

Explanatory Notes in Respect of the WEEE Regulations (S.I. 340 of 2005)

These Regulations are designed to promote the recovery of waste 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 2002/96/EC 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.

PART 1 PRELIMINARY AND GENERAL

Article 1 – Citation

Provides that these Regulations be referred to as ‘The Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005’.

Article 2 – Purpose of regulations

States that the purpose of these Regulations includes implementation of the WEEE Directive.

Article 3 – Interpretation of regulations

Defines terms used in these Regulations. In particular, –

a “**producer**” means a manufacturer, importer, exporter, brand owner, or a retailer who sells electrical and electronic equipment (EEE) from any of the aforementioned persons who fails to register with the Registration Body that has been established for the purposes of implementing the WEEE Directive¹ as amended².

a “**distributor**” means a retailer, and

“**distributed**” means sold including by hire purchase, or to have been given as a prize or gift.

a “**collection point**” means a civic amenity facility operated by or on behalf of a local authority, and a licensed/permitted waste storage /treatment facility.

an “**approved body**” means a voluntary collective compliance scheme established by two or more producers to enable them to collectively

- fulfil their responsibilities in financing the environmentally sound management of WEEE, and

¹ O.J. No. L37, 13.02.2003, p.24.

² O.J. No. L345, 31.12.2003, p.106.

- achieve the recycling and recovery targets laid down.

a “**blocked bank account**” means a deposit account or accounts, whose sole purpose is to provide 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).

“**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 prior to 13 August 2005;

Article 4 – Scope of Regulations

Sub-article (1) provides that these regulations will apply to –

- Large household appliances
- Small household appliances
- IT and telecommunications equipment
- Consumer equipment
- Lighting equipment
- Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
- Toys, leisure and sports equipment
- Medical devices (with the exception of all implanted and infected products)
- Monitoring and control instruments, and
- Automatic dispensers

Sub-article (2) sets out the categories into which various types of EEE fall. However the list contained in the Second Schedule is not a definitive list. Accordingly, this sub-article states that any type of EEE excluded from the Second Schedule is also covered by the scope of these Regulations.

Sub-article (3) confirms that these Regulations shall not apply to EEE procured by any member state of the European Union for specific military purposes.

PART II

REGISTRATION BODY

Article 5 - Establishment of a Registration Body

Sub-article (1) enables the Minister to perform, or approve any person, association or corporate body to perform, some or all of the registration functions provided for in Article 8.

Sub-article (2) decrees that any person, association or corporate body performing all the registration functions shall be known as the Registration Body.

Article 6 - Grant or refusal of approval

Sub-article (1) empowers the Minister to grant or refuse approval to any person, association or corporate body that applies to perform a registration function

Sub-article (2) lays down that applications to the Minister for approval to act as the Registration Body should include:

- (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,
- (c) the address of the registration body's registered office and the address of the secretary, if different from the registered office,
- (c) a business plan in relation to operation of the registration body,
- (d) where appropriate, proposals in relation to corporate governance,
- (e) proposals for the certification of producers for the purpose of article 12,
- (f) proposals for determining the proportion of market share held by individual producers,
- (g) proposals for registration fee structures,
- (h) proposals for verifying the adequacy of financial guarantees,
- (i) proposals for retaining information submitted in relation to environmental management costs and
- (j) such other information as may be specified in writing by the Minister for the purposes of this article.

Sub-article (3) enables the Minister to attach conditions to approval such as the period of approval, revocation of approval and the nature of information to be recorded.

Sub-article (4) empowers the Minister to vary the conditions attached to approval at any time.

Sub-article (5) stipulates the operation of the Registration Body must be self-financing.

Article 7 - Review and revocation of approval

Sub-article (1) enables the Minister to review an approval granted to the Registration Body at any time.

Sub-article (2) lays down the procedures that the Minister must adhere to, when he/she proposes to review approval the Registration Body, concerning notification in writing of the proposal and the reasons for same, setting out the time scale, which shall not be less than four weeks, when the Registration Body may reply and consideration of the response.

Sub-article (3) empowers the Minister to issued a revised approval to perform the functions of the Registration Body, varying any conditions he/she considers appropriate, following the consideration of a response to a proposal to review an approval in accordance with the provisions of sub-article (2).

Sub-article (4) requires the Registration Body to notify the Minister, not later than six months before the expiry of its approval, whether or not it intends to continue operating as the Registration Body. It also requires that the Registration Body, if intending to continue to perform the registration function, must re-apply not later than two months before the expiry of its approval.

Sub-article (5) empowers the Minister to revoke the approval of the Registration Body if it appears to him/her it is not complying with the conditions attached to its approval.

Sub-article (6) stipulates that where the Minister proposes to revoke the approval of the registration body, it shall be notified in writing along with the reasons for revocation setting out the time scale, which shall not be less that four weeks, when the Registration Body may reply and consideration of the response.

In the event that the approval of the registration body is revoked or expires, **Sub-article (7)** requires the Registration Body and any third party contracted to undertake any or all of the functions allotted to it, to transfer 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 Article 8 and powers that were vested in accordance with the provisions of Article 9 to the Minister or to the person or undertaking who is in receipt of the next approval to act as the registration body.

Article 8 - Functions of the Registration Body

Sub-article (1) stipulates that the Registration Body must have established no later than 13 July 2005, and thereafter maintain, a register of producers placing EEE on the market.

Sub-article (2) stipulates that the Registration Body will be required to –

- (a) maintain a register of all producers placing electrical and electronic equipment on the market,
- (b) determine the market share of each producer and notify each producer of his or her market share ,
- (c) verify that each producer has adequate financial guarantees,
- (d) ensure that audited accounts, and assets register and debtors ledger are maintained,
- (e) submit in the first six months of each year an Annual Report and summary of accounts to the Minister for the previous calendar year or in the first two years of its operations the relevant part thereof, and audited accounts for the calendar year or in the first two years of its operations the relevant part thereof prior to that,
- (f) provide any information the Minister may require from time to time, and

- (g) notify the relevant local authority and/or the EPA where it is evident to it that a producer has failed to comply with any provision or provisions of these Regulations and provision of all relevant information and data.

Sub-article (3) provides that the Registration Body may sub-contract any or all of its functions, where appropriate.

Article 9 - Powers of the Registration Body

Sub-article (1) Empowers the Registration Body and/or a third party acting on its behalf to

- (a) examine applications from producers for registration and to issue approvals or refusals
- (b) issue certificates of registration and registration numbers to approved producers
- (c) examine the records of a producer and/or a collective compliance scheme, and/or obtain a statement relating to financial information from the external auditors of a producer and/or a collective compliance scheme in order to verify the adequacy of financial guarantees, market share, and the accuracy of information submitted,
- (d) collect registration fees, and
- (e) set the contributions payable by producers registering with the Registration Body; which may be reviewed from time to time.

Sub-article (2) enables the third party contracted by the registration body to perform any or all of its functions to determine the total quantity of collected waste electrical and electronic equipment attributable to each individual producer, including the members of any approved Collective Compliance Scheme for the purposes of enabling each individual complier and each member of any approved Collective Compliance Scheme to pay the costs of the environmentally sound management of WEEE that he/she is liable for.

Sub-article (3) prohibits the third party contracted by the registration body that undertakes to determine the total quantity of collected waste electrical and electronic equipment attributable to each individual producer, including the members of any approved Collective Compliance Scheme from releasing any information in respect of market share to any person including the Registration Body itself, other than to the individual producer concerned.

Article 10 - Obligation of Producer to register with the Registration Body

Sub-article (1) requires that each producer must, from 20 July 2005,

- (a) be registered with the Registration Body, and declare that all EEE that he/she has/will place on the market is marked with the wheeled-bin symbol,
- (b) display his/her registration number on every invoice, credit note, dispatch or delivery docket issued to retailers from 13 August 2005 onwards, and
- (c) pay the registration fee determined by the Registration Body.

Sub-article (2) prohibits a producer, failing to comply with any of the requirements of sub-article (1), who is not issued with a Certificate and/or a Registration number

and/or is refused an application for renewal of registration in accordance with the provisions of article 12(4), from placing EEE on the market.

Article 11 - Application for registration or renewal of registration

Sub-article (1) requires a producer to apply for registration, either by 20 July 2005, or by the date of the commencement of their business, whichever is the latter. It also requires producers to apply for renewal of registration by the 31st of January of each year in respect of that calendar year, except in cases where the first renewal is within six months of the date a producer was first required to be registered (e.g. a producer applying for first registration in December even though he/she was obliged to apply for first registration in July will be required to apply for renewal the following January).

Sub-article (2) requires that an application for registration must be made in writing and must contain at least the following information:

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 producer.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. The unique identity utilised by the producer to identify the electrical and electronic equipment that he or she will place or has placed on the market and the means of such unique identity.
3. Location(s) of premises at or from which electrical and electronic equipment is or will be supplied by the producer.
4. The quantities, where appropriate, by weight, or as appropriate, by number of units, of electrical and electronic equipment for private households that was placed on the market in the calendar year prior to the date of application and substantiated estimates of the projected average life of the electrical and electronic equipment concerned in each of the categories specified in the *First Schedule*.
5. The quantities, where appropriate, by weight or, as appropriate, by number of units, of electrical and electronic equipment for users other than private households that was placed on the market in the calendar year prior to the date of application and substantiated estimates of the projected average life of the electrical and electronic equipment concerned in each of the categories specified in the *First Schedule*.

In addition, it requires that the application should be accompanied by a declaration from the applicant providing details of –

- a) arrangements for providing adequate financial guarantees that will be, required in accordance with the provisions of article 16 (i.e. financing the cost of the environmentally sound management of WEEE,
- b) where the applicant displays environmental management costs, the current substantiated cost of the environmentally sound waste management of each type of electrical and electronic equipment placed on the market prior to 13 August 2005., and

if the applicant displays environmental management costs, a report from an independent person (e.g. the applicant's auditors, containing a statement of whether or not, in the independent person's opinion, the data used to compute the current substantiated cost of the environmentally sound waste management of each type of electrical and electronic equipment placed on the market prior to 13 August 2005 was obtained from the books of account or other records maintained by the applicant, or

if the producer is a member of an approved collective compliance scheme, a copy of the Certificate of Membership of that scheme, and

Sub-article (3) provides that an application for renewal of registration must be made in writing and must contain at least the following information :

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 producer.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. The unique identity utilised by the producer to identify the electrical and electronic equipment that he or she will place or has placed on the market and the means of such unique identity.
3. Location(s) of premises at or from which electrical and electronic equipment is or will be supplied by the producer.
4. The quantities, by weight, or as appropriate, by number of units, of electrical and electronic equipment for private households that was

placed on the market in the calendar year prior to the date of application for renewal and substantiated estimates of the projected average life of the electrical and electronic equipment concerned in each of the categories specified in the *First Schedule*.

5. The quantities, by weight or, as appropriate, by number of units, of electrical and electronic equipment for users other than private households that was placed on the market in the calendar year prior to the date of application for renewal and substantiated estimates of the projected average life of the electrical and electronic equipment concerned in each of the categories specified in the *First Schedule*.
6. The cost of the environmentally sound management of electrical and electronic equipment for private households that was placed on the market in the calendar year prior to the date of application for renewal, in each of the categories specified in the *First Schedule*.
7. The cost of the environmentally sound management of electrical and electronic equipment for users other than private households that was placed on the market in the calendar year period prior to the date of application for renewal, in each of the categories specified in the *First Schedule*.

In addition, it requires that the application should be accompanied by a declaration from the applicant providing details of –

- (a) providing details of the –
 - (i) financial guarantees in place that are, and
 - (ii) arrangements for providing adequate financial guarantees that will be required in accordance with the provisions of article 16 (i.e. financing the cost of the environmentally sound management of WEEE,
- (b) where the applicant displays environmental management costs, the current substantiated cost of the environmentally sound waste management of each type of electrical and electronic equipment placed on the market prior to 13 August 2005, and

if the applicant displays environmental management costs, a report from an independent person (e.g. the applicant's auditors, containing a statement of whether or not, in the independent person's opinion, the data used to compute the current substantiated cost of the environmentally sound waste management of each type of electrical and electronic equipment placed on the market prior to 13 August 2005 was obtained from the books of account or other records maintained by the applicant, or

if the producer is a member of an approved collective compliance scheme, a copy of the Certificate of Membership of that scheme, and

Sub-article (4) requires that an application for registration or renewal of registration must be accompanied by the fee determined by the Registration Body.

Sub-article (5) requires that a producer provides details of changes to information provided in an application for registration or the most recent application for renewal of registration within 10 working days or such change.

Sub-article (6) requires from 1 January 2006 an application for, or renewal of registration in accordance with the provisions of sub-article (1) –

- (a) prior to 1 July 2006 shall be accompanied by a declaration from the producer that all electrical and electronic equipment he or she will place on the market from 1 July 2006 will comply, or
- (b) on or after 1 July 2006 shall be accompanied by a declaration from the producer that all electrical and electronic equipment he or she places on the market complies,

with the requirements of the RoHS Directive.

Sub-article (7) enables an approved body (i.e. a voluntary collective compliance scheme) to submit an application for registration or for renewal of registration on behalf of each of its member producers.

Article 12 - Certification of producers

Sub-article (1) requires the Registration Body to register all producers who comply with the requirements of Articles 10 and 11.

Sub-article (2) stipulates that a producer will not be considered to be registered for the purposes of these Regulations until he/she has received a certificate of registration from the Registration Body and/or, a third party acting on its behalf and has been issued with a registration number.

Sub-article (3) requires the registration body and/or, a third party acting on its behalf to issue a certificate of registration or a certificate of renewal of registration, bearing a unique number, to all registered producer within six weeks of the date of application or within two weeks of the date of submission of additional information requested by the Registration Body in relation to the application, whichever is the latter.

Sub-article (4) empowers the Registration Body to refuse an application for renewal of registration where, in the previous twelve months, the producer has not achieved the recycling and recovery targets laid down (Article 22), has not maintained adequate records (Article 23) or has not provided information required (Articles 11, 24, 25, 27, 28 or 29) or has failed to comply with the provisions of the RoHS Directive.

Sub-article (5) is an interim measure that enables the Registration Body and/or, a third party acting on its behalf to issue a provisional Certificate of Registration bearing a unique registration number up until 27 July 2005, within one week of the date of receipt of an application received on or before 20 July 2005, which shall be valid until–

- (a) it is determined that the requirements of articles 10 and 11 are complied with and a Certificate of Registration is issued in accordance with the provisions of sub-article (3), or
- (b) 21 September 2005,

whichever is the earlier.

Article 13 - Distance Sellers

Requires each producer or distributor who supplies EEE by means of distance communication (i.e. over the internet, telesales, mail order etc.) to

- register with the Registration Body, as per the requirements of Article 10,
- notify the Registration Body that he/she supplies EEE via distance communication, and
- provide information to demonstrate that he/she contributes in full to his/her share of the environment sound management of waste arising from EEE, in each member state of the European Union where he/she places EEE on the market when requested to do so by the Registration Body or the relevant enforcement agency

.PART III MANAGEMENT OF WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

Article 14 - Distributor responsibility

Sub-article (1) will, from 13 August 2005 onwards, –

(a) prohibit retailers who are not registered as producers from distributing EEE put on the market by a producer

- who doesn't have a registration certificate or registration number, or
- who does not display his/her registration number on invoices, credit notes and dispatch or delivery dockets in respect of EEE supplied to the retailer concerned,

(b) require retailers to ensure that

- members of the public can return WEEE of an equivalent type or which has fulfilled the same function on a one-to-one basis at least free of charge³, when they are purchasing new EEE from him/her, and
- any WEEE returned to them by members of the public must be transported and stored in accordance with the requirements of Sections 34 and 39 of the Waste Management Acts 1996 to 2005.

Sub-article (2) requires retailers to take back WEEE on a one-to-one basis at the point of sale:

- at the retail outlet, or
- when the replacement EEE is being delivered, provided that the old appliance is disconnected from public utilities or a permanent structure and

³ The requirement to accept WEEE “at least free of charge” is in recognition that some WEEE will have a economic or trade-in value.

is presented for immediate collection, and provided at least 24 hours notice of delivery has been given, or

if not taken back when the replacement EEE is being delivered:

- because at least 24 hours notice of delivery has not been given, within 15 of the date of delivery, provided that the old appliance is disconnected from public utilities or a permanent structure and is presented for immediate collection, and provided at least 24 hours notice of collection has been given,
- at the retail outlet within 15 days of the date of sale, at all times when members of the public have access to the outlet concerned, or
- if the replacement EEE was delivered but the old appliance was not available for collection, at the retail outlet within 30 days of the date of sale, at all times when members of the public have access to the outlet concerned.

Sub-article (3) enables retailers, with the prior agreement of their local authority, to make alternative arrangements to fulfil their one-to-one take back requirements, so long as the alternative is not more difficult for the purchaser and remains at least free of charge.

Sub-article (4) requires retailers on the sale of EEE, to inform the purchaser in writing

- of the deadline by which WEEE must be returned to the distributor/retailer to avail of the free one-to-one take back, or
- of an alternative collection point for the WEEE, where alternative arrangements have been agreed with the relevant local authority.

In order that members of the public are made aware of alternative take-back arrangements, **Sub-article (5)** requires a distributor to display the following notice, on a yellow background, where a retailer has made alternative arrangements for one-to-one take back with the agreement of the relevant local authority:-

“ WASTE MANAGEMENT ACT 1996

[Name of retailer] 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 retailer] is therefore not required to accept waste electrical and electronic equipment on these premises. ”

In order to ensure that signage is legible, all notices are required to be

- at least 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,

- 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 and affixed, on a durable material, so as to be easily visible and legible,
- at or within one metre of each entrance to his or her premises, and shall not be obscured or concealed at any time.

Sub-article (6) prohibits retailers from offering price reductions or discounts in order to avoid their take back responsibilities or displaying two prices, the lower of which being predicated that they will not have to take back WEEE.

Sub-article (7) requires each producer or distributor who supplies EEE by means of distance communication (i.e. over the internet, telesales, mail order etc.) to

- notify customers that household EEE will be taken-back at least free of charge on a one-for-one basis.
- to take back WEEE on a one-to-one basis when the replacement EEE is being delivered, provided that the old appliance is disconnected from public utilities or a permanent structure and is presented for immediate collection, and provided at least 24 hours notice of delivery has been given, or

if not taken back when the replacement EEE is being delivered:

- because at least 24 hours notice of delivery has not been given, within 15 of the date of delivery, provided that the old appliance is disconnected from public utilities or a permanent structure and is presented for immediate collection, and provided at least 24 hours notice of collection has been given,
- any or every place of business in the State from which he or she distributes electrical and electronic equipment and/or an address in the State, while it is occupied by an employee or agent of the direct seller, within a maximum of 30 days of the date of delivery of the replacement EEE.

Article 15 - Disposal of waste electrical and electronic equipment by distributors

Sub-article (1) stipulates that from 13 August 2005 onwards, retailers can only transfer WEEE returned to a –

- collector who is acting on behalf of the producer responsible for the WEEE arisings in question,
- producer responsible for the WEEE arisings in question, and/or
- an approved voluntary collective compliance scheme, that is in possession with a waste collection permit issued in accordance with the provisions of Section 34 of the Waste Management Acts 1996 to 2005,
- a civic amenity facility operated by or on behalf of a local authority having made satisfactory arrangements as to the quantity and size of vehicles that may enter such a facility, together with any other appropriate arrangements (i.e. dates and times WEEE can be deposited),
- members of the general public provided that such equipment will be reused by the purchaser for the purpose it was originally manufactured for.

Sub-article (1) also –

- stipulates that from 13 August 2005 onwards, retailers can only transfer components from WEEE for the sole use as spare parts for the repair, or the reuse, of electrical and electronic equipment, and
- enables a retailer who has registered with his/her local authority in accordance with the provisions of article 37 and has taken back WEEE at least free of charge in accordance with the provisions of article 14 to deposit it free of charge at a civic amenity facility operated by or on behalf of a local authority.

Sub-article (2) –

- requires retailers to make arrangements with local authorities before depositing WEEE at civic amenity facilities.
- enables local authorities to direct retailers to an alternative facility in instances where a retailer's local civic amenity facility cannot cater for the WEEE arisings on account of it having insufficient space, or on account of its location cannot cater for vehicles of a particular size or type.

Sub-article (3) – enables a retailer who is registered for VAT and who has –

- applied for registration with his/her local authority in accordance with the provisions of article 37,
- taken back WEEE at least free of charge in accordance with the provisions of article 14, and

to deposit it free of charge at a civic amenity facility operated by or on behalf of a local authority for a transitional period of 6 months subject to arrangements having been made with local authority concerned who may require it may be diverted to an alternative facility.

Article 16 - Financing the take back of waste electrical and electronic equipment from private households

Sub-article (1) requires that from 13 August 2005 each producer must –

- finance the environmentally sound management of household WEEE deposited at collection points and civic amenity sites arising from his/her own products placed on the market after 13 August 2005, or
- contribute to financing the environmentally sound management of all household WEEE placed on the market before 13 August 2005 in proportion to his/her current market share.

Sub-article (2) stipulates that each producer must provide a guarantee when he/she places a product on the market on or after 13 August 2005, within the tenth working day of the month following its placement on the market, to provide for the future costs of the environmentally sound management of that product when it becomes WEEE.

In order to ensure that a producer makes adequate provision, including price inflation, for future waste arisings from EEE that he/she places on the market **sub-article (3)** lays down the forms of financial guarantees that are acceptable. They are as follows:-

- an amount, -
 - (a) equal to at least 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, is required to be deposited in a blocked bank account, **plus**
 - (b) the interest that would accrue on such an amount 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 that would be earned on the amount at (a) above. to be lodged to a blocked bank account with a bank approved by the Central bank to provide banking services within the State.
- an insurance policy or policies, to cover all the costs of the environmentally sound management of WEEE arising from EEE placed on the market by the producer concerned, with an insurance company or companies permitted by the Irish Financial services Regulatory Authority (IFSRA) to provide such services within the state.
- self-insurance, provided that the producer concerned maintains a minimum balance of €15,000,000 or 10% of annual turnover of EEE in the State, which ever is the greater, in a blocked bank account,
- a bond or bonds issued by a bank or banks approved by the Central bank to provide banking services within the State and/or an insurance company or companies permitted by IFSRA to provide such services within the state that cover an amount, -
 - (c) equal to at least 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, is required to be deposited in a blocked bank account, **plus**
 - (d) the interest that would accrue on the current substantiated costs 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 that would be earned on the amount at (a) above.

The purpose of applying accrued interest 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 is to ensure that adequate provision is made to include possible cost inflation.

The compound interest is to be calculated as follows:

- (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.

- for example if the current cost of recycling an item of EEE with a life-span of 10 years is €20 the amount to be provided is calculated as follows:
 - The one month EURIBOR rate on 30 June 2005 was 2.104. Therefore the rate to be applied is 7.104 (i.e. 2.104 plus 5.000).
 - 7.104 divided by 36000 (360 days in the banking year X 100) equals 0.000197; and plus one equals 1.000197.
 - 1.000197 to the power of 3600 (i.e. 360 multiplied by 10 years) equals 2.034662. Therefore the amount to be provided equals €40.69 (i.e. 2.034662 multiplied by the €20 current cost of recycling).

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.

- for example if the current cost of recycling an item of EEE with a life-span of 10 years is €20 the amount to be provided is calculated as follows:
 - The one month EURIBOR rate on 30 June 2005 was 2.104%. Therefore the rate to be applied is 7.104% (i.e. 2.104% plus 5%).
 - 7.104% divided by 360 (360 days in the banking year) equals 0.000197; and plus one equals 1.000197.
 - 1.000197 to the power of 3600 (i.e. 360 multiplied by 10 years) equals 2.034662. Therefore the amount to be provided equals €40.69 (i.e. 2.034662 multiplied by the €20 current cost of recycling).

Details of the current EURIBOR Rates can be obtained from –

http://www.euribor.org/html/download/euribor_2005.txt

Sub-article (4) enables a producer to substitute one form or forms of a financial guarantee for another or others, provided that the replacement guarantee or guarantees provide the same level of cover as provided for in sub-article (3).

Sub-article (5) stipulates that producers may only withdraw funds from a blocked bank account for the sole purpose of the environmentally sound management of WEEE arising from electrical and electronic equipment placed on the market from 13 August 2005 onwards.

Sub-article (6) stipulates that a producer may only close a blocked bank account if that producer has ceased placing products on the market and has fulfilled all his/her outstanding obligations under the these Regulations or the producer has obtained one or more of the other three financial guarantee options provided for in sub-article (3) or has been accepted into membership a collective compliance scheme that will taking on that producer's outstanding obligations to –

- finance the environmentally sound management of WEEE deposited at collection points and civic amenity sites arising from his/her own products placed on the market after 13 August 2005, or
- contribute to financing the environmentally sound management of all WEEE placed on the market before 13 August 2005 in proportion to his/her current market share.

Sub-article (7) stipulates that a producer may only reduce the outstanding liability of a bond or bonds following the discharge of liabilities to finance environmentally sound management of WEEE arising from electrical and electronic equipment placed on the market from 13 August 2005 onwards. Such reductions shall be limited to the costs incurred in discharging those liabilities.

Sub-article (8) stipulates that a producer may only terminate the cover of a bond issued by a bank approved by the Central bank to provide banking services within the State and/or an insurance company or companies permitted by IFSRA if that producer

has ceased placing products on the market and has fulfilled all his/her outstanding obligations under the these Regulations or the producer has obtained one or more of the other three financial guarantee options provided for in sub-article (3) or has been accepted into membership a collective compliance scheme that will taking on that producer's outstanding obligations to –

- finance the environmentally sound management of WEEE deposited at collection points and civic amenity sites arising from his/her own products placed on the market after 13 August 2005, or
- contribute to financing the environmentally sound management of all WEEE placed on the market before 13 August 2005 in proportion to his/her current market share.

Sub-article (9) prohibits producers and retailers, from 13 August 2005 onwards, from identifying separately the cost of the environmentally sound management of WEEE from private households on their products that they place on the market.

However, **Sub-article (10)** permits producers and retailers to show separately to consumers of EEE up until 13 February 2011 (13 February 2013 in the case of large household appliances) the environmental management costs incurred by both producers and retailers provided that the cost displayed, which is described as an environmental management cost (EMC) does not exceed the actual substantiated cost of treatment, recovery, recycling etc.

Sub-article (11) stipulates that the actual substantiated cost of treatment, recovery, recycling etc. or EMC shall not exceed the cost which is shown separately to consumers in accordance with the provisions of sub-article 10.

Paragraph (a) of **Sub-article (12)** requires retailers to indicate in writing to each purchaser of EEE the cost of the environmentally sound management of historical WEEE where this is required by the producer.

Paragraph (b) requires that where the environmental management cost (EMC) is displayed it must be indicated visibly and legibly in writing on any invoice, receipt or docket issued at the point of sale to the customer and on a notice bearing at least the following wording in addition to details of the relevant environment management costs –

“The prices of these items include contributions to a producer recycling fund to ensure that waste electrical and electronic equipment is collected and recycled in a responsible manner.”

In order to ensure that signage is legible, all notices are required to be

- at least 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,
- 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 and affixed, on a durable material, so as to be easily visible and legible,
- within one metre of the point of sale, and

shall not be obscured or concealed at any time.

Paragraph (c) requires distance sellers who supply EEE by means of distance communication that was placed on the market by a producer who displays environmental management costs to also display EMC's –

- (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.

Paragraph (d) stipulates that the price of EEE quoted, displayed and advertised to members of the public must be inclusive of the EMC (i.e. price (including VAT) plus the EMC = Display Price or Retail Price).

Paragraph (e) stipulates that each

- (i) invoice, receipt or docket issued at the point of sale to the customer,
- (ii) website or other electronic means of communication, or, as appropriate,
- (iii) catalogue, brochure, or, as appropriate, direct mail communication,

displaying an EMC shall state –

“Producer Recycling Fund [amount of environmental management cost]”

Paragraph (f) requires the price (including VAT) exclusive of the EMC, the EMC and the Display Price to be shown separately at any point (e.g. shelf) where EEE for sale is displayed and at any point where the retail price is quoted on a website (including where financial transactions are undertaken) or other electronic means of communication, a catalogue, brochure, and/or mail shot of a direct seller, or on any advertisement

Paragraph (g) that in addition to an invoice, receipt or docket displaying an EMC issued at the point of sale to the purchaser, each retailer must also make available to the purchaser concerned a document which shall state “the price of this item includes a contribution to a producer recycling fund to ensure that waste electrical and electronic equipment is collected and recycled in a responsible manner.”

Paragraph (h) stipulates the Display Price (Retail Price) must not be less prominent than the price (including VAT) exclusive of the EMC and the EMC.

Paragraph (i) exempts

- catalogue sellers have displaying the price inclusive of the EMC in a catalogue for six months (i.e. until 13 February 2006), provided that the EMC and price inclusive of the EMC is displayed in a separate brochure or brochures at or within three metres of each entrance to his or her premises and at any location of said premises where catalogues are available and that such a brochure or brochures is inserted into any catalogue issued to the public

- a retailer from having to separate display of the price (including VAT) exclusive of the EMC, the EMC and the Display Price (Retail Price) at any point (e.g. shelf) where EEE for sale is displayed for six months (i.e. until 13 February 2006). This derogation does not apply to distance sellers and catalogue sellers.

Sub-article (13) requires, a producer when requested to do so by a local authority or its representative, to collect or arrange for the collection

- of WEEE deposited at collection points and civic amenity sites arising from his/her own products placed on the market after 13 August 2005, or
- of any WEEE placed on the market before 13 August 2005 in proportion to his/her current market share.

from a civic amenity facility operated by a local authority or on its behalf, within 5 working days of such a request.

Sub-article (14) empowers a local authority to make alternative arrangements for the environmentally sound management of WEEE in instances where a producer fails to collect it following a request from the local authority or its representative in accordance with the provisions of sub-article (13), and to invoice that producer for all cost collection, treatment, recover, recycling costs etc. along with any other costs incurred such as administrative, logistical and storage costs at a rate to be determined by that local authority along with an agency fee not exceeding 10% of all costs incurred.

Sub-article (15) stipulates, that when the business or part of the business of a producer is transferred to another person or persons; that producer will remain responsible for the environmentally sound management of the WEEE he/she has placed on the market up until such time as he/she can demonstrate that the person or persons to whom his/her business has been transferred to, is or are capable of, and are in agreement to, meeting all the outstanding obligations of that producer under these Regulations.

Sub-article (16) stipulates that financial guarantees for the environmentally sound management of WEEE cannot be used to discharge any debts in the event of a producer ceasing to trade, or going into receivership, liquidation, examinership, administration etc. other than for collection, treatment, recycling and recovery costs.

Sub-article (17) stipulates that the one month EURIBOR rate to be applied shall be the rate applicable on the last day of the month that EEE is placed on the market.

Article 17 - Financing the take back of waste electrical and electronic equipment from users other than from private households

Sub-article (1) requires that from 13 August 2005, each producer, or someone acting on his/her behalf, must finance the environmentally sound management of WEEE from sources other than private households (i.e. business to business or B2B WEEE) arising from EEE –

- placed on the market prior to 13 August 2005, that he/she is replacing with similar equipment, or equipment that will fulfil the same function as the discarded WEEE, and
- he/she places on the market after 13 August 2005.

Sub-article (2) stipulates that a business user is responsible for the delivery of B2B WEEE, arising from EEE placed on the market prior to 13 August 2005, to an appropriate recovery facility and for financing its environmentally sound management in all instances where it is not being replaced with new EEE of equivalent type or which will fulfil the same function.

Article 18 - Alternative financing arrangements

Sub-article (1) enables producers and users of business EEE to make alternative financial arrangements for the environmentally sound management of B2B WEEE.

Sub-article (2) requires, in the event of alternative financial arrangements being made in accordance with the provisions of sub-article (1), each producer to notify a business customer of the obligations he/she will take on (i.e. that the end user of the B2B WEEE must ensure it is treated in accordance with the requirements of Article 21 and that he/she will become responsible for achieving the recovery and recycling targets stipulated in Article 22.

Article 19 - Collection of waste electrical and electronic equipment

Paragraph (a) lays down that members of the public will be entitled to deposit household WEEE at civic amenity facilities operated by or on behalf of local authorities free of charge from 13 August 2005 onwards.

Paragraph (b) requires each producer, or party acting on their behalf, to make adequate arrangements for the collection, from 13 August 2005 onwards, from collection and civic amenity facilities in the functional area of each local authority, of

-

- WEEE from private households that was placed on the market prior to 13 August 2005 in proportion to his/her current market share
- All WEEE from private households which he/she has placed on the market from 13 August 2005 onwards.

Paragraph (c) empowers local authorities to designate retailers premises as collection points, subject to the agreement of the retailer concerned and where appropriate an approved collective compliance scheme.

Article 20 - Storage of waste electrical and electronic equipment

This article lays down the technical requirements for the storage of all WEEE with effect from 13 August 2005.

Article 21 - Treatment of waste electrical and electronic equipment

Sub-article (1) lays down the technical requirements for the treatment of all WEEE with effect from 13 August 2005.

Sub-article (2) stipulates that when WEEE is treated outside the geographical territory of the European Union that –

- it must be treated in accordance with the laws of the third country concerned, and
- each producer must furnish evidence that the recovery and recycling targets stipulated in Article 22 are achieved.

Article 22 - Recovery of waste electrical and electronic equipment

This article requires each producer, or the end user of B2B WEEE who

- is not replacing WEEE arising from EEE placed on the market prior to 13 August 2005 with new equipment of equipment that will fulfil the same function, or
- has made alternative financial arrangements with a producer in accordance with the provisions of Article 18(1)

to achieve the following minimum targets:

	Category	Rate of recovery	Rate of component, material and substance reuse and recycling by an average weight per appliance
1	Large household appliances	80%	75%
2	Small household appliances	70%	50%
3	IT and telecommunications equipment	75%	65%
4	Consumer equipment	75%	65%
5	Lighting equipment	70%	50%
6	Electrical and electronic tools (with the exception of large-scale stationary industrial tools)	70%	50%
7	Toys, leisure and sports equipment	70%	50%
8	Medical devices (with the exception of all implanted and infected products)	Not Applicable	Not Applicable
9	Monitoring and control instruments	70%	50%
10	Automatic dispensers	80%	75%
	Gas discharge lamps		80%

Article 23 - Record keeping

Sub-article (1) requires each producer, from 13 August 2005 onwards, to ensure that

- the quantities of household EEE and B2B EEE in each of the categories specified in the *First Schedule* that he/she places on the market in other EU member states and in third countries, and

- the mass of WEEE arising from EEE he/she is responsible for treating in an environmentally sound manner when entering and leaving a recovery facility, carrying out the treatment or recycling of WEEE, is recorded.

Sub-article (2) requires that these records must be -

- stored at an address within the State and must be kept for at least six years from the end of the year in which they were recorded, and
- made available on request to either the EPA or the appropriate local authority or any other appropriate agency.

Sub-article (3) clarifies that the provisions of article 23 apply to both household and B2B WEEE.

Article 24 - WEEE waste management plans and reports

Sub-article (1) requires each producer on a date not later than the date of application for registration in accordance with the provisions of article 11(1) to have prepared a plan which sets out the steps that he/she will take in order to comply with the requirements of these Regulations including the environmentally sound management of the WEEE for which he/she is responsible, and in order that members of the public are made aware of the availability of such a plan to display at or within one metre of each entrance to each of his or her premises, other than a premises used exclusively as a retail outlet, the following notice:

“ WASTE MANAGEMENT ACT 1996

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

In order to ensure it is legible, the above notice is required to be

- at least 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,
- printed in black indelible ink on a white background with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines and affixed, on a durable material, so as to be easily visible and legible,
- at or within one metre of each entrance to his or her premises, other than a premises that is used exclusively for retail sales, and

shall not be obscured or concealed at any time.

Sub-article (2) requires that each plan prepared in accordance with the provisions of sub-article (1) contains at least the following information:

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 producer.

2. The location 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 relevant period in each of the categories specified in the *First Schedule*.
4. The projected weight of waste electrical and electronic equipment that will arise from electrical and electronic equipment placed on the market by the producer in the relevant period in each of the categories specified in the *First Schedule*.
5. The proposed recovery operators to be used for the treatment of waste electrical and electronic equipment during the relevant period for the purposes of articles 19 and 20.
6. The projected weight of waste electrical and electronic equipment that will be -
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in the relevant period, in each of the categories specified in the *First Schedule*.
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 the *First Schedule* during the relevant period, and the proposed nature of the disposal operations involved.

Sub-article (3) requires each producer on a date not later than the date of application for renewal of registration in accordance with the provisions of article 11(3) to have prepared a report which specifies the steps that he/she has taken in order to comply with the requirements of these Regulations including the environmentally sound management of the WEEE for which he/she is responsible, and in order that members of the public are made aware of the availability of such a report to display the following notice:

“ 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. ”

In order to ensure it is legible, the above notice is required to be

- at least 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,
- printed in black indelible ink on a white background with a times new roman font size of at least 32 or equivalent and line space of at least 1.5

lines and affixed, on a durable material, so as to be easily visible and legible,

- at or within one metre of each entrance to his or her premises, and shall not be obscured or concealed at any time.

Sub-article (4) requires that each report prepared in accordance with the provisions of sub-article (3) contains at least the following information:

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 producer.
2. The location 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 relevant period in each of the categories specified in the *First Schedule*.
4. The weight of waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market by the producer in the relevant period in each of the categories specified in the *First Schedule*.
5. Recovery operators used for the treatment of waste electrical and electronic equipment during the relevant period for the purposes of articles 19 and 20.
6. The weight of waste electrical and electronic equipment -
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in the relevant period, in each of the categories specified in the *First Schedule*.
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 the *First Schedule* during the relevant period, and the nature of the disposal operations involved.

Sub-article (5) requires each producer to prepare a new plan for the management of WEEE at least once every three years and not later than the date for renewal of registration in accordance with the provisions of sub-article (3).

Sub-article (6) provides that a producer must, when making an application for registration or renewal of registration with the Registration Body, submit a copy of its

- plan for the management of WEEE, or
- report which specifies the steps that he/she has taken in order to comply with the requirements of these Regulations,

to the EPA for approval.

Sub-article (7) requires each producer to pay the administration fee determined by the EPA when submitting a plan or report to it.

Sub-article (8) requires each producer must make any –

- plan for the management of WEEE, or
- report which specifies the steps that he/she has taken in order to comply with the requirements of these Regulations,

available to any person who requests it free of charge within 10 working days of the date of receipt of the request.

Sub-article (9) stipulates that a plan or report may be made available by post, fax or e-mail.

Sub-article (10) requires the EPA to consult with the Minister regarding any condition relating to environmental management costs when the adequacy of a WEEE waste management plan.

Article 25 - Obligation of producers to provide information to recovery facilities

This article requires each producer, on and from 13 August 2005, within one year of placing a product on the market, to inform recovery facilities of the appropriate re-use and treatment information for its different components and the location of any dangerous substances in that product.

Article 26 - Format of information to be provided to recovery facilities

This article stipulates that the information required under Article 25 shall be made available in the format of hard copy manual or electronic media (e.g. CD-Rom and/or on line services).

Article 27 - Obligation of producers to provide information to users of electrical and electronic equipment

Sub-article (1) requires each producer to ensure that –

- each product he/she places on the market from 13 August 2005 onwards is marked permanently and visibly with a wheeled-bin symbol conforming to any such standard that may be promoted by the Commission:
- users are informed of the requirement to keep WEEE separate from ordinary household waste, the role the consumer can play in the reuse, recycling and recovery of WEEE, the potential harmful effects of hazardous substances in EEE and the meaning of the wheeled bin symbol.



Sub-article (2) requires each producer to ensure that the wheeled bin symbol is printed on the packaging, the instructions, and the warranty and on a tag permanently attached to the power lead, cable or cord that is permanently connected to the EEE, in cases where the product is too small to display the aforementioned symbol.

Article 28 - Obligation of producers to provide information to the Registration Body

This Article stipulates that each producer must declare to the Registration Body, or a third party acting on behalf of the Registration Body -

- the quantities of household EEE and B2B EEE in each of the categories specified in the *First Schedule* that he/she places on the market by 29 July 2005 (in respect of the calendar year ending 31 December 2005) and by 31 January each year thereafter (in respect of the previous calendar year ending 31 December).

In addition where an undertaking contracted by the Registration Body is empowered under the provisions of article 9(2) to determine the total quantity of collected waste electrical and electronic equipment attributable to each individual producer, including the members of any approved Collective Compliance Scheme, this Article requires a producer to submit to the contracted undertaking vouched details of the cost incurred by him or her, from 13 August 2005 onwards, in the environmentally sound management of WEEE in order that the liabilities of all producers can be determined.

Article 29 - Obligation of distributors to provide information to users of electrical and electronic equipment

Sub-article (1) requires each retailer to ensure that each purchaser of EEE is made aware of the return and collection systems available to the public for the management of WEEE.

Sub-article (2) stipulates that the requirements of article 29(1) will have been met if the information is already provided in the instructions for use and/or if it is provided in leaflets distributed at the point of sale.

PART IV APPROVED BODIES

Article 30 - Exemption from certain requirements

This Article exempts any producer, who is responsible for the environmentally sound management of WEEE from –

- private households from the requirements of articles 16, 19, 21, 22, 23 and 24
- business users from the requirements of articles 19, 21, 22, 23 and 24

provided he/she is participating satisfactorily in an approved collective compliance scheme and who can produce a valid certificate from the approved body to confirm this.

However, a producer will no longer be exempt from the provisions of the aforementioned articles if -

- an approved body revokes his/her certificate of membership,
- if the Minister revokes an approval issued to the collective compliance scheme of which he/she is a member, or
- he/she ceases to be a member of an approved collective compliance scheme.

Article 31 - Application to the Minister for approval

Sub-article (1) enables a body corporate [or association] to apply to the Minister for approval to perform the functions of a collective compliance scheme.

Sub-article (2) stipulates that an application for approval to the Minister must be made in writing and must enclose the following –

- (a) a copy of the articles of association of the body corporate,
- (b) a copy of the Certificate of Registration issued by the Companies Registration Office,
- (c) proposals relating to corporate governance,
- (d) proposals for representation of 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 article 30 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 article 22 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 fees 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, or as appropriate,
 - (B) that the body concerned is only catering for or will only cater for –
 - (I) a maximum pre-determined share of waste arisings from electrical and electronic equipment, or as appropriate,
 - (II) waste arising from electrical and electronic equipment from a particular geographical location or locations,

in the State, and

- (A) received,
 - (B) accepted, and
 - (C) rejected together with the grounds for rejection.
-
- (m) proposals for the certification of producers for the purposes of article 30,
 - (n) proposals relating to green 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) such other information as may be specified in writing by the Minister for the purposes of this article.

Article 32 - Grant or refusal of approval

Sub-article (1) empowers the Minister to grant or refuse approval to[any person, association or] corporate body that applies to perform the functions of a collective compliance scheme.

Sub-article (2) stipulates that any approval to perform the functions of a collective compliance scheme granted by the Minister will be for a minimum of 5 years and for a maximum of 10 years.

Sub-article (3) stipulates that any approval granted by the Minister may be subject to conditions including conditions relating to

- (a) the articles of association of the body corporate,
- (b) Registration with the Companies Registration Office,
- (c) corporate governance,
- (d) the representation of 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 article 30 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 article 22 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, 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 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,
- (m) the certification of producers for the purpose of article 30,
 - (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, or as appropriate,
 - (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) the application of environmental management costs notwithstanding article 16(12), or, as appropriate,
 - (r) any other matters the Minister may consider appropriate including the application of environmental management costs..

Sub-article (4) enables the Minister to vary any conditions attached to an approval to perform the functions of a collective compliance scheme at any time by notice in writing.

Article 33 - Review and revocation of approval

Sub-article (1) enables the Minister to review an approval to perform the functions of a collective compliance scheme or require a new application to be made where new targets need to be met, where he/she feels that this is necessary to ensure equitable distribution of producer responsibility obligations or that is this required in the interests of the environmentally sound management of WEEE.

Sub-article (2) requires a collective compliance scheme to be notified in writing in instances where the Minister proposes to review an approval to perform the functions of a collective compliance scheme. It also requires that the collective compliance scheme concerned –

- is provided with the reasons for the review ,and
- is be given up to four weeks to make a submission to the Minister, who shall then consider the matter.

Sub-article (3) enables the Minister to issue a –

- revised approval varying any conditions, or
- new approval,

to perform the functions of a collective compliance scheme, following consideration of a submission or revised application that has been submitted in accordance with the provisions of sub-article (2).

Sub-article (4) requires each approved body to notify the Minister, not later than 6 months before the expiry of its approval, whether or not it intends to continue performing the functions of a collective compliance scheme. It also stipulates that an approved body intending to continue performing the functions of a collective compliance scheme must re-apply for approval to the Minister not later than two months before the expiry date of its approval.

Sub-article (5) enables the Minister to review or revoke an approval to perform the functions of a collective compliance scheme where he is of the view that an approved body is not complying with the conditions attached to its approval or that targets for the environmentally sound management of WEEE are not being met.

Sub-article (6) requires a collective compliance scheme to be notified in writing in instance where the Minister proposes to review an approval to perform the functions of a collective compliance scheme. It also requires that the collective compliance scheme concerned –

- is provided with the reasons for revoking the approval ,and
- is be given up to four weeks to make a submission to the Minister, who shall then consider the matter.

Article 34 - Use of logo adopted by an approved body

This article prohibits and producer and/or retailer from displaying any logos, marks or symbols of an approved collective compliance scheme at his/her premises or on his/her products, unless the written consent of the approved collective compliance scheme concerned is given.

Article 35 - Notifications to local authorities and the Registration Body

This Article requires an approved collective compliance scheme to notify, by the 7th day of each month, the Registration Body of any producer who has been granted a valid certificate of membership, or who has had such a certificate revoked, in the preceding calendar month together with the local authority where such a producer has his/her place(s) of business.

PART V FUNCTIONS OF THE AGENCY AND LOCAL AUTHORITIES

Article 36 - Enforcement

Sub-article (1) stipulates that the EPA is responsible enforcing the provisions of articles 8, 9, 10, 11, 12, 13, 16, 17(1), 18, 22, 23, 24, 25, 26, 27, 28, 30 34, 35 40 and 41 of these Regulations.

Sub-article (2) stipulates that each local authority is responsible enforcing the provisions of articles 14, 15, 17(2), 29, 37 and 38 of these Regulations within its functional area.

Sub-article (3) stipulates that both the EPA and/or the relevant local authority is responsible enforcing the provisions of articles 19, 20 and 21 of these Regulations

Article 37 - Registration of distributors

Sub-article (1) requires each local authority, from 27 July 2005 onwards, to establish and maintain a register of retailers within its functional area who transport or store household WEEE that is accepted back at least free of charge on a one-to-one basis when EEE is being sold.

Sub-article (2) requires each local authority to provide for the maintenance of the register and for inspection of each premises listed therein.

Sub-article (3) requires each retailer who transports or stores household WEEE that is accepted back at least free of charge on a one-to-one basis when EEE is being sold to apply to the local authority –

- for registration by 13 August 2005, or on the date of commencement of business, whichever is later, and
- for renewal of registration no later than 31 January in each year following initial registration except in cases where the first renewal is within six months of the date of first registration or within seven months if the date of first registration is prior to 13 August 2005. In such instances the first renewal of registration may be deferred until 31st January of the following year.

in respect of each premises –

- from which he or she sells EEE, and/or
- he/she uses to store EEE prior to its sale.

Sub-article (4) requires that each application for registration or renewal of registration must be made in writing, and contains at least the following information:

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.

This sub-article also requires that the application be accompanied by a declaration from the applicant stating that transport and storage of WEEE will be in accordance with the provisions of Sections 34(1) and 39(1) of the Waste Management Acts 1996 to 2005 and/or Articles 38 and 39 of these Regulations, and a fee not exceeding €20.

Sub-article (5) enables the registration fee to be increased no earlier than 1 January 2007.

PART VI MISCELLANEOUS

Article 38 - Non-application of section 34(1)(a) of the Act.

Sub-article (1) exempts any –

- retailer, registered in accordance with the provisions of Article 37, who transports household WEEE that is accepted back at least free of charge on a one-to-one basis when WEEE is being sold provided that the transport of the household WEEE concerned is being deposited at a collection or recovery facility,
- or
- person who transports household WEEE other than WEEE listed in category 5 of the *First Schedule* (e.g. lighting equipment including fluorescent lamps) on behalf of a charity registered with the Revenue Commissioners and which has been issued with a Charity (CHY) Number,

from having to have a collection permit, subject to the aforementioned WEEE being transported in a vehicle registered in the state. This exemption shall not apply to vehicles designed to hold a skip or other de-mountable container.

Sub-article (2) stipulates that the exemption in sub-article (1) will not apply –

- to contaminated WEEE that presents a health and safety risk
- unless transport of the WEEE concerned is to a facility where it will be stored in accordance with the technical requirements set out in the Sixth Schedule of these Regulations, and

unless the WEEE will eventually be treated at an appropriate facility in accordance with the technical requirements set out in the Seventh Schedule.

Article 39 - Non-application of section 39(1) of the Act.

Sub-article (1) exempts any –

- retailer, registered in accordance with the provisions of Article 37, who stores household WEEE that is accepted back at least free of charge on a one-to-one basis when WEEE is being sold, provided that the quantities being stored at any one time does not exceed –
 - (i) 90 cubic metres of household WEEE other than WEEE listed in category 5 of the *First Schedule* (e.g. lighting equipment) and mobile phones.
 - (ii) 2,000 units WEEE listed in category 5 of the *First Schedule* (e.g. lighting equipment), and/or
 - (iii) 50 kgs of mobile phones

- charity registered with the Revenue Commissioners and which has been issued with a Charity (CHY) Number, storing waste amounting to at any one time no more than -
 - (i) 90 cubic metres of household WEEE other than WEEE listed in category 5 of the *First Schedule* (e.g. lighting equipment) and mobile phones,
 - (ii) 50 kgs of mobile phones

from having to have a permit to store waste electrical and electronic equipment.

Sub-article (2) stipulates that the exemption in sub-article (1) will not apply –

- to contaminated WEEE that presents a health and safety risk
- unless storage of the WEEE is in a facility where it will be stored in accordance with the technical requirements set out in the Sixth Schedule of these Regulations, and
- unless the WEEE will eventually be treated at an appropriate facility in accordance with the technical requirements set out in the Seventh Schedule.

Sub-article (3) enables local authorities on and from 13 August 2005 to provide or arrange for the provision of alternative arrangements for the collection, bulking and temporary storage of WEEE.

Sub-article (4) sets out the parameters regarding alternative arrangements for the collection, bulking and temporary storage of WEEE.

Sub-article (5) enables the EPA and/or a local authority on and from 13 August 2005 to issue registration certificates to facilitate the provision of alternative arrangements for the collection, bulking and temporary storage of WEEE, specifies the information required from an applicant, the registration (which will amount to €300 from 13 February 2006 and the time limit for adjudicating applications. Sub-article (5) also stipulates that where an applicant demonstrates that he or she has applied for registration, up until 13 February 2006, he or she will be deemed to be registered until the application is adjudicated.

Article 40 - Product Design

This article prohibits each producer from 13 August 2005 onwards from using design features and/or production processes to prevent the reuse of WEEE unless such design features and/or production processes provide an overriding advantage with regard to sustainable environmental practices, and/or, health and safety requirements. It also requires each producer from 13 August 2005 onwards to take into account and facilitate the dismantling and recovery, in particular the reuse and recycling of waste electrical and electronic equipment, together with all the components and materials contained therein, when designing and producing EEE.

Article 41 - Reuse of EEE

This article requires each producer when managing WEEE to give priority to the reuse of appliances, having regard to sustainable environmental best practice and/or health and safety requirements.

SCHEDULES

- First Schedule - Categories of Electrical and Electronic Equipment
- Second Schedule - List of Electrical and Electronic Equipment which shall be taken into account for the purpose of these regulations and which fall under the categories set out in the first schedule
- Third Schedule - Information to be compiled and provided when applying for registration or renewal of registration in accordance with the provisions of Article 11
- Fourth Schedule - Requirements regarding notices in accordance with the provisions of Articles 14 and 27
- Fifth Schedule - Calculation of the amount equal to interest compounded on a daily basis in accordance with the provisions of Article 16
- Sixth Schedule - Technical requirements for storage in accordance with the provisions of Article 20
- Seventh Schedule - Selective Treatment for materials and components of Waste Electrical and Electronic Equipment in accordance with the provisions of Article 21
- Eighth Schedule - Information to be provided in plans and reports for public information in accordance with the provisions of Article 24
- Ninth Schedule - Symbol for the marking of Electrical and Electronic Equipment indicating separate collection in accordance with the provisions of Article 27
- Tenth Schedule - Information to be provided when applying for registration or renewal of registration in accordance with the provisions of Article 39
- Eleventh Schedule - Rules in respect of registered activities in accordance with article 39
- Twelfth Schedule - Information to be provided in applications for registration in accordance with article 39