
STATUTORY INSTRUMENTS

2008 No. 37

**The Restriction of the Use of Certain Hazardous Substances
in Electrical and Electronic Equipment Regulations 2008**

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2008 and shall come into force on 1st February 2008.

Revocation

2. The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2006⁽¹⁾ (“the 2006 Regulations”) are revoked.

Interpretation

3. In these Regulations—

“compliance notice” has the meaning given in regulation 14(2);

“electrical and electronic equipment” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex 1A to Directive [2002/96/EC](#) of the European Parliament and of the Council on waste electrical and electronic equipment⁽²⁾ and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current;

“enforcement notice” has the meaning given in regulation 15(2);

“enforcement officer” means a person appointed to act on behalf of the Secretary of State for the purposes of enforcing these Regulations;

“infringing goods” has the meaning given in regulation 15(2)(a);

“producer” means any person who, irrespective of the selling technique used, including by means of distance communication according to Directive [97/7/EC](#)⁽³⁾ as amended by Directive [2002/65/EC](#)⁽⁴⁾ on the protection of consumers in respect of distance contracts—

(a) manufactures and sells electrical and electronic equipment under that person’s own brand;

(1) [S.I. 2006/1463](#).

(2) [OJ L 37, 13.2.2003, p. 24](#).

(3) [OJ L 144, 4.6.1997, p. 19](#).

(4) [OJ L 271, 9.10.2002, p. 16](#).

- (b) resells under that person's own brand equipment produced by other suppliers, but for these purposes a reseller shall not be regarded as the producer if the brand of the producer appears on the equipment, as provided for in (a); or
- (c) imports or exports electrical and electronic equipment on a professional basis into an EEA state; and

“the 2006 Regulations” has the meaning given in regulation 2.

Electrical and electronic equipment to which these Regulations apply

4. These Regulations apply to electrical and electronic equipment that is within the categories set out in the Schedule and to electric light bulbs and to luminaires for use in households.

Electrical and electronic equipment to which these Regulations do not apply

5. These Regulations do not apply to those applications of lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers which are listed in the Annex to Directive [2002/95/EC](#) of the European Parliament and of the Council on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment(**5**), as that Annex is amended from time to time.

Existing legislation

6. Nothing in these Regulations shall affect the application of existing Community legislation and national legislation as regards—
- (a) safety and health requirements; and
 - (b) waste management.

(5) The Annex to this Directive (OJ L 37, 13.2.2003, p. 23) has been amended on a number of occasions and is expected to continue to be amended from time to time. The amendments to the Directive in force as at the making of these Regulations are to be found at OJ L 214, 19.8.2005, p. 65 (Commission Decision [2005/618/EC](#)); OJ L 271, 15.10.2005, p. 48 (Commission Decision [2005/717/EC](#)); OJ L 280, 25.10.2005, p. 18 (Commission Decision [2005/747/EC](#)); OJ L 115, 28.4.2006, p. 38 (Commission Decision [2006/310/EC](#)); OJ L 283, 14.10.2006, p. 47 (Commission Decision [2006/690/EC](#)); OJ L 283, 14.10.2006, p. 48 (Commission Decision [2006/691/EC](#)); and OJ L 283, 14.10.2006, p. 50 (Commission Decision [2006/692/EC](#)).