTON

Minister for Communications, Climate Action and
Environment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2012 (S.I. No. 513 of 2012) in order to give effect to the provisions of the following Directives:

- a) Commission Delegated Directive (EU) 2019/178 of 16 November 2018 amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in bearing and bushes applied in certain non-road professional use equipment;
- b) Commission Delegated Directive (EU) 2018/742 of 1 March 2018 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in high melting temperature solders;
- c) Commission Delegated Directive (EU) 2018/741 of 1 March 2018 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead as an alloying element in copper;
- d) Commission Delegated Directive (EU) 2018/740 of 1 March 2018 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead as an alloying element in aluminium;
- e) Commission Delegated Directive (EU) 2018/739 of 1 March 2018 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead as an alloying element in steel;
- f) Commission Delegated Directive (EU) 2018/738 of 27 February 2018 amending for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in cermet-based trimmer potentiometer elements;
- g) Commission Delegate Directive (EU) 2018/737 of 27 February 2018 amending for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council

as regards an exemption for lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors;

- h) Commission Delegate Directive (EU) 2018/736 of 27 February 2018 amending for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for certain electrical and electronic components containing lead in glass or ceramic;
- i) Commission Directive (EU) 2017/2102 of 15 November 2017 amending Directive 2011/65/EU of the European Parliament and of the Council as regards the application scope and the exemption validity period.

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