



# New WEEE Regulations Guidance Notes for Producers and Distributors

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*This is not a legal document and is for guidance purposes only. The notes included are not intended to be a full and comprehensive review of the regulations and the list is not exhaustive.*



## Introduction

The new WEEE Regulations (S.I. 149 of 2014 European Union (Waste Electrical and Electronic Equipment) Regulations 2014) came into effect on 29th March 2014. The following guidance has been prepared to highlight some of the primary changes and responsibilities of producers and distributors as required within.

Please note that this is not a legal document and is for guidance purposes only. The notes included below are not intended to be a full and comprehensive review of the regulations and the list is not exhaustive, therefore we recommend that you become familiar with the full details of the new regulations.

Download a copy of the regulations by visiting [www.erp-recycling.ie/SI149of2014](http://www.erp-recycling.ie/SI149of2014)

If you have any specific queries on any of the information contained within, please don't hesitate to get in contact with the ERP Team by calling (01) 662 4040.

## **Producers**

The definition of an EEE Producer has changed, refer to Article 3 of the regulations for a full description. The most significant change is that producers that export 100% of the EEE from Ireland no longer need to register. Aside from this all other Producer definitions remain the same.

## **Authorised Representative**

An Authorised Representative (AR) can be appointed by a producer established in another Member State in order to fulfil its producer obligations in Ireland. Each distance seller established in another Member State or third country must appoint an AR in Ireland.

Likewise, Irish distance sellers must appoint an AR in every Member State market where they place EEE on the market for the first time. AR's are responsible for fulfilling all producer obligations and are legally liable in the event of non-compliance. Any natural or legal person who has been appointed by written mandate can become an AR.

## **WEEE from Private Households**

There has been changes in the definition of B2B and B2C WEEE. EEE likely to be used by both private and non-private households

(B2C and B2B end users) must be considered as B2C EEE e.g. laptops, PCs, televisions, mobile phones, etc.

Producers are now required to report such products as B2C to the WEEE Blackbox.

## Visible Environmental Management Costs (vEMC's)

Notwithstanding the reintroduction of vEMC's, Producers are still required to pay RMC's (Recycling Management Charges) to ERP based on their declarations to ERP and the Blackbox.

Producers will display the applicable vEMC on invoices to Distributors and will report these details to the WEEE Blackbox. They will then be invoiced for these amounts by ERP Ireland.

Visible Environmental Management Costs (vEMCs) are being reintroduced, but only on certain categories, as detailed in the table below:

| Category                | vEMC  |
|-------------------------|-------|
| Category 1.1.           | €10   |
| Category 1.2, 1.2a, 1.3 | €5    |
| Category 4.1            | €5    |
| Category 5 (TBC)        | €0.15 |

vEMC's shall be indicated to each purchaser visibly and legibly in writing by distributors and distance sellers.

## Distributor Responsibility

Distributors must continue to take back WEEE from private households free of charge and on a one for one basis, in store and on delivery of new appliances. There is no time limit on take back in store.

If customers are given 24 hours' notice of delivery and the product is prepared for collection, the distributor must offer take back on delivery. If the product is not prepared, the customer can still return it indefinitely to the store. If 24 hour notice of delivery is not given, then the customer can ask the distributor to return and take it back within 15 days.

A new requirement is that retailers with an EEE sales area of more than over 400m<sup>2</sup> in size must take back very small appliances ( $\leq 25\text{cm}$ ) free of charge without any obligation on consumers to purchase.

Distributors are no longer permitted to bring the WEEE returned by customers to Civic Amenity sites. All WEEE taken back must be transferred to the compliance scheme operating in your area. ERP Ireland areas of operation for WEEE collections are: Fingal, Meath, Louth, Cavan, Monaghan, Leitrim, Westmeath, Clare, Kerry and Limerick City and County.

## Retailer Registration

Retailers may continue to register the premises free-of-charge on a once-off basis with ERP Ireland or WEEE Ireland, depending on where the premises is located (see Figure 1 below). Retailers also have the option of annual registration with their Local Authority for a fee of

€200 per annum. A certificate of Retailer Registration must be displayed by all retailers.

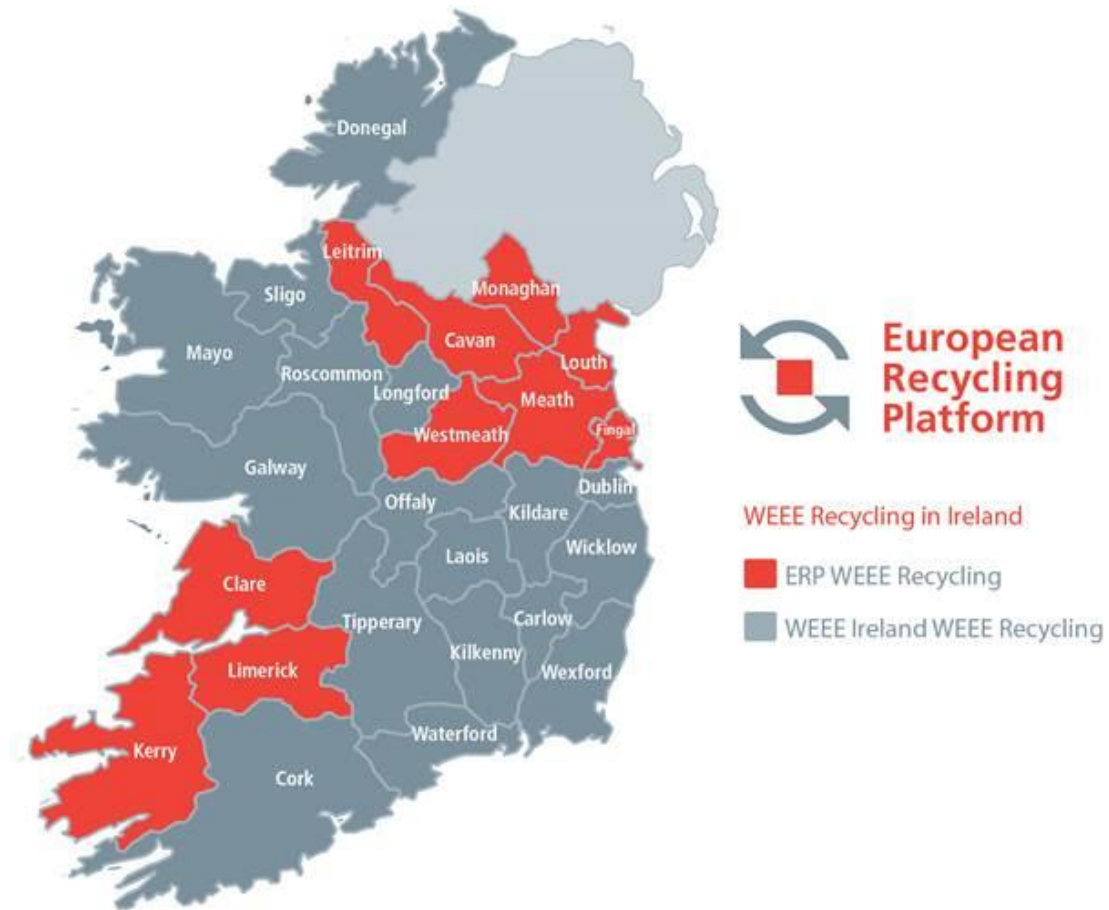


Figure 1: The areas of operation for WEEE collections for both Compliance Schemes in the Republic of Ireland.

## Record Keeping and Costs

It is a new requirement in the Regulations that retailers must keep records, for a period of not less than two years, of WEEE taken back

and handed over to the compliance schemes. These records may be requested by local authorities or the EPA.

From 1st July 2014, retailers can recover the costs incurred during take back, storage and segregation of WEEE from customers by joining the retailer take back programme.

To access these programmes, contact the compliance scheme operating in your area. ERP Ireland areas of operation for WEEE collections are: Fingal, Meath, Louth, Cavan, Monaghan, Leitrim, Westmeath, Clare, Kerry and Limerick City and County.

For further details on the new regulation that retailers must comply with, download the Retailer Quick Guide to WEEE Regulations by visiting [www.erp-recycling.ie](http://www.erp-recycling.ie)

## **Mandatory Notices**

Distributor, Producers and Distance Sellers are still required to provide information to purchasers as per Articles 14, 16 and 30 of the regulations.

## **Collection Targets**

The targets refers to all WEEE and not just WEEE from private households.

From 2016, the minimum collection rate shall be 45% calculated on the basis of the total weight of WEEE collected in accordance with Articles 5 and 6 in a given year in the Member State concerned, expressed as a percentage of the average weight of EEE placed on the market in the three preceding years in that Member State. Member States shall ensure that the volume of WEEE collected evolves gradually during the period from 2016 to 2019, unless the



collection rate laid down in the second sub-paragraph has already been achieved.

From 2019, the minimum collection rate to be achieved annually shall be 65% of the average weight of EEE placed on the market in the three preceding years in the Member State concerned, or alternatively 85% of WEEE generated on the territory of that Member State.

## Miscellaneous Requirements

There will be changes in categorisation from 15th August 2018 onward to 6 categories. Prior to this, the same categories are relevant with the exception of the addition of Photo-voltaic Panels (Category 4) which is effective immediately.

Shipments of WEEE: New minimum requirements for shipments of used EEE suspected to be WEEE. In order to distinguish between EEE and WEEE, where the holder claims that he or she intends to ship or is shipping used EEE and not WEEE, the requirements of Schedule 11 shall be complied with.

Re-use of WEEE now has an increased priority. Each final user, distributor, local authority, approved body, producer or authorised representative and authorised facility in possession of WEEE shall give priority to preparing for re-use of WEEE and its components, sub- assemblies and consumables.

## Brand Names of EEE – Schedule 5

It is now a requirement, set down by Annex X of the Directive, that when registering you must notify the WEEE Register Society of the brand name(s) of all electrical and electronic equipment that you place on the Irish market.

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