

SCOOP

THE LATEST TRENDS, SERVICES & PROMOTIONS

ELECTRICAL & ELECTRONICS, SGS HONG KONG

DEC 2020

POST-BREXIT RESTRICTED SUBSTANCES REQUIREMENTS FOR E&E PRODUCTS

On January 31, 2020, the UK officially seceded from the European Union (EU), ending its 47 years membership of the EU. According to the Brexit agreement, the transition period is from January 31, 2020 to December 31, 2020. During this period, EU's requirements on hazardous substances are applicable in the UK. Thereafter, the management should be based on relevant regulations in the United Kingdom.

In September 2020, the UK published 'Placing manufactured goods on the market in Great Britain from 1 January 2021' and 'How to comply with REACH chemical regulations' to guide enterprises to comply with relevant UK regulations after the transition period of Brexit. However, there are some differences between the requirements of the Great Britain (England, Scotland and Wales) and the Northern Ireland.

The current EU and UK legislations on common restricted substances requirements are listed in the adjacent table.

EU LEGISLATION	UK LEGISLATION
Restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) 2011/65/EU and amendment (EU) 2015/863 (Marking: CE Mark)	The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 (as amended) (Marking: UKCA Mark)
REACH Regulation (EC) No. 1907/2006 and its amendments	The REACH Enforcement Regulations 2008 (as amended)
POPs Regulation (EU) 2019/1021 and its amendments	The Persistent Organic Pollutants Regulations 2007 (as amended)
Battery Directive 2006/66/EC and its amendment 2013/65/EU	The Batteries and Accumulators (Placing on the Market) Regulations 2008 (as amended) and the Waste Batteries and Accumulators Regulations 2009 (as amended)
Packaging Directive 94/62/EC	The Packaging (Essential Requirements) Regulations 2015
WEEE Directive 2012/19/EU and its amendments	The Waste Electrical and Electronic Equipment Regulations 2013 (as amended)
Regulation (EC) No 1935/2004 Materials and articles intended to come into contact with food and regulations under the (EC) No. 1935/2004	The Materials and Articles in Contact with Food (England) Regulations 2012 (as amended)

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Regarding RoHS, the UKCA mark shall be applied for all electrical and electronic products that currently bear a CE mark. For other restricted substances requirements, such as REACH, POPs, food contact materials, etc., currently the UK has no plan to diverge from the EU.

In addition, the UK REACH will maintain EU REACH's aims & principles and will initially be the same as those under EU REACH. From 1 January 2021, the UK REACH and the EU REACH regulations will operate independently from each other. Companies that are supplying and purchasing substances, mixtures or articles to and from the EU/EEA/Northern Ireland and Great Britain (GB) will need to ensure that the relevant duties are met under both pieces of legislation. Under the Northern Ireland Protocol, the EU REACH Regulation will continue to apply to Northern Ireland after the end of the transition period, while UK REACH will regulate the access of substances to the GB market. Meanwhile, registrations and notifications required will need to be made to the Health and Safety Executive (HSE) instead of European Chemicals Agency (ECHA).

FOR ENQUIRIES

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