



# How to comply with the Waste Electrical and Electronic Equipment (WEEE) Regulations

## *Guidance for Business to Business (B2B) Producers of EEE*

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## Table of Contents

1. Introduction.....	3
2. What is an EEE Producer? .....	4
3. B2B EEE Producer Obligations .....	6
4. B2B EEE Producer Obligations Explained .....	7
4.1 Register with the Producer Register Ltd.....	7
4.1.1 Complete Registration .....	7
4.2 Report quantities of EEE placed on the Irish Market to Producer Register Limited .....	7
via the WEEE Blackbox.....	7
4.3 Finance the Environmentally Sound Management of WEEE .....	8
4.4 Ensure that the EEE Products are Marked with the Crossed out Wheeled Bin Symbol.....	8
4.5 Ensure that EEE Placed on the Market Complies with the Requirements of the Restriction of Hazardous Substances (RoHS) Regulations .....	9
4.6 Ensure that WEEE Recovery Targets are achieved .....	9
4.7 Submit a WEEE Waste Management Plan to the EPA.....	10
4.8 Submit a WEEE Waste Management Report to the EPA .....	11
4.9 Maintain records.....	12
4.10 Provide information to users of EEE.....	13
4.10.1 Means of provision of information .....	13
4.11 Display Statutory Notices at the premises.....	13
4.12 Meet WEEE Storage, Transport and Treatment requirements.....	14
4.12.1 Treatment of WEEE .....	14

## 1. Introduction

This guidance aims to assist B2B EEE producers in achieving compliance with the European Union (Waste Electrical and Electronic Equipment) Regulations 2014 (SI No. 149 of 2014) – the WEEE Regulations.

The following definitions are provided in the WEEE Regulations:

**A producer** is any person or body who is established in Ireland and does any one (or more) of the following:

- Imports and places EEE on the market, on a professional basis
  - Manufactures and sells EEE under their own brand
  - Places on the market under their own brand or trademark EEE produced by other manufacturers
- or
- Sells EEE via distance communication to consumers and businesses in Ireland where the company is based outside Ireland.

**B2B EEE producers** are producers who supply EEE for professional use only. B2B EEE is EEE that can only be used by businesses and is not likely to be used in private households. B2B EEE includes equipment such as vending machines, laboratory equipment, medical devices and catering equipment (Note: If an item of B2B EEE has been sold to a business but could also be used in a private household, such as a laptop or a telephone, it can be classified as a dual use product (i.e. B2B *and* B2C). Dual use products must be reported to the WEEE Blackbox as B2C EEE, and not as B2B EEE.

**WEEE** is Waste Electrical and Electronic Equipment and is EEE that has become waste, i.e. the holder discards or intends/is required to discard that item of EEE.

**NOTE: If you are supplying B2B EEE that incorporates batteries then you also have obligations as a battery producer under the Batteries Regulations. Please see the EPA guidance document “*Guidance for B2B EEE Producers where the EEE includes batteries*” which is available on the EPA website.**

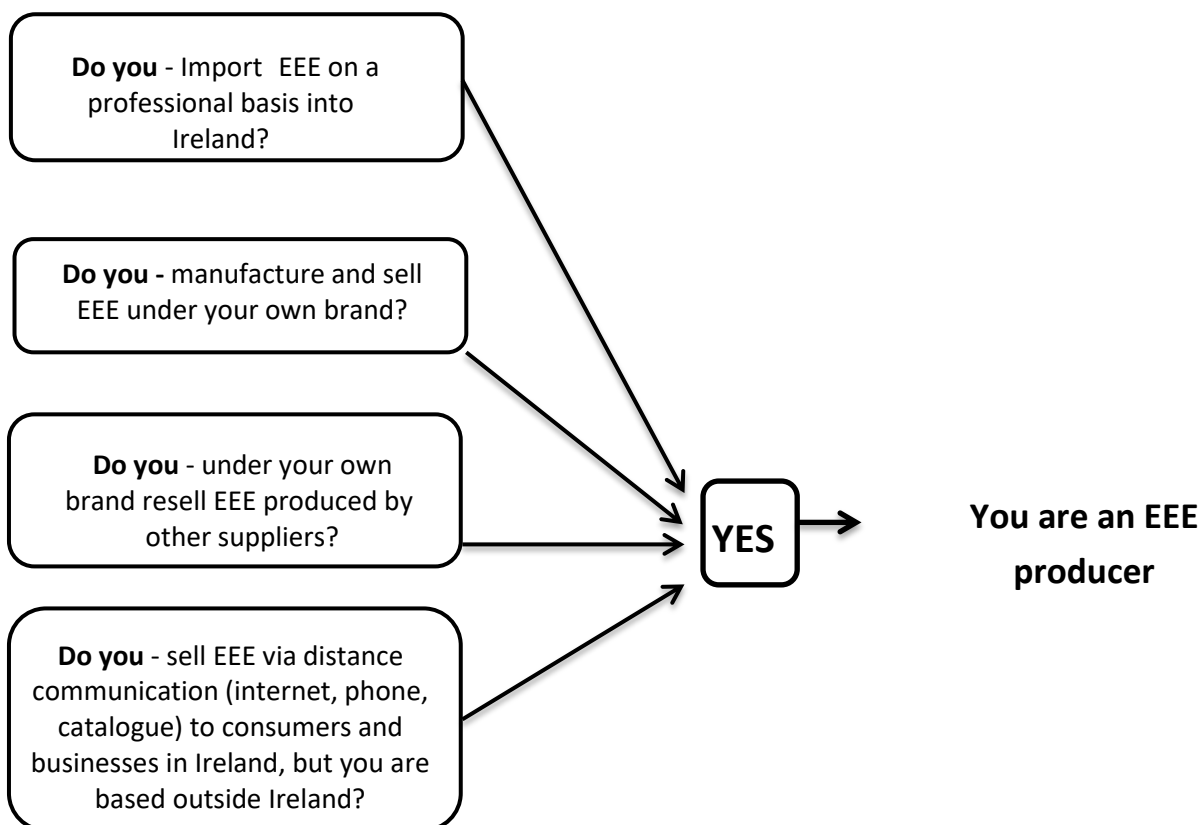
The EPA has prepared other guidance documents which should be referred to and are available on the EPA website, including:

- Guidance - The WEEE and Batteries Regulations – Who Does What.
- Guidance for B2B EEE Producers where EEE includes batteries.
- Guidance for B2B producers - WEEE Waste Management Plan.
- Guidance for B2B producers - WEEE Waste Management Report.

## 2. What is an EEE Producer?

Answer the questions in Figure 1 below.

If the answer is **Yes** to any of the questions in Figure 1 below, then you are an EEE producer and you have producer obligations under the WEEE Regulations.



**Figure 1: Are you are Producer of EEE?**

For the avoidance of doubt, if a company places electrical or electronic equipment (EEE) on the Irish market for the first time, then they **must** take on producer obligations.

There are three types of producer and the obligations on each vary slightly. These are:

1. Business to Consumer (**B2C**) producers supply EEE, either directly or through distributors (e.g. retailers), to private households. B2C EEE includes all EEE that is used in private households. Even where the EEE is purchased by a business, if the EEE can also be used by private household/consumer, for example small printer or a keyboard, then it is considered to be B2C EEE (i.e. EEE for private households).
2. Business to Business (**B2B**) producers supply EEE that is for business use only and includes equipment such as vending machines, laboratory equipment, medical devices and catering equipment. B2B WEEE typically does not arise in household waste when the EEE reaches end of life.

3. Producers who supply both B2B and B2C EEE – known as dual producers.

Each type of producer has varying options for achieving compliance with their obligations under the WEEE Regulations. These are as follows:

1. B2C EEE producers **must** join a compliance scheme – WEEE Ireland or ERP Ireland.
2. B2B EEE producers **must** self-comply with the WEEE Regulations. They cannot join a compliance scheme.
3. Dual use producers (who supply both B2B and B2C EEE):
  - For the B2C portion of the EEE, dual use producers **must** join a compliance scheme, and
  - For the B2B portion of the EEE, dual use producers **must** self-comply.

Some producers are also distributors (e.g. a retailer or wholesaler) of EEE. Distributors supply EEE directly to the end user. Distributors have additional legal obligations under the WEEE Regulations for the B2C portion of their business. Guidance on these obligations can be found in the EPA guidance document entitled “Guidance for retailers of EEE and Batteries”, which is available on the EPA website.

#### **Authorised Representative**

Organisations who are established in another Member State, or a third country, and who are placing EEE on the market in Ireland by means of a traditional supply chain, **may** appoint an **Authorised Representative (AR)** in Ireland. The AR will take on producer responsibilities on their behalf. However, organisations, based in another Member State, who supply EEE into Ireland by means of **distance communication** do not have that choice and **must** appoint an AR in Ireland to take on producer responsibilities on their behalf.

**Note:** Companies established in Ireland, who export 100% of the EEE that they manufacture, and do not import EEE and/or sell EEE in Ireland, **do not** have producer responsibilities in Ireland.

### 3. B2B EEE Producer Obligations

**Table 1** below outlines the key obligations that apply to B2B EEE producers. The relevant sections within this guidance document and within the WEEE Regulations are also provided for ease of reference.

**Table 1: Summary of B2B EEE Producer Obligations**

Obligation	WEEE Regulations	B2B EEE Producers
Register with the Producer Register Limited - <a href="#">Section 4.1</a>	Regulation 10 (5)(a)	✓
Report quantities of EEE placed on the Irish market to Producer Register Limited via the WEEE Blackbox - <a href="#">Section 4.2</a>	Regulation 29(a)	✓
Finance the environmentally sound management of WEEE - <a href="#">Section 4.3</a>	Regulation 18(1)(a)(b)	✓
Ensure that the EEE products are marked with the crossed out wheeled bin symbol - <a href="#">Section 4.4</a>	Regulation 28 (1)(a)	✓
Ensure that EEE placed on the market complies with the requirements of the Restriction of Hazardous Substances Regulations (RoHS) - <a href="#">Section 4.5</a>	Regulation 11 (5)	✓
Ensure that WEEE recovery targets are achieved - <a href="#">Section 4.6</a>	Regulation 23, Schedule 10	✓
Submit a WEEE Waste Management Plan to the EPA - <a href="#">Section 4.7</a>	Regulation 25 (1)(a)	✓
Submit a WEEE Waste Management Report to the EPA - <a href="#">Section 4.8</a>	Regulation 25 (3)(a)	✓
Maintain records - <a href="#">Section 4.9</a>	Regulation 24	✓
Provide information to users of EEE - <a href="#">Section 4.10</a>	Regulation 28 (1)(b)	✓
Display Statutory Notices at your premises - <a href="#">Section 4.11</a>	Regulation 25 (1) and (3), Schedule 6 Parts 3 and 4	✓
Meet WEEE storage, transport and treatment requirements - <a href="#">Section 4.12</a>	Regulations 21, 22, 23	✓

## 4. B2B EEE Producer Obligations Explained

### 4.1 Register with the Producer Register Ltd.

The first step in the registration process is to categorise the EEE that you place on the market:

- Is all your EEE in scope of the WEEE Regulations? There are exemptions in the WEEE Regulations.
- What are the categories of your EEE? Schedule 3 of the WEEE Regulations outlines the applicable categories of EEE (see below for the list of categories). Schedule 4 provides an indicative list of the EEE that falls under each category<sup>1</sup>. For example, Category 6 is 'Small IT and telecommunications equipment' and includes equipment such as printers, laptop computers and copying equipment.
- Is your EEE B2B or B2C?

#### Categories of EEE as listed in Schedule 3 of the WEEE Regulations:

1. Temperature exchange equipment
2. Screens, monitors and equipment containing screens having a surface area greater than 100 cm<sup>2</sup>
3. Lamps
4. Large equipment (any external dimension greater than 50cm)
5. Small equipment (no external dimension greater than 50cm)
6. Small IT & telecommunication equipment (no external dimension greater than 50cm)

**Note:** Prior to 2018 there were 10 categories of EEE. See [Schedule 1](#) of the WEEE Regulations.

If you are not sure about the categorisation of the EEE that you place on the market, the Producer Register Limited will be able to assist you. They maintain up to date WEEE Category Listings and you can check these to confirm the categories applicable to your EEE.

#### 4.1.1 Complete Registration

Registration can be completed by downloading a postal form or an online form from the Producer Register Limited website ([www.producerregister.ie](http://www.producerregister.ie)). Once an application for registration has been submitted, Producer Register Limited will issue you with a unique registration number.

**Note:** You are not deemed to be fully registered until you are issued with a certificate of registration from Producer Register Limited. This certificate will not be issued until your first WEEE Waste Management Plan has been submitted to the EPA (see Section 4.8).

### 4.2 Report quantities of EEE placed on the Irish Market to Producer Register Limited via the WEEE Blackbox

As a producer, you are required to report the quantity and type of EEE products that are being placed on the market, for each category and subcategory.

Reporting is carried out using a web based reporting system (the [WEEE Blackbox](#)) which is managed by Producer Register Limited. The WEEE Blackbox is a secure and confidential system designed to

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<sup>1</sup> This indicative list of products is non-exhaustive

safeguard the confidentiality of all commercially sensitive information relating to your business. Further information on access to, and operation, of the WEEE Blackbox can be obtained from Producer Register Limited during the registration process.

### 4.3 Finance the Environmentally Sound Management of WEEE

Self-complying producers of EEE must declare that they have the adequate resources available to finance the take back and environmentally sound management (i.e. safe and proper disposal/recovery) of their WEEE. This declaration is made as part of the submission of WEEE Waste Management Plans and Reports to the EPA.

1. For EEE placed on the market after the 13th August 2005, the producer must either (i) finance the take back and management of WEEE from the business end users or (ii) make an alternative financing arrangement with the users for the environmentally sound management of the WEEE.

**Note:** the alternative financing arrangement must be agreed in advance of the sale of EEE (see below more for more).

**Note:** For equipment sold post 13/8/05, the producer must take back the WEEE even if the user is not buying new equipment from them.

2. For equipment placed on the market prior to the 13th August 2005, (known as historic B2B WEEE), the producer is only obliged to take back the historic WEEE when the user is purchasing new equipment from them *and* where the EEE is of a similar type and function (irrespective of brand) to the new EEE being purchased. If the user is discarding the historic WEEE and not replacing it, the responsibility for ensuring the environmentally sound management of the historic WEEE remains with the user.

The producer can opt to make alternative financing arrangements with the end user to manage the WEEE (i.e. use of Regulation 19 of the WEEE Regulations). In this case, certain obligations will transfer to the end user including those under Regulations 22 (treatment and shipment) and 23 (recovery targets) of the WEEE Regulations. The producer is required to notify the end user of these obligations.

**Note:** The record-keeping and reporting obligations remain with the B2B producer. Any agreement to use Regulation 19 - alternative financing arrangements - must be made advance of the sale of equipment to the user.

Whatever arrangement is in place to manage the WEEE, appropriately authorised waste collectors and treatment operators must be used to transport and treat the WEEE.

### 4.4 Ensure that the EEE Products 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 below. This informs consumers that items of EEE should not be disposed of as unsorted municipal waste (general waste)<sup>2</sup>.

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<sup>2</sup> Symbol for the marking of EEE indicating separate collection (Standard ISEN50419).





Figure 2: Wheeled Bin Symbol

#### 4.5 Ensure that EEE Placed on the Market Complies with the Requirements of the Restriction of Hazardous Substances (RoHS) Regulations

The **Restriction of the use of certain Hazardous Substances (RoHS) Directive** restricts the use of Lead (Pb), Mercury (Hg), Cadmium (Cd), Hexavalent chromium (Cr6<sup>+</sup>), Polybrominated biphenyls (PBB) and Polybrominated diphenyl ether (PBDE) in the manufacturing of certain EEE to be sold in the European Union (EU). The RoHS Directive was given effect in Ireland by the European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2012 (SI No. 513 of 2012).

All producers must ensure that their equipment does not exceed the limits of these six hazardous substances. The applicable limits are set out in Annex II of the RoHS Directive. More information can be found at: [www.rohs.ie](http://www.rohs.ie).

#### 4.6 Ensure that WEEE Recovery Targets are achieved

Each B2B producer that finances the environmentally sound management of WEEE must ensure that they, or a third party acting on their behalf, meets the minimum recovery targets as set in the WEEE Regulations. The applicable recovery targets for WEEE are set out in Part 3 of Schedule 10 of the WEEE Regulations (reproduced in Table 2 below).

**Table 2: Recovery Targets** (Note: some of the categories may not be applicable to B2B EEE)

Category of Equipment	From 15 <sup>th</sup> August 2018	
	Rate of Recovery	Rate of component, material and substance reuse and recycling by an average weight per appliance
1. Temperature exchange equipment	85%	80%

2. Screens, monitors and equipment containing screens having a surface greater than 100 cm <sup>2</sup>	80%	70%
3. Lamps		80%
4. Large equipment (any external dimension more than 50cm)	85%	80%
5. Small equipment (no external dimension more than 50 cm)	75%	55%
6. Small IT and telecommunication equipment (no external dimension more than 50 cm)	75%	55%

**Note:** Recovery targets in force prior to 15<sup>th</sup> August 2018 are set out in Parts 1 and 2 of Schedule 10 of the WEEE Regulations. These targets were applicable to the old ten categories of EEE.

**Note:** The WEEE collection target, which applies to all WEEE, is 65%.

The collection rate is the total weight of WEEE collected in a year divided by the average weight of EEE placed on the market in the three preceding years.

#### 4.7 Submit a WEEE Waste Management Plan to the EPA

As a B2B Producer you are required to submit a WEEE Waste Management Plan to the EPA **every 3 years** (i.e. by the 31<sup>st</sup> January of the third year). Your first 3-year plan must be submitted to the EPA before registration with Producer Register Limited can be completed.

The purpose of the WEEE Waste Management Plan is to ensure that B2B producers are managing their WEEE in an environmentally sound manner. This means that collection, storage, reuse, treatment and recovery, or, as appropriate, disposal of WEEE are carried out in accordance with all relevant legislation and best practice. WEEE should only be managed by organisations with proper authorisation<sup>3</sup> to transport, store and/or treat WEEE.

**Note:** B2B WEEE cannot be managed through civic amenity sites.

**Note:** WEEE treatment operators must treat WEEE in accordance with WEEELABEX Normative standards or an equivalent EN treatment standard (CENELEC 50625).

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<sup>3</sup> An authorisation may be a Waste Collection Permit, Waste Facility Permit, Certificate or Registration or EPA Licence, depending on the activity being carried out. For more information in relation to a Waste Facility Permit or Certificate of Registration, please contact your local authority. For more information in relation to a Waste Collection Permit, please contact the National Waste Collection Permit Office at Offaly County Council. For more information on EPA Licences, contact the EPA.

The WEEE Waste Management Plan sets out how the producer intends to manage WEEE arising from EEE that they have placed on the Irish market. The format for these plans is defined, and is available to access from the EPA's online reporting [portal](#). Guidance documents are available to assist you with completion of your plan. These documents are available on the [EPA website](#).

Typical information required in the plan includes answers to the following questions:

- How much WEEE do you think you will get back over the three-year period of the plan?
- How will the WEEE be managed?
- In discussion with your recovery operator, can the recovery targets, as outlined in [Section 4.6](#) above, be met for the equipment that you are placing on the market?

#### **4.8 Submit a WEEE Waste Management Report to the EPA**

Each B2B producer must submit a WEEE Waste Management Report to the EPA by the **31<sup>st</sup> of January** each year. The report outlines how much WEEE was returned to the producer in the previous year and how it was managed and treated. Unlike the plans, waste management reports are more straightforward as they are based on [actual](#) data. The report should not include equipment returned under warranty.

Reports must be submitted to the EPA using the online reporting [portal](#). Guidance documents are available to assist you with completion of your report. These documents are available on the [EPA website](#).

As self-complying B2B producers are responsible for ensuring that the required recovery targets are achieved. It is very important to ensure that whichever treatment operator you decide to use is properly authorised and can provide you with the necessary documentary evidence to confirm that they are achieving the recovery targets. This documentary evidence will be required for annual reporting to the EPA. Examples of questions that producers should consider asking themselves and their waste treatment operator(s) are included in Table 3 below.

**Note:** B2B WEEE cannot be managed through civic amenity sites.

**Table 3: Questions to consider for WEEE collection and treatment operators**

	Questions	Comments
1	Are you authorised to collect WEEE?	If so, can you show me a copy of your Waste Collection Permit?
2.	Are you authorised to treat WEEE in the category relevant to my business e.g. small IT and telecommunication equipment?	If so, can you show me a copy of your Waste Facility Permit, EPA Licence or Certificate of Registration?
3.	Do you treat WEEE in the category relevant to my business in accordance with the WEEELABEX Normative standards or an equivalent EN treatment standard (CENELEC 50625).	If so, can you show me your certificate from WEEELABEX/relevant certification body confirming this?
4.	<p>If your company is not authorised to treat WEEE, who do you transfer WEEE to for treatment?</p> <ul style="list-style-type: none"> <li>• Are they appropriately authorised?</li> <li>• Can I obtain evidence to ensure that WEEE is treated properly and that the recovery targets will be met?</li> </ul>	<p>Ensure that you can obtain information on the recovery and recycling targets from the end destination facility where WEEE is treated. This includes where WEEE is exported for treatment to a recovery operator and/or parent company. This information will be required for you to report to the EPA on an annual basis.</p> <p>Waste that is shipped abroad for treatment must be carried out in compliance with the relevant regulations on transfrontier shipment (TFS) of waste. For more information on TFS requirements contact the <a href="#">National TFS Office</a>.</p>

#### 4.9 Maintain records

Each B2B EEE producer is required to maintain the following records:

- Quantities of EEE, by weight or numbers of units, per category of EEE, that are placed on the market for each EU country and for other countries.
- The weight of WEEE (including components, materials and substances) entering and leaving a treatment facility after treatment.

These records must be maintained for **6 years** and must be made available to the EPA or a local authority on request. These records will assist you to compile information for the WEEE Waste Management Report, which will be due for submission to the EPA each year by January 31st.

#### 4.10 Provide information to users of EEE

When selling a new EEE product, producers must ensure that users are informed of the following:

- WEEE cannot be disposed of as municipal waste (general waste) and must be collected separately.
- The user's role in contributing to re-use, recycling and other forms of recovery of WEEE.
- The return and collection (take back) systems available to users (i.e. by either offering to take back the WEEE from users *or* agreeing an alternative financing arrangement with them to manage the WEEE).
- The potential effects on the environment and human health as a result of the presence of hazardous substances in WEEE.
- The meaning of the crossed out wheeled bin symbol, shown in [Figure 2](#) above.

##### 4.10.1 Means of provision of information

EEE producers can provide the information to users as follows:

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

#### 4.11 Display Statutory Notices at the premises

B2B producers of EEE are required to display **one** of the following notices on their premises. The required wording for the Statutory Notices is set out below.

The first notice is applicable **only where a Waste Management Report (see [Section 4.8](#)) has not yet been submitted.**

*WASTE MANAGEMENT ACT 1996*

*As a self-complying producer of EEE, we undertake to finance the management of WEEE arising unless an alternative arrangement has been agreed at the time of purchase. For more information on the provisions made for the management of WEEE, please contact our offices. If your old equipment was bought prior to 2005 and you are replacing the equipment with new equipment supplied by us, we will take back your old equipment free of charge and dispose of it in an environmentally sound manner.*

Once a Waste 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 recovering waste electrical and electronic equipment is available at these premises and, if so requested, will be sent by post, fax or electronic mail.*

The physical dimensions of the notice and of the wording are specified in Schedule 6 of the WEEE Regulations. These are:

- The notice must be displayed within one metre of each entrance to each premises (other than the premises used for distribution of EEE).
- Minimum dimensions: 21cm x 29.7cm (A4)
- Printed in black indelible ink, in a Times New Roman font, with a size of at least 32 or equivalent and line space of at least 1.5 lines.
- On a white background and affixed on a durable material, being easily visible and legible. It should not be obscured or concealed at any time.

Copies of both notices are available for download on the [EPA website](#).

#### **4.12 Meet WEEE Storage, Transport and Treatment requirements**

Any B2B producer that is temporarily storing WEEE must ensure that the storage area has a weatherproof covering.

WEEE storage is exempt from the requirement for a Waste Facility Permit of Certificate of Registration provided that the volume of the stored WEEE is less than 45 cubic metres of WEEE.

B2B producers transporting WEEE that is being taken back from their customers are exempt from the requirement for a Waste Collection Permit, as long as the movement of the WEEE is incidental to their main business activity.

If the producer sends WEEE outside the state for treatment, then the producer must ensure that all shipments of WEEE are in accordance with all relevant legislation that is applicable to the export of waste.

##### **4.12.1 Treatment of WEEE**

Collected **WEEE** must only be disposed/recovered in authorised treatment facilities, unless the producer wishes to reuse equipment (in whole or part). Records must be maintained where WEEE, or components of WEEE, are reused.

Treatment of **WEEE** must include, as a minimum, the removal of certain materials or components including, but not limited to; fluids, batteries, hazardous materials, printed circuit boards, mercury containing components and cathode ray tubes as outlined in Schedule 9 of the WEEE Regulations.

The producer must ensure that the sites proposed for storage and treatment of WEEE are in accordance with the WEEELABEX requirements (or equivalent) and with the requirements of the WEEE Regulations (Schedule 8).

Relevant **recovery and recycling targets** for **WEEE** as outlined in [Section 4.6](#) above must also be achieved.