



## **INFORMATION FOR INTERNET SELLERS OF ELECTRICAL AND ELECTRONIC EQUIPMENT (EEE) & BATTERIES**

**European Communities (Waste Electrical and Electronic  
Equipment) Regulations 2011 (S.I. No. 355 of 2011), as amended.**

**Office of Climate, Licensing & Resource Use**  
Rev 7. 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

Obligations under the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005 as amended by S.I. No. 375 of 2008) came into force in Ireland on 13 August 2005. These Regulations have been updated and replaced by the current Regulations 'European Communities (Waste Electrical and Electronic Equipment) Regulations 2011 (S.I. No. 355 of 2011), hereafter referred to as the WEEE Regulations, which came into force on the 13<sup>th</sup> of July 2011. The Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008) hereafter referred to as the Battery Regulations, came into force in Ireland on 26 September 2008. The EPA prepared this guidance to assist distance sellers advertising and/or selling electrical and electronic equipment (EEE) and batteries via the internet to achieve compliance with the requirements of the WEEE and Battery Regulations.

'Distributor' is defined in the WEEE and Battery Regulations as any person who provides EEE on a professional basis to an end user. Retailers are, therefore, distributors for the purposes of the WEEE and Battery legislation.

The EPA and local authorities have enforcement responsibilities under the WEEE and Batteries Regulations, and your website may be inspected to check compliance with the Regulations. Please note that where a retailer obligation under the WEEE and Batteries Regulations is a local authority enforcement responsibility (e.g. registration, take back obligations), you will be required to satisfy the local authority regarding compliance.

Distance sellers must comply with the general obligations under the WEEE and Batteries Regulations for retailers and producers, however, these obligations are not fully outlined in this document. Please refer to the WEEE and Batteries Regulations, or the web sites listed below for further information.

This document will be up-dated when necessary, and any comments received will be taken into consideration for future revisions. If you have comments, please e-mail [weee@epa.ie](mailto:weee@epa.ie) / [batteries@epa.ie](mailto:batteries@epa.ie) or Lo Call 1890 33 55 99. Further information on EPA enforcement of WEEE and Batteries can be found on [www.weee-enforcement.ie](http://www.weee-enforcement.ie) / [www.batteries-enforcement.ie](http://www.batteries-enforcement.ie).

**Other stakeholders that have useful information on the WEEE Regulations are:**

Stakeholder	Contact details
<b>The WEEE Register Society Limited</b> (National Producer Registration Body)	<a href="http://www.weeeregister.ie">www.weeeregister.ie</a> 01 6333 550/1
<b>Department of the Environment, Heritage and Local Government</b>	<a href="http://www.environ.ie">www.environ.ie</a> 01 888 2000 Lo Call 1890 202021
<b>WEEE Ireland</b> (compliance scheme)	<a href="http://www.weeeireland.ie">www.weeeireland.ie</a> 01 2999320
<b>ERP Ireland</b> (compliance scheme)	<a href="http://www.erpbatteryrecycle.org">www.erpbatteryrecycle.org</a> 0818 332 757

## PRICE NOTICE DISPLAYS

Distributors of EEE, when supplying to private householders, are required to display the Environmental Management Cost (EMC) on price notices of relevant EEE. The EMC is the cost required to cover the environmentally sound management of 'historic WEEE' from private households, i.e. WEEE arising from EEE placed on the market prior to the introduction of the Regulations on 13 August 2005. Please be advised that EMCs are subject to review and were revised in February 2011 (Category Listings 5.3.). Refer to the Category Listings on the WEEE Register Society Limited's website ([www.weeeregister.ie](http://www.weeeregister.ie)) in order to obtain the most recent information.

EMCs are sometimes referred to as *visible* Environmental Management Costs, as retailers must **display** them on price notices. The WEEE Regulations explicitly require that the EMC is displayed as 'Producer Recycling Fund' on all price notices, and this is why having the abbreviations "EMC" or "PRF" are 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.

Please note that there are **no** EMCs applicable to batteries. In fact producers or distributors are **prohibited** from displaying the costs of the environmentally sound management of waste batteries.

### **Requirements:**

#### **1. Producer Recycling Fund**

The EMC, which is called the 'Producer Recycling Fund', must be displayed wherever the price of EEE is quoted (price notice display) on:

- a. Irish websites (or Irish sections of international websites) at each point where EEE on offer is displayed, where the retail price of EEE is quoted and where the ordering or financial transaction takes place.
- b. Non-Irish websites which distribute EEE to private householders in the Republic of Ireland, where the ordering or financial transaction takes place.

#### **2. Three-point Pricing**

The price notice display for EEE is required to be in a three-point-pricing format, for example:

Retail Price	€499
Producer Recycling Fund	€5
Retail Price less Producer Recycling Fund	€494

The order in which these items appear is irrelevant but the display of the retail price (always inclusive of Producer Recycling Fund (PRF) contribution) is not to be less prominent than the PRF and the price of the item exclusive of the PRF.

### 3. **Inclusion of text**

Each invoice, receipt or docket issued on sale of an item of EEE must display the following statement: 'Price of electrical item includes Producer Recycling Fund contribution'.

## **FREE TAKE BACK**

### **WEEE Regulations**

Distributors of EEE are required by law to take back WEEE from private householders **free of charge** on a one-for-one, like-for-like basis irrespective of whether there is a Producer Recycling Fund contribution applicable to the equipment. It should be noted that retailers are not obliged to accept a fridge where the customer has purchased a toaster. Also note that the item being returned ***does not have to be the same brand*** as the one being bought.

#### **Requirements:**

##### **1. Free take back at distribution premises**

Free take-back of WEEE for private householders must be provided on a one-for-one and like-for-like basis at each place where the company distributes EEE in the Republic of Ireland or, if no distribution premises are in existence, at a named address in the State irrespective of whether there is a Producer Recycling Fund contribution displayed. The website must clearly indicate that free take-back of WEEE is available, and it must display a list of the addresses of the locations at which WEEE is taken back.

##### **2. Free take back on delivery**

WEEE must be taken back on delivery of the new item of EEE.

**Note:** you must give the purchaser 24hr notice of the delivery. If you do not and if an item of WEEE is subsequently not ready for collection on delivery of the EEE, you must return within 15 days to collect the item of WEEE. Again, 24hr notice must be given before WEEE is collected.

- a. If, on delivery of EEE, an item of WEEE is not ready for collection despite 24 h notice having been given, the purchaser can bring the WEEE to any of the listed (see point 1) take-back locations within 30 days of delivery of EEE.
- b. Any arrangements that meet the requirements of the legislation are acceptable.

##### **3. Provision of take-back information**

The information on free take-back must be apparent on:

- a. Irish websites (or Irish sections of international websites) at each point where EEE on offer is displayed, where the retail price of EEE is quoted and where the ordering or financial transaction takes place.
- b. Non-Irish websites which distribute EEE to the Republic of Ireland where the ordering or financial transaction takes place.

Where distributors are supplying EEE to customers other than householders, the distributor must supply details of the producer responsible for financing the environmentally sound management of each item of EEE placed on the market on and from 13<sup>th</sup> August 2005 when it reaches the end of its life. This also applies to WEEE arising from EEE placed on the market prior to 13<sup>th</sup> August 2005 that is being replaced by him or her with new equivalent products or with new products fulfilling the same function.

#### **4. Take-back notice**

Distributors supplying EEE by means of distance communication to end users shall place a visible and legible notice on his or her website indicating that he or she will take back EEE free of charge, according to 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”.*

Where both EEE and batteries are being displayed together by on a website, a combined text can be used as follows:

*“Waste Electrical and Electronic Equipment (WEEE) and waste batteries 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. There is a bin for small batteries in your local store. Local authority civic amenity facilities also take back WEEE and waste batteries free of charge. WEEE and waste battery recycling is free”.*

## **Battery Regulations**

Distributors of batteries are required to take back waste batteries from private householders *free of charge*. The customer is not obliged to purchase any batteries in order to return waste batteries (i.e. one for zero take-back). The batteries being returned to your company must be of equivalent type as the batteries sold by your company (e.g. portable batteries such as AA, AAA, C or D cell batteries). This is also applicable to batteries incorporated into EEE. Distributors are not obligated to accept waste portable batteries that exceed a total of five kilogram’s (Kg) in weight from any one person at any one time or any leaking waste portable battery.

### **Requirements:**

#### **1. Statutory Notice**

Distributors supplying batteries by means of distance communication to end-users shall place a visible and legible notice on his or her website indicating that he or she will take back waste batteries free of charge provided any waste battery that is returned is of equivalent type as the batteries supplied by him or her together with details of an address in the State where he or she takes back waste batteries, according to 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”.*

Where both EEE and batteries are being displayed together by on a website, a combined text can be used as follows:

*“Waste Electrical and Electronic Equipment (WEEE) and waste batteries 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. There is a bin for small batteries in your local store. Local authority civic amenity facilities also take back WEEE and waste batteries free of charge. WEEE and waste battery recycling is free”.*

## **2. Take –back of Batteries**

A distributor shall accept waste batteries by accepting them at all reasonable times at any place of business in the State from which he or she distributes batteries or, as appropriate, an address in the State, occupied by the producer or, as appropriate, the distributor concerned or by any of his or her servants or agents.

## **RETAILER REGISTRATION**

Each premises at which EEE are distributed or is used for the storage of EEE and/or batteries prior to distribution must be registered with the appropriate local authority or an approved compliance scheme (WEEE Ireland or ERP Recycling). Renewal of registration with the local authority is required no later than 31<sup>st</sup> January of every year. A fee not exceeding €20 will apply. The two approved compliance schemes, WEEE Ireland and ERP Ireland, have now been approved by the Minister to hold and maintain *alternative* distributor registers. Registration as a retailer/distributor with WEEE Ireland or ERP Ireland is on a once off basis, free of charge. More information can be found by contacting your local authority or by contacting:

- WEEE Ireland: [retailer@weeeireland.ie](mailto:retailer@weeeireland.ie) or tel: 01 299 9320
- ERP Ireland: [retailerreq@erp-recycling.org](mailto:retailerreq@erp-recycling.org) or tel: 0818 332 757

It should be noted that distributors of batteries (including those incorporated into EEE) are already deemed to be registered for batteries if validly registered for WEEE. In addition, where a distributor only sells portable batteries and does not sell EEE, industrial or automotive batteries, registration with the local authority is not required.

## **PRODUCER OBLIGATIONS**

1. If your company is also a producer according to the definition under the WEEE Regulations<sup>1</sup> and the Battery Regulations<sup>2</sup> you must: -

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<sup>1</sup> Refer to Articles 3 and 13 of the WEEE Regulations for further info, but in general terms you are a producer if, irrespective of the selling technique used, including by means of distance communication, you manufacture and sell EEE, re-brand EEE in Ireland, import EEE on a professional basis into the State, export EEE from Ireland to another Member State of the EU or distribute EEE from an unregistered producer. If you have any questions regarding registration, contact the national producer registration body, WEEE Register Society Ltd. (Tel: +353 (0)1 6333 550).

<sup>2</sup> Under the Battery Regulations, you are a producer if, irrespective of the selling technique used, including by means of distance communication if you place batteries or accumulators, including those incorporated into

- a) Be registered as a distance seller of EEE and/ or batteries with the WEEE Register Society Ltd., which is the national producer registration body ([www.weeeregister.ie](http://www.weeeregister.ie)).
- b) Become a member of an approved compliance scheme or self-comply.
- c) Display your producer registration number on invoices, credit notes, dispatch and delivery dockets issued to a distributor. If you do not possess a valid Certificate of Registration or a Certificate of Renewal of Registration, you are prohibited from displaying any registration number on your website.
- d) Mark items of EEE and/or batteries for which they are a producer according to the Regulations with the crossed-out wheelie bin symbol.
- e) Producers of batteries shall include on batteries containing more than (A) 0.0005% mercury with the chemical symbol Hg, (B) 0.002% cadmium with the chemical symbol Cd or, as appropriate, (C) 0.004% lead with the chemical symbol Pb. Such symbols shall be printed beneath the crossed out wheelie bin symbol on the battery.
- f) Each producer of household EEE shall inform users of the requirement of not to dispose WEEE as unsorted municipal waste, to have such WEEE collected separately, their role in the reuse and recovery of WEEE, the potential effects of the presence of hazardous substances in EEE and the meaning of the crossed out wheelie bin symbol.
- g) Each producer when supplying new batteries shall inform users of the potential effects of the substances used in batteries, their role in the recycling of waste batteries, not to dispose waste batteries as unsorted municipal waste and to participate in their separate collection. Users should also be informed of the crossed out wheelie bin symbol, the chemical symbols Hg, Cd, and Pb, how to remove a battery from an appliance where relevant, and the type of battery incorporated into the appliance.
- h) Supply information on your financing of the environmentally sound disposal of WEEE or Waste Batteries if requested to do so.
- i) In the case of WEEE, supply information relevant to the reuse and treatment of your products to recovery facilities.

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appliances or vehicles, on the market for the first time within the territory of that Member State on a professional basis. If you have any questions regarding registration, contact the national producer registration body, WEEE Register Society Ltd. (Tel: +353 (0)1 6333 550).