

Requirements for Restriction of Hazardous Substances (RoHS) Directive

EU requirements: [EU Directive 2011/65/EU](#) on the restriction of the use of certain hazardous substances in electrical and electronic equipment (~~(“RoHS”)~~, [Directive](#)”), aims to promote environmentally sound recovery and disposal of waste electrical and electronic equipment (WEEE). To accomplish this, the RoHS Directive restricts certain hazardous substances from being present in this equipment.

It is your responsibility to comply with [the RoHS- Directive](#). [You must also comply with the national laws and regulations in EU Member States with implement the RoHS Directive.](#)

[Please see below for further information about EU requirements](#)

UK requirements: [The UK’s Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 SI 2012/3032 \(“UK RoHS Regulations”\)](#) aims to promote environmentally sound recovery and disposal of waste electrical and electronic equipment. To accomplish this, RoHS Regulations restrict certain hazardous substances from being present in this equipment. Different rules apply to goods you sell in: (1) Great Britain (England, Scotland and Wales); and (2) Northern Ireland.

[It is your responsibility to comply with the RoHS Regulations for products sold in the UK. If you also sell these products on Amazon EU website\(s\), then you must also comply with national laws and regulations in EU Member States, which implement the RoHS Directive.](#)

[Please see below for further information about UK Requirements.](#)

This material is for informational purposes only. It is not intended as legal advice. We encourage you to consult your legal counsel if you have questions about the laws and regulations concerning your product, ~~as well as consult the national laws and regulations transposing RoHS.~~ [This material only reflects the position at the date of writing and requirements in the EU and the UK may change. You should refer to current UK Brexit guidance about your products \(see below\) to learn more about changes that may affect you from 1 January 2021.](#)

I. EU Requirements

What items does [the RoHS Directive](#) apply to?

[The RoHS Directive](#) applies to electrical and electronic equipment (~~(“EEE”)~~), which is defined as 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.

In other words, EEE includes items that have a battery or need a power supply to work properly.

What hazardous substances are restricted by [the RoHS Directive](#)?

With limited exceptions, [the RoHS Directive](#) currently restricts lead (Pb), mercury (Hg), cadmium (Cd), hexavalent chromium (CrVI), polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE). ~~Per 22 July 2019 RoHS will additionally restrict~~, Bis(2-ethylhexyl) phthalate (DEHP), Butyl benzyl phthalate (BBP), Dibutyl phthalate (DBP) and Diisobutyl phthalate (DIBP).

Additional chemicals may be subsequently added to the restrictions list by the EU Commission.

Are the RoHS Directive and WEEE Directive related?

Yes, both the Waste Electrical and Electronic Equipment Directive ([the “WEEE Directive”](#)) and [the RoHS Directive](#) are intended to promote environmentally-safe recycling and recovery for EEE. However, each Directive serves a different purpose: [the RoHS Directive](#) restricts the hazardous substances that can be used in EEE, while [the WEEE Directive](#) regulates the disposal and recovery of EEE. ~~The RoHS Directive also covers a wider range of EEE compared to the WEEE Directive.~~

Who does [the RoHS Directive](#) apply to?

Anyone that manufactures, imports or distributes EEE for sale in EU countries.

- [You are a manufacturer if you manufacture EEE yourself or have EEE designed and manufactured and sell it under your name or trademark.](#)
- [You are an authorised representative if an EEE manufacturer has given you a written mandate to act on their behalf in relation to specific tasks.](#)
- [You are an importer if you are established in the EU and you sell EEE from outside the EU into the EU.](#)
- [You are a distributor if you make EEE available for sale or supply in the EU but are not a manufacturer or importer.](#)

How are EEE manufacturers affected by [the RoHS Directive](#)?

Under [the RoHS Directive](#), manufactures are required to ensure that the EEE they make [available](#) does not contain restricted substances above the maximum concentration values (0.1% by weight for each restricted substance, except for Cadmium which is 0.01%).

After ~~RoHS~~-compliance [with the RoHS Directive](#) is ensured (through technical documentation and internal production control), the manufacturer must prepare a declaration of conformity and affix a CE marking on the finished product and packaging. The [EU](#) declaration of conformity and technical documentation is required to be saved by the manufacturer for 10 years following initial placement of the product on the EU.

Manufacturers are also required to include [on the EEE](#):

- their name, trade name or trade mark and the address at which they can be contacted~~on the EEE;~~ and
- the type, batch or serial number or other element allowing its identification,

or where that is not possible, include such information on its packaging or a document accompanying the EEE.

Manufacturers

Manufacturers that have reason to believe that EEE they have manufactured does not comply with the RoHS Directive are required to take necessary corrective action, including withdrawing or recalling the product if appropriate and informing the competent national authority where they have made the EEE available. In addition, manufacturers are required to keep a register of non-conforming EEE and product recalls, and keep distributors informed of any such issues.

How are EEE importers affected by the RoHS Directive?

The importer of EEE into the EU is required to ensure that the EEE manufacturer has complied with the RoHS Directive. This includes ensuring that the conformity assessment has been carried out by the manufacturer and that the EEE bears a CE marking.

Importers are also required to include their name, trade name or trade mark and the address at which they can be contacted on the EEE, or where this is not possible on its packaging or a document accompanying the EEE.

If an importer has reason to believe that EEE is not in conformity with the RoHS Directive, the importer is not permitted to sell the EEE until it has been brought into conformity, and is required to inform the manufacturer and competent authority.

In addition, importers that have reason to believe that EEE they have imported does not comply with the RoHS Directive are required to take necessary corrective action, including withdrawing or recalling the product if appropriate and informing the competent national authority where they have made the EEE available. Importers are also required to keep a register of non-conforming EEE and product recalls, and keep distributors informed of any such issues.

An importer will be deemed the manufacturer in circumstances where an importer sells EEE in the EU under their own name or trademark, or modifies EEE already sold in the EU in such a way that compliance with the applicable requirements may be affected.

How are EEE distributors affected by the RoHS Directive?

Distributors are required to exercise due care in relation to selling EEE in the EU. This may include verifying that the EEE bears a CE marking and that the EEE is accompanied with appropriate documents for end users.

If a distributor has reason to believe that EEE is not in conformity with the RoHS Directive, the distributor is not permitted to sell the EEE until it has been brought into conformity, and is required to inform the manufacturer and competent authority.

In addition, distributors that have reason to believe that EEE they have distributed does

not comply with [the RoHS Directive](#) are required to take necessary corrective action, including withdrawing or recalling the product if appropriate and informing the competent national authority where they have made the EEE available.

[A distributor will be deemed the manufacturer in circumstances where a distributor sells EEE in the EU under their own name or trademark, or modifies EEE already sold in the EU in such a way that compliance with the applicable requirements may be affected.](#)

Additional Information

We strongly encourage you to visit the following [sites](#) [European Commission site](#) to learn more information on [the RoHS Directive](#):

- [European Commission information about the RoHS Directive](#):
http://ec.europa.eu/environment/waste/rohs_eee/legis_en.htm

II. UK Requirements

Where do the UK RoHS Regulations apply?

[The UK RoHS Regulations apply to all products sold in the UK, but the provisions apply differently to Great Britain \(England, Scotland and Wales, “GB”\) and Northern Ireland. You can read more about the position in Northern Ireland \(“NI”\) below.](#)

What items do the UK RoHS Regulations apply to?

[The UK RoHS Regulations apply to EEE \(as defined above\).](#)

What hazardous substances are restricted by the UK RoHS Regulations?

[With limited exceptions, the UK RoHS Regulations currently restrict lead \(Pb\), mercury \(Hg\), cadmium \(Cd\), hexavalent chromium \(CrVI\), polybrominated biphenyls \(PBB\), polybrominated diphenyl ethers \(PBDE\) Bis\(2-ethylhexyl\) phthalate \(DEHP\), Butyl benzyl phthalate \(BBP\), Dibutyl phthalate \(DBP\) and Diisobutyl phthalate \(DIBP\).](#)

[Additional chemicals may be subsequently added to the restrictions list by the UK.](#)

Are the UK RoHS Regulations related to WEEE provisions?

[Yes, both the Waste Electrical and Electronic Equipment Regulations SI 2013/3113 \(“WEEE Regulations”\) and the UK RoHS Regulations are intended to promote environmentally-safe recycling and recovery for EEE. However, each regime serves a different purpose: the UK RoHS Regulations restrict the hazardous substances that can be used in EEE, while the WEEE Regulations govern the disposal and recovery of EEE.](#)

Who do the UK RoHS Regulations apply to?

[Anyone that manufactures, imports or distributes EEE for sale in the UK.](#)

- [You are a manufacturer if you manufacture EEE yourself or have EEE designed](#)

- and manufactured and sell it under your name or trademark.
- You are an authorised representative if an EEE manufacturer has given you a written mandate to act on their behalf in relation to specific tasks.
- You are an importer if you are established in the UK and sell EEE from a country outside of the UK into GB. For details of importing into NI, see the “Northern Ireland” section below.
- You are a distributor if you make EEE available for sale or supply but are not a manufacturer or importer.

How are EEE manufacturers affected by the UK RoHS Regulations?

Under the UK RoHS Regulations, manufacturers are required to ensure that the EEE they make available does not contain restricted substances above the maximum concentration values (0.1% by weight for each restricted substance, except for Cadmium which is 0.01%).

After ensuring compliance with the UK RoHS Regulations (through technical documentation and internal production control), the manufacturer must prepare a declaration of conformity and affix the required conformity marking on the finished product and packaging. The relevant conformity marking is as follows:

- for products sold in GB from 1 January 2021, the UKCA mark;
- for products sold in NI while the Northern Ireland Protocol remains in force, the European CE mark (see “Northern Ireland” section below).

Note: the UK Government has passed legislation which provides that for certain products (including products covered by the RoHS Regulations) CE marking will be accepted in GB until 1 January 2022, and that additional means of affixing the UKCA mark will be accepted until 1 January 2023. A specific declaration of conformity will be required referencing UK (not EU) legislation and standards is required for products sold in GB from 1 January 2021. See the “BREXIT: UK Government Guidance” section below for more details on the new requirements and transitional measures.

The declaration of conformity and technical documentation must be kept by the manufacturer for 10 years following initial sale of the product.

Manufacturers are also required to include on the EEE:

- their name, trade name or trade mark and the address at which they can be contacted; and
- the type, batch or serial number, or other element allowing to the EEE to be identified;

or where that is not possible, include such information on its packaging or a document accompanying the EEE.

Manufacturers that have reason to believe that EEE they have manufactured does not comply with the UK RoHS Regulations must:

- take necessary corrective action, including withdrawing or recalling the product

- if appropriate:
- inform the Office for Product Safety and Standards (“OPSS”) and provide details of the EEE’s non-compliance and any corrective actions taken; and
 - keep a register of non-conforming EEE and product recalls and keep distributors informed of any such issues.

How are EEE importers affected by the UK RoHS Regulations?

The importer of EEE into the UK is required to ensure that the EEE manufacturer has complied with the RoHS Regulations, including ensuring that the conformity assessment has been carried out by the manufacturer and that the EEE bears the required conformity marking.

Importers are also required to include their name, trade name or trade mark and the address at which they can be contacted on the EEE, or where it is not possible to mark this information on the EEE this information may be included on its packaging or a document accompanying the EEE. The UK Government has released guidance on alternative means of providing GB importer traceability information until 31 December 2022. See the “BREXIT: UK Government Guidance” section below for links to this guidance.

If an importer has reason to believe that EEE is not in conformity with the UK RoHS Regulations, the importer is not permitted to sell the EEE until it has been brought into conformity, and is required to inform the manufacturer and OPSS.

In addition, importers that have reason to believe that EEE they have imported does not comply with the UK RoHS Regulations are required to:

- take necessary corrective action, including withdrawing or recalling the product if appropriate;
- inform the OPSS and provide details of the EEE’s non-compliance and any corrective actions taken; and
- keep a register of non-conforming EEE and product recalls and keep distributors informed of any such issues.

In circumstances where an importer sells EEE in the UK under their own name or trademark, they are treated as a manufacturer and must comply with the obligations imposed on manufacturers.

How are EEE distributors affected by the UK RoHS Regulations?

Distributors are required to exercise due care in relation to selling EEE in the UK. This may include verifying that the EEE bears the required conformity marking and that the EEE is accompanied with appropriate documents for end users.

If a distributor has reason to believe that EEE is not in conformity with the UK RoHS Regulations, the distributor is not permitted to sell the EEE until it has been brought into conformity, and must inform the importer and OPSS. In the event that there is no importer, the distributor should inform the manufacturer.

In addition, distributors that have reason to believe that EEE they have distributed does not comply with the RoHS Regulations are required to:

- take necessary corrective action, including withdrawing or recalling the product if appropriate; and
- inform the OPSS and provide details of the EEE's non-compliance and any corrective actions taken.

Northern Ireland

Please note that different rules apply in NI from 1 January 2021 as a result of the Northern Ireland Protocol. In particular:

- You should ensure that products meet EU requirements and that you use the CE mark.
- You are an importer if you are established in the EU or NI and you sell products from a country outside of the EU and Northern Ireland (including from GB) into NI. Products sold in NI should be marked with details of any EU / NI based importer.
- Authorised representatives can be based in NI or the EU. From 16 July 2021, new rules come into force under EU Regulation 2019/1020 and some businesses may need to appoint a responsible person in the EU or NI to carry out compliance functions (if there is no other entity in the supply chain who is able to carry out the functions). Further guidance on the new rules will be made available by the UK Government.
- If you are using a UK body to carry out mandatory third-party conformity assessment, you will need to apply a UKNI marking as well as a CE mark to products placed in NI from 1 January 2021. Goods with the CE and UKNI marking can't be sold in the EU. You do not need to use the UKNI marking if you self-certify compliance or use an EU body to carry out a mandatory third-party assessment.

“Qualifying Northern Ireland goods” will be able to be sold in GB with the CE mark. The UK Government is issuing guidance on how this will work.

BREXIT: UK Government Guidance

The UK Government has released guidance on selling products in GB and NI from 1 January 2021 for manufacturers, importers and distributors regarding compliance requirements, including on:

- whether you need to change your conformity assessment;
- when and how to use the UKCA mark;
- requirements for technical documentation and a specific declaration of conformity for products sold in GB;
- appointing an authorised representative or responsible person in the UK;
- whether your legal responsibilities will change;
- whether you need to provide GB importer information and methods for

- [doing this \(including transitional arrangements until the end of 2022\);](#)
- [how to deal with existing stock;](#)
 - [what documentary evidence is required to show that products have been placed in the UK or EU before 1 January 2021; and](#)
 - [specific rules for selling products in NI.](#)

[We encourage you to review this guidance \(linked below\), alongside any other specific UK Government guidance that applies to your product. You should consult your legal counsel if you have questions about how the laws and regulations apply to your products from 1 January 2021.](#)

[The Brexit guidance can be found here:](#)

[GB:](#)

- [Placing manufactured goods in Great Britain from 1 January 2021](#)
- [Using the UKCA mark in GB from 1 January 2021](#)
- [Product Safety and Metrology in GB from 1 January 2021](#)

[NI:](#)

- [Placing manufactured goods in Northern Ireland from Great Britain](#)
- [Placing manufactured goods in Northern Ireland from the EU](#)
- [Using the UKNI mark](#)
- [Product Safety and Metrology – NI](#)

[**Additional Information**](#)

[We strongly encourage you to review guidance produced by the UK Government about the RoHS Regulations:](#)

- <https://www.gov.uk/guidance/rohs-compliance-and-guidance>

[We also encourage you to visit the UK's Business Companion website, which contains guidance on UK product compliance rules:](#)

- <https://www.businesscompanion.info/en/get-started>