

Frequently Asked Questions to support an application for an ‘approved preparing for re-use of WEEE organisation’

1. Why has this initiative been launched?

Research¹ has demonstrated the crucial importance of promoting re-use of WEEE. In many instances products are being discarded when they are in full working order that could be diverted for re-use and resale. Although the most common reason for getting rid of WEEE is that it is broken, in many cases it seems that the item only requires repair or refurbishment. Development of a re-use sector provides an opportunity to make a significant contribution to social and economic growth by creating employment and ensuring real sustainable economic growth whilst at the same time minimising environmental pollution. Development of this opportunity is reflected in the Department of the Environment Community and Local Government (DoECLG)’s Waste Management Policy² published in July 2012 which included proposals for a ‘National Re-use Policy’ for WEEE.

Legislative changes through European Directive 2012/19/EU on WEEE now oblige EU Member States to prioritise re-use at the earliest stages of WEEE take-back, separate WEEE for re-use and enable access for re-use centres or ‘approved preparing for re-use of WEEE organisations’ to collected WEEE prior to any further transfer.

Regulation 17(3) in S.I. 149 therefore now provides that *‘prior to any further transfer for treatment, a producer or authorised representative shall provide for the separation at their collection points of WEEE that is to be prepared for re-use from other separately collected WEEE by granting access for personnel from approved preparing for re-use of WEEE organisations that have been approved and registered by the registration body’*.

Re-use of WEEE (particularly white goods) is already common practice and operating very successfully in many EU countries where it is predominantly carried out by social enterprises. Their experience in the development and implementation of re-use has seen the examination and resolution of a variety of issues to the satisfaction of many different stakeholders. We can use this experience to allow us to successfully develop our domestic regulatory and operational regime. Given the legislative imperative to implement re-use, all WEEE stakeholders will have to embrace re-use in order to utilise waste as a resource and ensure as much WEEE

¹ <http://www.wrap.org.uk/content/value-re-using-household-waste-electrical-and-electronic-equipment>

<http://www.epa.ie/pubs/reports/research/waste/strive110-re-evaluate-reuseofelectricalandelectronicsequipment.html>

² <http://www.environ.ie/en/Environment/Waste/PublicationsDocuments/FileDownload,30729.en.pdf>

as possible is prepared for re-use so as to minimise environmental pollution and provide a market within which commercial and social economy interests might have the potential to grow employment in a sustainable manner.

2. What is an ‘approved preparing for re-use of WEEE organisation’?

An ‘approved preparing for re-use of WEEE organisation’ is defined in the new WEEE2 Regulations³ that transpose European Directive 2012/19/EU on WEEE as ‘*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)*’. This means that in order to be granted access to WEEE for the purposes of ‘preparing for re-use’; your organisation must be approved and registered with ‘WEEE Register Society Ltd.’ (weeeregister.ie).

3. What is meant by the term ‘preparing for re-use’?

The purpose of the European Directive 2012/19/EU on WEEE is, firstly, the prevention of waste electrical and electronic equipment (WEEE), and secondly, re-use, recycling, and other recovery (e.g. energy recovery) to reduce the disposal of waste. Re-use of used or waste electrical appliances is best explained as items being made available to the public and/or businesses in the format that was originally intended. Preparing for re-use is viewed as a means of diverting waste material away from landfill. It is seen as preferable to recycling and other forms of recovery in the waste hierarchy. Preparing for reuse ‘*means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing*’.

4. How will this system work in practice?

Once WEEE Register Society Ltd. registers and approves a ‘Preparing for Re-use of WEEE Organisation’, the ‘approved preparing for re-use of WEEE organisation will confirm it’s working arrangements with the two approved WEEE Compliance Schemes (ERP Ireland & WEEE Ireland) (see FAQ 7 below) who are responsible for the separate collection of WEEE from both retailer take-back systems and Local Authority Civic Amenity sites. Both approved WEEE Compliance Schemes are members of the ‘WEEELABEX’ Organisation⁴ and the normative requirements

³ S.I. No. 149 of 2014, European Union (Waste Electrical and Electronic Equipment) Regulations 2014.

⁴ www.weelabex.org

contained within the WEEELABEX' Standards should enhance how this system should work, as it states *inter alia*:

WEEE shall not be handled in such a way that subsequent preparation for re-use, de-pollution, or recovery according to this normative document is adversely affected or even inhibited.

The requirement above, as well as the requirement in regulation 17(2) of S.I. 149 of 2014 states that 'a producer or authorised representative shall ensure that the collection and transport of separately collected WEEE 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'.

It is expected therefore that all parties involved will work together in a constructive and co-operative manner to ensure that re-use works effectively. As outlined earlier, in terms of overcoming any possible issues, we can draw on the successful implementation in many other European countries.

5. Are retailers and Local Authority Civic Amenity Facilities obliged to provide access to 'approved preparing for re-use organisations' for the collection of WEEE?

No. Both of the WEEE collection points referred to above are expressly prohibited in the WEEE2 Regulations from allowing WEEE to be transferred to anyone except a producer/authorised representative, an organisation acting on behalf of a producer or an approved body (WEEE Compliance Schemes). Furthermore, Regulation 44 of the WEEE2 Regulations states that each key stakeholder, including distributors and local authorities are to '*give priority to preparing for re-use of WEEE*'.

6. How will we know how much WEEE has been prepared for re-use?

WEEE Register Society will require any 'approved preparing for re-use of WEEE organisation' to maintain records and provide evidence on the quantities of WEEE that has been subject to preparing for reuse as well as quantities of residuals returned to the WEEE Compliance Schemes for treatment.

7. What matters need to be addressed by the ‘approved preparing for re-use of WEEE organisation’ and the two approved WEEE Compliance Schemes?

Given the fact that the Preparing for Re-use of WEEE Organisations and both WEEE Compliance Schemes are each already approved to carry out set functions within agreed terms, the only outstanding matters that should be addressed are;

- Locations and times of access to WEEE
- Onsite contact name and number of direct contact
- Contact name and number of preparing for re-use of WEEE organisation
- Details regarding segregation of WEEE (Regulation 17(3) S.I. 149 of 2014)
- Provision of authorised vehicle registration numbers and waste collection permit
- Proof of WEEE Register Society Ltd approval
- Categories of WEEE to be collected
- Arrangements for return of residual WEEE

The above measures can be agreed between the parties by an exchange of letters and there is no need for contractual arrangements to be entered into for the purposes of the re-use initiative.

An ‘approved preparing for re-use organisation’ may enter into an arrangement with either or both of the WEEE Compliance Schemes. It is important to note that all residual WEEE arising from the preparing for re-use process must be returned to the WEEE Compliance Scheme that it was collected from.

8. What happens if an item of WEEE intended to be ‘prepared for re-use’ was listed in a ‘product recall’?

It would be expected that the ‘approved preparation for re-use organisation’ should have a system in place that maintains records of product recalls that have been issued by the OEM. As part of the quality control check at product input level, all items should be checked against the product recall register⁵. Recalled items should not be prepared for re-use.

⁵ www.consumerhelp.ie/product-recalls

9. What is PAS 141?

The UK standard PAS 141 is the European Union's first standard for the treatment process of WEEE/Used EEE re-use, and forms a key part of the system for preparation of re-use of WEEE in Ireland, including the approval of preparing for re-use organisations. A copy of the standard is available to purchase from the British Standards Institute (<http://shop.bsigroup.com/>).

10. What is the purpose of PAS 141?

The PAS 141 'Re-use of used and waste electrical and electronic equipment (UEEE and WEEE) process management specification' has been developed to improve the standards for the re-use and refurbishment of discarded electrical and electronic equipment.

Developed by industry experts working with the UK's Department for Business, Innovation and Skills (BIS), the PAS 141 specification aims to address a general demand (from consumers, retailers and others) for reassurance that all used equipment are both electrically safe to use and functionally fit for purpose.

The original producers of the equipment also need re-assurance that their safety liabilities and reputation will be protected by re-use organisations using documented safety tests, removing confidential data and keeping records to demonstrate this.

PAS 141 will also be used to differentiate 'bona fide' exports from illegal exports of WEEE under the guise of being sent abroad for re-use, by providing assurance that appropriate testing of equipment has taken place and allowing for a certificate to act as proof that products are genuinely for re-use.

11. What are the benefits of PAS 141?

- It sets out a robust framework for the testing, treatment and provision of re-use of WEEE & UEEE.
- It provides reassurance that used equipment is electrically safe to use and functionally fit for purpose.
- It gives the original producers of the equipment re-assurance that their safety liabilities and reputation are protected by re-use organisations using documented processes for safety tests, removal of confidential data and record keeping.

- It will help differentiate legitimate exports from illegal exports of WEEE under the guise of being sent abroad for re-use.

For more information on PAS 141, please visit this link: <http://www.bsigroup.co.uk/en-GB/about-bsi/media-centre/press-releases/2011/4/BSI-publishes-new-specification-on-the-reuse-of-Waste-Electrical-and-Electronic-Equipment-WEEE-and-Used-Electronic-and-Electrical-Equipment-UEEE-/>

12. What are the waste collection permitting requirements on becoming a WEEE Register Society Ltd. 'approved preparing for re-use organisation' in order to access WEEE from the two approved WEEE Compliance Schemes?

This depends on whether your organisation has been granted a 'charitable status'.

For those organisations that do have charitable (CHY) status, exemptions from requiring a waste collection permit exist under the WEEE2 Regulations (S.I. No. 149 of 2014), which provide for an exemption from the requirement to have a waste collection permit for the transport of WEEE under Regulation 41(1)(b), subject to specified conditions set out in Regulation 41(2).

For those organisations that do not have charitable (CHY) status, with regards to the WEEE2 Regulations (S.I. No. 149 of 2014), apart from organisations that have 'charitable status', the only other exemption from the requirement to have a waste collection permit for the transport of WEEE provided for in Regulation 41 is for 'registered distributors of EEE' as set out in Regulation 41(1)(a).

Unless you have 'charitable status', or can avail of an exemption in regulation 41(1)(a) of S.I. No. 149 of 2014 or you intend to contract a third Party who has a Waste Collection Permit, then an organisation intending to become an 'approved preparing for re-use organisation' will require a waste collection permit from the National Waste Collection Permit Office (www.nwcpo.ie).

13. What are the waste facility permitting/licensing requirements on becoming a WEEE Register Society 'approved preparing for re-use organisation' in order to access WEEE from the two approved WEEE Compliance Schemes?

The WEEE2 Regulations (S.I. No. 149 of 2014), only provide for an exemption from the requirement to have a waste facility permit for the storage, including temporary storage of WEEE under Regulation 42, subject to specified conditions. As 'preparing for re-use' is a specific case of 'waste recovery', for the time being, all organisations

seeking to become an 'approved preparing for re-use organisation' are required to have a waste license or waste facility permit. Enquiries on acquiring a waste facility permit or license should be directed to your Local Authority or the EPA respectively. The Department will monitor the need for standard Permit/License conditions to be assigned to any new waste facility permit or review of an existing Permit/License with a view to harmonisation within the three Waste Regional Authorities.

14. What are the EU rules with regards to electrical or electronic products (including refurbished products) being put on the market?

All applicants planning to become an 'approved preparing for re-use organisation' should carefully examine the recently published European Commission 2014 revised Blue Guide on the implementation of EU product rules ("Blue Guide"). The Blue Guide aims to facilitate an improved understanding of the EU legal framework for the placing of various products on the EU market and to ensure its uniform and coherent application across the different product sectors.

The revised Blue Guide, which was drafted in close cooperation with the EU Member State national authorities, provides a detailed explanation of the various elements of EU harmonisation measures concerning the products affected by these measures. EU harmonisation measures, such as Regulations and Directives, are designed to modernise the conditions for placing products on the EU market and provide a complete legal framework for these products.

EU harmonisation measures apply to products which are intended to be placed on the EU market and include industrial products and products intended for use by consumers or professionals. The Blue Guide is available here:

http://ec.europa.eu/enterprise/policies/single-market-goods/documents/internal-market-for-products/new-legislative-framework/index_en.htm#h2-3

Specific to 'preparing for re-use', a product which has been subject to important changes or overhauls aiming to modify its original performance, purpose or type may be considered as a new product. The person who carries out the changes becomes then the manufacturer with the corresponding obligations. However, products which have been repaired without changing the original performance, purpose or type, are not to be considered as new products according to Union harmonisation legislation.

If a decision is made to repair an item of WEEE, it should be repaired with original parts or replacement parts that have been approved by the manufacturer. Thus, if during the preparing for re-use operation only original spare parts are used, there is no real 'modification' of the product. Please note that materials such as screws, hoses and washers etc. would not be considered as replacement parts that would require approval by the manufacturer. This means that the product stays 'second-

hand', and is not to be considered as a new product that is put on the market. In this case the 'preparing for re-use organisation' who sell these second-hand products are not producers of EEE.

If on the other hand the appliance is repaired with non-original parts or with replacement parts that have not been approved by the manufacturer then the 'preparing for re-use organisation' has to guarantee that the appliance complies with all the applicable legislation and norms that apply for appliances that are being put on the market. In this case the 'preparing for re-use organisation' that is making the appliance available on the market for re-use shall ensure that the original manufacturer cannot in any way be held accountable for the appliance that was re-used and has to offer the necessary legal guarantees for this.

15. What are the requirements with regards to Product Indemnity?

If applying to WEEE Register Society Ltd for approval as a 'preparing for reuse organisation' you must submit a letter from your insurer that an adequate policy is in place to deal with product indemnity on your re-use activities.

For applicants not yet fully operational as a 'preparing for reuse organisation' a letter from your insurance provider is needed confirming that cover as above will be available if **approval is granted**.

16. Does an approved preparing for re-use organisation need to register as a producer of electrical and electronic equipment?

If the 'preparing for re-use organisation' uses non-original or non-approved spare parts and/or modifies its original performance, purpose or type, then these products are to be considered as new products, and the 'preparing for re-use organisation' would be deemed a producer of EEE and must undertake to comply with the producer obligations set out in the WEEE regulations. More information is available from www.weee-enforcement.ie and www.weeeregister.ie.