

# **S.I. No. 375/2008 - Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2008**

S.I. No. 375 of 2008

WASTE MANAGEMENT (WASTE ELECTRICAL AND ELECTRONIC  
EQUIPMENT) (AMENDMENT) REGULATIONS 2008

*Notice of the making of this Statutory Instrument was published in*

*“Iris Oifigiúil” of 26th September, 2008.*

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by sections 7, 15, 18, 19, 27, 28, 29, 34, 35, 39, 53G, 53I, 53J, 53K, 53L, 53M, and 62 of the Waste Management Acts 1996 to 2008 and section 53 of the Environmental Protection Agency Acts 1992 and 2003, and following consultation with the Minister for Enterprise, Trade and Employment hereby makes the following Regulations:

1. These Regulations may be cited as the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2008.

2. (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-

“the Act” means the Waste Management Acts 1996 to 2008;

“the Waste Management Acts 1996 to 2008” mean the Waste Management Act 1996 (No. 10 of 1996) as amended by the Waste Management (Amendment) Act 2001 (No. 36 of 2001), Part 3 of the Protection of the Environment Act 2003 (No. 27 of 2003), Part 2 of the Waste Management (Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 290 of 2005), the Waste Management (Environment Levy) (Plastic Bag) Order 2007 ( S.I. No. 62 of 2007 ), the Waste Management (Registration of Brokers and Dealers) Regulations 2008 ( S.I. No. 113 of 2008 ) and the Waste Management (Landfill Levy) Order 2008 ( S.I. No 168 of 2008 );

3. Articles-

(a) 4(a) to 4(q), 4(t), 4(u) and 4(w) to 4(vvv) of these Regulations shall come into operation on the 26th day of September 2008, and

(b) 4(r), 4(s) and 4(v) of these Regulations shall come into operation on the 1st day of January 2009.

4. The Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) are hereby amended by the-

(a) substitution of “the Act” means the Waste Management Acts 1996 to 2005” with “the Act” means the Waste Management Acts 1996 to 2008” in article 3(3),

(b) substitution of “the Waste Management Acts 1996 to 2005” mean the Waste Management Act 1996 (No. 10 of 1996) as amended by the Waste Management (Amendment) Act 2001 (No. 36 of 2001), Part 3 of the Protection of the Environment Act 2003 (No. 27 of 2003) and the Waste Management (Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 290 of 2005)” with “the Waste Management Acts 1996 to 2008” mean the Waste Management Act 1996 (No. 10 of 1996) as amended by the Waste Management (Amendment) Act 2001 (No. 36 of 2001), Part 3 of the Protection of the Environment Act 2003 (No. 27 of 2003), Part 2 of the Waste Management (Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 290 of 2005), the Waste Management (Environment Levy) (Plastic Bag) Order 2007 ( S.I. No. 62 of 2007 ), the Waste Management (Registration of Brokers and Dealers) Regulations 2008 ( S.I. No. 113 of 2008 ) and the Waste Management (Landfill Levy) Order 2008 ( S.I. No. 168 of 2008 )” in article 3(3),

(c) insertion of “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 (nonrechargeable) or consisting of one or more secondary battery cells (rechargeable);” in article 3(3),

(d) insertion of ““Central Statistics Office” means the Office established under section 8(1) of the Statistics Act 1993 (No. 21 of 1993);” in article 3(3),

(e) substitution of “the names and addresses in the State of the officers of the registration body and its board of directors” with “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” in article 6(2)(b),

(f) addition of the following sub-articles after article 10(2)-

“(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, as appropriate, 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 37, 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 articles 16 and 17,

(c) achieve the targets specified in article 22,

(d) maintain satisfactory records in accordance with the provisions of article 23,

(e) provide the information specified in articles 11, 24, 25, 27, 28 or 29, or, as appropriate,

(f) comply with the provisions of Regulations made under section 53H of the Act.”,

(g) substitution of “be prohibited from distributing electrical and electronic equipment placed on the market by a producer who-

(i) 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, or

(ii) 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,” with

“be prohibited from distributing electrical and electronic equipment-

(i) placed on the market 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 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,” in article 14(1)(a),

(h) insertion of “household” between “supplies” and “electrical and electronic equipment” in article 14(7)(c),

(i) addition of the following sub-articles after article 14(7)

“(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.”,

(j) addition of the following sub-articles after article 15(3)

“(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, 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, 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 shall,-

(d) 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,

(e) 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,

(f) 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 22, and

(g) 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.”,

(k) substitution of “(ii) all” with “(i) all” in article 16(6)(a),

(l) deletion of “on-

(i) any invoice, receipt or docket issued at the point of sale to the purchaser of electrical and electronic equipment, and

(ii) a notice complying with the requirements specified in Part 2 of the *Fourth Schedule*, that shall be fixed and maintained, in a conspicuous position within one metre of the point of sale of electrical and electronic equipment” in article 16(12)(b),

(m) insertion of-

(a) “or negotiated” between “stated orally” and “by the person”, and

(b) “including a receipt” between “other document” and “, the price” in article 16(12)(d),

(n) deletion of “invoice, receipt or docket issued at the point of sale to the purchaser, (ii)” in article 16(12)(e),

(o) substitution of “(iii)” with “(ii)” in article 16(12)(e),

(p) substitution of “Notwithstanding paragraph (e), in addition to an invoice, receipt or docket displaying an environmental management cost issued at the point of sale to the purchaser, each distributor shall make available to the purchaser concerned an accompanying document which shall state “the price of this item includes a contribution to a producer recycling fund to ensure that waste electrical and electronic equipment is collected

and recycled in a responsible manner.”” with “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.” ”

in article 16(12)(g),

(q) substitution of “21” with “201” in article 16(16)(c),

(r) addition of the following sub-articles after article 17(2)

“(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 on and from 13 August 2005 when it reaches end of life or, as appropriate,

(b) waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market 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 fulfil the producer obligations prescribed in sub-article (1) and articles 21 and 22.”,

(s) substitution of “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), the producer shall notify that user of his or her obligations to fulfil the provisions of articles 21 and 22.” with “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 end 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 21 and 22, and

(b) enduser 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 23, and to demonstrate that-

(i) all waste electrical and electronic equipment was treated in accordance with the provisions of article 21, and

(ii) the targets as laid down in article 22 for the environmentally sound management of waste electrical and electronic equipment have been achieved.” in article 18(2),

(t) substitution of “the *Sixth Schedule*” with “in Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time” in article 20,

(u) substitution of “the *Seventh Schedule*” with “Annex II of the Directive, subject to any amendment that may be made to that Annex from time to time” in article 21(1),

(v) insertion of “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 18(1)” between “producer” and “shall” in article 21(2),

(w) insertion of “be” between “shall” and “a” in article 22(a)(i),

(x) insertion of “with the provisions” between “accordance” and “of” in article 24(10),

(y) deletion of “and” from article 27(2)(b),

(z) substitution of “and” with “or” in article 27(2)(c),

(aa) deletion of “and” from article 28(a)(i) and the addition of the following paragraph after article 28(a)(ii)-

“(iii) on request within a specified period or by a specified date, in respect of any specified period, or, as appropriate,”,

(bb) addition of the following sub-articles after article 29(2)

“(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 *Fourth Schedule*.

(4) On and from 26 September 2008, 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 *Fourth 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”.

(cc) substitution of “a producer who holds a valid certificate” with “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” in article 30,

(dd) deletion of “, 23,” in articles 30(a) and 30(b),

(ee) substitution of “21” with “201” in article 32(4)(c),

(ff) substitution of “producer concerned” with “producers participating in the approved body concerned” in article 32(4)(c),

(gg) substitution of any “display at any premises, or on or in, any product, packaging, advertisement or notice, any logo” with “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” in article 34,

(hh) substitution of “*Notifications to local authorities and the Registration Body.*” with “*Notifications to local authorities and the Registration Body and Information to the Agency and the Central Statistics Office.*” between articles 34 and 35,

(ii) substitution of article 35 with “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 30 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.”,

(jj) substitution of “16, 17(1), 18, 22, 23, 24, 25, 26, 27, 28, 30” with “14(7), 16, 17(1), 18, 22, 23, 24, 25, 26, 27, 28, 30,” in article 36(1),

(kk) substitution of “14,” with “14(1), 14(2), 14(3), 14(4), 14(5), 14(6),” in article 36(2),

(ll) substitution of “20 and 21” with “19, 14(8), 20, 21 and 39” in article 36(3),

(mm) addition of the following sub-articles after article 36(3)

“(4) 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.

(5) Information obtained under sub-article (4) 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, as appropriate

(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.”,

(nn) substitution of “the *Sixth Schedule*” with “of Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time” in article 37(4)(a)(i),

(oo) substitution of “ (i) sections 34(1) and 39(1) of the Act, or, as appropriate,

(ii) articles 38 and 39 of these Regulations, and” with “ (A) sections 34(1) and 39(1) of the Act, or, as appropriate,

(B) articles 38 and 39 of these Regulations, and” in article 37(4)(a)(ii),

(pp) addition of the following sub-articles after article 37(5)

“(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 therefor,

(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).”,

(qq) substitution of “the *Sixth Schedule*” with “Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time” in article 38(2)(b),

(rr) substitution of “the *Seventh Schedule*” with “Annex II of the Directive, subject to any amendment that may be made to that Annex from time to time” in article 38(2)(c),

(ss) substitution of “the *Sixth Schedule*” with “Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time” in article 39(2)(b),

(tt) substitution of “the *Sixth Schedule*” with “Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time” in article 39(2)(c),

(uu) substitution of “the *Sixth Schedule*, the rules specified in the Eleventh Schedule and complies with the general requirements laid down in Article 4 of Directive 75/442/EEC.” with “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 4 of Directive 75/442/EEC.” in article 39(4)(c),

(vv) insertion of “must be made in writing and” between “certificate” and “shall” in article 39(5)(d),

(ww) insertion of “,equipment” between “electronic” and “shall” in article 41(1),

(xx) insertion of “other” between “sound and image” and “than by telecommunications” in paragraph 4 of the *Second Schedule*,

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

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail: ” with “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 Persons Telephone No.:

Contact Persons Fax No.:

Contact Persons E-mail:” in paragraph 1 of Part 1 of the *Third Schedule*,

(zz) insertion of a new paragraph in Part 1 of the *Third Schedule* to read as follows-

“6. Name(s) and address(es) of owner(s).”,

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

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:” with “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 Persons Telephone No.:

Contact Persons Fax No.:

Contact Persons E-mail:” in paragraph 1 of Part 2 of the *Third Schedule*,

(bbb) insertion of a new paragraph in Part 2 of the *Third Schedule* to read as follows-

“8. Name(s) and address(es) of owner(s).”,

(ccc) substitution of “REQUIREMENTS REGARDING NOTICES IN ACCORDANCE WITH ARTICLES 14, 16 AND 24” with “REQUIREMENTS REGARDING NOTICES IN ACCORDANCE WITH ARTICLES 14, 24 AND 29” in the *Fourth Schedule*,

(ddd) substitution of “be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width” with “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” in paragraph (a) of Part 1 of the *Fourth Schedule*,

(eee) substitution of “Requirements regarding a notice in accordance with the provisions of article 16(12).

A notice for the purpose of article 16(12)(b)(ii) shall” with “Requirements regarding a notice in accordance with the provisions of article 29(3).

A notice for the purpose of article 29(3) shall” in Part 2 of the *Fourth Schedule*,

(fff) substitution of “be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width” with “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” in paragraph (a) of Part 2 of the *Fourth Schedule*,

(ggg) substitution of “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” with “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” in paragraph (b) of Part 2 of the *Fourth Schedule*,

(hhh) substitution of “in addition to details of the relevant environment management costs-

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

“ 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.”” in paragraph (d) of Part 2 of the *Fourth Schedule*,

(iii) substitution of “be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width” with “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” in paragraph (a) of Part 3 of the *Fourth Schedule*,

(jjj) substitution of “and

(d) be affixed until the preparation of a subsequent report in accordance with the provisions of article 27(3)” with “and

(e) be affixed until the preparation of a subsequent report in accordance with the provisions of article 24(3)” in Part 3 of the *Fourth Schedule*,

(kkk) substitution of “be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width” with “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” in paragraph (a) of Part 4 of the *Fourth Schedule*,

(lll) addition of the following Part after Part 4 of the *Fourth Schedule*

“Part 5 Requirements regarding a notice in accordance with the provisions of article 29(4).

A notice for the purpose of article 29(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 in black indelible ink with a times new roman font size of at least 20 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.

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.” ”

(mmm) substitution of “TECHNICAL REQUIREMENTS IN ACCORDANCE WITH ARTICLE 20” with “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” in the *Sixth Schedule*,

(nnn) substitution of “SELECTIVE TREATMENT FOR MATERIALS AND COMPONENTS OF WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT IN ACCORDANCE WITH ARTICLE 21” with “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” in the *Seventh Schedule*,

(ooo) substitution of “Name, address(es), telephone, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the producer.” with “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 Persons Telephone No.:

Contact Persons Fax No.:

Contact Persons E-mail:” in paragraph 1 of Part 1 of the *Eighth Schedule*,

(ppp) substitution of “proposed recovery operators to be used for the treatment” with “names, addresses and permit numbers of proposed authorised waste collectors or, as appropriate, recovery operators to be used for the collection, treatment and recycling” in paragraph 5 of Part 1 of the *Eighth Schedule*,

(qqq) insertion of a new paragraph in Part 1 of the *Eighth Schedule* to read as follows-

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

(rrr) substitution of “Name, address(es), telephone, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the producer.” with “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 Persons Telephone No.:

Contact Persons Fax No.:

Contact Persons E-mail:” in paragraph 1 of Part 2 of the Eighth Schedule,

(sss) substitution of “Recovery operators used for the treatment” with “The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recovery operators used for the collection, treatment and recycling” in paragraph 5 of Part 2 of the *Eighth Schedule*,

(ttt) insertion of a new paragraph in Part 2 of the *Eighth Schedule* to read as follows-

“8. Name(s) and address(es) of owner(s).”, and

(uuu) *substitution of* “INFORMATION TO BE PROVIDED WHEN APPLYING FOR REGISTRATION OR RENEWAL OF REGISTRATION IN ACCORDANCE WITH ARTICLE 39” with “INFORMATION TO BE PROVIDED WHEN APPLYING FOR REGISTRATION OR RENEWAL OF REGISTRATION IN ACCORDANCE WITH ARTICLE 37” in the *Tenth Schedule*,

(vvv) substitution of the *Eleventh Schedule* with-

“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 39

(a) The register prescribed in paragraph 15 of Part I of the *Fourth Schedule* of the Waste Management (Facility Permit and Registration) Regulations 2007 ( S.I. No. 821 of 2007 ), which shall also be available on request or, as appropriate, for inspection by the local authority or, as appropriate, the Agency, shall also detail-

(i) The dates, time of collections and quantities of each waste consignment (by European Waste Catalogue code(s) and description(s) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent amendments) collected from the facility,

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

(iii) Origin of waste rejected from the facility.”.



GIVEN under my Official Seal,

23 September 2008

JOHN GORMLEY

Minister for Environment, Heritage and Local Government

EXPLANATORY NOTE

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

These Regulations amend the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005). They-

- clarify-
- the record keeping obligations of producers who are in membership of an approved body established in accordance with the provisions of Part IV of S.I. No. 340 of 2005,
- the reporting obligations of such an approved body,
- that distributors may only source electrical and electronic equipment from producers with a valid “Certificate of Registration”, and
- powers of enforcement authorities,
- prohibit-
- producers from displaying “registration numbers” that are no longer valid, and
- distributors from requiring consumers to sign documents stating that an item of waste electrical and electronic equipment (WEEE) is not available for collection,
- provide for the-

- organisers of trade shows and exhibitions to ensure that exhibitors fulfil their producer and distributor obligations, and

- identification of producer throughout the business to business supply chain,

- require distributors of business to business (B2B) electrical and electronic equipment to provide information to B2B customers.

- simplify-

- the provisions for displaying environmental management costs, and

- point of sale signage,

- enable-

- alternative systems for the registration of distributors,

- adoption of technical changes to Annexes II and III, concerning the treatment and storage of WEEE, 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 without the need for amending Regulations.

- place obligations on undertakings managing WEEE outside of the systems of approved bodies established in accordance with the provisions of Part IV of S.I. No. 340 of 2005 or self complying producers to account for its treatment and the achievement of material and component recovery targets, and

- confirm the principal of individual producer responsibility.

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