



STATUTORY INSTRUMENTS.

**S.I. No. 149 of 2014**

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EUROPEAN UNION (WASTE ELECTRICAL AND ELECTRONIC  
EQUIPMENT) REGULATIONS 2014

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government, 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 Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment, hereby make the following Regulations:

PART I

PRELIMINARY AND GENERAL

*Citation*

1. These Regulations may be cited as the European Union (Waste Electrical and Electronic Equipment) Regulations 2014.

*Purpose of Regulations*

2. The purpose for which these Regulations are made is to give effect to the provisions of European Parliament and Council Directive 2012/19/EU on waste electrical and electronic equipment in order to contribute to sustainable production and consumption by, as a first priority, the prevention of waste electrical and electronic equipment and, in addition, by the preparing for re-use, recycling and other forms of recovery of such wastes so as to reduce the disposal of waste and to contribute to the efficient use of resources and the retrieval of valuable secondary raw materials.

*Interpretation of Regulations*

3. In these Regulations, save where the context otherwise requires—

“Act of 1996” means the Waste Management Act 1996 (No. 10 of 1996);

“active implantable medical device” means an active implantable medical device within the meaning of point (c) of Article 1(2) of Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices which is electrical and electronic equipment (EEE);

“Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“all reasonable times” means all times when members of the public have access to a place where electrical and electronic equipment is distributed;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 28th March, 2014.*

“approved body” means an appropriate body corporate approved by the Minister in accordance with regulation 33;

“approved preparing for re-use of WEEE organisation” means a preparing for re-use of electrical and electronic equipment organisation approved and registered by the national registration body for the purposes of regulation 17(3);

“authorised facility” means a facility that has been granted a waste/site authorisation in the form of a waste licence, a waste facility permit or a certificate of registration;

“authorised person” means a person who is appointed in writing by the Minister, a local authority, the Agency or such other person as may be required to be an authorised person for the purpose of the Act of 1996 or any Part or section thereof;

“authorised representative” means any natural or legal person established within the State who has been appointed by written mandate from a producer, established in another Member State to fulfill the obligations of that producer, pursuant to these Regulations in the State;

“battery” or “accumulator” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable);

“blocked bank account” means a deposit account or accounts, whose sole purpose is to provide financial resources for the environmentally sound management of waste electrical and electronic equipment, lodged with an undertaking or undertakings holding a valid banking licence issued in accordance with the provisions of the Central Bank Act 1971 (No. 24 of 1971);

“captive insurer” means an insurance company the purpose of which is to provide insurance cover exclusively to the risks of the undertaking or undertakings to which it belongs or of an undertaking or undertakings of the group of which the captive insurance undertaking makes part;

“Central Statistics Office” means the Office established under section 8(1) of the Statistics Act 1993 (No. 21 of 1993);

“civic amenity facility” means a purpose-designed facility operated by or on behalf of a local authority or a private sector operator which is provided for the efficient reception and temporary storage of recyclable and non-recyclable waste materials, including segregated waste electrical and electronic equipment arising from private households;

“collection” has the meaning given by Article 3 of Directive 2008/98/EC of the European Parliament and of the Council;

“collection point” means—



- (i) a civic amenity facility, or
- (ii) other facility for the receipt, storage, including temporary storage or recovery of waste electrical and electronic equipment

subject to such a facility being appropriately licensed, permitted or registered under Regulations made pursuant to Section 39 of the Act of 1996, or other such facilities as may be prescribed in Regulations;

“the Directive” means European Parliament and Council Directive 2012/19/EU of 4 July 2012 on waste electrical and electronic equipment;

“disposal” has the meaning given by Article 3 of, and Annex I of Directive 2008/98/EC of the European Parliament and of the Council;

“distance communication” is as defined in Article 2(4) of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts or, as appropriate, means sales and marketing services by electronic communication, voice telephony services, including telesales and telemarketing or non-electronic direct marketing services, including mail order;

“distributed” means

- (i) sold in exchange for any consideration including money whether or not by finance agreement, including but not exclusive to any loan, lease, hiring or deferred sale agreement or arrangement relating to any electrical and electronic equipment whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place, or
- (ii) giving as a prize or otherwise making a gift;

“distributor” means any natural or legal person in the supply chain, who makes an EEE available on the market. This does not prevent a distributor from also being a producer;

“electrical and electronic equipment” or “EEE” 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 and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volt for direct current;

“environmental management costs” means the costs of the environmentally sound management of waste electrical and electronic equipment from private households arising from electrical and electronic equipment placed on the market in the State;

“environmentally sound management of waste electrical and electronic equipment” means the collection, storage, treatment and recovery or, as appropriate,

disposal of waste electrical and electronic equipment in an environmentally sound manner;

“EURIBOR rate” means the Euro Interbank Offered Rate;

“final user” means any person who discards electrical and electronic equipment for which they have no further use or, as appropriate, who intends to, or is required to discard it, but shall not include any person who on behalf of, or as a service to any other person—

- (i) buys, sells or arranges for the purchase, sale or transfer of waste from one person to another, or
- (ii) arranges for the collection, recovery or disposal of waste;

“finance agreement” means any loan, lease, hiring or deferred sale agreement or arrangement relating to any equipment, whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place;

“financing the environmentally sound management of waste electrical and electronic equipment” means the cost of collection from collection points, together with the treatment, recovery and environmentally sound disposal of waste electrical and electronic equipment including, where appropriate, the provision of receptacles to facilitate the segregation of waste electrical and electronic equipment at collection points and associated operational costs;

“hazardous waste” has the meaning given by Article 3 of, and Annex III of Directive 2008/98/EC of the European Parliament and of the Council;

“in vitro diagnostic medical device” means an in vitro diagnostic device or accessory within the meaning of respectively, point (b) or (c) of Article 1(2) of Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices which is EEE;

“large-scale stationary industrial tools” means a large size assembly of machines, equipment, and/or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility;

“large-scale fixed installation” means a large-size combination of several types of apparatus and, where applicable, other devices, which:

- (i) are assembled, installed and de-installed by professionals;
- (ii) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location; and
- (iii) can only be replaced by the same specifically designed equipment;

“making available on the market” means any supply of a product for distribution, consumption or use on the market of a Member State in the course of a commercial activity, whether in return for payment or free of charge;

“medical device” means a medical device or accessory within the meaning of, respectively, point (a) or (b) of Article 1(2) of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices which is EEE;

“the Minister” means the Minister for the Environment, Community and Local Government;

“non-road mobile machinery” means machinery, with on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working;

“placing on the market” means the first making available of a product on the market within the territory of a Member State on a professional basis;

“preparing for re-use” has the meaning given by Article 3 of Directive 2008/98/EC of the European Parliament and of the Council;

“prevention” has the meaning given by Article 3 of Directive 2008/98/EC of the European Parliament and of the Council;

“producer” means any natural or legal person who, irrespective of the selling technique used, including distance communication within the meaning of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts:

- (i) is established in a Member State and manufactures EEE under his or her own name or trademark, or has EEE designed or manufactured and markets it under his or her name or trademark within the territory of that Member State,
- (ii) is established in a Member State and resells within the territory of that Member State, under his or her own name or trademark, equipment produced by other suppliers, a reseller not being regarded as the ‘producer’ if the brand of the producer appears on the equipment, as provided for in sub-regulation (i),
- (iii) is established in a Member State and places on the market of that Member State, on a professional basis, EEE from a third country or from another Member State; or
- (iv) sells EEE by means of distance communication directly to private households or to users other than private households in a Member State, and is established in another Member State or in a third country.

Whoever exclusively provides financing under or pursuant to any finance agreement shall not be deemed a ‘producer’ unless he or she also acts as a producer within the meaning of sub-regulations (i) to (iv);

“prosecutor” means the Agency, Director of Public Prosecutions or Local Authority;

“recovery” has the meaning given by Article 3 of, and Annex II to Directive 2008/98/EC of the European Parliament and of the Council;

“recovery facility” means a facility for the deposit, preparing for re-use, treatment, recycling or recovery of waste electrical and electronic equipment;

“recycling” has the meaning given by Article 3 of Directive 2008/98/EC of the European Parliament and of the Council;

“registration body” means the person, association or body corporate approved by the Minister under section 53 J of the Act for the purposes of transposing Article 16(1) of the Directive;

“removal” means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are an identifiable part of a stream within the treatment process. A substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment;

“re-use” has the meaning given by Article 3 of Directive 2008/98/EC of the European Parliament and of the Council;

“separate collection” has the meaning given by Article 3 of Directive 2008/98/EC of the European Parliament and of the Council;

“the RoHS Directive” means European Parliament and Council Directive 2011/65/EU of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment;

“third countries” means countries or territories outside the geographical territory of the European Union;

“treatment” has the meaning given by Article 3 of Directive 2008/98/EC of the European Parliament and of the Council;

“waste electrical and electronic equipment” (WEEE) means electrical and electronic equipment, which is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 including all components, subassemblies and consumables which are part of the product at the time of discarding;

“waste electrical and electronic equipment from private households” means WEEE which comes from private households and WEEE which comes from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households. Waste from EEE

likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households.

*Scope of Regulations*

4. (1) These Regulations shall apply—

- (a) from 13 August 2012 to 14 August 2018 (transitional period), to EEE falling within the categories set out in Schedule 1. Schedule 2 contains an indicative list of EEE which falls within the categories set out in Schedule 1,
- (b) from 15 August 2018, to all EEE falling within the categories set out in Schedule 3. Schedule 4 contains a non-exhaustive list of EEE which falls within the categories set out in Schedule 3.

(2) Without prejudice to paragraph (1) these Regulations shall not apply to any of the following EEE:

- (a) equipment which is necessary for the protection of the essential interests of the security of any Member State of the European Union including arms, munitions and war material intended for specifically military purposes;
- (b) equipment which is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of these Regulations, which can fulfil its function only if part of that equipment;
- (c) filament bulbs.

(3) In addition to the equipment specified in paragraph 2, from 15 August 2018, these Regulations shall not apply to the following EEE:

- (a) equipment designed to be sent into space;
- (b) large-scale stationary industrial tools;
- (c) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;
- (d) means of transport for persons or goods, excluding electric two-wheel vehicles which are not type-approved;
- (e) non-road mobile machinery made available exclusively for professional use;
- (f) equipment specifically designed solely for the purposes of research and development that is only made available on a business to business basis;

- (g) medical devices and in vitro diagnostic medical devices, where such devices are expected to be infective prior to end of life, and active implantable medical devices.

(4) The registration body shall be the sole arbitrator in determining whether these Regulations apply to an item of electrical and electronic equipment in carrying out its functions in accordance with Regulation 8.

(5) Nothing in these Regulations shall affect the application of existing EU legislation imposing requirements on-

- (a) safety and health;
- (b) chemicals, in particular Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency;
- (c) waste management; or
- (d) product design.

## PART II

### REGISTRATION BODY

#### *Establishment of a Registration Body*

5. (1) The Minister may undertake, or approve a person or persons, or association, or body corporate to undertake, any or all of the functions provided for in regulation 8 for the purposes of this Part.

(2) Any person or persons, or association, or body corporate who undertakes all of the functions provided for in regulation 8 shall be known for the purposes of these Regulations as the 'registration body'.

#### *Grant or refusal of approval*

6. (1) Subject to sub-regulation (3), the Minister may, by notice in writing, grant approval or may refuse to grant such approval.

(2) An approval issued in accordance with sub-regulation (1) shall be conditional on the submission to the Minister of—

- (a) where appropriate, a copy of the—
  - (i) articles of association of the body corporate, or
  - (ii) memorandum of association or registered rules of the association or society, and
  - (iii) the appropriate certificate issued by the Companies Registration Office or the Registrar of Friendly Societies,

- (b) the names and addresses in the State of the officers of the registration body and its board of directors or, as appropriate, Committee of Management,
- (c) the address of the registration body's registered office and the address of the secretary, if different from the registered office,
- (d) a business plan in relation to the operation of the registration body,
- (e) where appropriate, proposals in relation to corporate governance,
- (f) proposals for the certification of producers or authorised representatives for the purpose of regulation 12,
- (g) proposals for determining the proportion of market share held by individual producers,
- (h) proposals for registration fee structures,
- (i) proposals for verifying the adequacy of financial guarantees,
- (j) proposals for approving preparing for re-use of waste electrical and electronic equipment organisations,
- (k) such other information as may be specified in writing by the Minister for the purposes of this regulation.

(3) An approval in accordance with the provisions of sub-regulation (1) shall be subject to such conditions as the Minister may specify, including, but not exclusively,—

- (a) the period of approval which shall be for a period of not more than 10 years,
- (b) variance in the terms and conditions of approval,
- (c) revocation of approval, and
- (d) the nature of information (including financial accounts) to be recorded and maintained by the body concerned.

(4) The Minister may, by notice in writing, from time to time vary any condition attached to an approval granted in accordance with the provisions of this regulation.

(5) The registration body—

- (a) will be responsible for the effective carrying out of its functions, and
- (b) shall ensure that its financial costs are borne from its own resources.

*Review and revocation of approval*

7. (1) Subject to sub-regulation (2), where considered necessary, the Minister may review an approval granted in accordance with the provisions of regulation 6.

(2) Where the Minister proposes to review an approval, the Minister shall—

- (a) give notice in writing to the registration body of the proposal and the reasons therefore,
- (b) specify a period of not less than four weeks within which the registration body may make a submission to the Minister in relation to a review, and
- (c) consider any submission so made.

(3) Following the consideration of any submission in accordance with sub-regulation (2), the Minister may issue a revised approval, varying any condition attaching to the approval or attach any additional conditions which he or she considers appropriate.

(4) Where an approval, granted in accordance with the provisions of regulation 6 is due to expire, the registration body—

- (a) shall not later than six months before the expiry of the approval, notify the Minister whether or not it intends to continue or cease operating as the registration body, and
- (b) if intending to continue to operate as the registration body, shall not later than four months before the expiry of the approval, make a submission to the Minister in accordance with the provisions of said regulation.

(5) Subject to sub-regulation (6), where it appears to the Minister that the registration body is not complying with conditions attached to such approval, he or she may revoke an approval granted in accordance with the provisions of regulation 6.

(6) Where the Minister proposes to revoke an approval granted in accordance with the provisions of regulation 6, the Minister shall—

- (a) give notice in writing to the registration body of the proposed decision and the reasons therefore,
- (b) specify a period of not less than four weeks within which the registration body may make a submission to the Minister in relation to the proposed decision, and
- (c) consider any submission so made.

(7) Once an approval in accordance with the provisions of regulation 6—



- (a) is revoked by the Minister, or
- (b) expires,

the registration body and any third party contracted to undertake any or all of the functions allotted to it, shall immediately transfer to the Minister, or to any party so directed by the Minister, or to the person or persons, or association, or body corporate who is in receipt of the next approval to act as the registration body for the purposes of this Part, all records, documentation and data in written and in electronic form, including the requisite software and programmes, together with any funds and assets that were obtained on account of the functions provided for in regulation 8 and powers that were vested in accordance with the provisions of regulation 9.

*Functions of the Registration Body*

8. (1) The registration body shall-

- (a) establish and maintain a register (hereafter in this Part referred to as 'the register') of producers placing electrical and electronic equipment on the market in the State,
- (b) establish and maintain a register of approved preparing for re-use of waste electrical and electronic equipment organisations,

(2) The registration body shall be required to—

- (a) provide for the maintenance of an online register of all producers placing electrical and electronic equipment on the market in the State,
- (b) provide for the determination of the proportion of market share held by each individual producer placing electrical and electronic equipment on the market in the State and notify him or her accordingly,
- (c) provide for the verification that each producer has adequate financial guarantees in place,
- (d) cause proper accounts to be kept of all income and expenditure of the registration body in each calendar year, or in the first two years of its operations the relevant part thereof, and of the sources of such income and the subject matter of such expenditure and of the property, credits and liabilities of the registration body,
- (e) in the first six months of each year, make a report to the Minister of its activities during the preceding calendar year, or in the first two years of its operations the relevant part thereof, which shall include a summary of all income and expenditure and balance sheet for that calendar year, or in the first two years of its operations the relevant part thereof, and audited accounts in respect of the calendar year, or in the first two years of its operations the relevant part thereof, prior to that,

- (f) provide such information regarding the operation of the registration body as the Minister may from time to time require,
- (g) notify the relevant local authority or, as appropriate, the Agency where it is evident to the registration body that a producer or authorised representative has failed to comply with any provision or provisions of these Regulations and to provide information to the relevant local authority or, as appropriate, the Agency in such format and at such frequency as may be determined by the local authority or the Agency as appropriate,
- (h) provide links to other national registers on its website,
- (i) approve preparing for re-use of waste electrical and electronic equipment organisations for the purposes of regulation 17(3),
- (j) cooperate and facilitate the electronic exchange of appropriate information with other national registers established in other Member States,
- (k) submit to the Minister for his or her approval, the criteria for approving preparing for re-use of waste electrical and electronic equipment organisations

having regard to any conditions that the Minister may apply in approving the registration body in accordance with the provisions of regulation 6.

(3) Without prejudice to sub-regulations (1) and (2) the registration body may, where appropriate, procure the services of a—

- (a) person or persons,
- (b) association or associations or, as appropriate,
- (c) body corporate or bodies corporate,

to undertake any or all of the functions allotted to it.

(4) No person serving or appointed to serve on the board of directors or, as appropriate, Committee of Management of the registration body shall have any current engagement or, as appropriate, material interest with any—

- (a) economic operator with obligations under or, as necessary,
- (b) approved body established in accordance with the provisions of Part IV of these Regulations.

#### *Powers of the Registration Body*

9. (1) In carrying out its functions, the registration body or, as appropriate, a third party acting on its behalf shall be empowered to—

- (a) determine applications for registration of producers and to issue approvals or refusals in accordance with the provisions of regulation 12,
- (b) issue certificates of registration and registration numbers,
- (c) obtain a statement from the external auditors of any producer, or any approved body established in accordance with the provisions of Part IV of these Regulations acting on behalf of a producer, relating to financial information or, as appropriate, examine the records of any producer, or approved body acting on behalf of a producer relating to—
  - (i) the quantities, by weight or, as appropriate, by number of units, of waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market by a producer,
  - (ii) details of financial guarantees, and
  - (iii) market data including the quantities, by weight or, as appropriate, by number of units, of electrical and electronic equipment placed on the market by a producer.
- (d) determine applications from any person or persons, or association, or body corporate to register as an approved preparing for re-use of waste electrical and electronic equipment organisations for the purposes of regulation 17(3),
- (e) receive annual subscriptions, or make charges (hereafter in this Part referred to as ‘the fees’) to provide for the effective carrying out of its functions,
- (f) set the level of any such fees which it may review from time to time.

(2) Without prejudice to sub-regulation (1), where any or all of the registration functions are sub-contracted to a third party, the powers laid down in sub-regulation (1)(c) shall transfer to the third party concerned.

(3) Without prejudice to sub-regulation (2), a third party empowered to determine the total quantity of collected waste electrical and electronic equipment attributable to each individual producer including the members of any approved body established in accordance with the provisions of Part IV of these Regulations, shall be prohibited from providing to any person or persons, including the contracting registration body, any information or data either verbally, in written or in electronic form—

- (a) concerning the quantity of collected waste electrical and electronic equipment attributable to or, as necessary,
- (b) that may be used to identify or, as necessary, calculate the market share of,

any individual producer other than to the individual producer concerned.

*Obligation of producers, or authorised representatives to register with the Registration Body*

10. (1) A producer other than a producer who sells EEE by means of distance communication directly to private households or to users other than private households in the State, and is established in another Member State or a third country, may, by way of exception to regulation 3(1) appoint an authorised representative to fulfil the obligations of that producer, pursuant to these Regulations;

(2) A producer who is established in the State and who places EEE onto the market in any other Member State by means of distance communication shall appoint an authorised representative in that Member State as the person responsible for fulfilling the obligations of that producer, pursuant to the Directive, in that Member State;

(3) The registration body, an approved body or the Agency shall not fulfil the functions of an authorised representative for the purposes of these Regulations.

(4) Appointment of an authorised representative shall be by written mandate.

(5) Each producer that has placed electrical and electronic equipment on the market in the State shall be obliged to—

(a) be registered with the registration body;

(b) declare to the registration body or, as appropriate, a third party acting on its behalf that any electrical and electronic equipment that he or she has placed on the market is marked in accordance with the provisions of regulation 28(1),

(c) display the registration number issued to him or her in accordance with the provisions of regulation 12 on any invoice, credit note, dispatch and delivery docket issued to a distributor by him or her, and

(d) pay the fees as may be determined by the registration body or, as appropriate, a third party acting on its behalf,

(e) provide to the registration body the information set out in Part 2 of Schedule 5 as required.

(6) A producer who—

(a) fails to comply with any of the provisions of sub-regulation (5), or

(b) is deemed not to be registered in accordance with regulation 12(2) or,

(c) is refused an application for renewal of registration in accordance with the provisions of regulation 12(4),

shall not place electrical and electronic equipment on the market.

(7) Any producer who is not in possession of a valid Certificate of Registration in accordance with the provisions of regulation 12 shall not display any registration number issued by the Registration Body on any invoice, credit note, dispatch and delivery docket, website or at any place.

*Registration, information and reporting*

11. (1) A producer placing electrical and electronic equipment on the market in the State or an authorised representative shall apply for registration to the registration body or as appropriate a third party acting on its behalf not later than one month after the date specified in regulation 45 or the commencement of business whichever is the later.

(2) An application for registration in accordance with the provisions of sub-regulation (1) shall be made in writing, or electronically and shall contain at least the information set out in Part 1 of Schedule 5 and shall be accompanied by a declaration from the applicant detailing arrangements for providing adequate financial guarantees that will be required in accordance with the provisions of regulations 16 and or 18 as appropriate.

(3) An application for registration in accordance with the provisions of sub-regulation (1) shall be accompanied by the fee determined by the registration body.

(4) A producer or authorised representative shall notify the registration body or, as appropriate, a third party acting on its behalf of any changes to the information provided in an application for registration within 10 working days of such change.

(5) An application for registration in accordance with the provisions of sub-regulation (1) shall be accompanied by a declaration that all electrical and electronic equipment he or she places on the market complies with the requirements of the RoHS Directive.

(6) An application for registration in accordance with sub-regulation (1) shall be accompanied by a copy of a valid certificate granted in accordance with the provisions of Part IV of these Regulations stating that such a producer is participating in a satisfactory manner in a scheme for the environmentally sound management of waste electrical and electronic equipment.

(7) A producer or authorised representative shall be required by the registration body to supply information indicating how that producer continues to ensure the environmentally sound management of waste electrical and electronic equipment in accordance with regulations 16 and, or 18, on an annual basis and not later than January 31st in each calendar year.

(8) Information provided in accordance with the provisions of sub-regulation (7) shall be made in writing, or electronically and shall include confirmation that the information specified in Part 1 of Schedule 5 remains correct.

(9) The registration body may charge a fee for the processing of information under this regulation.

(10) A producer or authorised representative shall de-register by informing the registration body in writing or electronically that it has ceased to be a producer.

(11) The information for the purposes of sub-regulation (10) shall indicate how the producer has ensured the environmentally sound management of waste electrical and electronic equipment in accordance with regulations 16 and, or 18, up until the last date on which it has placed electrical and electronic equipment on the market.

*Certification of producers, or authorised representatives*

12. (1) Without prejudice to sub-regulations (3) and (4), a producer or authorised representative—

(a) who makes an application, or

(b) on whose behalf an application has been made,

in accordance with the provisions of regulation 11 shall be registered by the registration body provided that the requirements of regulations 10 and 11 are complied with.

(2) A producer or authorised representative shall not be deemed to be registered until a Certificate of Registration and registration number has issued by the registration body or, as appropriate, a third party acting on its behalf.

(3) The registration body or, as appropriate, a third party acting on its behalf shall issue a Certificate of Registration bearing a unique registration number as expeditiously as possible and, in any event, within—

(a) six weeks of the date of receipt of an application for registration, or

(b) two weeks after the date of receipt of further information or particulars requested by the registration body in connection with such an application,

whichever is the later.

(4) Without prejudice to sub-regulations (1) and (3), the registration body may refuse or as appropriate revoke a registration in accordance with the provisions of this regulation where it considers that a producer, or authorised representative has, in the preceding twelve month period, or any part of that period failed to—

(a) achieve the targets specified in regulation 23 and Schedule 10 or

(b) maintain satisfactory records in accordance with the provisions of regulation 24 or

(c) provide the information specified in regulations 11, 25, 26, 28, 29 or 30 or

- (d) comply with the provisions of Regulations made for the purposes of transposing the RoHS Directive.

*Distance Sellers*

13. Where a producer or as appropriate, a distributor supplies electrical and electronic equipment by means of distance communication he or she shall—

(1) if established in another Member State appoint an authorised representative in accordance with the provisions of regulation 10,

(2) register in accordance with the provisions of regulation 11,

(3) notify the registration body or, as appropriate, a third party acting on its behalf at the time of registration that he or she supplies electrical and electronic equipment by means of distance communication and confirm that all such equipment placed on the market in the State complies with the requirements of these Regulations,

(4) upon a request from the—

(a) registration body or, as appropriate, a third party acting on its behalf or,

(b) local authority in the functional area where the registered office or, if not a company, the principal place of business of the producer or their authorised representative is located or,

(c) Agency, undertake to provide it with information that demonstrates, to its satisfaction, that he or she has complied with his or her obligations in accordance with the provisions of Article 12 of the Directive to provide financing for the environmentally sound management of waste electrical and electronic equipment from private households deposited at collection points in the Member State of the European Union where the final user of the equipment resides and is complying with his or her obligations in accordance with the provisions of Article 13 of the Directive to finance the environmentally sound management of waste electrical and electronic equipment from users other than private households.

(5) display the registration number issued to him or her in accordance with regulation 12 on his or her website.

### PART III

#### MANAGEMENT OF WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

*Distributor responsibility*

14. (1) Each distributor of electrical and electronic equipment shall—

(a) be prohibited from distributing electrical and electronic equipment—

- (i) placed on the market in the State by a producer who or, as appropriate,
- (ii) supplied to him or her by any person who supplies electrical and electronic equipment placed on the market in the State by a producer who—

is not in possession of a valid Certificate of Registration in accordance with the provisions of regulation 12, and, as appropriate, does not display the registration number issued to said producer in accordance with the provisions of regulation 12 on any invoice, credit note, dispatch or delivery docket in respect of electrical and electronic equipment supplied to the distributor concerned,

(b) ensure that when—

- (i) supplying a product, waste electrical and electronic equipment from private households can be returned to him or her at least free of charge on a one-to-one basis as long as the waste electrical and electronic equipment is of equivalent type or has fulfilled the same function as the supplied equipment other than contaminated waste electrical and electronic equipment that presents a health and safety risk unless such contamination is on account of a distributor's liability under the Sale of Goods and Supply of Services Act, 1980 (No. 16 of 1980);
- (ii) supplying new EEE from a retail premises with a sales area relating to EEE of at least 400 m<sup>2</sup> that provision is made for the in-store collection of very small Waste Electrical and Electronic Equipment (no external dimension more than 25cm) free of charge to end-users and with no obligation to buy EEE of any type;
- (iii) waste electrical and electronic equipment from private households is accepted for return by him or her, it is transported and stored in accordance with sections 34 and 39 of the Act of 1996,

(2) A distributor which has been granted charitable recognition by the Revenue Commissioners and issued with a Charity (CHY) Number is exempt from the requirements of sub-regulation 14 (1)(b)(i).

(3) Distributors shall fulfil the obligation in sub-regulation (1)(b)(i) in instances where the supplied electrical and electronic equipment—

- (a) is delivered to the purchaser and where the waste electrical and electronic equipment of equivalent type or which has fulfilled the same function as the supplied equipment—
  - (i) is available at its place of ordinary use for immediate collection, and at the time of collection, is not connected to any electrical, gas or water supply, waste water pipe, or permanent structure, by



collecting it on delivery, provided that the distributor has given at least 24 hours' notice of delivery, or

- (ii) where such equipment is not available for immediate return—
  - (a) on account of less than 24 hours' notice having been given for collection, by arranging for and collecting it within 15 days of the date of delivery, provided that the waste electrical and electronic equipment concerned is not connected to any electrical, gas or water supply, waste water pipe, or permanent structure, and the distributor has given at least 24 hours' notice of collection, or
  - (b) by accepting it, at all reasonable times at any or every place of business from which he or she distributes electrical and electronic equipment.
- (b) has not been delivered to the purchaser, by accepting, at all reasonable times at any or every place of business from which he or she distributes electrical and electronic equipment, the waste electrical and electronic equipment of equivalent type, or which has fulfilled the same function as the supplied equipment.

(4) Distributors, with the agreement of the appropriate local authorities who shall have regard to any guidelines which the Minister may issue from time to time, may make alternative arrangements for ensuring that the obligations in sub-regulation (1)(b)(i) are fulfilled by other means by a—

- (a) nominated distributor, or
- (b) group of distributors or, as appropriate,
- (c) a third party acting on their behalf,

provided they ensure that returning the waste electrical and electronic equipment is not thereby made more difficult for the final user and provided that the alternative arrangements remain at least free of charge for the final user.

(5) When household electrical and electronic equipment from private households is distributed, distributors may indicate in writing to each purchaser an alternative collection point that is in place for accepting the waste electrical and electronic equipment, where alternative arrangements provided for in sub-regulation (4) have been agreed and provided that returning it is not thereby made more difficult for the final user and that the alternative arrangements remain at least free of charge for the final user.

(6) A distributor to whom sub-regulation (4) applies shall fix and maintain, in a conspicuous position at or within one metre of each entrance to his or her premises, a notice complying with the requirements specified in Part 1 of Schedule 6.

(7) Without prejudice to sub-regulation (3), distributors, their servants or agents shall be prohibited from offering orally or in written form—

- (a) any reduction or discount on the retail price for any item of electrical and electronic equipment for the purposes of the reduced or discounted or, as appropriate,
- (b) two retail prices for any item of electrical and electronic equipment for the purposes of the lower,

retail price being predicated on the distributor not having to fulfil his or her obligation in sub-regulation (1) (b) (i).

(8) Without prejudice to sub-regulation (3), where a producer or, as appropriate, a distributor supplies electrical and electronic equipment by means of distance communication he or she shall—

- (a) ensure that waste electrical and electronic equipment from private households can be returned to him or her at least free of charge on a one-to-one basis as long as the waste electrical and electronic equipment is of equivalent type or has fulfilled the same function as the supplied equipment other than contaminated waste electrical and electronic equipment that presents a health and safety risk unless such contamination is on account of the distributor's liability under the Sale of Goods and Supply of Services Act, 1980 (No.16 of 1980);
- (b) place a visible and legible notice—
  - (i) on his or her website or other electronic means of communication where—
    - (a) electrical and electronic equipment being distributed is displayed,
    - (b) the retail price of electrical and electronic equipment is quoted or, as appropriate,
    - (c) the ordering and financial transaction confirming purchase of electrical and electronic equipment is undertaken or, as appropriate,
  - (ii) in each of his or her catalogues, brochures or, as appropriate, mail-shots,

indicating that he or she will take back waste electrical and electronic equipment from private households at least free of charge on a one-to-one basis as long as the waste electrical and electronic equipment is of equivalent type or has fulfilled the same function as the supplied equipment together with details of any or every place of business in the State from which he or she distributes electrical and electronic

equipment or, as appropriate, an address in the State where he or she takes back waste electrical and electronic equipment,

- (c) display the registration number issued to him or her by the registration body on his or her website,
- (d) notify customers when distributing electrical and electronic equipment for private households by voice telephony services, including telesales and telemarketing, that he or she will take back waste electrical and electronic equipment from private households at least free of charge on a one-to-one basis as long as the waste electrical and electronic equipment is of equivalent type or has fulfilled the same function as the supplied equipment together with details of any or every place of business in the State from which he or she distributes electrical and electronic equipment or, as appropriate, an address in the State where he or she takes back waste electrical and electronic equipment, and
- (e) without prejudice to paragraphs (b) and (d), accept any waste electrical and electronic equipment of equivalent type or which has fulfilled the same function as the supplied equipment—
  - (i) provided that he or she has given at least 24 hours' notice of delivery, by collecting it on delivery provided it is available at its place of ordinary use for immediate collection and at the time of collection is not connected to any electrical, gas or water supply, waste water pipe, or permanent structure, or
  - (ii) where such equipment is not available for immediate return,—
    - (a) on account of less than 24 hours' notice having been given for collection, by arranging for and collecting it within 15 days of the date of delivery, provided that the waste electrical and electronic equipment concerned is not connected to any electrical, gas or water supply, waste water pipe, or permanent structure, and the distributor or producer concerned has given at least 24 hours' notice of collection, or
    - (b) by accepting it at—
      - (I) any or every place of business in the State from which he or she distributes electrical and electronic equipment or, as appropriate,
      - (II) an address in the State,

when occupied by the producer or authorised representative or, as appropriate, the distributor concerned or by any of his or her servants or agents.

(9) Without prejudice to sub-regulations (3)(a) and (8)(c), any distributor shall be prohibited from requiring a customer to sign any document or make any

declaration stating that any item of waste electrical and electronic equipment is not available for collection.

(10) Where a third party distributes electrical and electronic equipment and or facilitates the take back of waste electrical and electronic equipment on behalf of a distributor, the requirements set out in sub-regulations (3) and 8(c) remain the obligation of the distributor concerned.

*Transfer of waste electrical and electronic equipment by distributors*

15. (1) Each distributor of electrical and electronic equipment—

(a) shall be prohibited from—

(i) transferring to any person or persons waste electrical and electronic equipment, with the exception of—

(a) a collector who is acting on behalf of—

(I) the producer or authorised representative responsible for financing the environmentally sound management of the waste electrical and electronic equipment concerned in accordance with the provisions of regulation 16 or, as appropriate,

(II) an approved body established in accordance with the provisions of Part IV or its representative or, as appropriate,

(b) a producer who is responsible for financing the environmentally sound management of the waste electrical and electronic equipment concerned in accordance with the provisions of regulation 16 or, as appropriate,

(c) an approved body established in accordance with the provisions of Part IV or its representative,

that is permitted in accordance with the provisions of section 34 of the Act, and

(ii) selling waste electrical and electronic equipment from private households;

(b) shall maintain records for a period of not less than two years to demonstrate the quantity of waste electrical and electronic equipment taken back, stored and removed from his or her premises or, as appropriate, any premises used for the storage of waste electrical and electronic equipment by the distributor concerned, and furnish such records in such form and at such frequency as may be specified by the Agency or the local authority.

(2) The prohibition in sub-regulation (1)(a)(i) shall not apply in respect of electrical and electronic equipment returned to or accepted by a distributor

under the provisions of the Sale of Goods and Supply of Services Act, 1980 (No. 16 of 1980) and which is subsequently returned to the producer.

*Financing the take back of waste electrical and electronic equipment from private households*

16. (1) Each producer placing electrical and electronic equipment on the market in the State shall ensure that he or she or a third party acting on his or her behalf finances the environmentally sound management of waste electrical and electronic equipment from private households deposited at collection points in the functional areas of all local authorities relating to—

- (a) his or her own products of electrical and electronic equipment for private households placed on the market in the State as and from 13 August 2005, and
- (b) all products of electrical and electronic equipment for private households placed on the market in the State prior to 13 August 2005 in proportion to his or her current share of the market by type of equipment as categorised in Schedule 1, and from 15 August 2018 by type of equipment as categorised in Schedule 3, as determined by the registration body or, as appropriate, a third party acting on its behalf, when the respective costs occur.

(2) When a product is placed on the market in the State as referred to in sub-regulation (1)(a), the producer shall provide, within the twentieth working day of the month following its placement on the market in the State, a financial guarantee showing that the full cost of the environmentally sound management of waste electrical and electronic equipment will be financed when it is discarded by the final user.

(3) The financial guarantee provided for in sub-regulation (2) shall consist of—

- (a) a blocked bank account into which at least shall be deposited,—
  - (i) the current substantiated costs of the environmentally sound management of waste electrical and electronic equipment that will arise from private households when it is placed on the market in the State, and
  - (ii) the interest that would accrue on the amount referred to in paragraph (i) when compounded on a daily basis at a margin of 5 points above the one month EURIBOR rate for the period of not less than the projected average life of the electrical and electronic equipment concerned as declared in accordance with the provisions of regulations 11(2) and 11(3)

as set out in Schedule 7 or,

- (b) an insurance policy or policies, covering at least all of the costs of the environmentally sound management of waste electrical and electronic

equipment that will arise from electrical and electronic equipment placed on the market in the State by the producer concerned, with an undertaking or undertakings registered in accordance with the European Communities (Non-Life Insurance) Framework Regulations 1994 (S.I. No. 359 of 1994), other than a captive insurer, for a period of not less than the life of the product or,

(c) self-insurance provided a producer maintains a minimum balance of €15,000,000 or 10% of annual turnover of electrical and electronic equipment in the State, whichever is the greater, in a blocked bank account, to cover at least all of the costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment placed on the market in the State by him or her, or,

(d) a bond or bonds issued by an undertaking or undertakings—

(i) registered in accordance with the European Communities (Non-Life Insurance) Framework Regulations 1994 (S.I. No. 359 of 1994) or, as appropriate,

(ii) holding a valid banking licence issued in accordance with the provisions of the Central Bank Act 1971 (No. 24 of 1971),

covering at least—

(a) the current substantiated costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment when it is placed on the market in the State, and

(b) the interest that would accrue on the amount referred to in paragraph (a) when compounded on a daily basis at a margin of 5 points above the one month EURIBOR rate for a period of not less than the projected average life of the electrical and electronic equipment concerned as declared in accordance with the provisions of regulation 11(2),

as set out in Schedule 7

(4) Each producer placing electrical and electronic equipment on the market in the State shall ensure when an existing form of financial guarantee is substituted for another form as provided for in—

(a) sub-regulations (3)(a) and (3)(d), that the substitute financial guarantee shall cover at least—

(i) the current substantiated costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment that he or she has placed on the market in the State from 13 August 2005 onwards

that has, at the time of substitution, not been discarded by the final user, and

- (ii) the interest that would accrue on the amount referred to in paragraph (i) when compounded on a daily basis at a margin of 5 points above the one month EURIBOR rate for a period of not less than the projected average life of the electrical and electronic equipment concerned as declared in accordance with the provisions of regulation 11(2),

as set out in Schedule 7,

- (b) sub-regulation (3)(b), that the substitute financial guarantee shall cover at least all of the costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment placed on the market in the State by the producer concerned or,
- (c) sub-regulation 3(c), he or she maintains a minimum balance of €15,000,000 or 10% of annual turnover in the State, whichever is the greater, in a blocked bank account, to cover at least all of the costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment placed on the market in the State by him or her.

(5) A withdrawal or withdrawals from a blocked bank account provided for in sub-regulation (3) shall only be permitted for the purposes of—

- (a) financing the environmentally sound management of waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market in the State from 13 August 2005 onwards,
- (b) the payment of any taxes on interest received to the appropriate agency or,
- (c) obtaining the interest earned from such an account less any—
  - (i) taxes payable in accordance with the provisions of paragraph (b) or,
  - (ii) charges levied by the financial institution holding or, as appropriate, managing such funds.

(6) The closure of a blocked bank account provided for in—

- (a) sub-regulation (3)(a) shall only be permitted when—
  - (i) all the liabilities and obligations, in accordance with the provisions of sub-regulation (1), of a producer who has ceased placing electrical and electronic equipment on the market in the State, have

been discharged in full and the discharge of such liabilities is confirmed by the production of a satisfactory statement from the external auditors of the producer concerned, or

(ii) a producer—

(a) obtains a substitute financial guarantee provided for in sub-regulations 3(b) or, 3(c) or, 3(d), or

(b) is accepted into membership of an approved body established in accordance with the provisions of Part IV or,

(b) sub-regulation (3)(c) shall only be permitted when—

(i) all the liabilities and obligations, as laid down in sub-regulation (1), of a producer who has ceased placing electrical and electronic equipment on the market in the State, have been discharged in full and the discharge of such liabilities is confirmed by the production of a satisfactory statement from the external auditors of the producer concerned, or

(ii) a producer—

(a) obtains a substitute financial guarantee provided for in sub-regulations 3(a), or 3(b) or, 3(d), or

(b) is accepted into membership of an approved body, established in accordance with the provisions of Part IV, which agrees to accept all his or her outstanding liabilities and obligations, as laid down in sub-regulation (1).

(7) A reduction in the outstanding liability of a bond or bonds provided for in sub-regulation (3)(d) shall only be permitted following the discharge of liabilities to finance the environmentally sound management of waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market in the State from 13 August 2005 onwards and shall be limited to the costs incurred in discharging those liabilities.

(8) The termination of a bond or bonds provided for in sub-regulation (3)(d) shall only be permitted when—

(a) all the liabilities and obligations, in accordance with the provisions of sub-regulation (1), of a producer who has ceased placing electrical and electronic equipment on the market in the State, have been discharged in full, and the discharge of such liabilities is confirmed by the production of a satisfactory statement from the external auditors of the producer concerned, or

(b) a producer—



- (i) obtains a substitute financial guarantee provided for in sub-regulations 3(a), or 3(b) or, 3(c), or
- (ii) is accepted into membership of an approved body established in accordance with the provisions of Part IV.

(9) No person shall show a purchaser of electric and electronic equipment at the time of sale, the costs of financing the collection, treatment and environmentally sound disposal of Waste Electrical and Electronic Equipment from private households.

(10) Notwithstanding sub-regulation 9, with effect from 1 July 2014, environmental management costs may be shown separately to the purchasers of electrical and electronic equipment at the time of sale of new products, provided the costs shown do not exceed the current substantiated costs of the environmentally sound management of waste electrical and electronic equipment, of that equipment type.

(11) Each producer or, as appropriate, distributor who displays environmental management costs shall be required to ensure that all costs shown do not exceed the current substantiated costs of the environmentally sound management of waste electrical and electronic equipment, incurred by both producers and distributors, arising from electrical and electronic equipment placed on the market in the State.

(12) (a) Without prejudice to sub-regulation (11), any distributor who distributes electrical and electronic equipment supplied by a producer who displays environmental management costs shall be required to ensure that such costs are indicated in writing to each purchaser.

(b) Notwithstanding paragraph (a), environmental management costs shall be indicated by the distributor concerned visibly and legibly in writing.

(c) Notwithstanding paragraph (a), where a producer or, as appropriate, a distributor supplies electrical and electronic equipment by means of distance communication that was placed on the market in the State by a producer who displays an environmental management cost in accordance with the provisions of sub-regulation 10, he or she shall, in addition to complying with the provisions of paragraph (b) indicate environmental management costs visibly and legibly in writing.

(i) on his or her website or other electronic means of communication or, as appropriate,

(ii) in each of his or her catalogues, brochures or as appropriate, direct mail communications.

(d) Notwithstanding paragraph (a), where, for the purposes of or in connection with the distribution by a person of electrical and electronic equipment, the price of the electrical and electronic equipment is

stated orally or negotiated by the person or by a servant or agent of the person or is stated on the electrical and electronic equipment or on any container or wrapper in which the electrical and electronic equipment is packed or on a ticket or label attached to the electrical and electronic equipment or to such container or wrapper or in a catalogue or advertisement or in a notice or other document including a receipt, the price so stated shall be stated as a single amount inclusive of any charge made by the producer for any environmental management cost payable in respect of the electrical and electronic equipment.

- (e) Without prejudice to paragraph (d), where a price notice, relating to a specific item of electrical and electronic equipment placed on the market by a producer who displays an environmental management cost in accordance with the provisions of sub-regulation (10), is displayed-
- (i) in a distributor's premises, he or she shall show the retail price of that specific item of electrical and electronic equipment inclusive of the environmental management cost and shall include the following wording- "Included in this price is a contribution to recycling costs of [amount of environmental management cost]",
  - (ii) on a website or other electronic means of communication by a producer, or as appropriate a distributor, he or she shall, at each point where the retail price is quoted or, as appropriate, the ordering and financial transaction confirming the purchase of such electrical and electronic equipment is undertaken, show the retail price of that specific item of electrical and electronic equipment which shall be inclusive of the environmental management cost and shall include the following wording" Included in this price is a contribution to recycling costs of [amount of environmental management cost]",
  - (iii) in a distributor's catalogues, brochures or, as appropriate, direct mail communications he or she shall include the following wording in letters not less than 2mm high-"Included in these prices is a contribution to recycling costs", or
  - (iv) in any advertisement, the distributor concerned shall include the following wording in letters not less than 2mm high- "Included in these prices is a contribution to recycling costs".
- (f) Notwithstanding paragraph (d), each distributor shall make available at the point of sale to the purchaser concerned an invoice, receipt or docket which shall state "Price of electrical items includes a contribution to recycling costs."

(13) Without prejudice to sub-regulation (2), in the event that the business of a producer is transferred in whole or in part to another person or persons, the

producer shall remain responsible for the full costs of financing the environmentally sound management of electrical and electronic equipment which he or she has placed on the market in the State, until such time that he or she demonstrates that the person or persons to whom a transfer has been made is or are competent and in agreement to meet all the obligations of the producer in respect of any such electrical and electronic equipment, including fulfilling the obligation of producers to finance the environmentally sound management of waste electrical and electronic equipment, in accordance with the provisions of sub-regulation (1) and the requirement of producers to meet all recovery targets in accordance with the provisions of regulation 23.

(14) Without prejudice to sub-regulation (2), in the event that the business of a producer—

- (a) ceases to trade,
- (b) goes into liquidation, examination or, receivership or
- (c) enters into a scheme of arrangement or compromise in accordance with the provisions of section 201 of the Companies Acts 1963 to 2009,

the financial guarantee provided for in sub-regulation (3) shall not be used by any person or persons, including the liquidator, examiner, receiver or, administrator concerned for any purpose, including the discharge of liabilities to creditors, whether secured creditors, preferential creditors, creditors claiming under retention of title, creditors with claims supported by guarantees or indemnities, ordinary creditors or, subordinated creditors, other than for fulfilling the obligations of the producer concerned as laid down in sub-regulation (1).

(15) Without prejudice to sub-regulations (3) and (4), the one month EUR-IBOR rate to be applied shall be the rate applicable on the last day of the month that electrical and electronic equipment is placed on the market in the State.

*Collection of waste electrical and electronic equipment by a producer or authorised representative*

17. (1) A producer or authorised representative shall within 5 working days of being requested so to do by a local authority or a third party acting on its behalf, collect, or arrange for the collection of, from any collection point operated by that local authority or on its behalf, any waste electrical and electronic equipment relating to products of a type and brand supplied by that producer.

(2) A producer or authorised representative shall ensure that the collection and transport of separately collected waste electrical and electronic equipment is carried out in a way which allows optimal conditions for preparing for re-use, recycling, recovery and the minimisation of emissions of hazardous substances.

(3) Prior to any further transfer for treatment, a producer or authorised representative shall provide for the separation at their collection points of waste electrical and electronic equipment that is to be prepared for re-use from other

separately collected waste electrical and electronic equipment by granting access for personnel from approved preparing for re-use of waste electrical and electronic equipment organisations that have been approved and registered by the registration body.

(4) Where a producer or authorised representative fails to comply with the requirements of sub-regulation (1) a local authority may make alternative arrangements for the environmentally sound management of any waste electrical and electronic equipment relating to products of a type and brand supplied by that producer and may obtain from the producer or authorised representative in addition to the actual costs of the environmentally sound management, any other costs incurred including, but not exclusive to, administrative, logistical and storage costs, at a rate or rates as to be determined by the local authority concerned together with an agency fee not exceeding 10% of the total costs incurred.

*Financing the take back of waste electrical and electronic equipment from users other than from private households*

18. (1) Each producer placing electrical and electronic equipment on the market in the State shall ensure that he or she or a third party acting on his or her behalf finances the environmentally sound management of waste electrical and electronic equipment arising from users other than private households arising from electrical and electronic equipment that—

- (a) he or she places on the market in the State on and from 13 August 2005 or,
- (b) placed on the market in the State prior to 13 August 2005 that is replaced by him or her with new equivalent products or with new products fulfilling the same function.

(2) Where waste arising from electrical and electronic equipment for users other than private households which was placed on the market in the State prior to 13 August 2005 is not being replaced with products of equivalent type or new products fulfilling the same function, the final user of that waste shall be responsible for—

- (a) its delivery to an authorised facility carrying out the treatment of waste electrical and electronic equipment,
- (b) recording the quantity delivered and treated at an authorised facility, and
- (c) financing its treatment, recovery and environmentally sound disposal.

(3) Without prejudice to sub-regulation (1), a distributor to users other than private households, shall supply each purchaser with details of the producer responsible for financing the environmentally sound management of each item of—

- (a) electrical and electronic equipment placed on the market in the State on and from 13 August 2005 when it reaches end of life or,
- (b) waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market in the State prior to 13 August 2005 that is being replaced by him or her with new equivalent products or with new products fulfilling the same function.

*Alternative Financing Arrangements*

19. (1) Without prejudice to regulation 18, producers placing electrical and electronic equipment on the market in the State and users of electrical and electronic equipment other than private households may conclude agreements stipulating other financing methods provided that the waste is managed in an environmentally sound manner in accordance with the requirements of these Regulations.

(2) Where producers and users of electrical and electronic equipment for users other than private households conclude agreements stipulating other financing methods provided for in sub-regulation (1), each—

- (a) producer shall in advance of the sale of electrical and electronic equipment notify that user in writing of any or all of the obligations that transfer to the final user concerned in connection with the environmentally sound management of the waste electrical and electronic equipment, and where appropriate, of his or her obligations to fulfil the provisions of regulations 22 and 23, and
- (b) final user shall by the 31 January of each year, in respect of the previous calendar year, provide each producer or authorised representative concerned with adequate information to meet his or her record keeping obligations under regulation 24, and to demonstrate that—
  - (i) all waste electrical and electronic equipment was treated in accordance with the provisions of regulation 22, and
  - (ii) the targets as laid down in regulation 23 for the environmentally sound management of waste electrical and electronic equipment have been achieved.

*Collection of waste electrical and electronic equipment*

20. (1) Each local authority shall take into account population density when considering the establishment of a civic amenity facility for the environmentally sound management of waste electrical and electronic equipment.

(2) Final users of waste electrical and electronic equipment from private households shall be entitled to deposit such waste at civic amenity facilities at least free of charge.

(3) Each producer or authorised representative shall ensure that he or she or a third party acting on his or her behalf shall make adequate arrangements to provide for the collection—

- (a) of waste electrical and electronic equipment arising from private households that was placed on the market in the State prior to 13 August 2005 in proportion to his or her current respective share of the market in the State by type of equipment as categorised in Schedule 1 and from 15 August 2018 by type of equipment as categorised in Schedule 3, or,
- (b) all waste electrical and electronic equipment from private households arising from electrical and electronic equipment that he or she has placed on the market in the State by type of equipment as categorised in Schedule 1 and from 15 August 2018 by type of equipment as categorised in Schedule 3 on, and from, 13 August 2005,

from collection points situated in the functional area of each local authority.

(4) Each local authority may designate any premises of a distributor as a collection point, subject to the agreement of the distributor concerned and, where appropriate, an approved body established in accordance with the provisions of Part IV of these Regulations.

(5) Each local authority-

(a) shall only transfer waste electrical and electronic equipment to-

(i) a collector who is acting on behalf of—

(a) the producer responsible for financing the environmentally sound management of the waste electrical and electronic equipment concerned in accordance with the provisions of regulation 16 or, as appropriate,

(b) an approved body established in accordance with the provisions of Part IV or its representative or, as appropriate,

(I) a producer who is responsible for financing the environmentally sound management of the waste electrical and electronic equipment concerned in accordance with the provisions of regulation 16 or, as appropriate,

(II) an approved body established in accordance with the provisions of Part IV or its representative,

that is permitted in accordance with the provisions of section 34 of the Act

*Storage of waste electrical and electronic equipment*

21. Any establishment or undertaking carrying out the collection or treatment of waste electrical and electronic equipment, shall ensure that its storage of waste electrical and electronic equipment complies with the technical requirements as set out in Schedule 8.

*Treatment and shipments of waste electrical and electronic equipment*

22. (1) Each—

- (a) producer that is responsible for financing the environmentally sound management of waste electrical and electronic equipment in accordance with the provisions of regulations 16 and 18 (1) or, as appropriate,
- (b) final user of waste electrical and electronic equipment from users other than from private households that—
  - (i) is responsible for financing its environmentally sound management in accordance with the provisions of regulation 18(2), or
  - (ii) avails of alternative financing methods as provided for in regulation 19(1),
    - (a) shall ensure that all separately collected waste electrical and electronic equipment undergoes proper treatment which shall, as a minimum, include the removal of all fluids and a selective treatment as set out in Schedule 9 and
    - (b) shall ensure that all separately collected waste electrical and electronic equipment is treated in accordance with the WEEELABEX normative requirements or any other equivalent EN treatment standards.

(2) Any facility establishment or undertaking carrying out treatment operations shall obtain an appropriate permit that complies with the provisions of the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821 of 2007) as amended by the Waste Management (Facility Permit and Registration) (Amendment) Regulations 2008 (S.I. No 86 of 2008) subject to any amendment that may be made to those regulations from time to time, which shall include all conditions necessary for:

- (a) the selective treatment of waste electrical and electronic equipment in accordance with Schedule 9,
- (b) the storage and treatment of waste electrical and electronic equipment as set out in Schedule 8, and
- (c) the achievement of the recovery targets as set out in Schedule 10,

from a local authority or, where appropriate, the Agency.

(3) Without prejudice to sub-regulation (1), where waste electrical and electronic equipment is treated in a third country, the producer or authorised representative or, as appropriate, user of electrical and electronic equipment for users other than a private household who concludes an agreement stipulating other financing methods provided for in regulation 19(1) shall—



- (a) ensure that the shipment of WEEE is in compliance with Regulation (EC) No 1013/2006 and Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply;
  - (b) ensure that it is treated at a facility appropriately licensed or, as appropriate, permitted by the relevant authority or authorities in the third country concerned;
  - (c) furnish documentary evidence to prove that the treatment took place in conditions that are equivalent to the requirements of the Directive.
- (4) In order to distinguish between EEE and WEEE, where the holder claims that he or she intends to ship or is shipping used EEE and not WEEE the requirements of Schedule 11 shall be complied with.

*Recovery of waste electrical and electronic equipment*

23. Each producer that is responsible for financing the environmentally sound management of waste electrical and electronic equipment in accordance with the provisions of regulations 16, 18(1) and 19(1) shall ensure-

- (a) that he or she or a third party acting on his or her behalf meets, with regard to waste electrical and electronic equipment sent for treatment the minimum targets as set out in Schedule 10;
- (b) that recovery of waste electrical and electronic equipment is carried out using best available techniques.

*Record keeping*

24. (1) Each producer or authorised representative shall ensure that he or she or a third party acting on his or her behalf records—

- (a) the quantities, by weight or, as appropriate, by number of units, and categories of electrical and electronic equipment in each of the categories specified in Schedule 1, and from 15 August 2018 by type of equipment as categorised in Schedule 3, he or she placed on the market in—
  - (i) each Member State of the European Union, and
  - (ii) third countries, and
- (b) in accordance with the detailed rules for monitoring compliance as determined by Article 11 (4) of the Directive, the weight of waste electrical and electronic equipment, components, materials and substances when leaving (output) the collection facility, entering (input) and leaving (output) the treatment facility, and when entering (input) the recovery or recycling/preparing for re-use facility.



(2) Records kept pursuant to sub-regulation (1) shall be—

- (a) retained at an address in the State by the person required to keep them for a period of at least six years, starting from the end of the year in which they were drawn up, and
- (b) made available to the Agency, a local authority or, as appropriate, an appropriate agency on request within a specified period or by a specified date.

(3) The provisions of sub-regulation (1) shall apply to waste electrical and electronic equipment from private households together with its components, materials and substances and waste electrical and electronic equipment from users other than private households together with its components, materials and substances.

*WEEE waste management plans and reports*

25. (1) A producer placing electrical and electronic equipment on the market in the State or authorised representative shall not later than the date on which application for registration is made in accordance with the provisions of regulation 11—

- (a) have prepared a plan specifying the steps to be taken by the said producer in order to comply with the requirements of these Regulations, including the steps which the producer has, or intends to take to ensure the environmentally sound management of waste electrical and electronic equipment, and
- (b) fix and maintain in a conspicuous position at or within one metre of each entrance to each of his or her premises, other than a premises used for the distribution of electrical and electronic equipment, a notice complying with the requirements specified in Part 3 of Schedule 6.

(2) A plan in accordance with the provisions of sub-regulation (1) (a) shall contain at least the information set out in Part 1 of Schedule 12.

(3) A producer or authorised representative shall, not later than the date on which it shall be required to supply to the registration body information on how it continues to meet its environmental responsibilities in that year—

- (a) have prepared a report specifying the steps taken by the said producer or authorised representative in order to comply with the requirements of these Regulations in the relevant period, and the results of those steps, and
- (b) fix and maintain, in a conspicuous position at or within one metre of each entrance to each of his or her premises, other than a premises used for the distribution of electrical and electronic equipment, a notice complying with the requirements specified in Part 4 of Schedule 6.

(4) A report in accordance with the provisions of sub-regulation (3) (a) shall contain at least the information set out in Part 2 of Schedule 12.

(5) A producer or authorised representative shall at least once every three years, and, not later than the date on which it shall be required to supply to the registration body information on how it continues to meet its environmental responsibilities in that year, have prepared a new plan in accordance with the provisions of sub-regulation (1)(a).

(6) A producer or authorised representative shall on the date on which—

(a) application for registration is made in accordance with the provisions of regulation 11(1), or

(b) it shall be required to supply to the registration body information on how it continues to ensure the environmentally sound management of waste electrical and electronic equipment in accordance with regulations 16 and, or, 18 in that year—

submit to the Agency for its approval a copy of a plan or report prepared for the purpose of this regulation in a format specified by the Agency.

(7) An administration fee determined by the Agency shall accompany a copy of a plan or report submitted to it in accordance with the provisions of sub-regulation (6).

(8) A copy of a plan or report prepared for the purpose of this regulation shall be made available, free of charge, by the producer concerned to any person who so requests within 10 working days of the date of receipt of the request.

(9) For the purpose of this regulation, “made available” includes sending the plan or report, as the case may be, by post, fax or electronic mail to a person who so requests.

*Obligation of producers or authorised representatives to provide information to recovery facilities*

26. Each producer or authorised representative shall ensure, that within one year of placing any and each new type of electrical and electronic equipment on the market, he or she or a third party acting on his or her behalf furnishes free of charge to recovery facilities—

(a) preparation for re-use and treatment information,

(b) information on the different electrical and electronic components, and materials, and

(c) information on the location of hazardous substances and mixtures,

in each type of electrical and electronic equipment he or she placed on the market as far as it is needed by those recovery facilities.

*Format of information to be provided to recovery facilities*

27. The information referred to in regulation 26 shall be made available to approved preparing for re-use organisations and treatment and recycling facilities by each producer or authorised representative or third party acting on his or her behalf in the form of manuals or by means of electronic media, including CD-ROM or, as appropriate, online services.

*Obligation of producers to provide information to users of electrical and electronic equipment*

28. (1) Each producer—

- (a) shall ensure that he or she or a third party acting on his or her behalf marks indelibly, visibly and legibly each item of electrical and electronic equipment he or she places on the market with the symbol shown in Schedule 13 in order to demonstrate it has been placed on the market since 13 August 2005 and that it should not be disposed of as unsorted municipal waste but segregated for separate collection, and
- (b) shall ensure when supplying a new product, that users are informed of—
  - (i) the requirement not to dispose of waste electrical and electronic equipment as unsorted municipal waste and to have such waste electrical and electronic equipment collected separately,
  - (ii) their role in contributing to re-use, recycling and other forms of recovery of waste electrical and electronic equipment,
  - (iii) the return and collection systems available to them,
  - (iv) the potential effects on the environment and human health as a result of the presence of hazardous substances in electrical and electronic equipment, and
  - (v) the meaning of the symbol shown in Schedule 13.

(2) Where due to the size or the function of the electrical and electronic equipment, it is not possible to comply with the provisions of sub-regulation (1) (a), then the symbol shall be printed on—

- (a) the packaging,
- (b) the instructions for use,
- (c) the warranty of the product, or
- (d) a flag or tag permanently attached to any power lead, cable, cord or strap that is permanently connected to said equipment.

*Obligation of producers or authorised representatives to provide information to the Registration Body*

29. Each producer placing electrical and electronic equipment on the market in the State or authorised representative or a third party acting on his or her behalf shall—

- (a) declare, the quantities, by weight or, as appropriate, by number of units, of electrical and electronic equipment for private households and electrical and electronic equipment for users other than private households in each of the categories specified in Schedule 1 and from 15 August 2018 by type of equipment as specified in Schedule 3, he or she placed on the market in the State, to the registration body, or where any or all of the functions of the registration body have been devolved to a third party in accordance with the provisions of regulation 8(3), to the third party concerned—
  - (i) by 31 January of each year in respect of the previous calendar year ending 31 December or, at reporting intervals as required by the registration body,
  - (ii) on request within a specified period or by a specified date, in respect of any specified period or, as appropriate,
- (b) submit the vouched details, including copy invoices, of the cost incurred, from 13 August 2005 onwards, by him or her for the environmentally sound management of waste electrical and electronic equipment arising from private households, and electrical and electronic equipment for users other than private households to the registration body, or where any or all of the functions of the registration body have been devolved to a third party in accordance with the provisions of regulation 8(3), to the third party concerned.

*Obligation of distributors to provide information to users of electrical and electronic equipment*

30. (1) When supplying a new product, distributors of electrical and electronic equipment for private households shall ensure that users are informed of the return and collection systems available to them.

(2) The obligation of sub-regulation (1) will be deemed to have been met if the information is provided in the instructions for use or, as appropriate, leaflets issued at the point of sale.

(3) Notwithstanding sub-regulation (1), each distributor of electrical and electronic equipment for private households shall fix and maintain, in a conspicuous position within one metre of the point of sale or, as appropriate, display of electrical and electronic equipment a notice complying with the requirements specified in Part 2 of Schedule 6.

(4) The obligation of sub-regulation (3) will be deemed to have been met if a distributor of electrical and electronic equipment and batteries or, as appropriate, accumulators, fixes and maintains in a conspicuous position within one

metre of the point of sale or, as appropriate display of electrical and electronic equipment and batteries or, as appropriate, accumulators a notice complying with the requirements specified in Part 5 of Schedule 6.

(5) Notwithstanding sub-regulation (1), any person advertising household electrical and electronic equipment will be required, in any advertisement, to include the following text;

“Waste Electrical and Electronic Equipment (WEEE) must never be placed in any of your household wheelie bins. WEEE is taken back free of charge at electrical retail outlets on a one-for-one like-for-like basis. Local authority civic amenity facilities also take back WEEE free of charge. WEEE recycling is free.”

(6) The obligation of sub-regulation (5) will only be deemed to have been met if the information is clearly visible and understandable and is printed proportionately in text where each letter is at least 2mm in height.

(7) Notwithstanding sub-regulations (5) and (6), any person advertising household electrical and electronic equipment and batteries may for the purposes of fulfilling the obligation in sub-regulation (5) and the obligation in article 33(3) of the Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008), in any advertisement, include the following text;

“Waste Electrical and Electronic Equipment (WEEE) and waste batteries must never be placed in any of your household wheelie bins. WEEE is taken back free of charge at electrical retail outlets on a one-for-one like-for-like basis. There is a container for small waste batteries in your local store. Local authority civic amenity facilities also take back WEEE and waste batteries free of charge. WEEE and waste battery recycling is free”

provided the information is clearly visible and understandable and is printed proportionately in text where each letter is at least 2mm in height.

## PART IV

### APPROVED BODIES

#### *Exemption from certain requirements*

31. Notwithstanding the responsibility of each individual producer to finance the environmentally sound management of waste electrical and electronic equipment and arrange for its environmentally sound management, a producer or authorised representative who holds a valid certificate granted to him or her by an approved body stating that such producer or authorised representative is participating, in a satisfactory manner, in a scheme for the environmentally sound management of waste electrical and electronic equipment arising from—

- (a) private households shall be exempt from the requirements of regulations 16, 17, 20, 22, 23, 24 and 25 of these Regulations, or, as appropriate,

- (b) users other than private households, shall be exempt from the requirements of regulations 18, 20, 22, 23 and 25,

unless and until such certification is revoked by the approved body concerned or otherwise ceases to have effect/be in force, or approval granted by the Minister to the body concerned is revoked in accordance with the provisions of regulation 34.

*Application to the Minister for approval*

32. (1) A body corporate may apply to the Minister for approval for the purposes of this Part.

(2) An application for approval in accordance with the provisions of sub-regulation (1) shall be made in writing and shall be accompanied by the following—

- (a) a copy of the articles of association of the body corporate,
- (b) the appropriate certificate issued by the Companies Registration Office,
- (c) proposals relating to corporate governance,
- (d) proposals for representation of micro, small and medium enterprises on the board of the approved body together with the names and addresses in the State of the officers of the body corporate and its board of directors,
- (e) a business plan in relation to the proposed scheme,
- (f) proposals for a contingency reserve,
- (g) proposals relating to co-operation with other approved bodies and individual producers who are not eligible for the exemptions provided for in regulation 31 including proposals in relation to the collection of waste electrical and electronic equipment from collection points together with civic amenity facilities in the appropriate functional areas of all local authorities,
- (h) proposals for a scheme to be undertaken by the body corporate for the environmentally sound management of waste electrical and electronic equipment,
- (i) proposals for the achievement of the targets as laid down in regulation 23 for the environmentally sound management of waste electrical and electronic equipment under the proposed scheme,
- (j) proposals for determining and verifying the level of the environmentally sound management of waste electrical and electronic equipment under the proposed scheme,

- (k) a copy of the rules of membership of the body corporate together with details of the membership fee structure,
- (l) a—
  - (i) declaration that no producer applying for membership will be discriminated against on the grounds—
    - (a) of the quantity or, as appropriate, type of electrical and electronic equipment that he or she places on the market in the State or, as appropriate,
    - (b) that the body concerned is only catering for or will only cater for—
      - (A) a maximum pre-determined share of waste arisings from electrical and electronic equipment or, as appropriate,
      - (B) waste arising from electrical and electronic equipment from a particular geographical location or locations,
        - in the State, and
  - (ii) list of applications for membership—
    - (a) received,
    - (b) accepted, and
    - (c) rejected together with the grounds for rejection.
- (m) proposals for the certification of producers or for the purposes of regulation 31,
- (n) proposals relating to green procurement including promotion of compliance within their membership in the context of Green Public Procurement,
- (o) proposals relating to the dissemination of information to the public regarding the environmentally sound management of waste electrical and electronic equipment,
- (p) proposals detailing the nature and frequency of information (including financial accounts) to be submitted by the body concerned to the Minister or to such other person as may be specified by the Minister,
- (q) proposals relating to the dissemination of information to the public relating to waste prevention, including re-use of EEE and optimising the preparation for re-use of WEEE,
- (r) proposals for determining the level of preparation for re-use,

- (s) proposals for the promotion of waste prevention and optimising the preparation for re-use among producer membership,
- (t) such other information as may be specified in writing by the Minister for the purposes of this regulation.,
- (u) declaration that all separately collected waste electrical and electronic equipment shall be treated in accordance with the WEEELABEX normative requirements or any other equivalent EN treatment standards.

*Grant or refusal of approval*

33. (1) Subject to sub-regulation (3), the Minister may, by notice in writing, grant approval to a body corporate for the purposes of this Part, or may refuse to grant such approval.

(2) Subject to regulation 34, an approval granted by the Minister under this regulation shall be for a period not more than 5 years.

(3) An approval in accordance with the provisions of sub-regulation (1) may be subject to such conditions as the Minister may specify, including conditions relating to—

- (a) the articles of association of the body corporate,
- (b) the appropriate certificate issued by the Companies Registration Office,
- (c) corporate governance,
- (d) the representation of micro, small and medium enterprises on the board of the approved body and the composition of the board of directors,
- (e) the business plan,
- (f) a contingency reserve,
- (g) co-operation with other approved bodies and individual producers who are not eligible for the exemptions provided for in regulation 31 including the collection of waste electrical and electronic equipment from collection points together with civic amenity facilities in the appropriate functional areas of all local authorities,
- (h) any aspects of the scheme to be undertaken by the body corporate for the environmentally sound management of waste electrical and electronic equipment,
- (i) the achievement of the targets as laid down in regulation 23 for the environmentally sound management of waste electrical and electronic equipment,



- (j) the determination and verification of the effects of measures to be undertaken with regard to the environmentally sound management of waste electrical and electronic equipment,
  - (k) the rules of membership of the body corporate and the membership fee structure,
  - (l) non-discrimination against any producer on the grounds—
    - (i) of the quantity or, as appropriate, type of electrical and electronic equipment that he or she places on the market in the State or, as appropriate,
    - (ii) that the body concerned is only catering for or will only cater for—
      - (a) a maximum pre-determined share of waste arising from electrical and electronic equipment or, as appropriate,
      - (b) waste arising from electrical and electronic equipment from a particular geographical location or locations,
        - in the State,
  - (m) the certification of producers or authorised representatives for the purpose of regulation 31,
  - (n) green procurement,
  - (o) measures to be undertaken by the body concerned relating to the dissemination of information to the public regarding the environmentally sound management of waste electrical and electronic equipment,
  - (p) the nature and frequency of information (including financial accounts) to be submitted by the body concerned to the Minister or to such other person as may be specified by the Minister,
  - (q) quantities and categories of WEEE to be accessed from collection points by approved preparing for re-use of WEEE organisations
  - (r) any other matters the Minister may consider appropriate.
- (4) Without prejudice to sub-regulation (3), in the event that an approved body—
- (a) has its approval revoked in accordance with the provisions of regulation 34,
  - (b) goes into liquidation, examination or, receivership or,
  - (c) enters into a scheme of arrangement or compromise in accordance with the provisions of section 201 of the Companies Acts 1963 to 2009,

the contingency reserve provided for in sub-regulation (3)(f), shall not be used by any person or persons, including the liquidator, examiner, receiver or, administrator concerned for any purpose, including the discharge of liabilities to creditors, whether secured creditors, preferential creditors, creditors claiming under retention of title, creditors with claims supported by guarantees or indemnities, ordinary creditors or, as appropriate, subordinated creditors, other than for fulfilling the obligations of the producers participating in the approved body concerned as laid down in these Regulations.

(5) The Minister may, by notice in writing, from time to time vary any condition attached to an approval granted in accordance with the provisions of this regulation.

*Review and revocation of approval*

34. (1) Subject to sub-regulation (2), where it appears to the Minister that—

- (a) new targets for the environmentally sound management of waste electrical and electronic equipment need to be met,
- (b) it is necessary to ensure equitable distribution of producer responsibility obligations, or
- (c) for some other reason it is necessary in the interests of the environmentally sound management of waste electrical and electronic equipment,

he or she may review an approval granted in accordance with the provisions of regulation 33, or require the approved body to make a new application in accordance with the provisions of regulation 32 for a renewal of an approval.

(2) Where the Minister proposes to review an approval granted in accordance with the provisions of regulation 33, or require the making of a new application in accordance with the provisions of regulation 32, the Minister shall—

- (a) give notice in writing to the approved body of the proposal and the reasons therefore,
- (b) specify a period of not less than four weeks within which the approved body may make a submission to the Minister in relation to a review, or make a new application in accordance with the provisions of regulation 32, as the case may be, and
- (c) consider any submission, or application so made.

(3) Following the consideration of any submission or application in accordance with sub-regulation (2), the Minister may issue a revised approval, varying any condition attaching to the approval or attach any additional conditions which he or she considers appropriate, or grant a new approval in accordance with the provisions of regulation 33, as the case may be.

(4) Where an approval granted in accordance with the provisions of regulation 33 is due to expire, the approved body concerned shall—

- (a) not later than six months before the expiry of the approval, notify the Minister whether or not it intends to continue or cease operating as an approved body, and
- (b) if intending to continue to operate as an approved body, shall not later than four months before the expiry of the approval, make an application to the Minister in accordance with the provisions of regulation 32.

(5) Subject to sub- regulation (6), where it appears to the Minister that an approved body is not complying with conditions attached to such approval, or that relevant targets for the environmentally sound management of waste electrical and electronic equipment have not been or are not being met, the Minister may review or, as appropriate, revoke an approval granted in accordance regulation 33.

(6) Where the Minister proposes to revoke an approval granted in accordance with the provisions of regulation 33, the Minister shall—

- (a) give notice in writing to the approved body of the proposed decision and the reasons therefore,
- (b) specify a period of not less than four weeks within which the approved body may make a submission to the Minister in relation to the proposed decision, and
- (c) consider any submission so made.

*Use of logo adopted by an approved body*

35. No person shall, other than with the written consent of an approved body, display—

- (a) at any premises or, as appropriate,
- (b) on or in, any—
  - (i) vehicle,
  - (ii) product,
  - (iii) packaging,
  - (iv) advertisement or, as appropriate,
  - (v) notice,

any logo or other mark or symbol designed and adopted by that approved body for use by producers or, as appropriate, distributors certified by that approved body for the purposes of regulation 31.

*Notifications to local authorities and the Registration Body and provision of information to the Agency and the Central Statistics Office*

36. An approved body shall—

- (a) not later than the 7th day of each month, notify—
  - (i) each local authority of any producer or authorised representative situated within the functional area of the authority,
  - (ii) the registration body or, as appropriate, a third party acting on its behalf, and
  - (iii) the Agency

of any producer or authorised representative in respect of which a certificate for the purposes of regulation 31 has been granted or revoked within the preceding calendar month, and

- (b) furnish such information, in such form and at such frequency as may be specified by the Agency or the Central Statistics Office, in relation to activities carried out by producers or authorised representatives or recovery operators contracted by that body, for the purposes of complying with these Regulations.

## PART V

### OFFENCES & FUNCTIONS OF THE AGENCY AND LOCAL AUTHORITIES

#### *Enforcement*

37. (1) The Agency is designated as the competent authority in the State for the purposes of these Regulations and the Directive and shall determine whether these Regulations apply to an item of electrical and electronic equipment in carrying out its enforcement functions.

(2) The Agency shall cooperate with the competent authorities in other Member States and with the Commission to establish an adequate flow of information to ensure the proper implementation of the Directive.

(3) The Agency shall be responsible for the enforcement of the provisions of regulations 8, 9, 10, 11, 12, 13, 14(8), 16, 18(1), 18(2) 19, 23, 24, 25, 26, 27, 28, 29, 31, 35, 36, and 43 of these Regulations within the State and shall take such steps as are necessary for this purpose.

(4) Each local authority shall be responsible for the enforcement of the provisions of regulations 17, 30, 40 and 41 of these Regulations within their functional areas and shall take such steps as are necessary for this purpose.

(5) The Agency or, as appropriate, the relevant local authority, shall be responsible for the enforcement of the provisions of regulations 14(1), 14(3),

14(4), 14(5), 14(6), 14(9), 15, 20, 21, 22 and 42 within the State and shall take such steps as are necessary for this purpose.

(6) In carrying out its functions under these Regulations, the Agency or a local authority shall have the power to do any of the following:

- (a) require the producer or authorised representative or distributor concerned, by the service of a notice in writing, to furnish in writing to the Agency or a local authority, as the case may be, for the purpose of determining compliance with these Regulations, within such period (being not less than 14 days after the date of the service of the notice) and, if appropriate, thereafter at such frequency as may be specified in the notice, such records and documents including, but not exclusively, invoices, credit notes, dispatch or, as appropriate, delivery dockets as may be so specified;
- (b) direct a producer or authorised representative concerned, by the service of a notice in writing, to cease placing electrical and electronic equipment on the market in the State, within such period (being not less than 14 days after the date of the service of the notice), where the producer or authorised representative concerned is not in possession of a valid Certificate of Registration in accordance with Regulation 12;
- (c) direct a distributor, by the service of a notice in writing, to cease distributing electrical and electronic equipment, within such period (being not less than 14 days after the date of the service of the notice), where the electrical and electronic equipment has been supplied to the distributor concerned by a producer or authorised representative who is not in possession of a valid Certificate of Registration in accordance with Regulation 12;
- (d) serve a notice in writing on any person for any purpose relating to his or her obligations under these Regulations.

(7) Information obtained under sub-regulation 5 by—

- (a) a local authority, or any summary or compilation of, or any report based on, such information may, and shall if the Minister or the Agency so requests, be furnished to the Minister or the Agency or,
- (b) the Agency, or any summary or compilation of, or any report based on, such information may, and shall if the Minister or an appropriate local authority so requests, be furnished to the Minister or the appropriate local authority,

as the case may be.

(8) Any notice required to be served or given by or under these Regulations shall be addressed to the person concerned and served or given in one of the following ways—

- (a) by addressing it to the person by name and delivering it to him or her,
- (b) by leaving it at the address at which the person ordinarily resides,
- (c) by sending it by post in a prepaid registered letter addressed to the person at the address at which he or she ordinarily resides,
- (d) if an address for the service of notices has been furnished by the person, by leaving it at, or sending it by prepaid registered post addressed to him or her to, that address, or
- (e) where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and notice is required to be served on, or given to, him or her in respect of any premises, by delivering it to a person over the age of 16 years of age resident in or employed on the premises, or by affixing it in a conspicuous position on or near the premises.

(9) Where the name of the person concerned cannot be ascertained by reasonable inquiry, a notice under these Regulations may be addressed to “the occupier”, “the owner” or “the person in charge”, as the case may be.

(10) For the purposes of this Regulation, a company registered under the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(11) A person shall not at any time during the period of 3 months after a notice is affixed under paragraph (8)(e) remove, damage or deface the notice without lawful authority.

*Powers of an authorised person*

38. (1) An authorised person may, for any purpose connected with these Regulations

- (a) at all reasonable times, or at any time if he or she has reasonable grounds for believing that there may be a risk of environmental pollution arising from the carrying on of an activity at the premises or that such pollution is occurring, enter any premises and bring thereon such other persons (including members of the Garda Síochána) or equipment as he or she may consider necessary for the purpose, and
- (b) at any time halt (if necessary) and board any vehicle and have it taken, or require the driver of the vehicle to take it, to a place designated by the authorised person, and such a vehicle may be detained at that place by the authorised person, for such period as he or she may consider necessary for the purpose.

(2) Subject to sub-regulation (7), an authorised person shall not, other than with the consent of the occupier, enter into a private dwelling under this Regulation unless he or she has given to the occupier of the dwelling not less than 24 hours’ notice in writing of his or her intended entry.

(3) Every authorised person when exercising any power conferred on him or her by or under these Regulations, shall, if requested by any person affected, produce the certificate furnished to him or her under section 14(3) of the Act of 1996.

(4) Whenever an authorised person enters any premises or boards any vehicle, pursuant to this Regulation, the authorised person may therein, as appropriate—

- (a) make such plans, take such photographs, record such information on data loggers, make such tape, electrical, video or other recordings and carry out such inspections,
  - (b) make such copies of documents and records (including records in electronic form) found therein and take such samples,
  - (c) carry out such surveys, take such levels, make such excavations and carry out such examinations of depth and nature of subsoil,
  - (d) require that the premises or vehicle or any part of the premises or anything in the premises or vehicle shall be left undisturbed for such period,
  - (e) require from an occupier of the premises or any occupant of the vehicle or any person employed on the premises or any other person on the premises, such information,
  - (f) require the production of and inspect such records and documents, (including records held in electronic form) and take copies of or extracts from, or take away if considered necessary for the purposes of inspection or examination, any such records or documents,
  - (g) as the authorised person, having regard to all the circumstances, considers necessary for the purposes of exercising any power conferred on him or her, by or under these Regulations
- (5) (a) An authorised person who, having entered any premises or boarded any vehicle, pursuant to this Regulation, considers that waste thereon or therein is such, or is being handled or transported in such manner, as to constitute a risk of environmental pollution, may direct the holder of such waste to take such measures as are considered by that authorised person to be necessary to remove that risk, including, the disposal of the waste, in such manner and place and within such period as the authorised person may specify.
- (b) If a holder of waste fails to comply with a direction of an authorised person under this paragraph, the authorised person may do all things as are necessary to ensure that the direction is carried out and the costs incurred by him or her in doing any such thing shall be recoverable from the holder of the waste by him or her, or the person by

whom he or she was appointed, as a simple contract debt in any court of competent jurisdiction.

(6) Any person who—

- (a) refuses to allow an authorised person to enter any premises or board any vehicle or to take any person or equipment with him or her in the exercise of his or her powers under these Regulations,
- (b) obstructs or impedes an authorised person in the exercise of his or her powers under these Regulations,
- (c) gives either to an authorised person, a relevant local authority or the Agency, information which to his or her knowledge is false or misleading in a material respect, or
- (d) fails or refuses to comply with any requirement of this Regulation or of an authorised person,

shall be guilty of an offence.

(7) (a) Where an authorised person in the exercise of his or her powers under this regulation is prevented from entering any premises or if an authorised person has reason to believe that evidence related to a suspected offence under these Regulations may be present in any premises and that the evidence may be removed therefrom or destroyed, the authorised person or the person by whom he or she was appointed may apply to a judge of the District Court for a warrant under this paragraph authorising the entry by the authorised person into the premises.

(b) If on application being made to him or her under this paragraph, a Judge of the District Court is satisfied, on the sworn information of the applicant, that the authorised person concerned has been prevented from entering a premises as aforesaid or that the authorised person has reasonable grounds for believing the other matters aforesaid, the judge may issue a warrant under his or her hand authorising that person, accompanied, if the judge deems it appropriate so to provide, by such number of members of the Garda Síochána as may be specified in the warrant, at any time or times within one month from the date of the issue of the warrant, on production if so requested of the warrant, to enter, if need be by force, the premises concerned and exercise the powers referred to in sub-regulation (4) or (5).

(8) An authorised person may, in the exercise of any power conferred on him or her by these Regulations involving the bringing of any vehicle to any place, or where he or she anticipates any obstruction in the exercise of any other power conferred on him or her by or under this regulation, request a member of the Garda Síochána to assist him or her in the exercise of such a power.



(9) An authorised person may enter on land for the purpose of assessing the suitability of the land for waste disposal; such an entry shall be subject to the relevant provisions of section 252 (other than subsection (7)) of the Planning and Development Act 2000 (No. 30 of 2000) as if it were an entry made under that section.

*Offences*

39. (1) A prosecution for a summary offence on account of contravention or failure to comply with regulations of these Regulations may be taken by the Prosecutor.

(2) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence on account of contravention or failure to comply with regulations of these Regulations may be commenced—

- (a) at any time within 24 months from the date on which the offence was committed, or
- (b) at any time within 24 months from the date on which evidence sufficient, in the opinion of the person by whom the proceedings are initiated, to justify the proceedings, comes to such person's knowledge,

whichever is the later: provided that no such proceedings shall be initiated later than 2 years from the date on which the offence concerned was committed.

(3) Without prejudice to sub- regulation (2), a certificate signed by or on behalf of the person initiating the proceedings for an offence on account of contravention or failure to comply with regulations of these Regulations as to the date on which evidence relating to the offence came to his or her knowledge shall be prima facie evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purposes of this paragraph and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate, unless the contrary is shown.

(4) Any person who—

- (a) contravenes or fails to comply with a provision, or provisions, of these Regulations, or
- (b) provides information which is false or to his or her knowledge misleading in a material way, or
- (c) obstructs or interferes with an authorised person in the exercise of a power conferred by these Regulations

shall be guilty of an offence.

(5) Where an offence under these Regulations is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been facilitated by any neglect on the part of a person, being a director, manager, secretary or other officer of that body, or a person who was purporting to act in any such capacity, that person shall also be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(6) A person guilty of an offence under—

(a) regulation 10, 13, 15, 29, or 30 of these Regulations is liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both.

(b) any other regulation of these Regulations is liable

(i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(ii) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years, or both.

(7) Where a court imposes a fine or affirms or varies a fine imposed by another court for an offence under a regulation of these Regulations, prosecuted by the Prosecutor, it shall, on the application of the Prosecutor (made before the time of such imposition, affirmation or variation), provide by order for the payment of the amount of the fine to the Agency or local authority concerned.

(8) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Prosecutor, the costs and expenses, measured by the court, incurred by the Agency or the local authority concerned in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of directors, employees, consultants and advisers engaged by the Agency or, as appropriate, the appropriate local authority.

#### *Registration of Distributors*

40. (1) Each local authority shall cause to be established and maintained a register (hereafter in this Part referred to as ‘the register’) of distributors within its functional area, who transport or, as appropriate, store waste electrical and electronic equipment that has been accepted in accordance with the provisions of regulation 14.

(2) Each local authority shall be required to provide for the maintenance of the register, and the inspection of each premises registered therein.

(3) Each local authority shall issue certificates of WEEE Retailer Registration to distributors within its functional area who register each premises from

which he or she, distributes electrical and electronic equipment or, as appropriate, uses for the storage of electrical and electronic equipment prior to its distribution.

(4) A distributor shall, in respect of each premises from which he or she, distributes electrical and electronic equipment or, as appropriate, uses for the storage of electrical and electronic equipment prior to its distribution—

- (a) apply for registration, not later than the date of commencement of business, and
- (b) apply for renewal of such registration, not later than 31 January in each year following initial registration, subject only that a distributor or, as appropriate, a producer or authorised representative shall not be required to make such application within six months of initial registration, to the local authority in the functional area in which each premises at which he or she stores waste electrical and electronic equipment, accepted for return by him or her in accordance with the provisions of regulation 14(1)(b)(i), is situated.
- (c) display the certificate of WEEE Retailer Registration in each premises from which he or she, distributes electrical and electronic equipment or, as appropriate, uses for the storage of electrical and electronic equipment prior to its distribution.

(5) An application for registration, or renewal of registration, in accordance with the provisions of sub-regulation (4) shall be made in writing, shall contain at least the information set out in Schedule 14 and shall be accompanied by a—

- (a) declaration from the applicant that transport and storage of waste electrical and electronic equipment shall be in accordance with the—
  - (i) technical requirements as set out in Schedule 8, Part 1,
  - (ii) provisions of—
    - (a) sections 34(1) and 39(1) of the Act of 1996 or, as appropriate,
    - (b) regulations 41 and 42, and

(b) fee of €200.

(6) The Minister may from time to time review and make an order, amending sub-regulation (5) by substituting for the amount standing specified in that sub-regulation for the time being a greater amount.

(7) Without prejudice to sub-regulation (1), an association or body corporate representing distributors or an approved body established in accordance with the provisions of Part IV of these Regulations shall, subject to sub-regulation (8) maintain a register for the purposes of this regulation.

(8) An approval in accordance with the provisions of sub- regulation (7) shall be subject to such conditions as the Minister may specify, including but not exclusively—

- (a) the period of approval,
- (b) variance in the terms and conditions of approval,
- (c) revocation of approval, and
- (d) the nature of information to be recorded and maintained by the body concerned.

(9) The Minister may, by notice in writing, from time to time vary any condition attached to an approval granted in accordance with the provisions of this regulation.

(10) Any association or body corporate representing distributors or approved body established in accordance with the provisions of Part IV of these Regulations that is approved in accordance with the provisions of sub- regulation (8)—

- (a) will be responsible for the effective carrying out of its functions, including issuing certificates of WEEE Retailer Registration to distributors who register each premises from which he or she, distributes electrical and electronic equipment or, as appropriate, uses for the storage of electrical and electronic equipment prior to its distribution,
- (b) shall ensure that its financial costs are borne from its own resources.

(11) Subject to sub- regulation (12), where it appears to the Minister that an association or body corporate representing distributors or an approved body established in accordance with the provisions of Part IV of these Regulations that is approved in accordance with the provisions of sub- regulation (8) is not complying with conditions attached to such approval, he or she may revoke the approval.

(12) Where the Minister proposes to revoke an approval granted in accordance with the provisions of sub- regulation (8), the Minister shall—

- (a) give notice in writing to the association or body corporate or the approved body established in accordance with the provisions of Part IV of these Regulations concerned of the proposed decision and the reasons therefore,
- (b) specify a period of not less than four weeks within which the association or body corporate or the approved body established in accordance with the provisions of Part IV of these Regulations concerned may make a submission to the Minister in relation to the proposed decision, and

(c) consider any submission so made.

(13) Once an approval in accordance with the provisions of sub-regulation (8)—

(a) is revoked by the Minister, or

(b) expires,

the association or body corporate or approved body established in accordance with the provisions of Part IV of these Regulations concerned shall immediately transfer to each appropriate local authority, all records, documentation and data in written and in electronic form, relating to the register provided for in sub-regulation (7), including the requisite software and programmes.

(14) A distributor shall fulfil the obligation in sub-regulation (4) if he or she applies, to an association or body corporate representing distributors or an approved body established in accordance with the provisions of Part IV of these Regulations that is approved in accordance with the provisions of sub-regulation (8), for the registration of each premises from which he or she, distributes electrical and electronic equipment or, as appropriate, uses for the storage of electrical and electronic equipment prior to their distribution.

(15) Any distributor who registers each premises from which he or she, distributes electrical and electronic equipment or, as appropriate, uses for the storage of electrical and electronic equipment prior to their distribution in accordance with the provisions of sub-regulation (14) shall be deemed to have fulfilled the obligations provided for in sub-regulations (4) and (5).

(16) Without prejudice to sub-regulations (4) and (5), where a third party premises is used for the storage of electrical and electronic equipment prior to distribution and the storage of waste electrical and electronic equipment taken back, the distributor registration applies only to the distributor concerned and not to the third party.

## PART VI

### MISCELLANEOUS

#### *Non-application of section 34(1)(a) of the Act*

41. (1) Without prejudice to regulation 14(1)(b), section 34(1)(a) of the Act of 1996 shall not apply in respect of the transport of waste electrical and electronic equipment undertaken by a—

(a) distributor, registered in accordance with the provisions of regulation 40—

(i) taking back waste electrical and electronic equipment from private households or, as appropriate,

- (ii) depositing waste electrical and electronic equipment from private households at a collection point,

that is managed in accordance with the provisions of regulation 15, or

- (b) person or persons, acting on behalf of a body, which has been granted charitable recognition by the Revenue Commissioners, and issued with a Charity (CHY) Number provided that the activity is confined to the transport of waste electrical and electronic equipment other than waste electrical and electronic equipment listed in category 5 of Schedule 1 without prejudice to regulation 4(1)(b) of these Regulations

provided that the waste electrical and electronic equipment is transported in or on a vehicle registered in accordance with the provisions of section 131 of the Finance Act 1992 (No. 9 of 1992), other than a vehicle designed for the carriage of a skip or other demountable container.

- (2) the exemptions provided for in sub- regulation (1) shall not apply—
  - (a) to contaminated waste electrical and electronic equipment that presents a health and safety risk,
  - (b) unless transport of the waste electrical and electronic equipment is to an authorised facility where it will be managed in accordance with the technical requirements as set out in Schedule 8,
  - (c) unless the waste electrical and electronic equipment will be prepared for re-use or eventually treated at an authorised facility in accordance with the technical requirements as set out in Schedule 9.
  - (d) to the collection and transport of waste electrical and electronic equipment where-
    - (i) such transport is not incidental to the main business activity of the person concerned, and or
    - (ii) the quantity of waste electrical and electronic equipment transported by the person concerned exceeds 2 tonnes.

*Non-application of section 39(1) of the Act*

42. (1) Without prejudice to regulation 14(1)(b), section 39(1) of the Act of 1996 shall not apply in respect of the temporary storage of waste electrical and electronic equipment at a place—

- (a) where electrical and electronic equipment is distributed, or a facility used by a distributor for the storage of electrical and electronic equipment prior to its distribution, and where the quantities of waste electrical and electronic equipment being stored at any one time does not exceed—

- (i) 45 cubic metres of household waste electrical and electronic equipment, other than waste specified in paragraphs (ii) and (iii),
- (ii) 1,000 units of waste electrical and electronic equipment listed in category 5 of Schedule 1 without prejudice to regulation 4(1)(b) of these Regulations or,
- (iii) 25 kgs of mobile phones.

provided it is managed in accordance with the provisions of regulation 15, and that such a place is registered and inspected in accordance with the provisions of regulation 40, or

- (b) owned or occupied by a body, which has been granted charitable recognition by the Revenue Commissioners, and issued with a Charity (CHY) Number and where the quantities being stored at any one time does not exceed—

- (i) 90 cubic metres of household waste electrical and electronic equipment other than waste electrical and electronic equipment listed in category 5 of Schedule 1 without prejudice to regulation 4(1)(b) of these Regulations and waste specified in paragraph (ii),
- (ii) 50 kgs of mobile phones,

(2) The exemptions provided for in sub-regulation (1) shall not apply—

- (a) to contaminated waste electrical and electronic equipment that presents a health and safety risk,
- (b) unless storage of the waste electrical and electronic equipment is in accordance with the technical requirements as set out in Schedule 8,
- (c) unless the waste electrical and electronic equipment will be prepared for re-use or eventually treated at an authorised facility in accordance with the technical requirements as set out in Schedule 9.

(3) Waste electrical and electronic equipment from private households, deposited by final users or taken back by distributors in accordance with the provisions of regulation 14(1)(b)(i) through deliveries by commercial vehicles, may be accepted and stored at a collection point pending onward transport to an authorised facility, or a temporary facility established with the approval of, or designated by, the appropriate local authority, to which members of the public have access for the deposit of waste electrical and electronic equipment from private households, where—

- (a) the quantities of waste electrical and electronic equipment being stored at any one time do not exceed—

- (i) 540 cubic metres of waste electrical and electronic equipment from private households, other than waste specified in paragraphs (ii) and (iii).
  - (ii) 12,000 units of waste electrical and electronic equipment listed in Category 5 of Schedule 1 without prejudice to regulation 4(1)(b) of these Regulations or, as appropriate,
  - (iii) 300 kgs of mobile phones, and
- (b) the waste electrical and electronic equipment shall be stored for a period not exceeding 30 days.
- (4) Sub-regulation 3 shall only apply where—
- (a) the restrictions imposed on the sources, maximum quantities and duration of storage of waste electrical and electronic equipment from private households are not exceeded at any time, and a—
    - (i) licensed or, as appropriate, authorised facility has notified the Agency or, as appropriate, the relevant local authority of its intentions to accept waste electrical and electronic equipment from private households that will be deposited by final users or taken back by distributors in accordance with the provisions of regulation 14(1)(b)(i) through deliveries by commercial vehicles and has received written approval from the Agency or, as appropriate, the relevant local authority to this request, or
    - (ii) registration certificate has been granted under sub- regulation 5 by the Agency or, as appropriate, the relevant local authority in relation to the reception of waste electrical and electronic equipment from private households that will be deposited by final users or taken back by distributors in accordance with the provisions of regulation 14(1)(b)(i) through deliveries by commercial vehicles at the facility, and
  - (b) the activity is being carried on in accordance with the technical requirements specified in Schedule 8 and the rules specified in—
    - (i) Part I of the Fourth Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821 of 2007) as amended by the Waste Management (Facility Permit and Registration) (Amendment) Regulations 2008 (S.I. No 86 of 2008) subject to any amendment that may be made to those regulations from time to time, and
    - (ii) Schedule 15 of these Regulations
- and complies with the general requirements laid down in Article 10 of Directive 2008/98/EC.



- (5) (a) A person may accept and store waste electrical and electronic equipment from private households, deposited by final users or taken back by distributors in accordance with the provisions of regulation 14(1)(b)(i), at a collection point through deliveries by commercial vehicles pending onward transport to an authorised facility, where a registration certificate has been granted in lieu of a waste permit in relation to the carrying on of the said activity at that facility.
- (b) The Agency or, as appropriate, a local authority may, on application being made to it in accordance with these Regulations, grant a registration certificate (with or without conditions) or refuse to grant such a certificate, in relation to the carrying on at a facility of the said activity.
- (c) An application for a registration certificate shall be made—
- (i) in the case of an activity carried on by, or on behalf of, a local authority, to the Agency,
  - (ii) in the case of an activity carried on by a person other than a local authority, to a local authority in whose functional area the relevant facility is located.
- (d) An application for a registration certificate must be made in writing and shall contain the information specified in Schedule 16, where appropriate.
- (e) A fee of €300 shall accompany an application for a registration certificate.
- (f) A local authority or, as appropriate, the Agency shall decide on an application for a registration certificate within four weeks from the date of submission of a valid application.
- (g) Notwithstanding paragraph (f), where an applicant demonstrates that he or she has applied for a registration certificate to the Agency or, as appropriate, the relevant local authority in respect of a collection point prior to 13 February 2006, such a collection point shall, in the period before a registration certificate is granted or refused, be deemed to be registered in accordance with the terms of paragraph (a).

*Product Design*

43. (1) Each producer shall—

- (a) be prohibited from preventing waste electrical and electronic equipment from being prepared for re-use through specific design features or manufacturing processes, unless such specific design features or manufacturing processes present overriding advantages with sustainable environmental practices or, as appropriate, health and safety requirements, and

- (b) ensure that eco-design requirements facilitating the preparation for re-use and treatment of WEEE established in the framework of Directive 2009/125/EC are applied,
- (c) ensure that the design and production of electrical and electronic equipment, takes into account and facilitates the dismantling and recovery, in particular the re-use and recycling of waste electrical and electronic equipment, together with all the components and materials contained therein.

(2) Without prejudice to sub-regulation (1), the Minister from time to time may issue guidance concerning the design of and production of electrical and electronic equipment.

*Preparation for re-use of waste electrical and electronic equipment*

44. Where appropriate each final user, distributor, local authority, approved body, producer or authorised representative and authorised facility in possession of waste electrical and electronic equipment shall give priority to preparing for re-use of WEEE and its components, sub- assemblies and consumables.

*Commencement*

45. These Regulations shall come into operation on the day after the date on which notice of their making is published in *Iris Oifigiúil*.

*Revocation*

46. (1) The European Communities (Waste Electrical and Electronic Equipment) Regulations 2011 (S.I. No. 355 of 2011) as amended by the European Communities (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2011 (S.I. No. 397 of 2011) and the European Union (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2013 (S.I. No. 32 of 2013) are revoked with effect from the date specified in regulation 45.

(2) This does not affect liability under the European Communities (Waste Electrical and Electronic Equipment) Regulations 2011 (S.I. No. 355 of 2011) as amended by the European Communities (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2011 (S.I. No. 397 of 2011) and the European Union (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2013 (S.I. No. 32 of 2013) for any offences committed before the date specified in regulation 45.

(3) References to the European Communities (Waste Electrical and Electronic Equipment) Regulations 2011 (S.I. No. 355 of 2011) as amended by the European Communities (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2011 (S.I. No. 397 of 2011) and the European Union (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2013 (S.I. No. 32 of 2013) in any Act or instrument made under such Act shall be construed as references to these Regulations

SCHEDULE 1

CATEGORIES OF ELECTRICAL AND ELECTRONIC EQUIPMENT  
COVERED BY THESE REGULATIONS DURING THE  
TRANSITIONAL PERIOD

1. Large household appliances
2. Small household appliances
3. IT and telecommunications equipment
4. Consumer equipment and photovoltaic panels
5. Lighting equipment
6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
7. Toys, leisure and sports equipment
8. Medical devices (with the exception of all implanted and infected products)
9. Monitoring and control instruments
10. Automatic dispensers

## SCHEDULE 2

INDICATIVE LIST OF ELECTRICAL AND ELECTRONIC  
EQUIPMENT WHICH FALLS UNDER THE CATEGORIES SET OUT IN  
SCHEDULE 1

## 1. Large household appliances

Large cooling appliances,  
Refrigerators,  
Freezers,  
Other large appliances used for refrigeration, conservation and storage of food,  
Washing machines,  
Clothes dryers,  
Dish washing machines,  
Cooking Equipment,  
Electric stoves,  
Electric hot plates,  
Microwaves,  
Other large appliances used for cooking and other processing of food,  
Electric heating appliances,  
Electric radiators,  
Other large appliances for heating rooms, beds, seating furniture,  
Electric fans,  
Air conditioner appliances,  
Other fanning, exhaust ventilation and conditioning equipment.

## 2. Small household appliances

Vacuum cleaners,  
Carpet sweepers,  
Other appliances for cleaning,  
Appliances used for sewing, knitting, weaving and other processing for textiles,  
Irons and other appliances for ironing, mangling and other care of clothing,  
Toasters,  
Fryers,  
Grinders, coffee machines, other small appliances used for cooking and other processing of food and equipment for opening or sealing containers or packages,  
Electric knives,  
Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances,  
Clocks, watches and equipment for the purpose of measuring, indicating or registering time,  
Scales.

## 3. IT and telecommunications equipment

Centralised data processing:

Mainframes,

Minicomputers,

Printer units,

Personal computing:

Personal computers (CPU, mouse, screen and keyboard included),

Laptop computers (CPU, mouse, screen and keyboard included),

Notebook computers,

Notepad computers,

Printers,

Copying equipment,

Electrical and electronic typewriters,

Pocket and desk calculators and other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means,

User terminals and systems,

Facsimile machine,

Telex,

Telephones,

Pay telephones,

Cordless telephones,

Cellular telephones,

Answering systems and other products or equipment of transmitting sound, images or other information by telecommunications.

#### 4. Consumer equipment and Photovoltaic panels

Radio sets,

Television sets,

Video cameras,

Video recorders,

Hi-fi recorders,

Audio amplifiers,

Musical instruments and other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications,

Photovoltaic panels.

#### 5. Lighting equipment

Luminaires for fluorescent lamps with the exception of luminaires in households,

Straight fluorescent lamps,

Compact fluorescent lamps,

High intensity discharge lamps, including pressure sodium lamps and metal halide lamps,

Low pressure sodium lamps,

Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs.

6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
  - Drills,
  - Saws,
  - Sewing machines,
  - Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials,
  - Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses,
  - Tools for welding, soldering or similar uses,
  - Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means,
  - Tools for mowing or other gardening activities.
7. Toys, leisure and sports equipment
  - Electric trains or car racing sets,
  - Hand-held video game consoles,
  - Video games,
  - Computers for biking, diving, running, rowing, etc.,
  - Sports equipment with electric or electronic components,
  - Coin slot machines.
8. Medical devices (with the exception of all implanted and infected products)
  - Radiotherapy equipment,
  - Cardiology equipment,
  - Dialysis equipment,
  - Pulmonary ventilators,
  - Nuclear medicine equipment,
  - Laboratory equipment for in-vitro diagnosis,
  - Analysers,
  - Freezers,
  - Fertilization tests,
  - Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability.
9. Monitoring and control instruments
  - Smoke detector,
  - Heating regulators,
  - Thermostats,
  - Measuring, weighing or adjusting appliances for household or as laboratory equipment,
  - Other monitoring and control instruments used in industrial installations (e.g.in control panels).
10. Automatic dispensers

Automatic dispensers for hot drinks,  
Automatic dispensers for hot or cold bottles or cans,  
Automatic dispensers for solid products,  
Automatic dispensers for money,  
All appliances which deliver automatically all kinds of products.

## SCHEDULE 3

CATEGORIES OF ELECTRICAL AND ELECTRONIC EQUIPMENT  
COVERED BY THESE REGULATIONS FROM 15 AUGUST 2018

1. Temperature exchange equipment
2. Screens, monitors and equipment containing screens having a surface greater than 100 cm<sup>2</sup>
3. Lamps
4. Large equipment (any external dimension more than 50cm) including, but not limited to:
  - Household appliances,
  - IT and telecommunication equipment,
  - Consumer equipment,
  - Luminaires,
  - Equipment reproducing sound or images,
  - Musical equipment,
  - Electrical and electronic tools,
  - Leisure and sports equipment,
  - Medical devices,
  - Monitoring and control instruments,
  - Automatic dispensers,
  - Equipment for the generation of electric currents.This category does not include equipment included in categories 1 to 3.
5. Small equipment (no external dimension more than 50 cm) including, but not limited to:
  - Household appliances,
  - Consumer equipment,
  - Luminaires,
  - Equipment reproducing sound or images,
  - Musical equipment,
  - Electrical and electronic tools,
  - Toys, leisure and sports equipment,
  - Medical devices,
  - Monitoring and control instruments,
  - Automatic dispensers,
  - Equipment for the generation of electric currents.This category does not include equipment included in categories 1 to 3 and 6.
6. Small IT and telecommunication equipment (no external dimension more than 50 cm).



## SCHEDULE 4

INDICATIVE LIST OF ELECTRIC AND ELECTRONIC EQUIPMENT  
WHICH FALLS UNDER THE CATEGORIES SET OUT IN  
SCHEDULE 3

## 1. Temperature exchange equipment

Refrigerators,  
Freezers, Equipment which automatically delivers cold products,  
Air conditioning equipment,  
Dehumidifying equipment,  
Heat pumps,  
Radiators containing oil and other temperature exchange equipment using fluids other than water for the temperature exchange.

2. Screens, monitors and equipment containing screens having a surface greater than 100 cm<sup>2</sup>

Screens,  
Televisions,  
LCD photo frames,  
Monitors,  
Laptops,  
Notebooks.

## 3. Lamps

Straight fluorescent lamps,  
Compact fluorescent lamps,  
Fluorescent lamps,  
High intensity discharge lamps- including pressure sodium lamps and metal halide lamps,  
Low pressure sodium lamps,  
LED.

## 4. Large equipment

Washing machines,  
Clothes dryers,  
Dish washing machines,  
Cookers,  
Electric stoves,  
Electric hot plates,  
Luminaires,  
Equipment reproducing sound or images,  
Musical equipment (excluding pipe organs installed in churches),  
Appliances for knitting and weaving,  
Large computer-mainframes,  
Large printing machines,  
Copying equipment,

Large coin slot machines,  
Large medical devices,  
Large monitoring and control instruments,  
Large appliances which automatically deliver products and money,  
Photovoltaic panels.

#### 5. Small equipment

Vacuum cleaners,  
Carpet sweepers,  
Appliances for sewing,  
Luminaires,  
Microwaves,  
Ventilation equipment,  
Irons,  
Toasters,  
Electric kettles,  
Clocks and watches,  
Electric shavers,  
Scales,  
Appliances for hair and body care,  
Calculators,  
Radio sets,  
Video cameras,  
Video recorders, Hi-fi equipment,  
Musical instruments,  
Equipment reproducing sound or images,  
Electrical and electronic toys,  
Sports equipment,  
Computers for biking, diving, running, rowing, etc.  
Smoke detectors,  
Heating regulators,  
Thermostats,  
Small electrical and electronic tools,  
Small medical devices,  
Small Monitoring and control instruments,  
Small appliances which automatically deliver products,  
Small equipment with integrated photovoltaic panels.

#### 6. Small IT and telecommunication equipment (no external dimension more than 50 cm)

Mobile phones,  
GPS,  
Pocket calculators,  
Routers  
Personal computers,  
Printers,  
Telephones.

## SCHEDULE 5

INFORMATION TO BE COMPILED AND PROVIDED WHEN  
APPLYING FOR REGISTRATION AND INFORMATION REQUIRED  
FOR REPORTING IN ACCORDANCE WITH REGULATION 11

## Part 1 Information to be provided for the purpose of registration.

1. Name and address of the producer or authorised representative (postal code and location, street name and number, country, telephone and fax number, e-mail and contact person). In the case of an authorised representative, the contact details of the producer that is represented must also be supplied.
2. National identification code of the producer, including European tax number or national tax number of the producer.
3. Category of EEE set out in Schedule 1 or 3 as appropriate.
4. Type of EEE (household or other than household equipment).
5. Brand name of EEE.
6. Information on how the producer meets its responsibilities: individual or collective scheme, including information on financial guarantee.
7. Selling technique used (e.g. distance selling).
8. Declaration stating that the information provided is true.

## Part 2 Information to be submitted for reporting

1. National identification code of the producer.
2. Reporting period.
3. Category of EEE set out in Schedule 1 or 3, as appropriate.
4. Quantity of EEE placed on the national market, by weight.
5. Quantity, by weight of EEE separately collected, recycled (including prepared for re-use), recovered and disposed of within the State or shipped within or outside the Union.

Note: information set out in points 4 and 5 must be given by category.

## SCHEDULE 6

REQUIREMENTS REGARDING NOTICES IN ACCORDANCE WITH  
REGULATIONS 14, 25 AND 30

Part 1 Requirements regarding a notice in accordance with the provisions of regulation 14(6).

A notice for the purpose of regulation 14(6) shall—

- (a) be not less in dimension than 42 centimetres in height and 29.7 centimetres in width or 29.7 centimetres in height and 42 centimetres in width,
- (b) be so printed in black indelible ink with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a yellow background and affixed, on a durable material, so as to be easily visible and legible,
- (c) not be obscured or concealed at any time, and
- (c) state the following—

“WASTE MANAGEMENT ACT 1996

[Name of distributor] participates in a scheme operated by [Name of undertaking approved by local authority] which has been approved by [Name of local authority] for the collection of waste electrical and electronic equipment. [Name of undertaking approved by local authority] accepts waste electrical and electronic equipment at [address of premises accepting waste electrical and electronic equipment]. [Name of distributor] is therefore not required to accept waste electrical and electronic equipment on these premises. ”

Part 2 Requirements regarding a notice in accordance with the provisions of regulation 30(3).

A notice for the purpose of regulation 30(3) shall—

- (a) be not less in dimension than 29.7 centimetres in height and 21 centimetres in width or 21 centimetres in height and 29.7 centimetres in width,
- (b) be so printed in bold type in black indelible ink with a times new roman font size of at least 24 or equivalent and line space of at least 1.25 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,
- (c) not be obscured or concealed at any time, and
- (d) bear the following wording—

## “FREE RECYCLING

## WASTE MANAGEMENT ACT 1996

Waste Electrical and Electronic Equipment (WEEE) is taken back free of charge in this store on a one-for-one, like-for-like basis.

Each local authority must also accept household WEEE free of charge at its recycling facilities.

All WEEE must be recycled and should not be placed in any of your household wheelie bins.

Make sure you always recycle all your old electrical goods.”

Part 3 Requirements regarding a notice in accordance with the provisions of regulation 25(1).

A notice for the purpose of regulation 25(1) shall—

- (a) be not less in dimension than 42 centimetres in height and 29.7 centimetres in width or 29.7 centimetres in height and 42 centimetres in width,
- (b) be so printed in black indelible ink with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,
- (c) not be obscured or concealed at any time, and
- (d) state the following—

## “WASTE MANAGEMENT ACT 1996

As a self-complying producer of EEE, we undertake to finance the management of WEEE arising unless an alternative arrangement has been agreed at the time of purchase. For more information on the provisions made for the management of WEEE, please contact our offices. If your old equipment was bought prior to 2005 and you are replacing the equipment with new equipment supplied by us, we will take back your old equipment free of charge and dispose of it in an environmentally sound manner. ”

- (e) be affixed until the preparation of a subsequent report in accordance with the provisions of regulation 25(3).

Part 4 Requirements regarding a notice in accordance with the provisions of regulation 25(3).

A notice for the purpose of regulation 25(3) shall—

- (a) be not less in dimension than 42 centimetres in height and 29.7 centimetres in width or 29.7 centimetres in height and 42 centimetres in width,
- (b) be so printed in black indelible ink with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,
- (c) not be obscured or concealed at any time, and
- (d) state the following—

“WASTE MANAGEMENT ACT 1996

A report specifying the steps taken by [name of producer] for the purpose of recovering waste electrical and electronic equipment is available at these premises and, if so requested, will be sent by post, fax or electronic mail. ”

Part 5 Requirements regarding a notice in accordance with the provisions of regulation 30(4).

A notice for the purpose of regulation 30(4) shall—

- (a) be not less in dimension than 29.7 centimetres in height and 21 centimetres in width or 21 centimetres in height and 29.7 centimetres in width,
- (b) be so printed in bold type black indelible ink with a times new roman font size of at least 20 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,
- (c) not be obscured or concealed at any time, and
- (d) bear the following wording—

“FREE RECYCLING

WASTE MANAGEMENT ACT 1996

Waste Electrical and Electronic Equipment (WEEE) is taken back free of charge in this store on a one-for-one, like-for-like basis. Waste batteries including rechargeable batteries are taken back free of charge in this store. You are not obliged to make any purchase when returning old batteries here. Each local authority must also accept household WEEE and small batteries free of charge at its recycling facilities. All WEEE and waste batteries must be recycled and should not be placed in any of your household wheelie bins. Make sure you always recycle all your old electrical goods and batteries.”

## SCHEDULE 7

CALCULATION OF THE AMOUNT EQUAL TO INTEREST  
COMPOUNDED ON A DAILY BASIS IN ACCORDANCE WITH  
REGULATION 16

The full costs of the environmentally sound management of waste electrical and electronic equipment shall be calculated,

(a) where the EURIBOR is recorded as a numeral,

C = Current substantiated costs of the environmentally sound management of waste electrical and electronic equipment on date electrical and electronic equipment is placed on the market.

R = One month EURIBOR rate to three decimal places plus 5.000.

A = Amount to be lodged to a blocked bank account on date electrical and electronic equipment is placed on the market.

as follows:

$$A = C \times \left(1 + \frac{R}{36000}\right)^{360 \times \text{Number of Years}^*}$$

\* The number of years must not be less than the projected average life of the electrical and electronic equipment concerned.

or

(b) where the EURIBOR is recorded as a percentage,

C = Current substantiated costs of the environmentally sound management of waste electrical and electronic equipment on date electrical and electronic equipment is placed on the market.

R = One month EURIBOR rate to three decimal places plus 5%.

A = Amount to be lodged to a blocked bank account on date electrical and electronic equipment is placed on the market.

as follows:

$$A = C \times \left(1 + \frac{R\%}{360}\right)^{360 \times \text{Number of Years}^*}$$

\* The number of years must not be less than the projected average life of the electrical and electronic equipment concerned.

## SCHEDULE 8

TECHNICAL REQUIREMENTS FOR STORAGE (INCLUDING  
TEMPORARY STORAGE OF WEEE PRIOR TO TREATMENT)

1. Sites for storage (including temporary storage) of WEEE prior to its treatment (without prejudice to the requirements of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste: impermeable surfaces for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers,
  - weatherproof covering for appropriate areas.
2. Sites for treatment of WEEE:
  - scales to measure the weight of the treated waste,
  - impermeable surfaces and waterproof covering for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers,
  - appropriate storage for disassembled spare parts,
  - appropriate containers for storage of batteries, PCBs/PCTs containing capacitors and other hazardous waste such as radioactive waste,
  - equipment for the treatment of water in compliance with health and environmental regulations.



## SCHEDULE 9

SELECTIVE TREATMENT FOR MATERIALS AND COMPONENTS OF  
WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

1. As a minimum the following substances, mixtures and components have to be removed from any separately collected WEEE: polychlorinated biphenyls (PCB) containing capacitors in accordance with Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)
  - mercury containing components, such as switches or backlighting lamps,
  - batteries,
  - printed circuit boards of mobile phones generally, and of other devices if the surface of the printed circuit board is greater than 10 square centimetres,
  - toner cartridges, liquid and paste, as well as colour toner,
  - plastic containing brominated flame retardants,
  - asbestos waste and components which contain asbestos,
  - cathode ray tubes,
  - chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC) or hydrofluorocarbons (HFC), hydrocarbons (HC),
  - gas discharge lamps,
  - liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 square centimetres and all those back-lighted with gas discharge lamps,
  - external electric cables,
  - components containing refractory ceramic fibres as described in Commission Directive 97/69/EC of 5 December 1997 adapting to technical progress for the 23rd time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances
  - components containing radioactive substances with the exception of components that are below the exemption thresholds set in Article 3 of and Annex I to Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation
  - electrolyte capacitors containing substances of concern (height > 25 mm, diameter > 25 mm or proportionately similar volume).

These substances, mixtures and components shall be disposed of or recovered in compliance with Directive 2008/98/EC.

2. The following components of WEEE that is separately collected have to be treated as indicated: cathode ray tubes: the fluorescent coating has to be removed,
  - equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15, such as those contained in foams and refrigeration circuits: the gases must be properly extracted and properly treated. Ozone-depleting gases must be treated in accordance with Regulation (EC) No 1005/2009,
  - gas discharge lamps: the mercury shall be removed.
3. Taking into account environmental considerations and the desirability of preparation for re-use and recycling, points 1 and 2 shall be applied in such a way that environmentally-sound preparation for re-use and recycling of components or whole appliances is not hindered.

## SCHEDULE 10

MINIMUM RECOVERY TARGETS IN ACCORDANCE WITH  
ARTICLE 11 OF THE DIRECTIVE

Part 1: Minimum targets applicable by category from 13 August 2012 until 14 August 2015 with reference to the categories listed in Schedule I:

- (a) for WEEE falling within category 1 or 10 of Schedule 1,
  - 80 % shall be recovered, and
  - 75 % shall be recycled;
- (b) for WEEE falling within category 3 or 4 of Schedule 1,
  - 75 % shall be recovered, and
  - 65 % shall be recycled;
- (c) for WEEE falling within category 2, 5, 6, 7, 8 or 9 of Schedule 1,
  - 70 % shall be recovered, and
  - 50 % shall be recycled;
- (d) for gas discharge lamps, 80 % shall be recycled.

Part 2: Minimum targets applicable by category from 15 August 2015 until 14 August 2018 with reference to the categories listed in Schedule 1:

- (a) for WEEE falling within category 1 or 10 of Schedule 1,
  - 85 % shall be recovered, and
  - 80 % shall be prepared for re-use and recycled;
- (b) for WEEE falling within category 3 or 4 of Schedule 1,
  - 80 % shall be recovered, and
  - 70 % shall be prepared for re-use and recycled;
- (c) for WEEE falling within category 2, 5, 6, 7, 8 or 9 of Schedule 1,
  - 75 % shall be recovered, and
  - 55 % shall be prepared for re-use and recycled;
- (d) for gas discharge lamps, 80 % shall be recycled.

Part 3: Minimum targets applicable by category from 15 August 2018 with reference to the categories listed in Schedule 3:

(a) for WEEE falling within category 1 or 4 of Schedule 3,

— 85 % shall be recovered, and

— 80 % shall be prepared for re-use and recycled;

(b) for WEEE falling within category 2 of Schedule 3,

— 80 % shall be recovered, and

— 70 % shall be prepared for re-use and recycled;

(c) for WEEE falling within category 5 or 6 of Schedule 3,

— 75 % shall be recovered, and

— 55 % shall be prepared for re-use and recycled;

(d) for WEEE falling within category 3 of Schedule 3, 80 % shall be recycled.

## SCHEDULE 11

MINIMUM REQUIREMENTS FOR SHIPMENTS OF USED EEE  
SUSPECTED TO BE WEEE

1. In order to distinguish between EEE and WEEE, where the holder of the object claims that he or she intends to ship or is shipping used EEE and not WEEE, the holder shall have available for inspection the following to substantiate this claim:
  - (a) a copy of the invoice and contract relating to the sale and/or transfer of ownership of the EEE which states that the equipment is destined for direct re-use and that it is fully functional;
  - (b) evidence of evaluation or testing in the form of a copy of the records (certificate of testing, proof of functionality) on every item within the consignment and a protocol containing all record information according to point 3;
  - (c) a declaration made by the holder who arranges the transport of the EEE that none of the material or equipment within the consignment is waste as defined by Article 3(1) of Directive 2008/98/EC; and
  - (d) appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load.
2. By way of derogation, point 1(a) and (b) and point 3 do not apply where it is documented by conclusive proof that the shipment is taking place in the framework of a business-to-business transfer agreement and that:
  - (a) the EEE is sent back to the producer or a third party acting on his or her behalf as defective for repair under warranty with the intention of re-use; or
  - (b) the used EEE for professional use is sent to the producer or a third party acting on his or her behalf or a third-party facility in countries to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations applies, for refurbishment or repair under a valid contract with the intention of re-use; or
  - (c) the defective used EEE for professional use, such as medical devices or their parts, is sent to the producer or a third party acting on his or her behalf for root cause analysis under a valid contract, in cases where such an analysis can only be conducted by the producer or third parties acting on his or her behalf.
3. In order to demonstrate that the items being shipped constitute used EEE rather than WEEE, holders shall ensure the following steps for testing and record keeping for used EEE to be carried out:

## Step 1: Testing

- (a) Functionality shall be tested and the presence of hazardous substances shall be evaluated. The tests to be conducted depend on the kind of EEE. For most of the used EEE a functionality test of the key functions is sufficient.
- (b) Results of evaluation and testing shall be recorded.

## Step 2: Record

- (a) The record shall be fixed securely but not permanently on either the EEE itself (if not packed) or on the packaging so it can be read without unpacking the equipment.
  - (b) The record shall contain the following information:
    - (i) name of item (name of the equipment if listed in Schedule 2 or Schedule 4, as appropriate, and category set out in Schedule 1 or Schedule 3, as appropriate),
    - (ii) identification number of the item (type No) where applicable,
    - (iii) year of production (if available),
    - (iv) name and address of the company responsible for evidence of functionality,
    - (v) result of tests as described in step 1 (including date of the functionality test),
    - (vi) kind of tests performed.
4. In addition to the documentation requested in points 1, 2 and 3, every load (e.g. shipping container, lorry) of used EEE shall be accompanied by:
- (a) a relevant transport document, e.g. CMR or waybill;
  - (b) a declaration by the liable person on its responsibility.
5. In the absence of proof that an object is used EEE and not WEEE through the appropriate documentation required in points 1, 2, 3 and 4 and of appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load, which are the obligations of the holder who arranges the transport, the National Transfrontier Shipment Office shall consider that an item is WEEE and presume that the load comprises an illegal shipment. In these circumstances the load will be dealt with in accordance with Articles 24 and 25 of Regulation (EC) No 1013/2006.

## SCHEDULE 12

INFORMATION TO BE PROVIDED IN PLANS AND REPORTS IN  
ACCORDANCE WITH REGULATION 25

Part 1 Information to be provided in a plan in accordance with the provisions of regulation 25(1).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Registered Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

Trading Name:

Address for Correspondence:

Name of the contact person in the company responsible for compliance with the Regulations:

Contact Person's Telephone No.:

Contact Person's Fax No.:

Contact Person's E-mail:

2. The location(s) of premises at which electrical and electronic equipment is produced by the producer.
3. The projected weight of electrical and electronic equipment that will be placed on the market in the State in the relevant period in each of the categories specified in Schedule 1 or Schedule 3 as appropriate.
4. The projected weight of waste electrical and electronic equipment that will arise from electrical and electronic equipment placed on the market in the State by the producer in the relevant period in each of the categories specified in Schedule 1 or Schedule 3 as appropriate.
5. The names, addresses and permit numbers of proposed authorised waste collectors or, as appropriate, recovery operators to be used for the collection, treatment and recycling of waste electrical and electronic equipment during the relevant period for the purposes of regulations 20 and 21.
6. The weight of waste electrical and electronic equipment
  - (a) prepared for re-use by and on behalf of the producer,
  - (b) recycled by and on behalf of the producer,
  - (c) used as a fuel (R1) by and on behalf of the producer

- (i) in the State, and
- (ii) outside the State

in the relevant period, in each of the categories specified in the Schedule 1 or Schedule 3, and any other information that the Agency may specify which is necessary for national reporting obligations.

7. The projected weight of waste electrical and electronic equipment that will be disposed of or consigned for disposal by the producer in each of the categories specified in Schedule 1 or Schedule 3 as appropriate during the relevant period, and the proposed nature of the disposal operations involved.
8. Name(s) and address(es) of owner(s).

Part 2 Information to be provided in a report in accordance with the provisions of regulation 25(3).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Registered Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

Trading Name:

Address for Correspondence:

Name of the contact person in the company responsible for compliance with the Regulations:

Contact Person's Telephone No.:

Contact Person's Fax No.:

Contact Person's E-mail:

2. The location(s) of premises at which electrical and electronic equipment is produced by the producer.
3. The weight of electrical and electronic equipment placed on the market in the State in the relevant period in each of the categories specified in Schedule 1 or Schedule 3 as appropriate.
4. The weight of waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market in the State by the producer in the relevant period in each of the categories specified in Schedule 1 or Schedule 3 as appropriate.
5. The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recovery operators used for the collection, treatment and



recycling of waste electrical and electronic equipment during the relevant period for the purposes of regulations 20 and 21.

6. The weight of waste electrical and electronic equipment—

(a) recovered by or on behalf of the producer, and

(b) accepted by recovery operators,—

(i) in the State, and

(ii) outside the State

in the relevant period, in each of the categories specified in Schedule 1 or Schedule 3 as appropriate.

7. The weight of waste electrical and electronic equipment disposed of or consigned for disposal by the producer in each of the categories specified in Schedule 1 or Schedule 3

(a) in the State, and

(b) outside the State

during the relevant period, and the nature of the disposal operations involved.

8. Name(s) and address(es) of owner(s).

SCHEDULE 13

SYMBOL FOR THE MARKING OF ELECTRICAL AND ELECTRONIC  
EQUIPMENT INDICATING SEPARATE COLLECTION IN  
ACCORDANCE WITH REGULATION 28

The symbol—

- (a) demonstrating that electrical and electronic equipment has been placed on the market since 13 August 2005, and
- (b) indicating that electrical and electronic equipment should not be disposed of as unsorted municipal waste, but segregated for separate collection,

consists of the crossed-out wheeled bin, as shown below. The symbol must be printed visibly, legibly and indelibly and conform to the European Standard EN 50419.



SCHEDULE 14

INFORMATION TO BE PROVIDED BY DISTRIBUTORS WHEN  
APPLYING FOR REGISTRATION OR RENEWAL OF REGISTRATION  
IN ACCORDANCE WITH REGULATION 40

Information to be provided for the purpose of registration.

1. Name, address(es), telephone, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the distributor.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which waste electrical and electronic equipment is or will be stored.
3. Declaration that the maintenance of records specified in regulation 15 (1)(b) shall be adhered to.

## SCHEDULE 15

ADDITIONAL RULES TO THOSE SPECIFIED IN PART I OF THE  
WASTE MANAGEMENT (FACILITY PERMIT AND REGISTRATION)  
REGULATIONS 2007 (S.I. NO. 821 OF 2007) AS AMENDED BY THE  
WASTE MANAGEMENT (FACILITY PERMIT AND REGISTRATION)  
(AMENDMENT) REGULATIONS 2008 (S.I. NO 86 OF 2008) IN  
RESPECT OF REGISTERED ACTIVITIES IN ACCORDANCE WITH  
REGULATION 42

- (a) The register prescribed in paragraph 15 of Part I of the Fourth Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821 of 2007), which shall also be available on request or, as appropriate, for inspection by the local authority or, as appropriate, the Agency, shall also detail—
- (i) The dates, time of collections and quantities of each waste consignment (by European Waste Catalogue code(s) and description(s) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent amendments) collected from the facility,
  - (ii) Names of the carriers, including vehicle registration details, in respect of waste collected from the facility, and
  - (iii) Origin of waste rejected from the facility.

## SCHEDULE 16

INFORMATION TO BE PROVIDED IN APPLICATIONS FOR  
REGISTRATION IN ACCORDANCE WITH REGULATION 42

An application for a registration certificate shall—

1. give the name, address and, where applicable, any telephone number and telefax number of the applicant and, if different, any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, the address of its registered or principal office,
2. give the location or postal address of the facility to which the application relates,
3. describe the nature of the facility concerned,
4. specify the class or classes of activity concerned, in accordance with the Third and Fourth Schedules of the Act,
5. specify the quantity of waste (in tonnes) and nature of the waste or wastes, which will be recovered or disposed of, as the case may be.
6. specify the code according to the European Waste List (Decision 2001/118) or subsequent amendments,
7. identify monitoring and sampling points and indicates proposed arrangements for the monitoring of emissions and the environmental consequences of any such emissions,
8. describe any proposed arrangements for the off-site treatment or disposal of wastes,
9. describe the existing or proposed measures, including emergency procedures, to prevent unauthorised or unexpected emissions and minimise the impact on the environment of any such emissions,
10. describe the expected lifetime of the facility or activity
11. planning permission number (if applicable),
12. details of any proposed on-site traffic management system and the control procedures to be adopted to ensure the orderly movement of vehicles without creation of unreasonable nuisance and without detriment to the environment.



GIVEN under my Official Seal,  
24 March 2014.

PHIL HOGAN,  
Minister for the Environment, Community and Local  
Government.

## EXPLANATORY NOTE

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

These Regulations replace the European Communities (Waste Electrical and Electronic Equipment) Regulations 2011 (S.I. No. 355 of 2011) as amended by the as amended by the European Communities (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2011 (S.I. No. 397 of 2011) and the European Union (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2013 (S.I. No. 32 of 2013).

The purpose of these Regulations is to contribute to sustainable production and consumption by the prevention of waste electrical and electronic equipment (WEEE) and, in addition, by the re-use, recycling and other forms of recovery of such wastes so as to reduce the disposal of waste. They also seek to improve the environmental performance of all operators involved in the life cycle of electrical and electronic equipment.

They will facilitate in particular the achievement of the targets for the collection, treatment, recovery and disposal of waste electrical and electronic equipment in an environmentally sound manner established by Directive 2012/19/EU on waste electrical and electronic equipment.

The Regulations impose obligations on persons who supply electrical and electronic equipment to the Irish market, whether as retailers, importers or manufacturers. An exemption from these obligations is available to persons who participate in a scheme for the collection, treatment, recovery and disposal of waste electrical and electronic equipment in an environmentally sound manner operated by an approved body established in accordance with the provisions of Part IV of these Regulations.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
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