



STATUTORY INSTRUMENTS.

**S.I. No. 355 of 2011**



EUROPEAN COMMUNITIES (WASTE ELECTRICAL AND  
ELECTRONIC EQUIPMENT) REGULATIONS 2011

**(Prn. A11/1207)**

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## EUROPEAN COMMUNITIES (WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT) REGULATIONS 2011

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to the provisions of European Parliament and Council Directive 2002/96/EC<sup>1</sup> amended by European Parliament and Council Directive 2003/108/EC<sup>2</sup> of 8 December 2003 and by Article 5 of Directive 2008/112/EC<sup>3</sup> of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC<sup>4</sup>, 88/378/EEC<sup>5</sup>, 1999/13/EC<sup>6</sup> and Directives 2000/53/EC<sup>7</sup>, 2002/96/EC<sup>8</sup> and 2004/42/EC<sup>9</sup> of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008<sup>10</sup>, hereby make the following Regulations:

## PART I

## PRELIMINARY AND GENERAL

*Citation*

1. These Regulations may be cited as the European Communities (Waste Electrical and Electronic Equipment) Regulations 2011.

*Purpose of Regulations*

2. The purposes for which these Regulations are made include the purpose of giving further effect to provisions of European Parliament and Council Directive 2002/96/EC on waste electrical and electronic equipment as amended by European Parliament and Council Directive 2003/108/EC of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment and by Article 5 of Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008.

<sup>1</sup>O.J. No. L37, 13.02.2003, p.24

<sup>2</sup>O.J. No. L345, 31.12.2003, p. 106.

<sup>3</sup>O.J. No. L 345, 23.12.2008, page 68

<sup>4</sup>O.J. No. L 262, 27.9.1976, page 169

<sup>5</sup>O.J. No. L 187, 16.7.1988, page 1

<sup>6</sup>O.J. No. L 85, 29.3.1999, page 1

<sup>7</sup>O.J. No. L 269, 21.10.2000, page 34

<sup>8</sup>O.J. No. L 37, 13.2.2003, page 24

<sup>9</sup>O.J. No. L 143, 30.4.2004, page 87

<sup>10</sup>O.J. No. L 353, 31.12.2008, page 1

*Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 12th July, 2011.*

*Interpretation of Regulations*

3. (1) In these Regulations, any reference to a Schedule or article that is not otherwise identified is a reference to a Schedule or article of these Regulations.

(2) In these Regulations, any reference to a sub-article or paragraph that is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

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

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

“Agency” means the Environmental Protection Agency;

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

“approved body” means an appropriate body corporate approved by the Minister in accordance with the provisions of Regulations made under section 29(4) (u) of the Act of 1996;

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

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

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

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

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

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

“collection point” means—

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

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

“dangerous substance or mixture” has the same meaning as “dangerous substance or preparation” and means any substance or preparation which has to be considered dangerous under Council Directive 67/548/EEC<sup>11</sup> or, as appropriate, Directive 1999/45/EC of the European Parliament and of the Council<sup>12</sup>; and—

- (a) means any mixture which has to be considered dangerous under Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations or any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures—
  - (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F,
  - (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10,
  - (iii) hazard class 4.1, or
  - (iv) hazard class 5.1; and
- (b) on and from 1 June 2015 means any substance or mixture which fulfils the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures—
  - (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F,

<sup>11</sup>O.J. No. L196, 16.08.1967, p 1

<sup>12</sup>O.J. No. L 200, 30.07.1999, p 1.

- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10,
- (iii) hazard class 4.1, or
- (iv) hazard class 5.1;

“the Directive” means European Parliament and Council Directive 2002/96/EC of 27 January 2003 on waste electrical and electronic equipment and shall be read in accordance with European Parliament and Council Directive 2003/108/EC of 8 December 2003 and European Parliament and Council Directive 2008/112/EC of 16 December 2008 amending Directive 2002/96/EC on waste electrical and electronic equipment;

“disposal” means any of the applicable operations provided for in Annex I to Directive 2008/98/EC<sup>13</sup>;

“distance communication” is as defined in Article 2(4) of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts<sup>14</sup> or, as appropriate, means sales and marketing services by electronic communication, voice telephony services, including telesales and telemarketing or non-electronic direct marketing services, including mail order;

“distributed” means

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

“distributor” means any person who provides electrical and electronic equipment on a commercial basis to the party who is going to use it;

“electrical and electronic equipment” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex IA of European Parliament and Council Directive 2002/96/EC on waste electrical and electronic equipment and designed for use with a voltage rating not exceeding 1,000 volt for alternating current and 1,500 volt for direct current;

“environmental management costs” means the costs of the environmentally sound management of waste electrical and electronic equipment from private

<sup>13</sup>O.J. No. L312, 22.11.2008, p.10

<sup>14</sup>O.J. No. L144, 04.06.1997, p.19

households arising from electrical and electronic equipment placed on the market in the State prior to 13 August 2005;

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

“EURIBOR rate” means the Euro Interbank Offered Rate;

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

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

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

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

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

“producer” means any person who, irrespective of the selling technique used, including by means of distance communication in accordance with Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts—

- (i) manufactures and sells electrical and electronic equipment under his or her own brand,
- (ii) resells under his or her own brand equipment produced by other suppliers, a reseller not being regarded as the ‘producer’ if the brand of the producer appears on the equipment, as provided for in sub-paragraph (i), or
- (iii) imports or exports electrical and electronic equipment on a professional basis into a Member State.

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

“producer recycling fund” has the same meaning as “environmental management costs”;

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

“recovery” means any of the applicable operations provided for in Annex II to Directive 2008/98/EC;

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

“recycling” means the reprocessing in a production process of the waste materials for the original purpose or for other purposes, but excluding energy recovery which means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat;

“registration body” means the person, association or body corporate approved by the Minister under section 53J of the Act for the purposes of transposing Article 12(1) of the Directive;

“reuse” means any operation by which waste electrical and electronic equipment or components thereof are used for the same purpose for which they were conceived, including the continued use of the equipment or components thereof which are returned to collection points, distributors, recyclers or manufacturers;

“the RoHS Directive” means European Parliament and Council Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment<sup>15</sup>;

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

“treatment” means any activity after the waste electrical and electronic equipment has been handed over to a facility for de-pollution, disassembly, shredding, recovery or preparation for disposal and any other operation carried out for the recovery or, as appropriate, the disposal of the waste electrical and electronic equipment;

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

<sup>15</sup>O.J. No. L37, 13.02.2003, p.19.

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

*Scope of Regulations*

4. (1) These Regulations, save where the context otherwise requires, shall apply—

(a) to electrical and electronic equipment falling under the categories set out in the First Schedule provided that the equipment concerned is not part of another type of equipment that does not fall within the scope of the Directive, and

(b) without prejudice to Community Acts on—

(i) safety and health requirements, and

(ii) waste management legislation.

(2) Without prejudice to sub-article (1)(a), the—

(a) paragraphs numbered 1 to 10 of the Second Schedule shall be taken into account when determining the category set out in the First Schedule into which each type of electrical and electronic equipment falls, and

(b) exclusion of a type of electrical and electronic equipment in the Second Schedule should not be taken as meaning that such equipment does not fall within the scope of these Regulations.

(3) Without prejudice to sub-article (1), these Regulations shall not apply to electrical and electronic equipment which is connected with the protection of the essential interests of the security of any Member State of the European Union including arms, munitions and war material, except which is not intended for specifically military purposes.

## PART II

### REGISTRATION BODY

*Establishment of a Registration Body*

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

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

*Grant or refusal of approval*

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

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

- (a) where appropriate, a copy of the—
  - (i) articles of association of the body corporate, or
  - (ii) memorandum of association or registered rules of the association or society, and
  - (iii) the appropriate certificate issued by the Companies Registration Office or the Registrar of Friendly Societies,
- (b) the names and addresses in the State of the officers of the registration body and its board of directors or, as appropriate, Committee of Management,
- (c) the address of the registration body's registered office and the address of the secretary, if different from the registered office,
- (d) a business plan in relation to the operation of the registration body,
- (e) where appropriate, proposals in relation to corporate governance,
- (f) proposals for the certification of producers for the purpose of article 12,
- (g) proposals for determining the proportion of market share held by individual producers,
- (h) proposals for registration fee structures,
- (i) proposals for verifying the adequacy of financial guarantees,
- (j) proposals for retaining information submitted in relation to environmental management costs, and
- (k) such other information as may be specified in writing by the Minister for the purposes of this article.

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

- (a) the period of approval which shall be for a period of not more than 10 years,
- (b) variance in the terms and conditions of approval,

- (c) revocation of approval, and
  - (d) the nature of information (including financial accounts) to be recorded and maintained by the body concerned.
- (4) The Minister may, by notice in writing, from time to time vary any condition attached to an approval granted in accordance with the provisions of this article.
- (5) The registration body—
- (a) will be responsible for the effective carrying out of its functions, and
  - (b) shall ensure that its financial costs are borne from its own resources.

*Review and revocation of approval*

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

- (2) Where the Minister proposes to review an approval, the Minister shall—
- (a) give notice in writing to the registration body of the proposal and the reasons therefore,
  - (b) specify a period of not less than four weeks within which the registration body may make a submission to the Minister in relation to a review, and
  - (c) consider any submission so made.
- (3) Following the consideration of any submission in accordance with sub-article (2), the Minister may issue a revised approval, varying any condition attaching to the approval or attach any additional conditions which he or she considers appropriate.
- (4) Where an approval, granted in accordance with the provisions of article 6 is due to expire, the registration body—
- (a) shall not later than six months before the expiry of the approval, notify the Minister whether or not it intends to continue or cease operating as the registration body, and
  - (b) if intending to continue to operate as the registration body, shall not later than four months before the expiry of the approval, make a submission to the Minister in accordance with the provisions of said article.
- (5) Subject to sub-article (6), where it appears to the Minister that the registration body is not complying with conditions attached to such approval, he or she may revoke an approval granted in accordance with the provisions of article 6.

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

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

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

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

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

*Functions of the Registration Body*

8. (1) The registration body shall cause to be established and maintained a register (hereafter in this Part referred to as ‘the register’) of producers placing electrical and electronic equipment on the market in the State.

(2) The registration body shall be required to—

- (a) provide for the maintenance of the register of all producers placing electrical and electronic equipment on the market in the State,
- (b) provide for the determination of the proportion of market share held by each individual producer placing electrical and electronic equipment on the market in the State and notify him or her accordingly,
- (c) provide for the verification that each producer has adequate financial guarantees in place,
- (d) cause to be kept proper accounts of all income and expenditure of the registration body in each calendar year, or in the first two years of its operations the relevant part thereof, and of the sources of such income and the subject matter of such expenditure and of the property, credits and liabilities of the registration body,

- (e) in the first six months of each year, make a report to the Minister of its activities during the preceding calendar year, or in the first two years of its operations the relevant part thereof, which shall include a summary of all income and expenditure and balance sheet for that calendar year, or in the first two years of its operations the relevant part thereof, and audited accounts in respect of the calendar year, or in the first two years of its operations the relevant part thereof, prior to that,
- (f) provide such information regarding the operation of the registration body as the Minister may from time to time require, and
- (g) notify the relevant local authority or, as appropriate, the Agency where it is evident to the registration body that a producer has failed to comply with any provision or provisions of these Regulations and to provide all relevant information and data,

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

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

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

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

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

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

*Powers of the Registration Body*

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

- (a) determine applications for registration and to issue approvals or refusals in accordance with the provisions of article 12,
- (b) issue certificates of registration and registration numbers,
- (c) obtain a statement from the external auditors of any producer relating to financial information or, as appropriate, examine the records of any producer relating to—

- (i) the quantities, by weight or, as appropriate, by number of units, of waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market by a producer,
  - (ii) details of financial guarantees, and
  - (iii) market data including the quantities, by weight or, as appropriate, by number of units, of electrical and electronic equipment placed on the market by a producer,
- (d) receive annual subscriptions, or make charges (hereafter in this Part referred to as 'the fees') to provide for the effective carrying out of its functions,
- (e) review and validate environmental management costs, and
- (f) set the level of the fees which it may review from time to time.

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

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

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

any individual producer other than to the individual producer concerned.

*Obligation of producers to register with the Registration Body*

10. (1) Each producer that has placed or is about to place electrical and electronic equipment on the market in the State shall be obliged to—

- (a) be registered with the registration body and declare to it or, as appropriate, a third party acting on its behalf that any electrical and electronic equipment that he or she has placed or will place on the market is marked in accordance with the provisions of article 28(1),
- (b) display the registration number issued to him or her in accordance with the provisions of article 12 on any invoice, credit note, dispatch and delivery docket issued to a distributor by him or her, and

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

(2) A producer who—

(a) fails to comply with any of the provisions of sub-article (1), or

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

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

shall be prohibited from placing electrical and electronic equipment on the market.

(3) Any person who is not in possession of a valid Certificate of Registration or a Certificate of Renewal of Registration in accordance with the provisions of article 12 shall be prohibited from displaying any registration number issued by the registration body on any documentation, website or at any place.

(4) Any person organising a trade show, exhibition or any event where electrical and electronic equipment is being distributed shall ensure that any distributor or, as appropriate, producer, distributing electrical and electronic equipment at the trade show, exhibition or, as appropriate, event concerned—

(a) is registered in accordance with the provisions of article 40, and

(b) who is required to comply with the provisions of sub-article (1) is in possession of a valid Certificate of Registration or a Certificate of Renewal of Registration in accordance with the provisions of article 12.

(5) Notwithstanding sub-article (4), any person organising a trade show, exhibition or, as appropriate, any event who fails to ensure that a producer placing electrical and electronic equipment on the market in the State at the trade show, exhibition or, as appropriate, event concerned is in possession of a valid Certificate of Registration or a Certificate of Renewal of Registration in accordance with the provisions of article 12 shall be obliged to—

(a) register each producer concerned in accordance with the provisions of sub-article (1),

(b) take on the financial obligations of each producer concerned in accordance with the provisions of articles 16 and 18 of these Regulations,

(c) achieve the targets specified in article 23,

(d) maintain satisfactory records in accordance with the provisions of article 24 or, as appropriate,

(e) provide the information specified in articles 11, 25, 26, 28, 29 or 30.

*Application for registration or renewal of registration*

11. (1) A producer placing electrical and electronic equipment on the market in the State shall—

- (a) apply for registration to the registration body or, as appropriate, a third party acting on its behalf not later than the date of commencement of business, and
- (b) apply for renewal of such registration to the registration body or, as appropriate, a third party acting on its behalf not later than 31 January in each year following initial registration for the relevant calendar year, subject only that a producer shall not be required to make such application within six months of—
  - (i) initial registration, or
  - (ii) the date a producer was required to apply for initial registration in accordance with the provisions of paragraph (a),

whichever is the earlier.

(2) An application for registration in accordance with the provisions of sub-article (1) shall be made in writing, shall contain at least the information set out in Part 1 of the Fourth Schedule, and shall be accompanied by a—

- (a) declaration from the applicant—
  - (i) detailing arrangements for providing adequate financial guarantees that will be required in accordance with the provisions of article 16 of these Regulations,
  - (ii) where the applicant displays environmental management costs, detailing the current substantiated cost of the environmentally sound waste management of each type of electrical and electronic equipment placed on the market in the State prior to 13 August 2005 together with details as to how such costs are determined, and
- (b) where the applicant displays environmental management costs, a report from an independent person who is qualified at the time of the report to be appointed, or to continue to be, the auditor of the applicant if the applicant is a company, or if the applicant is not a company, would be qualified to be the auditor if the applicant were a company, 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 in the State prior to 13 August 2005 was obtained from the books of account or other records maintained by the applicant, or

- (c) a copy of a valid certificate granted to the applicant by an approved body established in accordance with the provisions of Part IV of these Regulations stating that such producer is participating, in a satisfactory manner, in a scheme for the environmentally sound management of waste electrical and electronic equipment.

(3) An application for renewal of registration in accordance with the provisions of sub-article (1) shall be made in writing, shall contain at least the information set out in Part 2 of the Fourth Schedule, and shall be accompanied by a—

- (a) declaration from the applicant—

- (i) providing details of the—

- (A) financial guarantees in place that are, and

- (B) arrangements for providing adequate financial guarantees that will be,

required in accordance with the provisions of article 16 of these Regulations, and

- (ii) where the applicant displays environmental management costs, detailing the current substantiated cost of the environmentally sound waste management of each type of electrical and electronic equipment placed on the market in the State prior to 13 August 2005, together with details as to how such costs are determined, and

- (b) a report from an independent person who is qualified at the time of the report to be appointed, or to continue to be, the auditor of the applicant if the applicant is a company, or if the applicant is not a company, would be qualified to be the auditor if the applicant were a company, containing a statement of whether or not, in the independent person's opinion,—

- (i) the details of financial guarantees that are in place were, and

- (ii) where the applicant displays environmental management costs, 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 in the State prior to 13 August 2005 was,

obtained from the books of account or other records maintained by the applicant, or

- (c) a copy of a valid certificate granted to the applicant by an approved body established in accordance with the provisions of Part IV of these

Regulations stating that such producer is participating, in a satisfactory manner, in a scheme for the environmentally sound management of waste electrical and electronic equipment.

(4) An application for registration or for renewal of registration in accordance with the provisions of sub-article (1) shall be accompanied by the fee determined by the registration body.

(5) A producer shall notify the registration body or, as appropriate, a third party acting on its behalf of any changes to the information provided in an application for registration, or as the case may be, the last preceding application for renewal of registration within 10 working days of such change.

(6) Without prejudice to sub-articles (2) and (3) an application for, or renewal of, registration in accordance with the provisions of sub-article (1) 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.

(7) Without prejudice to sub-article (1), an application for registration or for renewal of registration to the registration body or, as appropriate, a third party acting on its behalf may be made by an approved body established in accordance with the provisions of Part IV of these Regulations on behalf of any producer in respect of which a certificate for the purposes of article 31 has been granted.

*Certification of producers*

12. (1) Without prejudice to sub-articles (3) and (4), a producer—

(a) who makes an application, or

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

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

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

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

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

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

whichever is the later.

(4) Without prejudice to sub-articles (1) and (3), the registration body may refuse an application for renewal of registration in accordance with the provisions of this article where it considers that a producer has, in the preceding twelve month period, failed to—

- (a) achieve the targets specified in article 23 or
- (b) maintain satisfactory records in accordance with the provisions of article 24 or
- (c) provide the information specified in articles 11, 25, 26, 28, 29 or 30 or
- (d) comply with the provisions of Regulations made or the purposes of transposing the RoHS Directive.

*Distance Sellers*

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

- (a) register in accordance with the provisions of article 10,
- (b) notify the registration body or, as appropriate, a third party acting on its behalf at the time of registration or renewal of registration, that he or she supplies electrical and electronic equipment by means of distance communication and confirm that all such equipment placed on the market complies with the requirements of these Regulations,
- (c) upon a request from the—
  - (i) registration body or, as appropriate, a third party acting on its behalf or,
  - (ii) local authority in the functional area where the registered office or, if not a company, the principal place of business of the producer is located or,
  - (iii) Agency,

undertake to provide it with information that demonstrates, to its satisfaction, that he or she has complied with his or her obligations in accordance with the provisions of Article 8 of the Directive to provide financing for the environmentally sound management of waste electrical and electronic equipment from private households deposited at collection points in the Member State of the European Union where the final user of the equipment resides and is complying with his or her obligations in accordance with the provisions of Article 9 of the Directive to finance the environmentally sound management of waste electrical and electronic equipment from users other than private households.

## PART III

## MANAGEMENT OF WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

*Distributor responsibility*

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

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

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

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

(b) ensure that when—

- (i) supplying a new product, waste electrical and electronic equipment from private households can be returned to him or her at least free of charge on a one-to-one basis as long as the waste electrical and electronic equipment is of equivalent type or has fulfilled the same function as the supplied equipment other than contaminated waste electrical and electronic equipment that presents a health and safety risk unless such contamination is on account of a distributor's liability under the Sale of Goods and Supply of Services Act, 1980 (No. 16 of 1980), and
- (ii) waste electrical and electronic equipment from private households is accepted for return by him or her, it is transported and stored in accordance with sections 34 and 39 of the Act of 1996,

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

- (a) is delivered to the purchaser and where the waste electrical and electronic equipment of equivalent type or which has fulfilled the same function as the supplied equipment—
  - (i) is available at its place of ordinary use for immediate collection, and at the time of collection, is not connected to any electrical, gas or water supply, waste water pipe, or permanent structure, by collecting it on delivery, provided that the distributor has given at least 24 hours notice of delivery, or

(ii) where such equipment is not available for immediate return—

- (A) on account of less than 24 hours notice having been given for collection, by arranging for and collecting it within 15 days of the date of delivery, provided that the waste electrical and electronic equipment concerned is not connected to any electrical, gas or water supply, waste water pipe, or permanent structure, and the distributor has given at least 24 hours notice of collection, or
- (B) by accepting it, at all reasonable times at any or every place of business from which he or she distributes electrical and electronic equipment, within a maximum of 30 days of the date of delivery, or

(b) has not been delivered to the purchaser, by accepting, at all reasonable times at any or every place of business from which he or she distributes electrical and electronic equipment, the waste electrical and electronic equipment of equivalent type, or which has fulfilled the same function as the supplied equipment, within a maximum of 15 days of the date of purchase.

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

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

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

(4) When household electrical and electronic equipment is distributed, distributors—

- (a) shall indicate in writing to each purchaser the last date on which the waste electrical and electronic equipment from private households of equivalent type or has fulfilled the same function to the electrical and electronic equipment distributed can be returned at least free of charge to the distributor or, as appropriate,
- (b) may indicate in writing to each purchaser an alternative collection point that is in place for accepting the waste electrical and electronic equipment, where alternative arrangements provided for in sub-article (3) have been agreed and provided that returning it is not

thereby made more difficult for the final user and that the alternative arrangements remain at least free of charge for the final user.

(5) A distributor to whom sub-article (3) applies shall fix and maintain, in a conspicuous position at or within one metre of each entrance to his or her premises, a notice complying with the requirements specified in Part 1 of the Fifth Schedule.

(6) Without prejudice to sub-article (2), distributors, their servants or agents shall be prohibited from offering orally or in written form—

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

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

(7) Without prejudice to sub-article (2), where a producer or, as appropriate, a distributor supplies electrical and electronic equipment by means of distance communication he or she shall—

- (a) place a visible and legible notice—
  - (i) at each point on his or her website or other electronic means of communication where—
    - (A) electrical and electronic equipment being distributed is displayed,
    - (B) the retail price of electrical and electronic equipment is quoted or, as appropriate,
    - (C) the ordering and financial transaction confirming purchase of electrical and electronic equipment is undertaken or, as appropriate,
  - (ii) in each of his or her catalogues, brochures or, as appropriate, mail-shots,

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

(b) notify customers when distributing electrical and electronic equipment for private households by voice telephony services, including telesales and telemarketing, that he or she will take back waste electrical and electronic equipment from private households at least free of charge on a one-to-one basis as long as the waste electrical and electronic equipment is of equivalent type or has fulfilled the same function as the supplied equipment together with details of any or every place of business in the State from which he or she distributes electrical and electronic equipment or, as appropriate, an address in the State where he or she takes back waste electrical and electronic equipment, and

(c) without prejudice to paragraphs (a) and (b), accept the waste electrical and electronic equipment of equivalent type or which has fulfilled the same function as the supplied equipment—

(i) provided that he or she has given at least 24 hours notice of delivery, by collecting it on delivery provided it is available at its place of ordinary use for immediate collection and at the time of collection is not connected to any electrical, gas or water supply, waste water pipe, or permanent structure, or

(ii) where such equipment is not available for immediate return,—

(A) on account of less than 24 hours notice having been given for collection, by arranging for and collecting it within 15 days of the date of delivery, provided that the waste electrical and electronic equipment concerned is not connected to any electrical, gas or water supply, waste water pipe, or permanent structure, and the distributor or producer concerned has given at least 24 hours notice of collection, or

(B) by accepting it at—

(I) any or every place of business in the State from which he or she distributes electrical and electronic equipment or, as appropriate,

(II) an address in the State,

when occupied by the producer or, as appropriate, the distributor concerned or by any of his or her servants or agents within a maximum of 30 days of the date of delivery.

(8) Without prejudice to sub-articles (2)(a) and (7)(c), any distributor shall be prohibited from requiring a customer to sign any document or make any declaration stating that any item of waste electrical and electronic equipment is not available for collection.

*Disposal of waste electrical and electronic equipment by distributors*

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

(a) shall be prohibited from—

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

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

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

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

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

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

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

(ii) selling waste electrical and electronic equipment from private households, other than—

(A) equipment that will be reused by members of the general public for the purpose it was originally intended or, as appropriate,

(B) components from such equipment for the sole use as spare parts for the repair, or the reuse, of electrical and electronic equipment, and

(b) including any distributor with obligations under article 16 of these Regulations, shall be entitled to dispose of waste electrical and electronic equipment from private households free of charge at a civic amenity facility where the obligations in articles 14 and 40 are fulfilled, subject to—

(i) prior agreement with the operator of such a facility on the maximum quantity, by weight or, as appropriate, by number of units, of waste consignments together with the size and type of vehicle or vehicles to be permitted access to the aforementioned facility and any conditions that may be appropriate, and

- (ii) the waste electrical and electronic equipment being transported in or on a vehicle registered in accordance with the provisions of section 131 of the Finance Act 1992 (No. 9 of 1992).

(2) Without prejudice to sub-article (1) (b), where it is established a civic amenity facility—

- (a) has insufficient space to cater for the quantities of waste electrical and electronic equipment to be deposited or,
- (b) on account of its location cannot cater for vehicles of a particular size,

the local authority in whose functional area the civic amenity site is located or the operator acting on its behalf may direct a distributor to deposit such waste electrical and electronic equipment at an alternative collection point operated by the local authority or on its behalf.

(3) Without prejudice to sub-article (1)(b), each distributor of electrical and electronic equipment, including any distributor with obligations under article 16 of these Regulations, shall be entitled to dispose of waste electrical and electronic equipment from private households free of charge at a civic amenity facility where the obligation in article 14 is fulfilled, subject to—

- (a) the distributor concerned demonstrating that he or she has—
  - (i) applied for registration in accordance with the provisions of article 40, and
  - (ii) been issued with a registration number in accordance with the provisions of section 9 of the Value Added Tax Act 1972 (No. 22 of 1972),
- (b) prior agreement with the operator of such a facility on the maximum quantity, by weight or, as appropriate, by number of units, of waste consignments together with the size and type of vehicle or vehicles to be permitted access to the aforementioned facility and any conditions that may be appropriate,
- (c) the waste electrical and electronic equipment being transported in or on a vehicle registered in accordance with the provisions of section 131 of the Finance Act 1992 (No. 9 of 1992), and
- (d) the provisions of sub-article (2).

(4) Without prejudice to sub-article (1) (a) (i), any distributor who transfers to any person or persons waste electrical and electronic equipment, with the exception of—

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

- (i) the producer responsible for financing the environmentally sound management of the waste electrical and electronic equipment concerned in accordance with the provisions of article 16 of these Regulations or, as appropriate,
  - (ii) an approved body established in accordance with the provisions of Part IV or its representative or,
- (b) a producer who is responsible for financing the environmentally sound management of the waste electrical and electronic equipment concerned in accordance with the provisions of article 16 of these Regulations or,
  - (c) an approved body established in accordance with the provisions of Part IV or its representative, that is permitted in accordance with the provisions of section 34 of the Act of 1996 shall,—
    - (I) ensure that its storage complies with the technical requirements as set out in Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time,
    - (II) ensure that its treatment shall, as a minimum, include the removal of all fluids and selective treatment in accordance with the requirements as set out in Annex II of the Directive, subject to any amendment that may be made to that Annex from time to time,
    - (III) on and from 31 December 2008, ensure that he or she or a third party acting on his or her behalf meets, with regard to waste electrical and electronic equipment sent for treatment, the targets prescribed in article 23, and
    - (IV) ensure where the waste electrical and electronic equipment concerned is treated in a third country, it is treated at a facility appropriately licensed or, as appropriate, permitted by the relevant authority or authorities in the third country concerned, and furnish documentary evidence that the requirements of paragraph (c) have been complied with.
- (5) Any person to whom sub-article (4) applies shall ensure that he or she or a third party acting on his or her behalf records—
- (a) the source of all waste electrical and electronic equipment collected, and
  - (b) in accordance with the detailed rules for monitoring compliance as determined by Article 7 (3) of the Directive, the mass of its waste electrical and electronic equipment, components, materials and substances when entering and leaving a recovery facility carrying out the treatment of waste electrical and electronic equipment or as appropriate, when entering a recovery facility carrying out the recycling of waste electrical and electronic equipment.

(6) Records kept pursuant to sub-article (5) shall be—

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

(7) The prohibition in sub-article (1)(a)(i) shall not apply in respect of electrical and electronic equipment returned to or accepted by a distributor under the provisions of the Sale of Goods and Supply of Services Act, 1980 (No. 16 of 1980) and which is subsequently returned to the producer.

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

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

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

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

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

- (a) a blocked bank account into which at least shall be deposited,—
  - (i) the current substantiated costs of the environmentally sound management of waste electrical and electronic equipment that will arise from private households when it is placed on the market in the State, and

- (ii) the interest that would accrue on the amount referred to in paragraph (i) when compounded on a daily basis at a margin of 5 points above the one month EURIBOR rate for the period of not less than the projected average life of the electrical and electronic equipment concerned as declared in accordance with the provisions of articles 11(2) and 11(3) as set out in the First Schedule or,
- (b) an insurance policy or policies, covering at least all of the costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment placed on the market in the State by the producer concerned, with an undertaking or undertakings registered in accordance with the European Communities (Non-Life Insurance) Framework Regulations 1994 (S.I. No. 359 of 1994), other than a captive insurer, for a period of not less than the life of the product or,
- (c) self-insurance provided a producer maintains a minimum balance of €15,000,000 or 10% of annual turnover of electrical and electronic equipment in the State, whichever is the greater, in a blocked bank account, to cover at least all of the costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment placed on the market in the State by him or her, or,
- (d) a bond or bonds issued by an undertaking or undertakings—
  - (I) registered in accordance with the European Communities (Non-Life Insurance) Framework Regulations 1994 (S.I. No. 359 of 1994) or, as appropriate,
  - (II) holding a valid banking licence issued in accordance with the provisions of the Central Bank Act 1971 (No. 24 of 1971), covering at least—
    - (A) the current substantiated costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment when it is placed on the market in the State, and
    - (B) the interest that would accrue on the amount referred to in paragraph (A) when compounded on a daily basis at a margin of 5 points above the one month EURIBOR rate for a period of not less than the projected average life of the electrical and electronic equipment concerned as declared in accordance with the provisions of articles 11(2) and 11(3),

as set out in the *First Schedule*.

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

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

(i) the current substantiated costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment that he or she places on the market in the State from 13 August 2005 onwards that has, at the time of substitution, not been discarded by the final user, and

(ii) the interest that would accrue on the amount referred to in paragraph (i) when compounded on a daily basis at a margin of 5 points above the one month EURIBOR rate for a period of not less than the projected average life of the electrical and electronic equipment concerned as declared in accordance with the provisions of articles 11(2) and 11(3),

as set out in the *First Schedule*.

(b) sub-articles (3)(b), that the substitute financial guarantee shall cover at least all of the costs of the environmentally sound management of waste electrical and electronic equipment that will arise from electrical and electronic equipment placed on the market in the State by the producer concerned or,

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

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

(a) financing the environmentally sound management of waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market in the State from 13 August 2005 onwards,

(b) the payment of any taxes on interest received to the appropriate agency or,

(c) obtaining the interest earned from such an account less any—

(I) taxes payable in accordance with the provisions of paragraph (b) or,

(II) charges levied by the financial institution holding or, as appropriate, managing such funds.

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

(a) sub-article (3)(a) shall only be permitted when—

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

(ii) a producer—

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

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

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

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

(ii) a producer—

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

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

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

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

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

(b) a producer—

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

(II) is accepted into membership of an approved body established in accordance with the provisions of Part IV.

(9) Subject to sub-article (10), separate identification of the costs of the environmentally sound management of waste electrical and electronic equipment from private households shall be prohibited.

(10) Notwithstanding sub-article (9), environmental management costs may be shown separately to the buyers of electrical and electronic equipment provided the cost shown does not exceed the current substantiated cost of the environmentally sound management of that equipment type until 13 February 2013 for the electrical and electronic equipment listed in category 1 of the First Schedule.

(11) Each producer or, as appropriate, distributor who displays environmental management costs shall be required to ensure that all costs shown do not exceed the current substantiated costs of the environmentally sound management of waste electrical and electronic equipment, incurred by both producers and distributors, arising from electrical and electronic equipment placed on the market in the State prior to 13 August 2005.

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

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

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

- (i) on his or her website or other electronic means of communication or, as appropriate,
  - (ii) in each of his or her catalogues, brochures or, as appropriate, direct mail communications.
- (d) Notwithstanding paragraph (a), where, for the purposes of or in connection with the distribution by a person of electrical and electronic equipment, the price of the electrical and electronic equipment is stated orally or negotiated by the person or by a servant or agent of the person or is stated on the electrical and electronic equipment or on any container or wrapper in which the electrical and electronic equipment is packed or on a ticket or label attached to the electrical and electronic equipment or to such container or wrapper or in a catalogue or advertisement or in a notice or other document including a receipt, the price so stated shall be stated as a single amount inclusive of any charge made by the producer for any environmental management cost payable in respect of the electrical and electronic equipment.
- (e) Notwithstanding paragraphs (b) and (c), each—
- (i) website or other electronic means of communication or, as appropriate,
  - (ii) catalogue, brochure or, as appropriate, direct mail communication,
- displaying an environmental management cost shall state “Producer Recycling Fund [amount of environmental management cost]”.
- (f) Without prejudice to paragraph (d), where a price notice, relating to a specific item of electrical and electronic equipment placed on the market by a producer who displays an environmental management cost in accordance with the provisions of sub-article (10), is displayed—
- (i) in a distributor’s premises, he or she shall, in addition to the retail price,
  - (ii) on a website or other electronic means of communication by a producer, or as appropriate a distributor, he or she shall, in addition to the retail price, at each point where the retail price is quoted or, as appropriate, the ordering and financial transaction confirming the purchase of such electrical and electronic equipment is undertaken,
  - (iii) in a distributor’s catalogues, brochures or, as appropriate, direct mail communications he or she shall, in addition to the retail price or,

(iv) in any advertisement, the distributor concerned shall, in addition to the retail price,

display the environmental management cost which shall be described as “Producer Recycling Fund” for that item and the amount equal to the retail price less the appropriate environmental management cost.

(g) Notwithstanding paragraph (d), each distributor shall make available at the point of sale to the purchaser concerned an invoice, receipt or docket which shall state “Price of electrical items includes Producer Recycling Fund contribution.”

(h) Notwithstanding paragraph (f), the display of the retail price with regard to each item of electrical and electronic equipment shall not be less prominent than the environmental management cost and the amount equal to the retail price less the appropriate environmental management cost displayed with regard to said item.

(13) Without prejudice to sub-article (2), in the event that the business of a producer is transferred in whole or in part to another person or persons, the producer shall remain responsible for the full costs of financing the environmentally sound management of electrical and electronic equipment which he or she has placed on the market in the State, until such time that he or she demonstrates that the person or persons to whom a transfer has been made is or are competent and in agreement to meet all the obligations of the producer in respect of any such electrical and electronic equipment, including fulfilling the obligation of producers to finance the environmentally sound management of waste electrical and electronic equipment, in accordance with the provisions of sub-article (1) and the requirement of producers to meet all recovery targets in accordance with the provisions of article 23 of these Regulations.

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

(a) ceases to trade,

(b) goes into liquidation, examination or, receivership or

(c) enters into a scheme of arrangement or compromise in accordance with the provisions of section 201 of the Companies Acts 1963 to 2009,

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

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

*Collection of waste electrical and electronic equipment by a producer*

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

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

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

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

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

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

- (a) its delivery to a recovery facility carrying out the treatment of waste electrical and electronic equipment, and
- (b) financing its treatment, recovery and environmentally sound disposal.

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

- (a) electrical and electronic equipment placed on the market in the State on and from 13 August 2005 when it reaches end of life or,
  - (b) waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market in the State prior to 13 August 2005 that is being replaced by him or her with new equivalent products or with new products fulfilling the same function.
- (4) Any distributor failing to comply with the provisions of sub-article (3) shall be obliged to—
- (a) register with the registration body in accordance with the provisions of article 10,
  - (b) take on the financial obligations of each producer concerned in accordance with the provisions of articles 16 and 18,
  - (c) achieve the targets specified in article 23,
  - (d) maintain satisfactory records in accordance with the provisions of article 24 or, as appropriate,
  - (e) provide the information specified in articles 11, 25, 26, 28, 29 or 30.

*Alternative Financing Arrangements*

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

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

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

- (ii) the targets as laid down in article 23 for the environmentally sound management of waste electrical and electronic equipment have been achieved.

*Collection of waste electrical and electronic equipment*

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

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

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

(a) of waste electrical and electronic equipment arising from private households that was placed on the market in the State prior to 13 August 2005 in proportion to his or her current respective share of the market in the State by type of equipment as categorised in the *First Schedule* or,

(b) all waste electrical and electronic equipment from private households arising from electrical and electronic equipment that he or she has placed on the market in the State on and from 13 August 2005,

from collection points and civic amenity facilities situated in the functional area of each local authority.

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

*Storage of waste electrical and electronic equipment*

21. Any collection point and recovery facility carrying out the treatment of waste electrical and electronic equipment, shall ensure that its storage of waste electrical and electronic equipment complies with the technical requirements as set out in Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time.

*Treatment of waste electrical and electronic equipment*

22. (1) Each—

(a) producer that is responsible for financing the environmentally sound management of waste electrical and electronic equipment in accordance with the provisions of articles 16 and 18 (1) or, as appropriate,

(b) final user of waste electrical and electronic equipment from users other than from private households that—

- (i) is responsible for financing its environmentally sound management in accordance with the provisions of article 18(2), or
- (ii) avails of alternative financing methods as provided for in article 19(1),

shall ensure that its treatment shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with the requirements as set out in Annex II of the Directive, subject to any amendment that may be made to that Annex from time to time.

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

- (a) ensure it is treated at a facility appropriately licensed or, as appropriate, permitted by the relevant authority or authorities in the third country concerned, and
- (b) furnish documentary evidence that the requirements of article 23 have been complied with.

(3) Any facility, establishment or undertaking carrying out treatment operations shall obtain as appropriate, a licence or permit from the relevant authority or authorities.

*Recovery of waste electrical and electronic equipment*

23. Each producer that is responsible for financing the environmentally sound management of waste electrical and electronic equipment in accordance with the provisions of articles 16 and 18(1) shall ensure that he or she or a third party acting on his or her behalf meets, with regard to waste electrical and electronic equipment sent for treatment, the following targets—

- (a) for waste electrical and electronic equipment falling under categories 1 and 10 of the *First Schedule*,—
  - (i) the rate of recovery shall be a minimum of 80%, and
  - (ii) component, material and substance reuse and recycling a minimum of 75%,
 by an average weight per appliance,
- (b) for waste electrical and electronic equipment falling under categories 3 and 4 of the *First Schedule*,—
  - (i) the rate of recovery shall be a minimum of 75%, and

- (ii) component, material and substance reuse and recycling a minimum of 65%,  
by an average weight per appliance,
- (c) for waste electrical and electronic equipment falling under categories 2, 5, 6, 7 and 9 of the *First Schedule*,—
  - (i) the rate of recovery shall be a minimum of 70%, and
  - (ii) component, material and substance reuse and recycling shall be a minimum of 50%,  
by an average weight per appliance, and
- (d) for gas discharge lamps, the rate of component, material and substance reuse and recycling shall be a minimum of 80% by weight of the lamps,

as determined in accordance with the provisions of Article 7 (3) of the Directive.

*Record keeping*

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

- (a) the quantities, by weight or, as appropriate, by number of units, and categories of electrical and electronic equipment in each of the categories specified in the *First Schedule* he or she placed on the market in—
    - (i) each Member State of the European Union, and
    - (ii) third countries, and
  - (b) in accordance with the detailed rules for monitoring compliance as determined by Article 7 (3) of the Directive, the mass of its waste electrical and electronic equipment, components, materials and substances when entering and leaving a recovery facility carrying out the treatment of waste electrical and electronic equipment or as appropriate, when entering a recovery facility carrying out the recycling of waste electrical and electronic equipment.
- (2) Records kept pursuant to sub-article (1) shall be—
- (a) retained at an address in the State by the person required to keep them for a period of at least six years, starting from the end of the year in which they were drawn up, and
  - (b) made available to the Agency, a local authority or, as appropriate, an appropriate agency on request within a specified period or by a specified date.

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

*WEEE waste management plans and reports*

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

(a) have prepared a plan specifying the steps to be taken by the said producer in order to comply with the requirements of these Regulations, including the steps which the producer intends to take to ensure the environmentally sound management of waste electrical and electronic equipment, and

(b) fix and maintain in a conspicuous position at or within one metre of each entrance to each of his or her premises, other than a premises used for the distribution of electrical and electronic equipment, a notice complying with the requirements specified in Part 3 of the *Fifth Schedule*.

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

(3) A producer shall, not later than the date on which application for renewal of registration is made in accordance with the provisions of sub-article 11(3)—

(a) have prepared a report specifying the steps taken by the said producer in order to comply with the requirements of these Regulations in the relevant period, and the results of those steps, and

(b) fix and maintain, in a conspicuous position at or within one metre of each entrance to each of his or her premises, other than a premises used for the distribution of electrical and electronic equipment, a notice complying with the requirements specified in Part 4 of the *Fifth Schedule*.

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

(5) A producer shall at least once every three years, and not later than the date on which application for renewal of registration in that year is made in accordance with the provisions of article 11(3), have prepared a new plan in accordance with the provisions of sub-article (1)(a).

(6) A producer shall on the date on which application for—

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

- (b) renewal of registration is made in accordance with the provisions of article 11(3),

submit to the Agency for its approval a copy of a plan or report prepared for the purpose of this article.

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

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

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

(10) Notwithstanding article 16(12) of these Regulations, the Agency shall in determining the adequacy of a plan submitted in accordance with the provisions of sub-article (6) consult with the Minister with regard to any condition which the Minister may wish to apply relating to environmental management costs.

*Obligation of producers to provide information to recovery facilities*

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

- (a) reuse and treatment information,
- (b) the different electrical and electronic components, and materials, and
- (c) the location of dangerous substances and mixtures,

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

*Format of information to be provided to recovery facilities*

27. The information referred to in article 26 shall be made available to reuse centres, treatment and recycling facilities by each producer or third party acting on his or her behalf in the form of manuals or by means of electronic media, including CD-ROM or, as appropriate, online services.

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

28. (1) Each producer—

- (a) shall ensure that he or she or a third party acting on his or her behalf marks indelibly, visibly and legibly each item of electrical and electronic equipment he or she places on the market with the symbol shown in the *Ninth Schedule* in order to demonstrate it has been

placed on the market since 13 August 2005 and that it should not be disposed of as unsorted municipal waste, and

- (b) of household electrical and electronic equipment shall ensure when supplying a new product, that users are informed of—
  - (i) the requirement not to dispose of waste electrical and electronic equipment as unsorted municipal waste and to have such waste electrical and electronic equipment collected separately,
  - (ii) their role in contributing to reuse, recycling and other forms of recovery of waste electrical and electronic equipment,
  - (iii) the potential effects on the environment and human health as a result of the presence of hazardous substances in electrical and electronic equipment, and
  - (iv) the meaning of the symbol shown in the *Ninth Schedule*.

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

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

*Obligation of producers to provide information to the Registration Body*

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

- (a) declare, the quantities, by weight or, as appropriate, by number of units, of electrical and electronic equipment for private households and electrical and electronic equipment for users other than private households in each of the categories specified in the *First Schedule* he or she placed on the market in the State, to the registration body, or where any or all of the functions of the registration body have been devolved to a third party in accordance with the provisions of article 8(3), to the third party concerned—
  - (i) by 31 January of each year in respect of the previous calendar year ending 31 December or, as appropriate,
  - (ii) on request within a specified period or by a specified date, in respect of any specified period or, as appropriate,

- (b) submit the vouched details, including copy invoices, of the cost incurred, from 13 August 2005 onwards, by him or her for the environmentally sound management of waste electrical and electronic equipment arising from private households, to the registration body, or where any or all of the functions of the registration body have been devolved to a third party in accordance with the provisions of article 8(3), to the third party concerned.

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

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

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

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

(4) The obligation of sub-article (3) will be deemed to have been met if a distributor of electrical and electronic equipment and batteries or, as appropriate, accumulators, fixes and maintains in a conspicuous position within one metre of the point of sale or, as appropriate display of electrical and electronic equipment and batteries or, as appropriate, accumulators a notice complying with the requirements specified in Part 5 of the *Fifth Schedule*.

(5) Notwithstanding sub-article (1), any person advertising household electrical and electronic equipment in print media will be required, in any advertisement, to include the following text “Waste Electrical and Electronic Equipment (WEEE) must never be placed in your waste disposal or recycling bins. WEEE is taken back free of charge at electrical retail outlets on a one-for-one like-for-like basis. Local authority civic amenity facilities also take back WEEE free of charge. WEEE recycling is free”.

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

(7) Notwithstanding sub-articles (5) and (6), any person advertising household electrical and electronic equipment and batteries in print media may for the purposes of fulfilling the obligation in sub-article (5) and the obligation in article 33(3) of the Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008), in any advertisement, include the following text “Waste Electrical and Electronic Equipment (WEEE) and waste batteries must never be placed in your waste disposal or recycling bins. WEEE is taken

back free of charge at electrical retail outlets on a one-for-one like-for-like basis. There is a bin for small batteries in your local store. Local authority civic amenity facilities also take back WEEE and waste batteries free of charge. WEEE and waste battery recycling is free” provided the information is clearly visible and understandable and is printed proportionately in text where each letter is at least 2mm in height.

## PART IV

### APPROVED BODIES

#### *Exemption from certain requirements*

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

- (a) private households shall, be exempt from the requirements of articles 16, 20, 22, 23 and 25 of these Regulations, or, as appropriate,
- (b) users other than private households, shall be exempt from the requirements of articles 18, 20, 22, 23 and 25,

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

#### *Application to the Minister for approval*

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

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

- (a) a copy of the articles of association of the body corporate,
- (b) the appropriate certificate issued by the Companies Registration Office,
- (c) proposals relating to corporate governance,
- (d) proposals for representation of 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 31 including proposals in relation to the collection of waste electrical and electronic equipment from collection points together with civic amenity facilities in the appropriate functional areas of all local authorities,
- (h) proposals for a scheme to be undertaken by the body corporate for the environmentally sound management of waste electrical and electronic equipment,
  - (i) proposals for the achievement of the targets as laid down in article 23 for the environmentally sound management of waste electrical and electronic equipment under the proposed scheme,
- (j) proposals for determining and verifying the level of the environmentally sound management of waste electrical and electronic equipment under the proposed scheme,
- (k) a copy of the rules of membership of the body corporate together with details of the membership fee structure,
- (l) a—
  - (i) declaration that no producer applying for membership will be discriminated against on the grounds—
    - (A) of the quantity or, as appropriate, type of electrical and electronic equipment that he or she places on the market in the State or, as appropriate,
    - (B) that the body concerned is only catering for or will only cater for—
      - (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
  - (ii) list of applications for membership—
    - (A) received,
    - (B) accepted, and
    - (C) rejected together with the grounds for rejection.

- (m) proposals for the certification of producers for the purposes of article 31,
- (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, and
- (q) such other information as may be specified in writing by the Minister for the purposes of this article.

*Grant or refusal of approval*

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

(2) Subject to article 34, an approval granted by the Minister under this article shall be for a period of not less than five years and not more than 10 years.

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

- (a) the articles of association of the body corporate,
- (b) the appropriate certificate issued by the Companies Registration Office,
- (c) corporate governance,
- (d) the representation of 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 31 including the collection of waste electrical and electronic equipment from collection points together with civic amenity facilities in the appropriate functional areas of all local authorities,
- (h) any aspects of the scheme to be undertaken by the body corporate for the environmentally sound management of waste electrical and electronic equipment,

- (i) the achievement of the targets as laid down in article 23 for the environmentally sound management of waste electrical and electronic equipment,
  - (j) the determination and verification of the effects of measures to be undertaken with regard to the environmentally sound management of waste electrical and electronic equipment,
  - (k) the rules of membership of the body corporate and the membership fee structure,
  - (l) non-discrimination against any producer on the grounds—
    - (i) of the quantity or, as appropriate, type of electrical and electronic equipment that he or she places on the market in the State or, as appropriate,
    - (ii) that the body concerned is only catering for or will only cater for—
      - (A) a maximum pre-determined share of waste 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 31,
  - (n) green procurement,
  - (o) measures to be undertaken by the body concerned relating to the dissemination of information to the public regarding the environmentally sound management of waste electrical and electronic equipment,
  - (p) the nature and frequency of information (including financial accounts) to be submitted by the body concerned to the Minister or to such other person as may be specified by the Minister,
  - (q) the application of environmental management costs notwithstanding article 16(12) of these Regulations and
  - (r) any other matters the Minister may consider appropriate.
- (4) Without prejudice to sub-article (3), in the event that an approved body—
- (a) has its approval revoked in accordance with the provisions of article 34,
  - (b) goes into liquidation, examination or, receivership or,

- (c) enters into a scheme of arrangement or compromise in accordance with the provisions of section 201 of the Companies Acts 1963 to 2009,

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

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

*Review and revocation of approval*

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

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

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

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

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

(3) Following the consideration of any submission or application in accordance with sub-article (2), the Minister may issue a revised approval, varying any condition attaching to the approval or attach any additional conditions which

he or she considers appropriate, or grant a new approval in accordance with the provisions of article 33, as the case may be.

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

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

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

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

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

*Use of logo adopted by an approved body*

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

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

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

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

36. An approved body shall,—

(a) not later than the 7th day of each month, notify—

(i) each local authority of any producer situated within the functional area of the authority,

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

(iii) the Agency

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

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

## PART V

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

#### *Enforcement*

37. (1) The Agency is designated as the competent authority in the State for the purposes of these Regulations and the Directive.

(2) The Agency shall be responsible for the enforcement of the provisions of articles 8, 9, 10, 11, 12, 13, 14(7), 16, 18(1), 19, 23, 24, 25, 26, 27, 28, 29, 31, 35, 36, and 43 of these Regulations within the State and shall take such steps as are necessary for this purpose.

(3) Each local authority shall be responsible for the enforcement of the provisions of articles 14(1), 14(2), 14(3), 14(4), 14(5), 14(6), 15, 17, 18(2), 30, 40 and 41 of these Regulations within their functional areas and shall take such steps as are necessary for this purpose.

(4) The Agency or, as appropriate, the relevant local authority, shall be responsible for the enforcement of the provisions of articles 14(8), 20, 21, 22 and 42 of these Regulations within the State and shall take such steps as are necessary for this purpose.

(5) The Agency or a local authority may, for the purpose of determining compliance with these Regulations, by the service of a notice in writing on any producer or distributor, require the producer or distributor concerned to furnish in writing to the Agency or a local authority, as the case may be, within such period (being not less than 14 days after the date of the service of the notice) and, if appropriate, thereafter at such frequency as may be specified in the notice, such records including, but not exclusively, invoices, credit notes, dispatch or, as appropriate, delivery dockets as may be so specified.

(6) Information obtained under sub-article (5) by—

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

as the case may be.

*Powers of an authorised person*

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

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

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

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

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

- (a) make such plans, take such photographs, record such information on data loggers, make such tape, electrical, video or other recordings and carry out such inspections,
- (b) make such copies of documents and records (including records in electronic form) found therein and take such samples,
- (c) carry out such surveys, take such levels, make such excavations and carry out such examinations of depth and nature of subsoil,
- (d) require that the premises or vehicle or any part of the premises or anything in the premises or vehicle shall be left undisturbed for such period,
- (e) require from an occupier of the premises or any occupant of the vehicle or any person employed on the premises or any other person on the premises, such information,
- (f) require the production of and inspect such records and documents, (including records held in electronic form) and take copies of or extracts from, or take away if considered necessary for the purposes of inspection or examination, any such records or documents,

as the authorised person, having regard to all the circumstances, considers necessary for the purposes of exercising any power conferred on him or her, by or under these Regulations

- (5) (a) An authorised person who, having entered any premises or boarded any vehicle, pursuant to this Regulation, considers that waste thereon or therein is such, or is being handled or transported in such manner, as to constitute a risk of environmental pollution, may direct the holder of such waste to take such measures as are considered by that authorised person to be necessary to remove that risk, including, the disposal of the waste, in such manner and place and within such period as the authorised person may specify.
  - (b) If a holder of waste fails to comply with a direction of an authorised person under this paragraph, the authorised person may do all things as are necessary to ensure that the direction is carried out and the costs incurred by him or her in doing any such thing shall be recoverable from the holder of the waste by him or her, or the person by whom he or she was appointed, as a simple contract debt in any court of competent jurisdiction.
- (6) Any person who—
- (a) refuses to allow an authorised person to enter any premises or board any vehicle or to take any person or equipment with him or her in the exercise of his or her powers under this Regulation,

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

shall be guilty of an offence.

- (7) (a) Where an authorised person in the exercise of his or her powers under this Regulation is prevented from entering any premises or if an authorised person has reason to believe that evidence related to a suspected offence under these Regulations may be present in any premises and that the evidence may be removed therefrom or destroyed, the authorised person or the person by whom he or she was appointed may apply to a judge of the District Court for a warrant under this paragraph authorising the entry by the authorised person into the premises.
- (b) If on application being made to him or her under this paragraph, a Judge of the District Court is satisfied, on the sworn information of the applicant, that the authorised person concerned has been prevented from entering a premises as aforesaid or that the authorised person has reasonable grounds for believing the other matters aforesaid, the judge may issue a warrant under his or her hand authorising that person, accompanied, if the judge deems it appropriate so to provide, by such number of members of the Garda Síochána as may be specified in the warrant, at any time or times within one month from the date of the issue of the warrant, on production if so requested of the warrant, to enter, if need be by force, the premises concerned and exercise the powers referred to in sub-article (4) or (5).

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

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

*Offences*

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

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

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

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

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

(4) A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years, or both.

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

(6) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Prosecutor, the costs and expenses, measured by the court, incurred by the Agency or local authority in relation to the investigation, detection and prosecution of the offence, including costs and

expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of directors, employees, consultants and advisers engaged by the Agency or local authority.

*Registration of Distributors*

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

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

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

(a) apply for registration, not later than the date of commencement of business, and

(b) apply for renewal of such registration, not later than 31 January in each year following initial registration, subject only that a distributor or, as appropriate, a producer shall not be required to make such application within six months of initial registration, to the local authority in the functional area in which each premises at which he or she stores waste electrical and electronic equipment, accepted for return by him or her in accordance with the provisions of article 14(1)(b)(i) of these Regulations, is situated.

(4) An application for registration, or renewal of registration, in accordance with the provisions of sub-article (3) shall be made in writing, shall contain at least the information set out in the Tenth Schedule and shall be accompanied by a—

(a) declaration from the applicant that transport and storage of waste electrical and electronic equipment shall be in accordance with the—

(i) technical requirements of Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time, and

(ii) provisions of—

(A) sections 34(1) and 39(1) of the Act of 1996 or, as appropriate,

(B) articles 41 and 42 of these Regulations, and

(b) fee not exceeding €20.

(5) The Minister may from time to time review and make an order, amending sub-article (4) by substituting for the amount standing specified in that sub-article for the time being a greater amount.

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

(7) An approval in accordance with the provisions of sub-article (6) shall be subject to such conditions as the Minister may specify, including but not exclusively—

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

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

(9) Any association or body corporate representing distributors or approved body established in accordance with the provisions of Part IV of these Regulations that is approved in accordance with the provisions of sub-article (7)—

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

(10) Subject to sub-article (11), where it appears to the Minister that an association or body corporate representing distributors or an approved body established in accordance with the provisions of Part IV of these Regulations that is approved in accordance with the provisions of sub-article (7) is not complying with conditions attached to such approval, he or she may revoke the approval.

(11) Where the Minister proposes to revoke an approval granted in accordance with the provisions of sub-article (7), the Minister shall—

- (a) give notice in writing to the association or body corporate or the approved body established in accordance with the provisions of Part IV of these Regulations concerned of the proposed decision and the reasons therefore,

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

(c) consider any submission so made.

(12) Once an approval in accordance with the provisions of sub-article (7)—

(a) is revoked by the Minister, or

(b) expires,

the association or body corporate or approved body established in accordance with the provisions of Part IV of these Regulations concerned shall immediately transfer to each appropriate local authority, all records, documentation and data in written and in electronic form, relating to the register provided for in sub-article (6), including the requisite software and programmes.

(13) A distributor shall fulfil the obligation in sub-article (3) if he or she applies, to an association or body corporate representing distributors or an approved body established in accordance with the provisions of Part IV of these Regulations that is approved in accordance with the provisions of sub-article (7), for the registration of each premises from which he or she, distributes electrical and electronic equipment or, as appropriate, uses for the storage of electrical and electronic equipment prior to their distribution.

(14) Any distributor who registers each premises from which he or she, distributes electrical and electronic equipment or, as appropriate, uses for the storage of electrical and electronic equipment prior to their distribution in accordance with the provisions of sub-article (13) shall be deemed to have fulfilled the obligations provided for in sub-articles (3) and (4).

## PART VI

### MISCELLANEOUS

#### *Non-application of section 34(1)(a) of the Act of 1996*

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

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

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

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

that was replaced by him or her on a one-to-one basis by electrical and electronic equipment of equivalent type or which has fulfilled the same functions as the supplied equipment in accordance with the provisions of article 14(1)(b)(i), and is disposed of in accordance with the provisions of article 15, or

- (b) person or persons, acting on behalf of a body, which has been granted charitable recognition by the Revenue Commissioners, and issued with a Charity (CHY) Number provided that the activity is confined to the transport of waste electrical and electronic equipment other than waste electrical and electronic equipment listed in category 5 of the *First Schedule*,

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

- (2) the exemptions provided for in sub-article (1) shall not apply—
  - (a) to contaminated waste electrical and electronic equipment that presents a health and safety risk,
  - (b) unless transport of the waste electrical and electronic equipment is to an authorised facility where it will be stored in accordance with the technical requirements as set out in Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time, and
  - (c) unless the waste electrical and electronic equipment will be reused or eventually treated at an appropriate facility in accordance with the technical requirements as set out in Annex II of the Directive, subject to any amendment that may be made to that Annex from time to time.

*Non-application of section 39(1) of the Act of 1996*

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

- (a) where electrical and electronic equipment is distributed, or a facility used by a distributor for the storage of electrical and electronic equipment prior to its distribution, and where the quantities of waste electrical and electronic equipment being stored at any one time does not exceed—
  - (i) 90 cubic metres of household waste electrical and electronic equipment, other than waste specified in paragraphs (ii) and (iii),
  - (ii) 2,000 units of waste electrical and electronic equipment listed in category 5 of the *First Schedule* or,

(iii) 50 kgs of mobile phones.

provided it was replaced on a one-to-one basis by electrical and electronic equipment of equivalent type or which fulfilled the same functions as the supplied equipment in accordance with the provisions of article 14(1)(b)(i), is disposed of in accordance with the provisions of article 15, and that such a place is registered and inspected in accordance with the provisions of article 40, or

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

(i) 90 cubic metres of household waste electrical and electronic equipment other than waste electrical and electronic equipment listed in category 5 of the First Schedule and waste specified in paragraph (ii),

(ii) 50 kgs of mobile phones,

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

(a) to contaminated waste electrical and electronic equipment that presents a health and safety risk,

(b) unless storage of the waste electrical and electronic equipment is in accordance with the technical requirements as set out in Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time, and

(c) unless the waste electrical and electronic equipment will be reused or eventually treated at an appropriate facility in accordance with the technical requirements as set out in Annex II of the Directive, subject to any amendment that may be made to that Annex from time to time.

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

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

(i) 540 cubic metres of waste electrical and electronic equipment from private households, other than waste specified in paragraphs (ii) and (iii).

- (ii) 12,000 units of waste electrical and electronic equipment listed in Category 5 of the *First Schedule* or, as appropriate,
  - (iii) 300 kgs of mobile phones, and
- (b) the waste electrical and electronic equipment shall be stored for a period not exceeding 30 days.
- (4) Sub-article 3 shall only apply where—
- (a) the restrictions imposed on the sources, maximum quantities and duration of storage of waste electrical and electronic equipment from private households are not exceeded at any time, and
  - (b) a—
    - (i) licensed or, as appropriate, permitted facility has notified the Agency or, as appropriate, the relevant local authority of its intentions to accept waste electrical and electronic equipment from private households that will be deposited by final users or taken back by distributors in accordance with the provisions of article 14(1)(b)(i) through deliveries by commercial vehicles and has received written approval from the Agency or, as appropriate, the relevant local authority to this request, or
    - (ii) registration certificate has been granted under sub-article 5 by the Agency or, as appropriate, the relevant local authority in relation to the reception of waste electrical and electronic equipment from private households that will be deposited by final users or taken back by distributors in accordance with the provisions of article 14(1)(b)(i) through deliveries by commercial vehicles at the facility, and
  - (c) the activity is being carried on in accordance with the technical requirements specified in Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time, the rules specified in—
    - (i) Part I of the Fourth Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821 of 2007) as amended by the Waste Management (Facility Permit and Registration) (Amendment) Regulations 2008 (S.I. No. 86 of 2008) subject to any amendment that may be made to those regulations from time to time, and
    - (ii) the *Eleventh Schedule* of these Regulations

and complies with the general requirements laid down in Article 10 of Directive 2008/98/EC.

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

*Product Design.*

43. (1) Each producer shall—

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

- (b) ensure that he or she, when designing and producing electrical and electronic equipment, takes into account and facilitates 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.

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

*Reuse of electrical and electronic equipment*

44. (1) Each final user, distributor, local authority, producer and treatment facility in possession of waste electrical and electronic equipment shall, having regard to sustainable environmental practices or, as appropriate, health and safety requirements, give priority to the reuse of whole appliances.

(2) Without prejudice to sub-article (1), the Minister from time to time may issue guidance concerning the reuse of whole appliances.

*Commencement*

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

*Revocation*

46. The Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2008 (S.I. No. 375 of 2008) and the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2010 (S.I. No. 143 of 2010) are revoked with effect from the date specified in article 45.

## FIRST SCHEDULE

## CATEGORIES OF ELECTRICAL AND ELECTRONIC EQUIPMENT

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

## 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

1. Large household appliances
  - Large cooling appliances
  - Refrigerators
  - Freezers
  - Other large appliances used for refrigeration, conservation and storage of food
  - Washing machines
  - Clothes dryers
  - Dish washing machines
  - Cooking Equipment
  - Electric stoves
  - Electric hot plates
  - Microwaves
  - Other large appliances used for cooking and other processing of food
  - Electric heating appliances
  - Electric radiators

- Other large appliances for heating rooms, beds, seating furniture
  - Electric fans
  - Air conditioner appliances
  - Other fanning, exhaust ventilation and conditioning equipment
2. Small household appliances
- Vacuum cleaners
  - Carpet sweepers
  - Other appliances for cleaning
  - Appliances used for sewing, knitting, weaving and other processing for textiles
  - Irons and other appliances for ironing, mangling and other care of clothing
  - Toasters
  - Fryers
  - Grinders, coffee machines, other small appliances used for cooking and other processing of food and equipment for opening or sealing containers or packages
  - Electric knives
  - Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances
  - Clocks, watches and equipment for the purpose of measuring, indicating or registering time
  - Scales
3. IT and telecommunications equipment
- Centralised data processing:
    - Mainframes
    - Minicomputers
    - Printer units
  - Personal computing:
    - Personal computers (CPU, mouse, screen and keyboard included)
    - Laptop computers (CPU, mouse, screen and keyboard included)
    - Notebook computers
    - Notepad computers
    - Printers
  - Copying equipment
  - Electrical and electronic typewriters
  - Pocket and desk calculators
  - and other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means
  - User terminals and systems
  - Facsimile
  - Telex
  - Telephones
    - Pay telephones
    - Cordless telephones
    - Cellular telephones

- Answering systems
  - and other products or equipment of transmitting sound, images or other information by telecommunications
4. Consumer equipment
- Radio sets
  - Television sets
  - Video cameras
  - Video recorders
  - Hi-fi recorders
  - Audio amplifiers
  - Musical instruments
  - And other products or equipment for the purpose of recording or reproducing sound or images, including signals
  - or other technologies for the distribution of sound and image than by telecommunications
5. Lighting equipment
- Luminaires for fluorescent lamps with the exception of luminaires in households
  - Straight fluorescent lamps
  - Compact fluorescent lamps
  - High intensity discharge lamps, including pressure sodium lamps and metal halide lamps
  - Low pressure sodium lamps
  - Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs
6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
- Drills
  - Saws
  - Sewing machines
  - Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching,
  - folding, bending or similar processing of wood, metal and other materials
  - Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses
  - Tools for welding, soldering or similar use
  - Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means
  - Tools for mowing or other gardening activities
7. Toys, leisure and sports equipment
- Electric trains or car racing sets
  - Hand-held video game consoles
  - Video games
  - Computers for biking, diving, running, rowing, etc.
  - Sports equipment with electric or electronic components

- Coin slot machines
8. Medical devices (with the exception of all implanted and infected products)
- Radiotherapy equipment
  - Cardiology
  - Dialysis
  - Pulmonary ventilators
  - Nuclear medicine
  - Laboratory equipment for in-vitro diagnosis
  - Analysers
  - Freezers
  - Fertilization tests
  - Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability
9. Monitoring and control instruments
- Smoke detector
  - Heating regulators
  - Thermostats
  - Measuring, weighing or adjusting appliances for household or as laboratory equipment
  - Other monitoring and control instruments used in industrial installations (e.g. in control panels)
10. Automatic dispensers
- Automatic dispensers for hot drinks
  - Automatic dispensers for hot or cold bottles or cans
  - Automatic dispensers for solid products
  - Automatic dispensers for money
  - All appliances which deliver automatically all kind of products

### THIRD SCHEDULE

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

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

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

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

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

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

as follows:

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

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

or

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

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

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

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

as follows:

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

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

#### FOURTH SCHEDULE

##### INFORMATION TO BE COMPILED AND PROVIDED WHEN APPLYING FOR REGISTRATION OR RENEWAL OF REGISTRATION IN ACCORDANCE WITH ARTICLE 11

##### *PART 1*

##### INFORMATION TO BE PROVIDED FOR THE PURPOSE OF REGISTRATION

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

Registered Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

Trading Name:

Address for Correspondence:

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

Contact Person's Telephone No.:

Contact Person's Fax No.:

Contact Person's E-mail:

2. The 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 applicable, 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 State 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 applicable, 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 State 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*.
6. Name(s) and address(es) of owner(s).

## PART 2

### INFORMATION TO BE PROVIDED FOR THE PURPOSE OF RENEWAL OF REGISTRATION

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

Registered Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

Trading Name:

Address for Correspondence:

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

Contact Person's Telephone No.:

Contact Person's Fax No.:

Contact Person's E-mail:

2. The 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 State 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 State 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 State 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 State in the calendar year prior to the date of application for renewal, in each of the categories specified in the *First Schedule*.
8. Name(s) and address(es) of owner(s).

## FIFTH SCHEDULE

### REQUIREMENTS REGARDING NOTICES IN ACCORDANCE WITH ARTICLES 14, 25 AND 30

#### *Part 1*

#### REQUIREMENTS REGARDING A NOTICE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 14(3).

A notice for the purpose of Article 14(3) shall—

- (a) be not less in dimension than 42 centimetres in height and 29.7 centimetres in width or 29.7 centimetres in height and 42 centimetres in width,
- (b) be so printed in black indelible ink with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a

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

- (c) not be obscured or concealed at any time, and
- (d) state the following—

“WASTE MANAGEMENT ACT 1996

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

## *PART 2*

### REQUIREMENTS REGARDING A NOTICE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 30(3).

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

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

“

### FREE RECYCLING

#### WASTE MANAGEMENT ACT 1996

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

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

All WEEE must be recycled and should not be placed in your waste disposal or recycling bins.

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

### PART 3

#### REQUIREMENTS REGARDING A NOTICE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 25(1).

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

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

#### “WASTE MANAGEMENT ACT 1996

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. ”

and

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

### PART 4

#### REQUIREMENTS REGARDING A NOTICE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 25(3).

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

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

- (c) not be obscured or concealed at any time, and
- (d) state the following—

“WASTE MANAGEMENT ACT 1996

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

PART 5

REQUIREMENTS REGARDING A NOTICE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 30(4).

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

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

“FREE RECYCLING

WASTE MANAGEMENT ACT 1996

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

Waste batteries including rechargeable batteries are taken back free of charge in this store.

You are not obliged to make any purchase when returning old batteries here.

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

All WEEE and waste batteries must be recycled and should not be placed in your waste disposal or recycling bins.

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

## SIXTH SCHEDULE

TECHNICAL REQUIREMENTS IN ACCORDANCE WITH ARTICLE 6(3) OF THE DIRECTIVE WHEN FIRST PUBLISHED ON 13 FEBRUARY 2003 AND WHICH MAY BE AMENDED FROM TIME TO TIME

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

## SEVENTH SCHEDULE

SELECTIVE TREATMENT FOR MATERIALS AND COMPONENTS OF WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT IN ACCORDANCE WITH ARTICLE 6(1) OF THE DIRECTIVE WHEN FIRST PUBLISHED ON 13 FEBRUARY 2003 AND WHICH MAY BE AMENDED FROM TIME TO TIME

1. As a minimum the following substances, preparations and components have to be removed from any separately collected WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT:
  - polychlorinated biphenyls (PCB) containing capacitors in accordance with Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)<sup>16</sup>,
  - mercury containing components, such as switches or backlighting lamps,
  - batteries,

<sup>16</sup>O.J. No. L243, 24.9.1996, p.31.

- printed circuit boards of mobile phones generally, and of other devices if the surface of the printed circuit board is greater than 10 square centimetres,
- toner cartridges, liquid and pasty, as well as colour toner,
- plastic containing brominated flame retardants,
- asbestos waste and components which contain asbestos,
- cathode ray tubes,
- chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC) or hydrofluorocarbons (HFC), hydrocarbons (HC),
- gas discharge lamps,
- liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 square centimetres and all those back-lighted with gas discharge lamps,
- external electric cables,
- components containing refractory ceramic fibres as described in Commission Directive 97/69/EC of 5 December 1997 adapting to technical progress Council Directive 67/548/EEC relating to the classification, packaging and labelling of dangerous substances<sup>17</sup>,
- components containing radioactive substances with the exception of components that are below the exemption thresholds set in article 3 of and Annex I to Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation,
- electrolyte capacitors containing substances of concern (height >25 mm, diameter >25 mm or proportionately similar volume)

These substances, preparations and components shall be disposed of or recovered in compliance with article 4 of Council Directive 75/442/EEC.

2. The following components of WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT that is separately collected have to be treated as indicated:

- cathode ray tubes: The fluorescent coating has to be removed,
- equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15, such as those contained in foams and refrigeration circuits: the gases must be properly extracted and properly

<sup>17</sup>O.J. No. L343, 13.12.1997, p.19.

treated. Ozone-depleting gases must be treated in accordance with Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer<sup>18</sup>.

— gas discharge lamps: The mercury shall be removed.

3. Taking into account environmental considerations and the desirability of reuse and recycling, paragraphs 1 and 2 shall be applied in such a way that environmentally-sound reuse and recycling of components or whole appliances is not hindered.

## EIGHTH SCHEDULE

INFORMATION TO BE PROVIDED IN PLANS AND IN ACCORDANCE WITH ARTICLE 25

### PART 1

INFORMATION TO BE PROVIDED IN A PLAN IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 25(1).

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

Registered Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

Trading Name:

Address for Correspondence:

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

Contact Person's Telephone No.:

Contact Person's Fax No.:

Contact Person's E-mail:

2. The location(s) of premises at which electrical and electronic equipment is produced by the producer.

3. The projected weight of electrical and electronic equipment that will be placed on the market in the State in the relevant period in each of the categories specified in 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 in the State by the producer in the relevant period in each of the categories specified in the *First Schedule*.

<sup>18</sup>O.J. No. L159, 29.6.1996, p.1.

5. The names, addresses and permit numbers of proposed authorised waste collectors or, as appropriate, recovery operators to be used for the collection, treatment and recycling of waste electrical and electronic equipment during the relevant period for the purposes of articles 20 and 21.
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.
8. Name(s) and address(es) of owner(s).

## *PART 2*

### INFORMATION TO BE PROVIDED IN A REPORT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 25(3).

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

Registered Name:  
Address of Registered Office:  
Telephone No.:  
Fax No.:  
E-mail:

Trading Name:  
Address for Correspondence:  
Name of the contact person in the company responsible for compliance with the Regulations:  
Contact Person's Telephone No.:  
Contact Person's Fax No.:  
Contact Person's E-mail:

2. The location(s) of premises at which electrical and electronic equipment is produced by the producer.
3. The weight of electrical and electronic equipment placed on the market in the State in the relevant period in each of the categories specified in the *First Schedule*.

4. The weight of waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market in the State by the producer in the relevant period in each of the categories specified in the *First Schedule*.
5. The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recovery operators used for the collection, treatment and recycling of waste electrical and electronic equipment during the relevant period for the purposes of articles 20 and 21.
6. The weight of waste electrical and electronic equipment—
  - (a) recovered by or on behalf of the producer, and
  - (b) accepted by recovery operators,—
    - (i) in the State, and
    - (ii) outside the State
 in the relevant period, in each of the categories specified in 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
  - (i) in the State, and
  - (ii) outside the State
 during the relevant period, and the nature of the disposal operations involved.
8. Name(s) and address(es) of owner(s).

#### NINTH SCHEDULE

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

The symbol—

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

consists of the crossed-out wheeled bin, as shown below. The symbol must be printed visibly, legibly and indelibly and conform to any such standard that may be promoted by the Commission.



## TENTH SCHEDULE

INFORMATION TO BE PROVIDED WHEN APPLYING FOR REGISTRATION OR RENEWAL OF  
REGISTRATION IN ACCORDANCE WITH ARTICLE 40

Information to be provided for the purpose of registration.

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

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which waste electrical and electronic equipment is or will be stored.

## ELEVENTH SCHEDULE

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

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

(ii) Names of the carriers, including vehicle registration details, in respect of waste collected from the facility, and

(b) Origin of waste rejected from the facility.

## TWELFTH SCHEDULE

### INFORMATION TO BE PROVIDED IN APPLICATIONS FOR REGISTRATION IN ACCORDANCE WITH ARTICLE 42

An application for a registration certificate shall—

- (a) give the name, address and, where applicable, any telephone number and telefax number of the applicant and, if different, any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, the address of its registered or principal office,
- (b) give the location or postal address of the facility to which the application relates,
- (c) describe the nature of the facility concerned,
- (d) specify the class or classes of activity concerned, in accordance with the Third and Fourth Schedules of the Act,
- (e) specify the quantity of waste (in tonnes) and nature of the waste or wastes, which will be recovered or disposed of, as the case may be.
- (f) specify the code according to the European Waste List (Decision 2001/118) or subsequent amendments,
- (g) identify monitoring and sampling points and indicates proposed arrangements for the monitoring of emissions and the environmental consequences of any such emissions,
- (h) describe any proposed arrangements for the off-site treatment or disposal of wastes,
- (i) describe the existing or proposed measures, including emergency procedures, to prevent unauthorised or unexpected emissions and minimise the impact on the environment of any such emissions,
- (j) describe the expected lifetime of the facility or activity
- (k) planning permission number (if applicable),

- (l) details of any proposed on-site traffic management system and the control procedures to be adopted to ensure the orderly movement of vehicles without creation of unreasonable nuisance and without detriment to the environment.



GIVEN under the Official Seal of the Minister for the Environment,  
Community, and Local Government,  
5 July 2011.

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

## EXPLANATORY NOTE

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

These Regulations give further effect to the provisions of European Parliament and Council Directive 2002/96/EC as amended by European Parliament and Council Directive 2003/108/EC and by Article 5 of Directive 2008/112/EC of the European Parliament and of the Council and revoke the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) as amended by the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2008 (S.I. No. 375 of 2008) and the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2010 (S.I. No. 143 of 2010).

They 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 as amended by Directive 2003/108/EC.

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

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
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