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Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

GUIDANCE ON PRINT, RADIO AND TV ADVERTISING OF PRICES OF ELECTRICAL AND ELECTRONIC EQUIPMENT AND BATTERIES

**European Communities (Waste Electrical and Electronic
Equipment) Regulations 2011, as amended and Waste
Management (Batteries and Accumulators) Regulations
2008**

**Office of Climate, Licensing & Resource Use
Version 6. July 2011**

This document is for guidance only. It does not purport to be and should not be considered a legal interpretation of the legislation referred to herein. Retailers are advised to refer to the relevant legislation for comprehensive information on requirements.

Introduction

The obligations under the European Communities (Waste Electrical and Electronic Equipment) Regulations 2011 (S.I. No. 355 of 2011), as amended commenced on the 13th of July 2011. These Regulations replaced and revoked the previous WEEE regulations, in force in Ireland since 13 August 2005. The Batteries and Accumulators Regulations (S.I No. 268 of 2008) are in force since 26th September 2008. The Environmental Protection Agency (EPA) and local authorities have roles in the enforcement of both sets of Regulations.

1. WEEE Regulations:

The EPA prepared this guidance to assist producers and retailers of electrical and electronic equipment (**EEE**) and batteries to comply with the Waste Electrical and Electronic Equipment (**WEEE**) Regulations when advertising the price of EEE in print (e.g. newspapers, newspaper inserts, magazines, brochures, catalogues, direct mail promotion/publicity post (delivered by An Post)), radio and TV advertisements. This guidance relates to EEE being advertised for sale or given as a prize or gift to private householders (i.e. not business to business transactions).

Producers and retailers should make their advertising companies or promotional partners aware of the advertising obligations under the WEEE Regulations.

The EPA is working closely with the Advertising Standards Authority for Ireland (ASAI) and the Broadcasting Complaints Commission (BCC), as they have a role in upholding advertising standards and regulations. The EPA forwards complaints regarding noncompliant print, radio and TV advertising to the ASAI or BCC for follow up under their established complaints procedures. One of the EPA's objectives in this process is to ensure that all players involved are aware of their obligations, and that they will take appropriate steps to avoid future non-compliance.

For guidance on display of price notices at a retail premises, or on a web-site, please refer to the EPA's *Information for Retailers of EEE and batteries*, and *Information for Internet Sellers of EEE*, available to download from www.epa.ie/downloads/advice/waste/weee.

This information will be revised as necessary, and any comments regarding the guidance will be taken into consideration for future revisions. If you have comments, please e-mail weee@epa.ie or Lo Call 1890 33 55 99. Further information and guidance on the WEEE Regulations can be found on www.weee-enforcement.ie.

Important information regarding price notice displays

Retailers, when supplying EEE to private householders, are required to display the Producer Recycling Fund contribution¹ on price notices of relevant EEE. This contribution is to cover the cost of the environmentally sound management of ‘historic WEEE’ from private households, i.e. WEEE arising from EEE placed on the market prior to the Regulations coming into force in August 2005.

Article 16(12) (f) of the WEEE Regulations requires that any price notice display for a specific item of EEE shall display three-point pricing, which is:

- (i) Retail price (i.e. the price the customer pays at the till, inclusive of the Producer Recycling Fund contribution)
- (ii) “Producer Recycling Fund” contribution
- (iii) Amount equal to the retail price less the Producer Recycling Fund contribution.

There are ten categories of EEE covered under the WEEE Regulations (Large Household Appliances, Small Household Appliances, IT and Telecommunications Equipment, Consumer Equipment, Lighting, Electrical and Electronic Tools, Toys Leisure and Sports Equipment, Medical Devices, Monitoring and Control Instruments, Automatic Dispensers). From the 1 February 2011 the Producer Recycling Fund contribution only applies to some equipment under Category 1 (Large Household Appliances). For all other categories the Producer Recycling Fund contribution is currently zero. There is no requirement for three-point pricing where there is zero Producer Recycling Fund contribution, but other retailer obligations (such as requirement for free take back of WEEE on a one-for-one, like for like basis) still apply.

Be advised that the Producer Recycling Fund contributions are subject to review. Refer to the Category Listings on the WEEE Register Society Ltd. website (www.weeregister.ie) to get the most up-to-date information. Category Listing 5.3 is currently in force (since 1 February 2011). If you have a query as to whether EEE is in scope, or what category it belongs to, please contact the WEEE Register Society Ltd. (Tel: +353 (0)1 240 9320).

¹ The Producer Recycling Fund contribution is the same as the Environmental Management Cost (EMC), or visible Environmental Management Cost (vEMC). The term Producer Recycling Fund contribution is used in this guidance, as this is what the WEEE Regulations state the EMC must be referred to on price notice displays.

Print advertisements

All print advertisements displaying price notices for specific items of EEE (to which the Producer Recycling Fund contribution applies) must display three-point pricing. Print media includes newspaper and magazine advertisements, advertising inserts in newspapers or magazines (e.g. readers' offers), brochures, catalogues and direct mail/publicity post (delivered by An Post).

Article 16(12) (f) of the WEEE Regulations requires that any price notice display for a specific item of EEE shall display three-point pricing, which is (i) the retail price (the price the customer pays) (ii) the "Producer Recycling Fund" contribution and (iii) the amount equal to the retail price less the Producer Recycling Fund contribution.

Article 16(12) (f) of the WEEE Regulations explicitly requires reference to 'Producer Recycling Fund' contribution on all price notices, and this is why having the abbreviation "PRF" or "PRFC" is not compliant. Where space is an issue the abbreviation ***PRF** can be used but the full text "***Producer Recycling Fund**" must appear visibly and legibly at the end of each page where the abbreviation has been used. Best practice is that Producer Recycling Fund be written in full as part of the three point pricing.

The order in which the three prices appear is irrelevant but the retail price must always be inclusive of Producer Recycling Fund contribution and is not to be less prominent (Article 16 (12) (h)). This ensures that the customer is aware of the price they will pay. Some retailers have chosen to put the text "The price of these items includes a contribution(s) to the Producer Recycling Fund to ensure that waste electrical and electronic equipment is collected and recycled in a responsible manner" at the end of each page or double spread where EEE is being advertised, and while this is not specifically required under the WEEE Regulations, it is considered good practice and raises consumer awareness.

1. Electrical and Electronic Equipment (EEE)

When advertising household electrical and electronic equipment in print media, there is a requirement under Article 30 (5) of the WEEE Regulations to include the following text "Waste Electrical and Electronic Equipment (WEEE) must never be placed in your waste disposal or recycling bins. WEEE is taken back free of charge at electrical retail outlets on a one-for-one like-for-like basis. Local authority civic amenity facilities also take back WEEE free of charge. WEEE recycling is free".

2. Batteries and Accumulators Regulations

Please be aware of the Waste Management (Batteries and Accumulators) Regulations 2008, which came in to effect on 26th September 2008. It is prohibited to display any costs for the environmentally sound management of waste batteries. However, where any person is advertising batteries, they are required in accordance with Article 33(3), in such advertisement, to include the following text “Waste batteries must never be placed in your waste disposal or recycling bins. There is a bin for small batteries in your local store. Battery recycling is free”.

Radio advertisements

In radio advertisements the price notice is not displayed but the advertisement may state orally the price of a specific item of EEE. The retail price quoted must be inclusive of the Producer Recycling Fund contribution (if it applies to that product) as provided for under Article 16(12) (d) of the WEEE Regulations. Each advertisement promoting the sale of EEE where Producer Recycling Fund contributions are applicable must include the phrase “The price of this item/these items includes a contribution(s) to a Producer Recycling Fund”.

TV advertisements

Where a price for a specific item of EEE is quoted in a TV advertisement the guidelines as per radio advertisements above should be followed. If the TV advertisement displays prices of specific items of EEE on screen, three-point pricing must be shown, as described under print advertising above. The retail price must be inclusive of the Producer Recycling Fund contribution (if it applies to that product). If a range of EEE is being advertised and the advertiser wishes to display or quote a price range (e.g. “prices of dishwashers from €299”), then as the price notice for a specific item of EEE is not being displayed, three-point pricing does not need to be displayed. The minimum retail price quoted should be inclusive of the Producer Recycling Fund contribution (if it applies). Each advertisement promoting the sale of EEE where Producer Recycling Fund contributions are applicable must include the phrase “The price of this item/these items includes a contribution(s) to a Producer Recycling Fund”.

Special offers where EEE is being offered as a prize or gift

Where EEE is being offered as a prize or gift or otherwise free on promotional offer, there is still a requirement for three-point pricing and to indicate the contribution to the Producer Recycling Fund.

Multi-packs/promotional offers

If “two for the price of one” is on offer (e.g. an oven & two-door fridge); the Producer Recycling Fund contribution of both should be included:

Retail Price	€479
Producer Recycling Fund	€3 (€1 + €2)
Retail Price less Producer Recycling Fund	€476

Free gifts

If an item of EEE is being offered as a free gift with other EEE (for example a free 14” TV with an American style fridge), the three point pricing must indicate the Producer Recycling Fund contribution of the free gift:

Retail Price	€669
Producer Recycling Fund	€5 (€0 + €5)
Retail Price less Producer Recycling Fund	€664

If an item of EEE is being offered as a free gift with a non-electrical item (e.g. a free icemaker with a gas barbecue), the phrase/text “A contribution of €X has been made to the Producer Recycling Fund” should be included in the advertisement (where the Producer Recycling Fund contribution applies).