

WEEE and Batteries Regulations



Enforcement Update – November 2011

The Environmental Protection Agency's Office of Climate, Licensing and Resource Use, as part of the National Waste Prevention Programme, is responsible for leading enforcement of the waste electrical and electronic equipment (WEEE) and Batteries Regulations in Ireland. These Regulations are:

- *European Communities (Waste Electrical and Electronic Equipment) Regulations 2011 (S.I. No. 355 of 2011, as amended by S.I. No. 397 of 2011¹); and,*
- *Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008)*

Enforcement is carried out in cooperation with local authorities, who enforce most of the retailer obligations under the Regulations, and other regulatory bodies with related responsibilities. A programme of inspections, complaint investigation and surveillances continues nationwide. Inspections may be announced or unannounced.

Inspections

Since obligations under the WEEE Regulations came into force on 13 August 2005, the Environmental Protection Agency (EPA) has been undertaking inspections of companies producing and distributing electrical and electronic equipment (EEE). From time to time, the external resources are engaged by the EPA to provide enforcement support and maximise the number of inspections carried out through periodic, focussed inspection campaigns. Table 1 provides a summary of inspections carried out since 2005.

Table 1 Summary of inspections completed (2005 – to date)

| | Producers (general compliance) | Special investigations | Distributors (retailers) | Websites |
|----------------|--------------------------------|------------------------|--------------------------|------------|
| 2005 | 0 | - | 130 | 0 |
| 2006 | 0 | - | 386 | 111 |
| 2007 | 19 | - | 180 | 59 |
| 2008 | 18 | - | 246 | 0 |
| 2009 | 52 | - | 134 | 21 |
| 2010 | 46 | - | 215 | 20 |
| 2011 (to date) | 32 | 16 | 395 | 0 |
| Total | 167 | 16 | 1,686 | 211 |

¹ Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005, as amended by S.I. No. 375 of 2008) are revoked.

Obligations under the Batteries Regulations came into effect on 26 September 2008. Enforcement of these Regulations by the EPA is integrated into existing structures for WEEE enforcement and the scope of enforcement inspections carried out since this date include both WEEE and batteries compliance.

Retailer inspections are carried out to check compliance with specific retailer obligations under the regulations and to gather information on the producer supply chain. This partly informs the targeting of producer inspections. Inspections of distance sellers (websites and mail order catalogues) are conducted in a manner similar in nature to retailer inspections.

Producer inspections are carried out where potentially non-compliant producers are identified from a number of sources, including information gathered during retailer inspections, stakeholder engagement and complaints. Such inspections examine in detail purchase and sales documentation and stock held on site, to gather evidence of non-compliances with obligations under the Regulations. Where non-compliances are not closed out within the agreed timeframe, a recommendation for prosecution may be put to the Board of the Agency for consideration.

Inspections have also been carried out at trade shows, exhibitions and events to check compliance of exhibitors selling or advertising EEE or batteries. Organisers of such events have obligations to ensure compliance of participating distributors and/or producers.

In 2011, a series of inspections have been carried out as part of a special investigation into the storage and collection of WEEE. The current high value of metal has led to the diversion of WEEE to channels other than management via the compliance schemes.

Stakeholder engagement

The EPA works closely with the WEEE Register Society Ltd. (the national producer registration body) on producer enforcement, particularly those producers who fail to register, fail to join a compliance scheme or self comply, to fail to report what they place on the market to the WEEE Blackbox. The EPA also works closely with the compliance schemes (WEEE Ireland and ERP Ireland) and in particular to follow up complaints regarding potential unregistered producers who may be placing EEE or batteries on the market.

The EPA regularly attends the Committee of Management meetings of the WEEE Register Society Ltd. as an observer and is a participant in the WEEE Monitoring Group (which is chaired by the Department of Environment, Community and Local Government). Links are being made with regulators in other countries to share experiences on enforcement of WEEE and batteries. In addition, the EPA also engages with other stakeholders from time to time including relevant government departments and agencies, local authorities and other regulatory bodies, as well as industry and sectoral representative associations.

Extensive enforcement files have been opened on the basis of inspections and acting on complaints and communications from third parties. The general approach to enforcement is through an initial chain of correspondence, followed by inspection where appropriate. However, depending on the nature of the complaint or the allegations of non-compliance, inspections are sometimes carried out as a first response. Each case is assessed on its merits, based on the information available or provided to the EPA.

The EPA calls compliance meetings with producers/retailers and/or the appropriate representative association where necessary in order to raise awareness of non-compliance with senior management and agree corrective actions to achieve compliance.

The EPA refers non-compliant print advertising to the Advertising Standards Authority for Ireland (ASAI) for follow up with their media Member States organisations. The Broadcasting Complaints Commission (BCC) addresses complaints relating to non-compliant television and radio advertising.

The EPA and the National Consumer Agency (NCA) also work together to ensure correct pricing of EEE at retail premises. NCA inspectors visited over 200 premises in late 2005 checking that the retail price of EEE products on the shelf were in compliance with the Product Prices Regulations. Any complaints regarding price splitting are forwarded to the NCA for their follow up. However, since the majority of visible Environmental Management Costs (vEMCs) have now been eliminated, complaints regarding pricing are minimal.

Prosecutions

To date, the EPA has taken ten prosecutions under the WEEE Regulations, for failure to comply with retailer or producer obligations. In addition, one battery prosecution has been concluded to date. Table 2 outlines a summary of prosecutions taken to date.

Table 2 Summary of WEEE and battery prosecutions taken by the EPA (2006 to date)

| Company name | Date of prosecution | Nature of offences | Fines | Costs |
|---|---|----------------------------------|-------------------------|---------|
| Boots Retail (Ireland) Ltd. | 23 January 2006 | Retailer obligations (WEEE) | €1,200 | €6,865 |
| Argos Distributors (Ireland) Ltd. | 8 May 2006 | Retailer obligations (WEEE) | €1,500 | €10,000 |
| System Video Ltd. | 14 July 2008 | Producer obligations (WEEE) | €3,750 | €17,133 |
| Adelphi Distributors Ltd. | 12 September 2008 | Producer obligations (WEEE) | 2,000 | €8,250 |
| Advanced Bar and Catering Services Ltd. | 20 July 2009 | Producer obligations (WEEE) | €3,500 | €4,500 |
| Euro General Retail Ltd. | 9 November 2009 (concluded on 23 November) | Producer obligations (WEEE) | Probation Act applied* | €8,464 |
| Passax Electronics Ltd. | 5 January 2010 | Producer obligations (WEEE) | €1,000 | €3,000 |
| Total Energy Controls Distributors Ireland Ltd. | 12 January 2010 | Producer obligations (WEEE) | €4,000 | €8,440 |
| Quipman Ireland Ltd. | 8 March 2010 | Producer obligations (WEEE) | €1,500 | €3,500 |
| William Reynolds and Sons Ltd. | 19 April 2010 | Producer obligations (WEEE) | €450 | €3,000 |
| Forklift Services and Handling Equipment Ltd. | 12 July 2011 (concluded on 12 September) | Producer obligations (Batteries) | Probation Act applied** | €4,519 |

* The Probation Act was applied and donation of €7,500 ordered to be paid to Temple Street Children's Hospital.

** The Probation Act was applied subject to the payment of costs to the EPA by 12th September 2011.

In addition to the prosecutions taken by the EPA, Dublin City Council took a prosecution against DID Electrical in July 2007. The Probation Act was applied and costs were awarded to Dublin City Council. This is so far the only prosecution taken by a local authority under the WEEE Regulations.

Working with local authorities

Under the WEEE and Batteries Regulations, local authorities have responsibility for enforcement of many retailer obligations. The EPA engages with local authorities on an ongoing basis to ensure effective enforcement of the Regulations.

A Producer Responsibility Enforcement Network is in place since June 2006 to guide and coordinate local authorities in their enforcement of producer responsibility initiatives. The aim of the network is to provide consistent enforcement throughout the country and to be a forum for information exchange between authorities. The most recent meeting of the Producer Responsibility Enforcement Network took place on 19th October 2011. A WEEE Working Group (representatives of EPA, local authorities and Department of Environment, Heritage and Local Government) was established in February 2007 as a sub-group of the Network to work on certain key outputs (e.g. guidance on enforcement of the Regulations, an inspection protocol and inspection report template and a contacts list of WEEE enforcement staff). Guidance and other information is exchanged within the Network via the extranet www.enforcementnetwork.ie. This extranet is only accessible to public officials involved in environmental enforcement.

For the purposes of transferring knowledge and learning, local authority enforcement staff are invited to observe inspections carried out under the EPA's enforcement support contract during inspection campaigns in their local area. Local authority staff who have availed of this opportunity have found the exercise to be very beneficial and a useful way of exchanging information.

Guidance

The EPA has prepared templates and extensive guidance on various aspects of compliance with the WEEE and Batteries Regulations. Table 3 lists the guidance available to download from the EPA website: www.weee-enforcement.ie and www.batteries-enforcement.ie.

Table 3 Summary of EPA guidance available to download

| Title of Document | WEEE/Batteries | Aimed at... |
|---|----------------|--|
| WEEE Waste Management Plan template | WEEE | B2B WEEE self complying producers |
| WEEE Waste Management Report templates | WEEE | B2B WEEE self complying producers |
| WEEE Waste Management Plan template – 100% export | WEEE | B2B WEEE self complying (100% export) producers |
| WEEE Waste Management Report templates – 100% export | WEEE | B2B WEEE self complying (100% export) producers |
| Statutory Notices for plans and reports | WEEE | B2B WEEE self compliers |
| Waste Automotive or Industrial Battery Annual Report for retailers | Batteries | Retailers of industrial and automotive batteries |
| Information Pack for Retailers of Industrial and Automotive Batteries | Batteries | Retailers of industrial and automotive batteries |

| Title of Document | WEEE/Batteries | Aimed at... |
|---|--------------------|---|
| Guidance for Batteries Self compliers | Batteries | Self complying battery producers |
| Batteries Waste Management Plan template | Batteries | Self complying battery producers |
| WEEE Regulations – Information for Retailers of electrical and Electronic Equipment and Batteries | WEEE and Batteries | Retailers of EEE and batteries |
| Statutory Notices for Retailers of EEE and/or batteries | WEEE and Batteries | Retailers of EEE and batteries |
| Guidance on Procurement of Electrical and Electronic Equipment | WEEE and Batteries | All stakeholders purchasing EEE and batteries |
| Advertising Guidelines for Sellers of Electrical and Electronic Equipment and Batteries | WEEE and Batteries | All retailers and producers |
| WEEE Regulations – Information for Internet Sellers of Electrical and Electronic Equipment | WEEE and Batteries | Internet sellers of EEE and batteries |
| The WEEE and Batteries Regulations in Ireland – Who Does What? | WEEE and Batteries | All stakeholders, retailers and producers |

Waste Management Plans and Reports

One of the aspects of self-compliance under the WEEE Regulations is the submission of a three-year waste management plan to the EPA for approval, and report on the plan before 31 January each year upon renewal of producer registration.

The EPA hosted information sessions for B2B producers on waste management plans and reports in January 2007 and February 2008 in Dublin. The presentations from the 2008 event are available to download from the EPA website www.weee-enforcement.ie. Self complier guidance and a waste management plan template have also been prepared for those producers wishing to self comply under the Batteries Regulations. These can be downloaded from www.batteries-enforcement.ie.

The EPA is currently developing an online system for submission of WEEE waste management plans and reports, which will replace the templates currently in use for these submissions.

Promotion and Publicity

The EPA has undertaken periodic advertising campaigns in the national and regional press and relevant trade publications to highlight the WEEE and Batteries Regulations. Advertisements to date have highlighted producer and retailer responsibilities, the price notice display requirements for retailers of EEE, and a reminder to retailers to check their suppliers' invoices for the producer registration number.

The EPA has contributed to several Eco-Eye TV segments dealing with WEEE and Battery awareness for consumers since 2006. The EPA has also participated in a number of national seminars concerning the requirements of the WEEE Regulations.

The EPA has published articles and/or advertisements on WEEE enforcement in various trade journals and sectoral publications including *inter alia*, Environmental Management Ireland (EMI), the South East Business Magazine, Irish Electrical Review – Retail, Irish Photo News, Auto Trade Journal,

Tyre Trade Journal, AutoBiz magazine, Shelflife magazine, Checkout magazine, Greenside magazine, Retail News, Handling Network Magazine, BS News, Irish Pharmaceutical Union Review and the Irish Pharmacy Journal.

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