

S.I. No. 376 of 2008

WASTE MANAGEMENT (RESTRICTION OF CERTAIN HAZARDOUS SUBSTANCES IN 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, 27, 28, 29, 53H, 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 (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) (Amendment) Regulations 2008.

2. (1) In these Regulations, any reference to an article that is not otherwise identified is a reference to an article of these Regulations.

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

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

“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. These Regulations shall come into operation on the 26th day of September 2008.

4. The Waste Management (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 341 of 2005) are hereby amended by the-

(a) 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),

(b) deletion of ““Authorised Officer” means a person appointed under Article 15 of these Regulations to be an authorised officer;

“the Board” means the Board of the Environmental Protection Agency;” from article 3(3),

(c) substitution of “FUNCTIONS OF THE AGENCY AND THE BOARD” with “FUNCTIONS OF THE AGENCY” between articles 7 and 8,

(d) addition of the following sub-articles after article 9(2)-

“(3) A producer shall ensure that he or she or a third party acting on his or her behalf has access at all times, at an address in the State, to records of certification of-

(i) compliance by manufacturers and, as appropriate, any person or persons in the supply chain or, as appropriate,

(ii) laboratory testing, where such testing has been commissioned by the manufacturer, any person or persons in the supply chain and, as appropriate, the producer concerned,

in order to verify that any electrical and electronic equipment placed on the market by the producer concerned complies with the requirements of article 5 and that such records be maintained for a period of six years, starting from the end of the year in which the electrical and electronic equipment was placed on the market.

(4) Notwithstanding sub-article (3), a producer or, as appropriate, distributor shall supply any information requested by Agency in the format and within the timeframe specified by the Agency.”,

(e) substitution of “*Functions of the Board.*” with “*Functions of the Agency.*” Between articles 9 and 10,

(f) substitution of “Board or, as appropriate, an Authorised Officer becomes” with “Agency becomes” in article 10(1),

(g) substitution of “Board or, as appropriate, an Authorised Officer” with “Agency” in article 11(1),

(h) substitution of “Board or, as appropriate, the Authorised Officer concerned may” with “Agency may” in article 11(1),

(i) substitution of “Board or, as appropriate, the Authorised Officer” with “Agency” in article 11(2),

(j) substitution of “Board or, as appropriate, an Authorised Officer takes” with “Agency takes” in article 11(3),

(k) substitution of “Board or, as appropriate, an Authorised Officer within” with “Agency, within” in article 11(3),

(l) substitution of “Board or, as appropriate, the Authorised Officer concerned shall” with “Agency shall” in article 11(3),

(m) substitution of “*Procedure in relation to directions of the Board.*” With “*Procedure in relation to directions of the Agency.*” Between articles 11 and 12,

(n) substitution of “Board or, as appropriate, an Authorised Officer shall” with “Agency shall” in article 12(1),

(o) substitution of “Board or, as appropriate, the Authorised Officer concerned is” with “Agency is” in article 12(1)(a),

(p) substitution of “Board or, as appropriate, the Authorised Officer concerned before” with “Agency before” in article 12(1)(a),

(q) substitution of “Board or, as appropriate, the Authorised Officer concerned has” with “Agency has” in article 12(1)(b),

(r) substitution of “Board or, as appropriate, the Authorised Officer concerned to” with “Agency to” in article 12(1)(b),

(s) substitution of “Board or, as appropriate, an Authorised Officer under” “with Agency under” in article 12(2),

(t) substitution of “Board or, as appropriate, an Authorised Officer is” with “Agency is” in article 12(2),

(u) substitution of “ (a) by delivering it to that person,

(b) by leaving it at the address at which that person carries on business,

(c) by sending it by prepaid registered post to the person at the address at which he or she carries on business,

(d) if an address for the service of directions has been furnished by the person to the Board or, as appropriate, an Authorised Officer, by leaving it at, or sending it by pre-paid registered post to, that address, or

(e) in any case where the Board or, as appropriate, an Authorised Officer considers that the immediate giving of the direction is required, by sending it, by means of a facsimile machine or by electronic mail, to a device or facility for the reception of facsimiles

or electronic mail located at the address at which the person ordinarily carries on business or, if an address for the service of notices has been furnished by the person, that address, provided that the sender's facsimile machine generates a message confirming successful transmission of the total number of pages of the direction or the sender's facility for the reception of electronic mail generates a message confirming receipt of the electronic mail." with "(a) in any manner prescribed in section 16 of the Act, or

(b) by leaving it at the address at which that person carries on business, or

(c) by sending it by prepaid registered post to the person at the address at which he or she carries on business, and

(d) in any case where the Agency considers that the immediate giving of the direction is required, by sending it, by means of a facsimile machine or by electronic mail, to a device or facility for the reception of facsimiles or electronic mail located at the address at which the person ordinarily carries on business or, if an address for the service of notices has been furnished by the person, that address, provided that the sender's facsimile machine generates a message confirming successful transmission of the total number of pages of the direction or the sender's facility for the reception of electronic mail generates a message confirming receipt of the electronic mail." In article 12(2),

(v) substitution of "Board or, as appropriate, an Authorised Officer" with "Agency" in article 12(4),

(w) substitution of "*Appeals against Directions of the Board.*" with "*Appeals against Directions of the Agency.*" between articles 12 and 13,

(x) substitution of "Board or, as appropriate, an Authorised Officer" with "Agency" in article 13(1),

(y) substitution of "Board or, as appropriate, an Authorised Officer under" with "Agency under" in article 14,

(z) substitution of "Board or, as appropriate, the Authorised Officer concerned may" with "Agency may" in article 14,

(aa) substitution of "*Authorised Officers*" with "*Authorised Persons.*" between articles 14 and 15, and

(bb) substitution of article 15 for "An authorised person for the purpose of the Act shall also be an authorised person for the purpose of these Regulations."



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 (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 341 of 2005). They clarify that producers must have access in the State to any records that certify that electrical and electronic equipment which he or she has placed on the market is in compliance with the Regulations.

© Government of Ireland. Oireachtas Copyright Material is reproduced with the permission of the House of the Oireachtas