

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION
WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND
WINDSOR FRAMEWORK**

C (2024) 1573 FINAL + ANNEX

**COMMISSION DELEGATED DIRECTIVE (EU) 2024 / 1416 OF 13.03.2024
AMENDING DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL AS REGARDS AN EXEMPTION FOR CADMIUM IN
DOWNSHIFTING QUANTUM DOTS DIRECTLY DEPOSITED ON LED
SEMICONDUCTOR CHIPS**

Submitted by the Department for Environment, Food and Rural Affairs
14th October 2024

SUBJECT MATTER

1. EU Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment (the RoHS Directive) sets limits on the use of ten hazardous substances in electrical equipment, including cadmium and lead. There is a list of exemptions, which is updated on a regular basis, where for scientific or technical reasons alternatives do not exist and their continued use in particular applications is considered justified.
2. This regulation extends the duration and increases the scope of exemption 39a in Annex III to the RoHS Directive. Exemption 39a covers the use of cadmium selenide in downshifting cadmium-based semiconductor nanocrystal quantum dots for use in display lighting applications.
3. Specifically, following public consultation and technical studies, it was concluded that the duration of the existing exemption should be extended, and the scope of the exemption should be expanded to cover cadmium in downshifting semiconductor nanocrystal quantum dots directly deposited on LED semiconductor chips for use in display and projection applications. The existing exemption now expires on 21 November 2025 and that for the new scope on 31 December 2027.
4. Member States have six months to put in place the updated exemption after the Directive comes into force, which is 20 days after its publication in the Official Journal. The Directive was published in the Official Journal on 21 May 2024.

SCRUTINY HISTORY

5. RoHS Directive exemptions are subject to regular updates. There is, however, no prior history relevant to this particular exemption. The Parliament Scrutiny history relating to earlier Explanatory Memoranda is contained in Annex A.

MINISTERIAL RESPONSIBILITY

6. Responsibility lies with the Secretary of State for Environment, Food and Rural Affairs.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

7. Technical standards on the RoHS Directive and related Commission Delegated Directives are reserved policy. The Scottish and Welsh Governments and the Northern Ireland Executive have an interest due to the environmental considerations. The devolved governments have been consulted in the preparation of this Explanatory Memorandum and had no comments.

LEGAL AND PROCEDURAL ISSUES

8.

i. Legal Base

The power to make this Delegated Act is conferred by Article 5(1)(a) of the RoHS Directive, following the procedure set out in Article 20 and subject to the conditions laid down in Articles 21 and 22 of that Directive.

ii. Voting Procedure

The Delegated Act will enter into force (following publication in the Official Journal) only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

iii. Timetable for adoption and implementation

The Delegated Act was adopted by the Commission on 13 March 2024 and published in the Official Journal on 21 May 2024. It entered into force on the 20th day following publication with Member States needing to apply the amendments contained in the Delegated Act six months after the entry into force date.

POLICY AND LEGAL IMPLICATIONS

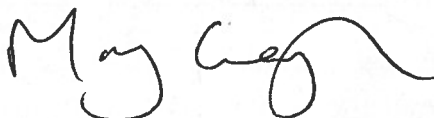
9. In order to facilitate dual access to both the UK Internal Market and EU Single Market, Northern Ireland applies certain EU regulations in accordance with the terms of the Windsor Framework. The RoHS Directive is listed in Annex 2 of the Windsor Framework, meaning Northern Ireland will apply this regulation.
10. However, no amending legislation is required to comply with this Delegated Act and no new burdens arise for businesses based in NI. This is because the process of due diligence required by businesses in NI to ensure compliance with their obligations under the RoHS Regulations, has not changed. Accordingly, the legislation in question is expected to have limited (if any) impact in practice in Northern Ireland.
11. As previously noted, the EU exemption applications were made some time ago and prior to Implementation Period completion day. Accordingly, entry 52 to Table 1 of Schedule A2 of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 shows this exemption as a transitional case. Regulation 10 of the Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 sets out the process for considering transitional cases.

CONSULTATION

12. The European Commission has undertaken formal consultation before reaching a determination on this application for exemption.

FINANCIAL IMPLICATIONS

13. There are no new financial implications arising from this Delegated Directive.



**MARY CREAGH CBE MP
PARLIAMENTARY UNDER-SECRETARY OF STATE (MINISTER FOR NATURE)
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO:

COMMISSION DELEGATED DIRECTIVE (EU) 2024 / 1416 OF 13.03.2024 AMENDING DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR CADMIUM IN DOWNSHIFTING QUANTUM DOTS DIRECTLY DEPOSITED ON LED SEMICONDUCTOR CHIPS

C(2023)7088 + ANNEX: COMMISSION DELEGATED DIRECTIVE (EU) .../ AMENDING DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR CADMIUM AND LEAD IN PLASTIC PROFILES IN ELECTRICAL AND ELECTRONIC WINDOWS AND DOORS CONTAINING RECOVERED RIGID POLYVINYL CHLORIDE

DEFRA SUBMITTED AN EM DATED 18 JANUARY 2024

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
NOTE: THE EUROPEAN SCRUTINY COMMITTEE WAS NOT REAPPOINTED AFTER THE 2024 UK GENERAL ELECTION AND NO FURTHER SCRUTINY OF THIS DOCUMENT WILL TAKE PLACE	CLEARED SENT FOR INFORMATION TO THE PROTOCOL SUB-COMMITTEE (AT CHAIR'S SIFT NO 47; 15/2/24)

**C(2022) 3040 FINAL+ANNEX
C(2022) 3041 FINAL + ANNEX**

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 12.5.2022 AMENDING, FOR THE PURPOSES OF ADAPTING TO SCIENTIFIC AND TECHNICAL PROGRESS, ANNEX IV TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR THE USE OF LEAD IN BISMUTH STRONTIUM CALCIUM COPPER OXIDE SUPERCONDUCTOR CABLES AND WIRES AND LEAD IN THEIR ELECTRICAL CONNECTIONS

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 12.5.2022 AMENDING, FOR THE PURPOSES OF ADAPTING TO SCIENTIFIC AND TECHNICAL PROGRESS, ANNEX IV TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR THE USE OF LEAD IN CERTAIN MAGNETIC RESONANCE IMAGING DEVICES

DEFRA SUBMITTED EM DATED 22/06/2022

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 8 18/7/22)	DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 21; 30/6/22)

EM 15133/21+ADD 1;15112/21+ADD 1;15116/21+ ADD 1;15113/21+ ADD 1;15049/21+ ADD 1;15151/21+ ADD 1;15125/21+ ADD 1;15101/21+ ADD 1;15025/21+ ADD 1;15041/21+ ADD 1; 15081/21+ ADD 1 AND 15103/21+ ADD 1

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 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 THE USE OF MERCURY IN COLD CATHODE FLUORESCENT LAMPS AND EXTERNAL ELECTRODE FLUORESCENT LAMPS FOR SPECIAL PURPOSES

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 AMENDING, FOR THE PURPOSE OF ADAPTING TO TECHNICAL AND SCIENTIFIC PROGRESS, ANNEX III TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR THE USE OF MERCURY IN SINGLE CAPPED (COMPACT) FLUORESCENT LAMPS FOR GENERAL LIGHTING PURPOSES

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 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 THE USE OF MERCURY IN OTHER HIGH PRESSURE SODIUM (VAPOUR) LAMPS FOR GENERAL LIGHTING PURPOSES

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 AMENDING, FOR THE PURPOSE OF ADAPTING TO TECHNICAL AND SCIENTIFIC PROGRESS, ANNEX III TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR THE USE OF MERCURY IN NON-LINEAR TRI-BAND PHOSPHOR LAMPS

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 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 THE USE OF MERCURY IN OTHER DISCHARGE LAMPS FOR SPECIAL PURPOSES

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 16.12.2021 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 THE USE OF MERCURY IN DOUBLE-CAPPED LINEAR FLUORESCENT LAMPS FOR GENERAL LIGHTING PURPOSES

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 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 THE USE OF MERCURY IN OTHER LOW PRESSURE DISCHARGE LAMPS

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 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 THE USE OF MERCURY IN HIGH PRESSURE SODIUM (VAPOUR) LAMPS WITH IMPROVED COLOUR RENDERING INDEX FOR GENERAL LIGHTING PURPOSES

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 AMENDING, FOR THE PURPOSE OF ADAPTING TO TECHNICAL AND SCIENTIFIC PROGRESS, ANNEX III TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR THE USE OF MERCURY IN SINGLE CAPPED (COMPACT) FLUORESCENT LAMPS FOR SPECIAL PURPOSES

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 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 MERCURY IN FLUORESCENT LAMPS FOR OTHER GENERAL LIGHTING AND SPECIAL PURPOSES

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 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 THE USE OF MERCURY IN METAL HALIDE LAMPS

COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 13.12.2021 AMENDING, FOR THE PURPOSE OF ADAPTING TO TECHNICAL AND SCIENTIFIC PROGRESS, ANNEX III TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR THE USE OF MERCURY IN SINGLE CAPPED (COMPACT) FLUORESCENT LAMPS FOR GENERAL LIGHTING PURPOSES < 30 W WITH A LIFETIME EQUAL TO OR ABOVE 20 000 H

DEFRA SUBMITTED EM DATED 04/02/2022

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 29 23/2/22)	DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 14; 8/2/22)

5866 + ADD 1 - COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 11.8.2021 AMENDING, FOR THE PURPOSES OF ADAPTING TO SCIENTIFIC AND TECHNICAL PROGRESS, ANNEX IV TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR THE USE OF BIS(2-ETHYLHEXYL) PHTHALATE (DEHP), BUTYL BENZYL PHTHALATE (BBP), DIBUTYL PHTHALATE (DBP) AND DIISOBUTYL PHTHALATE (DIBP) IN SPARE PARTS RECOVERED FROM AND USED FOR THE REPAIR OR REFURBISHMENT OF MEDICAL DEVICES

C(2021)5867 + ADD 1 - COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 11.8.2021 AMENDING, FOR THE PURPOSES OF ADAPTING TO SCIENTIFIC AND TECHNICAL PROGRESS, ANNEX IV TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN EXEMPTION FOR THE USE OF BIS(2-ETHYLHEXYL) PHTHALATE (DEHP) IN PLASTIC COMPONENTS IN MAGNETIC RESONANCE IMAGING (MRI) DETECTOR COILS

C(2021)5868 + ADD 1 - COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 11.8.2021 AMENDING, FOR THE PURPOSES OF ADAPTING TO SCIENTIFIC AND TECHNICAL PROGRESS, ANNEX IV TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AN

EXEMPTION FOR THE USE OF BIS(2-ETHYLHEXYL) PHTHALATE (DEHP) IN ION-SELECTIVE ELECTRODES FOR ANALYSING HUMAN BODY FLUIDS AND/OR DIALYSATE FLUIDS

DATE EM SIGNED: 07/09/2021

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 16 20/10/21)	DRAWN TO THE ATTENTION OF THE PROTOCOL N IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 8; 14/10/21)

EM 6860/21: COMMISSION DELEGATED DIRECTIVE (EU) .../... OF 8.3.2021 AMENDING, FOR THE PURPOSES OF ADAPTING TO SCIENTIFIC AND TECHNICAL PROGRESS, ANNEX IV TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS THE VALIDITY PERIOD OF AN EXEMPTION FOR THE USE OF MERCURY IN ELECTRIC ROTATING CONNECTORS USED IN INTRAVASCULAR ULTRASOUND IMAGING SYSTEMS

ANNEX TO COMMISSION DELEGATED DIRECTIVE AMENDING, FOR THE PURPOSES OF ADAPTING TO SCIENTIFIC AND TECHNICAL PROGRESS, ANNEX IV TO DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS THE VALIDITY PERIOD OF AN EXEMPTION FOR THE USE OF MERCURY IN ELECTRIC ROTATING CONNECTORS USED IN INTRAVASCULAR ULTRASOUND IMAGING SYSTEMS

DATE EM SIGNED: 29/06/2021

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 5 7/7/21)	NOT SIFTED FOR SCRUTINY (PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE) AT CHAIR'S SIFT 7 7/7/2021