



Waste Electrical and Electronic Equipment (WEEE)

Guidance for Business to Business (B2B) EEE Producers where EEE includes Batteries

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. Producers are advised to refer to the relevant legislation for comprehensive information on requirements.

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1. Introduction

The Waste Electrical and Electronic Equipment (WEEE) Regulations 2014 - S.I. No. 149 of 2014 (the WEEE Regulations) govern the safe collection, recycling and appropriate disposal of WEEE.

The European Union (Batteries and Accumulators) Regulations 2014 (S.I. No. 283 of 2014), as amended (the Batteries Regulations) govern the safe collection, recycling and appropriate disposal of waste batteries.

The aim of this guidance document is to provide additional information to B2B EEE producers **where the EEE incorporates batteries**. This guidance should be read in conjunction with other EPA guidance for B2B EEE producers.

2. Compliance options where B2B EEE incorporates batteries

If you are a producer of an item of EEE which incorporates or is supplied with batteries, then you are also deemed to be a **battery producer** and have **obligations under the Batteries Regulations**.

The regulations identify three main types of batteries as outlined in Table 1.

Table 1: Battery Types Covered by the Batteries Regulations

Battery Type	Criteria	Codes /Applications	Uses
Portable	(a) is sealed; (b) can be hand-carried or, as appropriate; (c) is neither an industrial battery or accumulator nor an automotive battery or accumulator.	AA, AAA, D cell, C cell and button cells	<ul style="list-style-type: none"> • Mobile phones • Cameras • Remote controls • Torches • Laptops
Industrial	Designed exclusively for industrial or professional uses; Used as a source of power for propulsion in an electric vehicle; Unsealed but is not an automotive battery or accumulator; or Sealed but is <u>not classified as a portable battery</u> .	Deep cycle, marine or traction (E.g. Golf Cart & T-105-6V battery)	<ul style="list-style-type: none"> • Forklift • Golf buggy • Fork lift truck • Batteries for emergency back-up power supply • Farm fence • Automatic transport vehicles (E.g. motorised wheelchairs)
Automotive	Any battery or accumulator used for automotive starter, lighting or ignition power.	Wet/dry charged (e.g. SLI - 12V battery)	<ul style="list-style-type: none"> • Car, motorcycle • Truck • Buses • Tractors and machinery

All battery producers have two compliance options open to them – **self-complying** with the Batteries Regulations **OR** joining a **compliance scheme**.

- **Membership of a compliance scheme:**

B2B EEE producers may join a compliance scheme for the battery component of their business. The two compliance schemes are [ERP Ireland](#) or [WEEE Ireland](#). Members of a compliance scheme pay an annual fee to cover the costs of the management and reporting obligations for their waste batteries. The fee is based on the producer's share of the battery market i.e. related to the amount of batteries that they are placing on the market in Ireland.

- **Self-complying:**

If a B2B EEE producer chooses to self-comply, then the following obligations must be fulfilled:

- Report quantities of waste batteries collected and managed annually to the EPA;
- Ensure that collection, recovery and recycling efficiencies for waste batteries are met;
- Maintain all necessary records; and,
- Organise transport and management of waste batteries.

A comparison of obligations for self-complying battery producers versus battery producers who are members of a compliance scheme is outlined in Table 2 below.

3. Summary of the key producer obligations for the battery component of EEE incorporating batteries

Table 2 below outlines the key obligations that apply to B2B EEE producers with respect to the battery component of the EEE. The relevant sections within this guidance document and the Batteries Regulations are also provided for ease of reference.

Table 2: Summary of obligations for battery component of EEE incorporating batteries

Obligation	Batteries Regulations	Battery Producer (Self Complying)	Battery Producer (Compliance Scheme Member)
Register with Producer Register Limited - Section 4.1	Regulation 17	✓	✓
Report quantities of EEE and batteries placed on the Irish market to the WEEE Blackbox - Section 4.2	Regulation 32	✓	✓
Finance the environmentally sound management of WEEE incorporating batteries - Section 4.3	Regulation 23(1)	✓	✓
Ensure that the EEE products and component batteries are marked with the crossed out wheeled bin symbol - Section 4.4	Regulation 31	✓	✓
Ensure that the batteries placed on the market comply with the requirements of the Batteries Regulations with regard to composition - Section 4.5	Regulation 5	✓	✓
Meet collection and recycling efficiency targets for batteries Section 4.6	Regulation 23 (7)	✓	✗
Submit a Waste Battery Management Plan to the EPA every 3 years - Section 4.7.1	Regulation 30	✓	✗
Submit an annual Waste Battery Management Report to the EPA - Section 4.7.2	Regulation 30	✓	✗
Maintain records - Section 4.8	Regulation 29	✓	✗
Provide information to consumers related to recycling of waste batteries - Section 4.9	Regulation 31	✓	✓
Display Statutory Notices at your premises - Section 4.10	Regulation 30 (1) and (3) Schedule 3	✓	✗

Meet storage, transport and treatment requirements for waste batteries - Section 4.11	Regulations 23, 26	✓	✗
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4. Battery producer obligations in detail

4.1 Register with Producer Register Limited

If the EEE you place on the market incorporates or is supplied with batteries, then the type of batteries incorporated should be identified when registering, i.e. portable, industrial or automotive.

Once an application for registration has been submitted, the Producer Register Limited will issue you with a unique registration number. This number will be followed by the letter **W** for EEE only producers, **B** for battery only producers and **WB** for producers of EEE and batteries. If you place EEE incorporating batteries on the market, then you will be issued with a registration number with a **WB** suffix.

4.2 Report quantities of EEE and batteries placed on the Irish Market to the WEEE Blackbox

In addition to reporting B2B EEE to the WEEE Blackbox, the total number of units or weights and battery chemistry of each battery type that is incorporated into EEE being placed on the market must also be reported.

4.3 Finance the environmentally sound management of WEEE incorporating batteries

B2B EEE producers **must self-comply** with respect to B2B EEE, however, there is an option to join a **compliance scheme** for the **battery component** of the B2B EEE.

If a B2B producer is placing EEE incorporating batteries on the market, then they must finance the take-back of waste batteries of equivalent type proportional to their market share. Financing options depend on whether a producer of EEE incorporating batteries chooses to self-comply with the regulations or to join a compliance scheme for the battery component of the EEE.

Self-complying battery producers must declare that they have the adequate resources available to finance the take back and environmentally sound management of waste batteries. This declaration is made as part of the Waste Battery Management Plans and Reports which are submitted to the EPA.

Where a B2B producer of EEE incorporating batteries chooses to join a **compliance scheme** with respect to the battery component of their EEE, the financing of the management of waste batteries will be achieved by the fee for membership of the compliance scheme. Battery producers pay a fee to the relevant compliance scheme and are invoiced for the collection and recycling of batteries based on their market share of batteries as reported to the WEEE Blackbox.

4.4 Ensure that your EEE products and batteries are marked with the crossed out wheeled bin symbol

Products placed on the market by your organisation must be labelled with the crossed out wheeled bin symbol shown in Figure 1 below. This informs consumers that items of EEE and batteries should not be disposed of as unsorted municipal waste (i.e. in general waste).



Figure 1: Wheeled Bin Symbol

4.5 Ensure batteries placed on the market comply with the requirements of the Batteries Regulations with regard to composition

Producers of EEE incorporating batteries must ensure that the batteries contained in their products meet the requirements of the Batteries Regulations.

Producers must ensure that batteries adhere to the following limits for Mercury (Hg) and Cadmium (Cd)¹:

- All batteries: 0.0005% Hg by weight. Button cell batteries must not have a mercury content of more than 2% by weight.
- For portable batteries: 0.002% of Cd by weight

4.6 Meet recovery and collection targets for battery components of B2B WEEE

B2B producers of EEE incorporating batteries who chose to join a **compliance scheme** for the battery proportion of their business are exempted from having to directly meet the collection and recycling efficiency targets for waste batteries.

Self-Complying portable battery producers are responsible for meeting the collection targets for portable batteries as set out in Regulation 23(7) of the Batteries Regulations. The target for collection of waste portable batteries is 45%.

All self-complying battery producers (**i.e. portable, industrial and automotive**) must ensure that waste batteries are treated and recycled at a facility appropriately authorised/permited by the relevant competent authority.

The treatment of waste batteries must be carried out using Best Available Techniques (BAT) and shall include, as a minimum, removal of all fluids and acids. Treatment and any storage, including temporary storage, at treatment facilities must take place in areas with impermeable surfaces and suitable weatherproof covering or in suitable containers.

If the producer sends waste batteries outside Ireland for treatment, then the producer must ensure that the shipment of WEEE incorporating batteries complies with all relevant legislation for the transport and export of waste. Producers must be able to demonstrate, to the satisfaction of the EPA, that waste batteries incorporated in WEEE are treated/recycled at an appropriate facility.

¹ There are exemptions for emergency and alarm systems, medical equipment and cordless power tools

Recycling processes at the treatment facilities, whether in Ireland or abroad, must achieve specified recycling efficiencies as set out in [Annex III](#) of EU Directive 2006/66/EC (on batteries and accumulators and waste batteries and accumulators). These are as follows:

- 65 % by average weight of lead-acid batteries and accumulators;
- 75 % by average weight of nickel-cadmium batteries and accumulators; and
- 50 % by average weight of other waste batteries and accumulators.

[Annexes I, II and III](#) of Commission Regulation (EU) No. 493/2012 sets out the method for calculating the recycling efficiency of the recycling process of waste batteries and accumulators.

Batteries **cannot** be disposed of in unsorted municipal waste. They must undergo appropriate treatment after which the treated residues can be disposed of in landfill or by incineration.

4.7 Waste battery management plans and reports

Note: The obligation to prepare and submit waste battery management plans and reports does not apply to B2B producers who have joined a compliance scheme for the battery component of their business.

4.7.1 Submit a waste battery management plan to the EPA

Battery producers who are members of a **compliance scheme** are **exempted from having to submit a waste battery management plan**.

Self-complying battery producers must submit a Waste Battery Management Plan to the EPA every 3 years. The plan estimates the quantity of waste batteries that will be generated from the batteries you place on the Irish market over the next 3 years. Your first 3-year plan must be submitted before Producer Register Limited will complete your registration. The plan must be accompanied by the appropriate fee and any back fees for previous years (if applicable) as specified by the EPA. A [template for a waste battery management plan](#) can be downloaded from the EPA website and can be used to prepare your plan. Instructions for its use are set out in the template.

Note: An administration fee is payable to the EPA and must accompany Waste Battery Management Plan²

4.7.2 Submit a waste battery management report to the EPA

Battery producers who are members of a **compliance scheme** are **exempted from having to submit a waste battery management report**.

Self-complying battery producers must submit an annual Waste Battery Management Report to the EPA. The report provides detailed information on the quantities of waste batteries that were taken back during the reporting year and how these waste batteries were managed (e.g. sent for recycling). A [template for the waste battery management report](#) can be downloaded from the EPA website and can be used to prepare your report. Instructions for its use are set out in the template.

As self-complying battery producers are responsible for ensuring that the required collection, recovery and recycling targets are achieved by the treatment operator that is treating your waste

² The three-yearly fee for submission of a plan is currently €6,000.

batteries, it is very important to ensure that whichever treatment operator you use is properly authorised⁴ and can provide you with the necessary documentary evidence that you need to confirm that the targets are being met. This will be required for annual reporting to the EPA. Examples of questions that producers should consider asking themselves and their treatment operator(s) are included in Table 3.

Table 3: WEEE incorporating waste batteries - questions for collection and treatment/recovery operators

	Questions	Comments
1.	Are you authorised to collect waste batteries of the type relevant to my business?	Ask for a copy of their Waste Collection Permit.
2	Are you authorised to recover/recycle waste batteries of the type relevant to my business?	Ask for a copy of their Waste Facility Permit, Certificate of Registration or EPA Licence.
3.	Do you ensure that all waste batteries are removed from WEEE before treatment?	Ask for weights or units of recovered waste batteries
4.	<p>If your company is not authorised to treat waste batteries, who do you transfer waste batteries to for recovery/recycling?</p> <ul style="list-style-type: none"> • Are they appropriately authorised? • Can I obtain evidence to ensure that waste batteries are recovered/recycled properly? 	<p>Ensure you obtain information on the recovery/recycling of waste batteries from the end destination where the batteries are finally recovered/recycled. This will include where waste batteries are exported. Waste which is shipped abroad for treatment must be transported in compliance with the relevant regulations on transfrontier shipment (TFS) of waste. For more information on TFS requirements contact the National TFS Office</p>

4.8 Maintain records

All producers of EEE incorporating batteries must record the types and quantities of batteries, by weight (or as appropriate by number of units), that are being placed on the market, to the WEEE Blackbox.

Self-complying battery producers must ensure that records are kept of the types and quantities of waste batteries, by weight (or as appropriate by number of units), that are entering and leaving the recycling facility which is carrying out the treatment or recycling of waste batteries.

These records must be kept for **6 years** and must be made available to the EPA or a local authority on request.

Battery producers who are **members of a compliance scheme** are exempted from having to record the quantities of waste batteries.

4.9 Provide information to consumers related to recycling of waste batteries

In addition to information relating to EEE, producers of EEE incorporating batteries must provide the following information to users of their products:

- The potential effects on the environment and human health of the substances contained in the batteries;
- That waste batteries should not be disposed of with unsorted municipal waste;

- The role of consumers in recycling of batteries;
- The meaning of the wheeled bin symbol;
- How to safely remove a battery from an appliance where it is incorporated into the appliance concerned; and
- The type of battery that is, or will be, incorporated into the appliance concerned.

Producers should ensure that any EEE incorporating batteries is sourced from a manufacturer (where applicable), whose EEE is designed to allow waste batteries to be easily and readily removed, except where a permanent connection between the appliance and battery is required.

4.9.1 Means of provision of information

EEE and battery producers can meet the consumer information obligation by providing this information as follows:

- a) In the instruction manual for use; or
- b) Leaflets issued at the point of sale; or
- c) Through any ongoing information campaign which is approved by an Irish Minister.

4.10 Display statutory notices at your premises

Note: The requirement regarding Statutory Notices does not apply to B2B producers who have joined a compliance scheme for the battery component of their business.

Self-complying battery producers must display a notice at or within one metre of each entrance to their premises.

The following is the required wording for the Statutory Notices. The first notice is applicable **only where a waste battery management report (see Section 4.10 above) has not yet been submitted i.e. where only the first Plan has been submitted so far.**

WASTE MANAGEMENT ACT 1996

A plan specifying the steps taken by [name of producer] for the purpose of recycling waste batteries is available at these premises and, if so requested, will be sent by post, fax or electronic mail.

Once the first waste battery management report has been submitted to the EPA **only the second notice below must be displayed.**

WASTE MANAGEMENT ACT 1996

A report specifying the steps taken by [name of producer] for the purpose of recycling waste batteries is available at these premises and, if so requested, will be sent by post, fax or electronic mail.

Each notice must comply with the requirements specified in Part 1 and Part 2 of Schedule 3 of the Batteries Regulations, as follows:

- Minimum dimensions of 21 centimetres in height and 29.7 centimetres in length;
- 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;
- Affixed, on a durable material, so as to be easily visible and legible; and

- Not be obscured or concealed at any time.

Copies of the plan notice, and the report notice can be downloaded from the [EPA website](#).

4.11 Meet storage, treatment and transport requirements

Any B2B producer who is temporarily storing WEEE, including WEEE incorporating batteries, must ensure that the storage area has a weatherproof covering.

Storage of WEEE (including WEEE incorporating batteries) is exempt from the requirement for a Waste Facility Permit of Certificate of Registration provided that the volume of the WEEE stored is less than 45 cubic metres of WEEE.

4.11.1 Transport requirements

B2B producers transporting WEEE, including WEEE incorporating batteries, that has been taken back from their customers are exempt from the requirement for a Waste Collection Permit, as long as this is incidental to their main business activity.

If the producer sends WEEE, including WEEE incorporating batteries, outside the state for treatment then the producer must ensure that the shipment of WEEE is in accordance with all applicable legislation for the transport and export of waste.

4.11.2 Treatment requirements

In addition to meeting the requirements for the treatment and recovery of WEEE, B2B Producers of EEE incorporating batteries must ensure that any incorporated **batteries** are removed for separate treatment/recycling and reported accordingly, where required.

The **recovery and recycling targets for waste batteries** as outlined in [Section 4.6](#) must be achieved.