

STATUTORY INSTRUMENTS

S.I. No. 340 of 2005

**WASTE MANAGEMENT (WASTE ELECTRICAL AND ELECTRONIC
EQUIPMENT) REGULATIONS 2005**

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S.I. No. 340 of 2005

**WASTE MANAGEMENT (WASTE ELECTRICAL AND ELECTRONIC
EQUIPMENT) REGULATIONS 2005**

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 7, 18, 19, 27, 28, 29, 34, 39, 53G, 53I, 53J, 53K, 53L, 53M, and 62 of the Waste Management Acts 1996 to 2005 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:

PART I

PRELIMINARY AND GENERAL

Citation.

1. These Regulations may be cited as the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005.

Purpose of Regulations.

2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of European Parliament and Council Directive 2002/96/EC¹ on waste electrical and electronic equipment as amended by European Parliament and Council Directive 2003/108/EC² of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment.

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.

¹ O.J. No. L37, 13.02.2003, p.24.

² O.J. No. L345, 31.12.2003, p. 106.

(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 2005;

“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);

“the Environmental Protection Agency Acts 1992 and 2003” means the Environmental Protection Agency Act 1992 (No. 7 of 1992) as amended by Part 2 of the Protection of the Environment Act 2003 (No. 27 of 2003);

”the Agency“ means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Acts 1992 and 2003;

“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 53I of the Act;

“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;

“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, or other such facilities as may be prescribed in Regulations;

“dangerous substance or preparation” means any substance or preparation which has to be considered dangerous under Council Directive 67/548/EEC³ or, as appropriate, Directive 1999/45/EC of the European Parliament and of the Council⁴;

“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 amending Directive 2002/96/EC on waste electrical and electronic equipment;

“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 contracts⁵ 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;

³ O.J. No. L196, 16.08.1967, p 1.

⁴ O.J. No. L200, 30.07.1999, p 1.

⁵ O.J. No. L144, 04.06.1997, p.19.

“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 households arising from electrical and electronic equipment placed on the market 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, Heritage and Local Government;

“producer” means any person who, irrespective of the selling technique used, including by means of distance communication –

- (i) manufactures and sells electrical and electronic equipment under his or her own brand,
- (ii) resells electrical and electronic equipment produced by other suppliers under his or her own brand,
- (iii) imports electrical and electronic equipment on a professional basis into the State,
- (iv) exports electrical and electronic equipment on a professional basis from the State to another Member State of the European Union, or
- (v) distributes electrical and electronic equipment from a producer who is deemed not to be registered under the provisions of article 12(2),

with the exception of a person or persons exclusively engaged in the provision of financing under or pursuant to any finance agreement unless also acting as a producer within the meaning of sub-paragraphs (i) to (v);

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

“recovery” means any of the applicable operations provided for in Annex IIB to Directive 75/442/EEC⁶;

“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 to whom approval is granted in accordance with Regulations made under section 53J of the Act;

“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 equipment⁷;

⁶ O.J. No. L194 , 25.07.1975, p.39.

⁷ O.J. No. L37, 13.02.2003, p.19.

“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 1(a) of Council Directive 75/442/EEC of 15 July 1975 on waste, including all components, subassemblies and consumables which are part of the product at the time of discarding;

“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 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 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 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,
 - (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 therefor,
 - (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, or
 - (b) if intending to continue to operate as the registration body, shall not later than two 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 therefor,
 - (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 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) On a date not later than 13 July 2005, 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.
- (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,

- (b) provide for the determination of the proportion of market share held by each individual producer and notify him or her accordingly,
- (c) provide for the verification that each producer has adequate financial guarantees,
- (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.

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, and
 - (e) 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 appropriate,
 - (b) that may be used to identify or, as appropriate, 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) On and from 20 July 2005, each producer that has placed or is about to place electrical and electronic equipment on the market 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 27(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 on or from 13 August 2005, 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),
- (b) who is deemed not to be registered in accordance with article 12(2) or, as appropriate,
- (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.

Application for registration or renewal of registration.

11. (1) A producer shall, –

- (a) apply for registration to the registration body or, as appropriate, a third party acting on its behalf not later than 20 July 2005 or the date of commencement of business, whichever is the later, 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 *Third 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,
 - (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 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 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 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 *Third 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, 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 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 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 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 article 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) from 1 January 2006 onwards, an application for, or renewal of, registration in accordance with the provisions of sub-article (1) –
 - (a) prior to 1 July 2006 shall be accompanied by a declaration from the producer that all electrical and electronic equipment he or she will place on the market from 1 July 2006 will comply, or
 - (b) on or after 1 July 2006 shall be accompanied by a declaration from the producer that all electrical and electronic equipment he or she places on the market complies,

with the requirements of the RoHS Directive.

- (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 30 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 22,
 - (b) maintain satisfactory records in accordance with the provisions of article 23,
 - (c) provide the information specified in articles 11, 24, 25, 27, 28 or 29, or, as appropriate,
 - (d) comply with the provisions of Regulations made under section 53H of the Act.
- (5) Without prejudice to sub-article (3), up until 27 July 2005, the registration body or, as appropriate, a third party acting on its behalf shall issue a provisional Certificate of Registration bearing a unique registration number, within one week of the date of receipt of an application on or before 20 July 2005 for registration in accordance with the provisions of article 11 which shall be valid until–

- (a) it is determined that the requirements of articles 10 and 11 are complied with and a Certificate of Registration is issued in accordance with the provisions of sub-article (3), or
- (b) no later than 31 January 2006,

whichever is the earlier.

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, as appropriate, 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,
 - (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, as appropriate,
 - (iii) Agency,

undertake to provide it with information that demonstrates to its satisfaction, 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) On and from 13 August 2005, each distributor of electrical and electronic equipment shall –

- (a) 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,

- (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,

- (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 electrical 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,
 - (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 *Fourth 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), a producer or, as appropriate, a distributor who supplies electrical and electronic equipment by means of distance communication shall 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.

Disposal of waste electrical and electronic equipment by distributors.

15. (1) On or from 13 August 2005, each distributor of electrical and electronic equipment shall be –
- (a) 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, 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, 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) 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 37 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 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).
- (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, as appropriate,
 - (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, or, as appropriate,

- (3) Without prejudice to sub-article (1)(b), each distributor of electrical and electronic equipment shall be entitled to dispose of waste electrical and electronic equipment from private households free of charge at a civic amenity facility until 13 February 2006 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 37, 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 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), and
 - (d) the provisions of sub-article (2).

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

16. (1) On and from 13 August 2005, each producer 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 for electrical and electronic equipment for private households placed on the market as and from 13 August 2005, and
 - (b) all products of electrical and electronic equipment for private households placed on the market 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 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, 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, 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),
 - (b) as set out in the *Fifth Schedule*
 - (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 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,

- (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 by him or her, or, as appropriate,
- (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, 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 *Fifth Schedule*.

- (4) Each producer 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 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 *Fifth 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 by the producer concerned, or, as appropriate
 - (c) sub-article 3(c), he or she maintains a minimum balance of €15,000,000 or 10% of annual turnover in the State, which ever 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 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 from 13 August 2005 onwards,
 - (b) the payment of any taxes on interest received to the appropriate agency, or, as appropriate,
 - (c) obtaining the interest earned from such an account less any –
 - (I) taxes payable in accordance with the provisions of paragraph (b), or, as appropriate,
 - (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 –
 - (ii) 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, have been discharged in full and the discharge of such liabilities are 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), 3(c) or, as appropriate, 3(d), or
 - (B) is accepted into membership of an approved body established in accordance with the provisions of Part IV, or, as appropriate,
 - (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, have been discharged in full and the discharge of such liabilities are 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), 3(b) or, as appropriate, 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 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 –
 - (a) when 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, have been discharged in full, and the discharge of such liabilities are 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), 3(b) or, as appropriate, 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), on and from 13 August 2005, 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), on and from 13 August 2005, 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 –
 - (a) 13 February 2011 for the electrical and electronic equipment listed in categories 2-10 of the *First Schedule*, and
 - (b) 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 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 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.

- (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 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 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, the price (hereafter in this sub-article referred to as the ‘retail 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) invoice, receipt or docket issued at the point of sale to the purchaser,
 - (ii) website or other electronic means of communication, or, as appropriate,
 - (iii) 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, as appropriate,
- (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 (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."
- (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.
- (i) Notwithstanding paragraph (a), up until 13 February 2006, –
 - (i) paragraph (d) shall not apply to the price of the electrical and electronic equipment displayed by a distributor in a catalogue, provided that the environmental management costs together with the retail price is indicated visibly and legibly in writing on a brochure or brochures –
 - (A) readily available at all times in a conspicuous position at or within three metres of each entrance to his or her premises and at any location in his or her premises where catalogues are available, and

- (B) supplied to the customer with the catalogue, and
- (ii) paragraph (f)(i) shall not apply.
- (13) Subject to sub-article (1), on and from 13 August 2005, 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.
- (14) Where a producer fails to comply with the requirements of sub-article (13) 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.
- (15) 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, 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 22.
- (16) 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, as appropriate, receivership, or, as appropriate,
 - (c) enters into a scheme of arrangement or compromise in accordance with the provisions of section 21 of the Companies Acts 1963 to 2001,

the financial guarantee provided for in sub-article (3) shall not be used by any person or persons, including the liquidator, examiner, receiver or, as appropriate, 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 producer concerned as laid down in sub-article (1).

- (17) 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.

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

17. (1) On and from 13 August 2005, each producer 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 on and from 13 August 2005, or, as appropriate,
 - (b) placed on the market 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 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.

Alternative Financing Arrangements.

18. (1) Without prejudice to article 17, producers and users of electrical and electronic equipment for users 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), the producer shall notify that user of his or her obligations to fulfil the provisions of articles 21 and 22.

Collection of waste electrical and electronic equipment.

19. On and from 13 August 2005, –

- (a) 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,
- (b) 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 –
 - (i) of waste electrical and electronic equipment arising from private households that was placed on the market prior to 13 August 2005 in proportion to his or her current respective share of the market by type of equipment as categorised in the *First Schedule*, or, as appropriate,
 - (ii) all waste electrical and electronic equipment from private households arising from electrical and electronic equipment that he or she has placed on the market on and from 13 August 2005,
- (c) from collection points and civic amenity facilities situated in the functional area of each local authority, and 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.

20. On and from 13 August 2005, 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 the *Sixth Schedule*.

Treatment of waste electrical and electronic equipment.

21. (1) On and from 13 August 2005, 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 17(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 17(2), or

- (ii) avails of alternative financing methods as provided for in article 18(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 the *Seventh Schedule*,

- (2) Without prejudice to sub-article (1), where waste electrical and electronic equipment is treated in a third country, the producer 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 22 have been complied with.

Recovery of waste electrical and electronic equipment.

- 22. On and from 31 December 2008, 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 17(1) or, as appropriate, each final user of waste electrical and electronic equipment from users other than from private households that is responsible for financing its environmentally sound management in accordance with the provisions of article 17(2), or avails of alternative financing methods as provided for in article 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 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.

- 23. (1) On and from 13 August 2005, 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.

24. (1) A producer 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, on and from 13 August 2005, 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 *Fourth 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 *Fourth 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), the Agency shall in determining the adequacy of a plan submitted in accordance 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.

25. On and from 13 August 2005, 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 preparations,

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.

26. The information referred to in article 25 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.

27. (1) On and from 13 August 2005 –
 - (a) each producer

- (i) 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*, and
 - (ii) of household electrical and electronic equipment shall ensure when supplying a new product, that users are informed of –
 - (A) 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,
 - (B) their role in contributing to reuse, recycling and other forms of recovery of waste electrical and electronic equipment,
 - (C) the potential effects on the environment and human health as a result of the presence of hazardous substances in electrical and electronic equipment, and
 - (D) 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, and
 - (c) the warranty of the product, and
 - (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.

28. Each producer –

- (a) or a third party acting on his or her behalf shall 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, 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 29 July 2005, in respect of the calendar year ending 31 December 2004, and

- (ii) by 31 January of each year thereafter, in respect of the previous calendar year ending 31 December, or, as appropriate,
- (b) or a third party acting on his or her behalf shall 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.

- 29. (1) On and from 13 August 2005, 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.

PART IV

APPROVED BODIES

Exemption from certain requirements.

- 30. 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, 19, 21, 22, 23, and 24, or, as appropriate,
 - (b) users other than private households, shall be exempt from the requirements of articles 17, 19, 21, 22, 23, and 24,

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 33.

Application to the Minister for approval.

- 31. (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 30 including proposals in relation to the collection of waste electrical and electronic equipment from collection points together with civic amenity facilities in the appropriate functional areas of all local authorities,
 - (h) proposals for a scheme to be undertaken by the body corporate for the environmentally sound management of waste electrical and electronic equipment,
 - (i) proposals for the achievement of the targets as laid down in article 22 for the environmentally sound management of waste electrical and electronic equipment under the proposed scheme,
 - (j) proposals for determining and verifying the level of the environmentally sound management of waste electrical and electronic equipment under the proposed scheme,
 - (k) a copy of the rules of membership of the body corporate together with details of the membership 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, 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 30,
- (n) proposals relating to green procurement,
- (o) proposals relating to the dissemination of information to the public regarding the environmentally sound management of waste electrical and electronic equipment,
- (p) proposals detailing the nature and frequency of information (including financial accounts) to be submitted by the body concerned to the Minister or to such other person as may be specified by the Minister, or, as appropriate,
- (q) such other information as may be specified in writing by the Minister for the purposes of this article.

Grant or refusal of approval.

32. (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 33, 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 30 including the collection of waste electrical and electronic equipment from collection points together with civic amenity facilities in the appropriate functional areas of all local authorities,

- (h) any aspects of the scheme to be undertaken by the body corporate for the environmentally sound management of waste electrical and electronic equipment,
 - (i) the achievement of the targets as laid down in article 22 for the environmentally sound management of waste electrical and electronic equipment,
 - (j) the determination and verification of the effects of measures to be undertaken with regard to the environmentally sound management of waste electrical and electronic equipment,
 - (k) the rules of membership of the body corporate and the membership fee structure,
 - (l) non-discrimination against any producer on the grounds –
 - (i) of the quantity or, as appropriate, type of electrical and electronic equipment that he or she places on the market or, as appropriate,
 - (ii) that the body concerned is only catering for or will only cater for –
 - (A) a maximum pre-determined share of waste arisings from electrical and electronic equipment, or, as appropriate,
 - (B) waste arising from electrical and electronic equipment from a particular geographical location or locations,
- in the State,
- (m) the certification of producers for the purpose of article 30,
 - (n) green procurement,
 - (o) measures to be undertaken by the body concerned relating to the dissemination of information to the public regarding the environmentally sound management of waste electrical and electronic equipment,
 - (p) the nature and frequency of information (including financial accounts) to be submitted by the body concerned to the Minister or to such other person as may be specified by the Minister,
 - (q) the application of environmental management costs notwithstanding article 16(12), or, as appropriate,
 - (r) any other matters the Minister may consider appropriate.
- (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 33,
 - (b) goes into liquidation, examination or, as appropriate, receivership, or, as appropriate,

- (c) enters into a scheme of arrangement or compromise in accordance with the provisions of section 21 of the Companies Acts 1963 to 2001,

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, as appropriate, 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 producer 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.

- 33. (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 32, or require the approved body to make a new application in accordance with the provisions of article 31 for a renewal of an approval.

- (2) Where the Minister proposes to review an approval granted in accordance with the provisions of article 32, or require the making of a new application in accordance with the provisions of article 31, the Minister shall –
 - (a) give notice in writing to the approved body of the proposal and the reasons therefor,
 - (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 31, 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 32, as the case may be.

- (4) Where an approval granted in accordance with the provisions of article 32 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, or
 - (b) if intending to continue to operate as an approved body, shall not later than two months before the expiry of the approval, make an application to the Minister in accordance with the provisions of said article 31.
- (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 article 32.
- (6) Where the Minister proposes to revoke an approval granted in accordance with the provisions of article 32, the Minister shall -
 - (a) give notice in writing to the approved body of the proposed decision and the reasons therefor,
 - (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.

34. No person shall, other than with the written consent of an approved body, display at any premises, or on or in, any product, packaging, advertisement or 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 30.

Notifications to local authorities and the Registration Body.

35. An approved body shall, not later than the 7th day of each month, notify –
 - (a) each local authority of any producer situated within the functional area of the authority, and
 - (b) the registration body or, as appropriate, a third party acting on its behalf,

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.

PART V

FUNCTIONS OF THE AGENCY AND LOCAL AUTHORITIES

Enforcement.

36. (1) The Agency shall be responsible for the enforcement of the provisions of articles 8, 9, 10, 11, 12, 13, 16, 17(1), 18, 22, 23, 24, 25, 26, 27, 28, 30 34, 35, 40 and 41 of these Regulations within the State and shall take such steps as are necessary for this purpose.
- (2) Each local authority shall be responsible for the enforcement of the provisions of articles 14, 15, 17(2), 29, 37 and 38 of these Regulations within their functional areas and shall take such steps as are necessary for this purpose.
- (3) The Agency or, as appropriate, the relevant local authority, shall be responsible for the enforcement of the provisions of articles 19, 20 and 21 of these Regulations within the State and shall take such steps as are necessary for this purpose.

Registration of Distributors.

37. (1) On a date not later than 27 July 2005, 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 13 August 2005, or the date of commencement of business, whichever is the later, 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 –
- (i) six months of initial registration, or

- (ii) seven months of initial registration in respect of applications received prior to 13 August 2005,

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 the *Sixth Schedule*, and
 - (ii) provisions of –
 - (i) sections 34(1) and 39(1) of the Act, or, as appropriate,
 - (ii) articles 38 and 39 of these Regulations, and
 - (b) fee not exceeding €20.
- (5) The Minister may, no earlier than 1 January 2007, 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.

PART VI

MISCELLANEOUS

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

- 38. (1) Without prejudice to article 14(1)(b)(ii), on and from 13 August 2005, section 34(1)(a) of the Act 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 37 –
 - (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 the *Sixth Schedule*, 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 the *Seventh Schedule*.

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

39. (1) Without prejudice to article 14(1)(b)(ii), on and from 13 August 2005, section 39(1) of the Act 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, as appropriate,
- (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 37, 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 the *Sixth Schedule*, 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 the *Seventh Schedule*.
- (3) On and from 13 August 2005, 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) where 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 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.
- (5) (a) On and from 13 August 2005, 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 shall contain the information specified in the *Twelfth Schedule*, where appropriate.
- (e) On and from 13 February 2006, 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.

- 40 (1) On and from 13 August 2005, 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

- 41 (1) On and from 13 August 2005, each end user, distributor, local authority, producer and treatment facility in possession of waste electrical and electronic 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.

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
 - Videocameras
 - 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

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 or, if not a company, the principal place of business, of the producer.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. The unique identity utilised by the producer to identify the electrical and electronic equipment that he or she will place or has placed on the market and the means of such unique identity.
3. Location(s) of premises at or from which electrical and electronic equipment is or will be supplied by the producer.
4. The quantities, where 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 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 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*.

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 or, if not a company, the principal place of business, of the producer.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

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

FOURTH SCHEDULE

REQUIREMENTS REGARDING NOTICES IN ACCORDANCE WITH ARTICLES 14, 16 AND 24

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 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 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 16(12).

A notice for the purpose of article 16(12)(b)(ii) shall –

- (a) 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,
- (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) bear the following wording in addition to details of the relevant environment management costs –

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

Part 3 Requirements regarding a notice in accordance with the provisions of article 24(1).

A notice for the purpose of article 24(1) shall –

- (a) 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,
- (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

- (d) be affixed until the preparation of a subsequent report in accordance with the provisions of article 27(3).

Part 4 Requirements regarding a notice in accordance with the provisions of article 24(3).

A notice for the purpose of article 24(3) shall –

- (a) 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,
- (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. ”

FIFTH 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:

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

* 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:

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

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

SIXTH SCHEDULE

TECHNICAL REQUIREMENTS IN ACCORDANCE WITH ARTICLE 20

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 21

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)¹,
 - mercury containing components, such as switches or backlighting lamps,
 - batteries,
 - 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 substances²,
 - 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 radiation³,
 - 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.

¹ O.J. No. L243, 24.9.1996, p.31.

² O.J. No. L343, 13.12.1997, p.19.

³ O.J. No. L159, 29.6.1996, p.1.

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 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 layer⁴.
 - 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.

⁴ O.J. No. L244, 29.9.2000, p.1.

EIGHTH SCHEDULE

INFORMATION TO BE PROVIDED IN PLANS AND IN ACCORDANCE WITH ARTICLE 24

PART 1 Information to be provided in a plan in accordance with the provisions of article 24(1).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the producer.
2. The location of premises at which electrical and electronic equipment is produced by the producer.
3. The projected weight of electrical and electronic equipment that will be placed on the market in the relevant period in each of the categories specified in the *First Schedule*.
4. The projected weight of waste electrical and electronic equipment that will arise from electrical and electronic equipment placed on the market by the producer in the relevant period in each of the categories specified in the *First Schedule*.
5. The proposed recovery operators to be used for the treatment of waste electrical and electronic equipment during the relevant period for the purposes of articles 19 and 20.
6. The projected weight of waste electrical and electronic equipment that will be -
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in the relevant period, in each of the categories specified in the *First Schedule*.
7. The projected weight of waste electrical and electronic equipment that will be disposed of or consigned for disposal by the producer in each of the categories specified in the *First Schedule* during the relevant period, and the proposed nature of the disposal operations involved.

PART 2 Information to be provided in a report in accordance with the provisions of article 24(3).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the producer.
2. The location of premises at which electrical and electronic equipment is produced by the producer.
3. The weight of electrical and electronic equipment placed on the market in the relevant period in each of the categories specified in the *First Schedule*.
4. The weight of waste electrical and electronic equipment arising from electrical and electronic equipment placed on the market by the producer in the relevant period in each of the categories specified in the *First Schedule*.
5. Recovery operators used for the treatment of waste electrical and electronic equipment during the relevant period for the purposes of articles 19 and 20.
6. The weight of waste electrical and electronic equipment -
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in the relevant period, in each of the categories specified in the *First Schedule*.
7. The weight of waste electrical and electronic equipment disposed of or consigned for disposal by the producer in each of the categories specified in the *First Schedule* during the relevant period, and the nature of the disposal operations involved.

NINTH SCHEDULE

SYMBOL FOR THE MARKING OF ELECTRICAL AND ELECTRONIC EQUIPMENT INDICATING SEPARATE COLLECTION IN ACCORDANCE WITH ARTICLE 27

The symbol indicating separate collection for electrical and electronic equipment 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 39

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

RULES IN RESPECT OF REGISTERED ACTIVITIES IN ACCORDANCE WITH ARTICLE 39

- (a) Any emissions from the activity concerned shall not result in contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment.
- (b) Waste shall only be accepted at the site between 0800 and 1800 hours, Monday to Friday both inclusive, and between 0800 and 1400 hours on Saturdays unless otherwise approved in writing by, as the case may be the relevant local authority or the Agency.
- (c) The operator shall put in place appropriate procedures relating to acceptance and supervision of the activity.
- (d) The operator shall take all necessary measures relating to prevention of unauthorised waste activities and entry to the facility.
- (e) The operator shall take preventative measures to ensure that the activity is carried out in a manner which does not have any adverse effect on drainage of lands, watercourses, shallow wells, bored wells, raw water intakes or other sources of water supply, public and private roads or footways.
- (f) The operator shall take preventative measures to ensure that the registered activity does not result in undue noise, dust, grit and other nuisances, which would result in the impairment of, or significant interference with, the amenities or the environment beyond the site boundary.
- (g) The operator, if requested by the Agency or relevant local authority, shall provide detailed written reports on investigations and monitoring of the activities and related ancillary matters.
- (h) The operator shall maintain a register, which shall be available for inspection by the local authority, which details –
 - (i) The dates, time of arrivals and quantities of waste (by EWC code) delivered,
 - (ii) Names of the carriers, including vehicle registration details,(iii) Origin of waste delivered, and
 - (iv) Quantities and composition of wastes not accepted at the facility.
- (i) The operator shall immediately notify the relevant local authority of any incident arising from the activity, which –
 - (i) Has the potential for contamination of surface or ground water, or
 - (ii) Poses an environmental threat to air or land.

- (j) As part of the notification process, the operator shall include, within the 24 hours of any such incident occurring, details as to –
 - (i) The date and time of the incident,
 - (ii) Details of the incident,
 - (iii) Evaluation of the pollution caused, and
 - (iv) Remedial corrective measures undertaken or to be undertaken, including details of preventative measures.

TWELFTH SCHEDULE

INFORMATION TO BE PROVIDED IN APPLICATIONS FOR REGISTRATION IN ACCORDANCE WITH ARTICLE 39

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,
Heritage and Local Government this 5th
day of July 2005

L.S.

DICK ROCHE

Minister for the 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 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.