



***EPA PROCUREMENT GUIDANCE NOTE FOR GOVERNMENT DEPARTMENTS,  
STATE BODIES, LOCAL AUTHORITIES AND PUBLICLY FUNDED  
ORGANISATIONS.***

Obligations under the Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2005 (S.I. No. 340 of 2005) came into force on 13 August 2005. The WEEE Regulations ensure the environmentally sound management of waste electrical and electronic equipment (WEEE), by placing obligations on producers, distributors, treatment facilities and final end users. The Environmental Protection Agency (EPA) and local authorities have an enforcement role under the Regulations. A team within the EPA's Office of Climate, Licensing & Resource Use has responsibility for leading the enforcement of the WEEE Regulations. Local Authorities also have responsibilities for the enforcement of certain provisions of these Regulations.

The purpose of this guidance is to provide information to the staff of Government Departments, State Bodies, Local Authorities and any publicly funded organisation including educational establishments purchasing electrical and electronic equipment (EEE), or disposing WEEE, regarding best practice and/or obligations under the WEEE Regulations.

The guidance has been developed in the format of Frequently Asked Questions. This information is provided as guidance only and cannot be taken to be a comprehensive statement of legal compliance as such matters are decided in the Courts.

There are ten categories of EEE in the scope of the Regulations:

- Large Household Appliances
- Small Household Appliances
- IT and Telecommunications Equipment
- Consumer Equipment
- Lighting Equipment
- Electrical and Electronic Tools
- Toys, Leisure and Sports Equipment
- Medical Devices
- Monitoring and Control Instruments
- Automatic Dispensers.

Government Departments, State Bodies, Local Authorities and publicly funded organisations could potentially buy EEE from any of the ten categories of EEE. Common purchases of EEE include IT equipment, phones, lighting, cameras, laboratory equipment, control and monitoring equipment, canteen equipment, heating and ventilation equipment, tools, audio-visual and other conferencing equipment, security monitors, automatic dispensers for drinks or solid products, clocks, cameras etc.

It is imperative that all publicly funded organisations only purchase EEE from businesses that are compliant with the WEEE Regulations.

**If you have any questions regarding this guidance document, or the WEEE Regulations in general, please contact a member of the EPA's WEEE enforcement team at Lo-Call 1890 33 55 99 or by e-mailing [weee@epa.ie](mailto:weee@epa.ie).**

### **1. Is the product I'm buying within scope of the WEEE Regulations?**

The **Second Schedule** of the WEEE Regulations, which can be downloaded from: [www.epa.ie/downloads/legislation/waste/weee/epa\\_waste\\_management\\_electrical\\_electronic\\_equipment\\_regulations\\_2005.pdf](http://www.epa.ie/downloads/legislation/waste/weee/epa_waste_management_electrical_electronic_equipment_regulations_2005.pdf) gives an indicative list of EEE within scope. This however is not a definitive list.

If you are unsure as to whether the product is in scope, please contact the WEEE Register Society Ltd (the producer registration body, Tel: 01 2409 320) who, in consultation with the Department of the Environment, Heritage & Local Government, make decisions on product scope.

### **2. What do I need to know about the supplier?**

If you are procuring EEE, you need to check that you are using a validly registered producer, or that a validly registered producer has placed the product on the market. Manufacturers, resellers, importers, exporters of EEE are classed as *producers* and must be registered with the WEEE Register Society Ltd. Registration status may be checked on-line at [www.weeeregister.ie](http://www.weeeregister.ie) or by calling the WEEE Register at 01 240 9320. Additionally, the producer is obliged in law to print a valid WEEE Registration Number on their invoices, credit notes, dispatch and delivery dockets.

### **3. Who is a producer of EEE?**

A producer of EEE is any person who, irrespective of the selling technique used, including by means of distance communication –

- manufactures and sells EEE under his or her own brand, or
- resells electrical and electronic equipment produced by other suppliers under his or her own brand, or
- imports electrical and electronic equipment on a professional basis into the State (*this includes Government Departments, State Bodies, local authorities, third level educational establishments, businesses etc.*), or
- exports electrical and electronic equipment on a professional basis from the State to another Member State of the European Union, or
- distributes electrical and electronic equipment from a producer who is deemed not to be registered (e.g. any distributing EEE placed on the market by a free riding producer).

Please note that producers are defined as either business-to-consumer (**B2C**) or business-to-business (**B2B**).

- If an EEE product placed on the Irish market can at any stage be sold to or used by a private householder, this transaction/product is considered **B2C**, regardless of the supply chain.
- If an EEE product placed on the Irish market is sold from a producer to another business, and that business is the end user of the EEE, this transaction/product is considered **B2B**.

Government Departments, State Bodies, Local Authorities and publicly funded organisations can potentially have B2C and B2B transactions with producers (e.g. buying a replacement kettle for a canteen would be a B2C transaction, but buying AV equipment for a conference room would be a B2B transaction).

#### **4. What do I need to take into consideration when procuring EEE?**

If Government Departments, State Bodies, Local Authorities and publicly funded organisations are procuring services or supplies that include EEE, they should ensure that their tender documentation includes an absolute *a priori* requirement for compliance by any potential supplier with the WEEE Regulations.

Evidence that the company is meeting its producer obligations should be checked as part of the evaluation process, and “free-riders” (i.e. those producers not complying with their obligations), should never be awarded contracts.

#### **5. How do I know if my supplier is registered as a producer?**

You can –

- obtain a copy of the producer’s current “Certificate of Registration” or “Certificate of Renewal of Registration”, and/or
- check the producer’s registration status on the WEEE Register Society Ltd. website ([www.weeeregister.ie](http://www.weeeregister.ie)). Ensure that the producer registration is “Yes” for the current year. If the producer is “Reg Pending” that means the producer has not satisfactorily completed the registration process, and is not validly registered.

“Certificate of Registration” or “Certificate of Renewal of Registration” are issued annually by the WEEE Register Society Ltd and are valid for a calendar year. Certificates issued by a compliance scheme (WEEE Ireland, or European Recycling Platform (ERP – Ireland)) or a local authority, do not confirm registration with the WEEE Register and are not valid for this purpose.

**A producer who is not validly registered is prohibited from placing EEE on the market.**

Those who “provide EEE on a commercial basis to the party who is going to use it” are defined as distributors, however distributors only have obligations in B2C transactions.

The EEE supply chain can be very complex, and if you are buying from a middleman (e.g. wholesaler) that party may have no obligations. The supplier of the equipment should be able to inform you who the producer is.

#### **6. What if I purchase EEE online from an Irish website?**

Products supplied by distance communication (e.g. internet, mail order catalogue, telesales) are covered under the WEEE Regulations, and therefore those supplying them have obligations under the WEEE Regulations. Your distance seller should be registered as a producer, or be able to prove that they are purchasing EEE from registered producers.

#### **7. What if I want to buy the product from a supplier based outside the State?**

Any person who imports EEE on a professional basis into the State has producer obligations under the WEEE Regulations. Therefore if a Government Department, State Body, Local Authority or publicly funded body imports EEE, it will have producer obligations and will need to register with the WEEE Register Society Ltd. **The only exception is in respect of B2C products that are purchased online from a distance seller who is registered with the WEEE Register.**

## **8. Will I see a visible environmental management cost on the invoice?**

The visible environmental management cost (EMC) or Producer Recycling Fund (PRF) contribution only applies to B2C transactions. Prices quoted must be inclusive of EMC's or PRF's. It is an offence for retailers to add an EMC or PRF to the price quoted. The Producer Recycling Fund contributions are reviewed on a regular basis. You can check the current substantiated PRF's for the ten categories of EEE on the WEEE Register website [www.weeregister.ie](http://www.weeregister.ie) under "Categories".

## **9. Does the supplier have take back obligations?**

In a B2C transaction, the retailer is obliged to take back free of charge, on a one-for-one, like-for-like basis (e.g. a camera for a camera). Therefore if a Government Department, State Body, Local Authority or publicly funded organisation buys a camera from a retailer it is entitled to take back a waste camera to the retailer within 15 days of purchase. The retailer also has obligations regarding free take back on delivery.

B2B transactions are slightly different. B2B producers are responsible for financing the environmentally sound management of historical WEEE (i.e. placed on the market prior to 13 August 2005) and any WEEE arising from EEE they place on the market on and from 13 August 2005.

### **“Historic B2B WEEE”**

If a Government Department, State Body, Local Authority or publicly funded organisation purchased EEE prior to 13 August 2005, and is replacing the equipment with products of equivalent type or new products fulfilling the same function, the producer replacing the EEE is obliged to finance the environmentally sound management of WEEE arising. For example, if you bought 100 keyboards prior to 13 August 2005 and they were placed on the market by Company X, and you are replacing them with 100 keyboards from Company Y, Company Y are obliged to take back the 100 keyboards. This is termed “historic WEEE”. Note it must be equivalent product, therefore the producer will not accept 100 waste monitors when keyboards have been supplied.

### **“New B2B WEEE”**

If a Government Department, State Body, Local Authority or publicly funded organisation purchased EEE on or after 13 August 2005, the producer who placed it on the market is obliged to take it back once it reaches end of life, regardless of whether it is being replaced or not. This is termed “new WEEE”.

Historic B2B WEEE (i.e. that bought prior to 13 August 2005) that is **not being replaced** must be disposed of in an environmentally sound manner by the Government Department, State Body, Local Authority or publicly funded organisation concerned. See point 12 below for further information.

## **10. Can I come to a financial agreement regarding take back with my supplier?**

You can in B2B transactions. The producer will probably have factored in the cost of take back and management of the WEEE in the price. The WEEE Regulations provide for alternative financial arrangements for the environmentally sound management of WEEE in B2B transactions.

These alternative financial arrangements may provide for a partial transfer of producer obligations. This can include a requirement that WEEE is transported by the end user to a waste collection facility nominated by the producer and may suit B2B end users with historic WEEE as EEE is not decommissioned until after replacement EEE has been delivered and rolled out. Such WEEE, however, cannot be deposited at a local authority facility unless it is of a type and quantity commonly found in households (e.g. one or two PC's or one or two

phones can be deposited at a local authority facility but 20 of either would have to be deposited at a permitted commercial facility). See point 11 below for further information.

On the other hand, alternative financial arrangements may require the end user to take on all obligations, including recycling and the achievement of material recovery targets.

Whereas producers are required to notify business end users of the obligations they are taking on; Procurement Officers, however, should carefully examine contracts to ensure that producers do not attempt to evade their producer obligations.

### **11. Can a business end user bring WEEE to a civic amenity site?**

The civic amenity sites should only accept WEEE arising from private households. WEEE from private households is defined in the Regulations as that “*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.*” Therefore a State Body could bring a broken kettle to the civic amenity site as it is WEEE arising from a source in nature and quantity, similar to that from a private household. But B2B WEEE, such as specialist IT equipment (e.g. servers) and laboratory equipment, cannot be brought and should not be accepted at civic amenity sites.

### **12. What if a Government Department, State Body, Local Authority or publicly funded organisation is not replacing the equipment? Who has obligations then?**

It depends on when it was placed on the market and if it is B2B or B2C WEEE.

If the EEE was placed on the market in the State prior to 13 August 2005 it is known as ‘historic WEEE’ when it reaches end of life. The business end user is responsible for financing the environmentally sound management of B2B historic WEEE that is not being replaced by equivalent EEE. Business end users should also ensure that all waste collectors and waste treatment facilities are appropriately permitted or licensed. Records should be kept to prove that you have met your final end user obligations in situations like this.

If the EEE was placed on the market in the State on or after 13 August 2005 it is known as ‘new WEEE’ when it reaches end of life. The producer is responsible for the environmentally sound management of B2B historic WEEE (e.g. collection from the business end user and delivery of the WEEE to a recovery facility carrying out its treatment). The producer should also ensure that all collectors/treatment facilities are appropriately permitted or licensed.

B2C WEEE (e.g. of a type and quantity commonly found in households (e.g. one or two PC’s or one or two phones) that is not being replaced can be deposited at a local authority facility free of charge.

### **13. Storage of WEEE prior to collection/disposal.**

Government Departments, State Bodies, Local Authorities and publicly funded organisations should ensure that WEEE is kept on an impermeable surface with weatherproof covering prior to handover to the producer or the recovery facility.

***Be advised that this document does not purport to be, and should not be considered, a legal interpretation of the legislation referred to herein.***