



Waste Electrical and Electronic Equipment (WEEE)

Guidance for EEE Producers in the Catering, Refrigeration and Air Conditioning Sectors

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.

Table of Contents

1. Introduction	1
2. Scope of Catering/RAC Equipment	2
3. What is an EEE Producer?	3
4. B2B EEE Producer Obligations	5
5. Take Back of B2B WEEE by Producers.....	9
6. Record Keeping	10
7. Where EEE contains batteries.....	11
8. Treatment of WEEE.....	12
1.1 Equipment Containing Refrigerant Gases.....	12
1.2 Recovery of Refrigerant Gas	13
1.3 Waste Refrigerant Gas	13

1. Introduction

This guidance document is for companies supplying Catering, Refrigeration and Air Conditioning (RAC) equipment onto the Irish market for the first time. Such equipment is in scope of the European Union (Waste Electrical and Electronic Equipment) Regulations 2014 (SI No 149 of 2014), the WEEE Regulations. Such companies are **producers** and will have specific **obligations** under the WEEE Regulations. This guidance document summarises these obligations.

What is EEE and what is WEEE?

- **EEE** is Electrical and Electronic Equipment.

Categories of EEE are listed in Schedule 3 of the WEEE Regulations, while an indicative list of EEE is provided in Schedule 4. Information on EEE categories and examples of EEE in each category are provided on the website of the Producer Register Ltd (the national producer registration body).

- **WEEE** is EEE that has become waste and is known as Waste Electrical and Electronic Equipment or WEEE.

The purpose of the WEEE Regulations is to ensure safe recycling of WEEE so that the environment is protected and that valuable resources are recovered and reused as part of a circular economy.

2. Scope of Catering/RAC Equipment

Some examples of catering/RAC equipment that are in scope of the WEEE Regulations are listed in Table 1 below. Examples are also shown in Figures 1 and 2 below.

Table 1: Examples of Catering/RAC Equipment

Refrigeration and Catering
Blast chillers
Refrigeration topping units
Refrigerated dairy walls
Chest freezers
Refrigerated display units
Soft drink fridges
Combi ovens
Bain-maries
Soup wells
Insectocutors
Temperature probes
Dishwashers/glass washers
Air Conditioning
Split AC units
Mobile AC units



Figure 1: Split AC (Outdoor) Unit



Figure 2: Refrigerated Display Unit

Note: The size of catering/RAC equipment is very varied. Some large equipment is exempted from the scope of the WEEE Regulations. For example, the following exemption applies to *'large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations'*. Therefore, determination of scope of large equipment should be made on a case by case basis. Contact the Producer Register Ltd for more information on scoping of EEE.

3. 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.

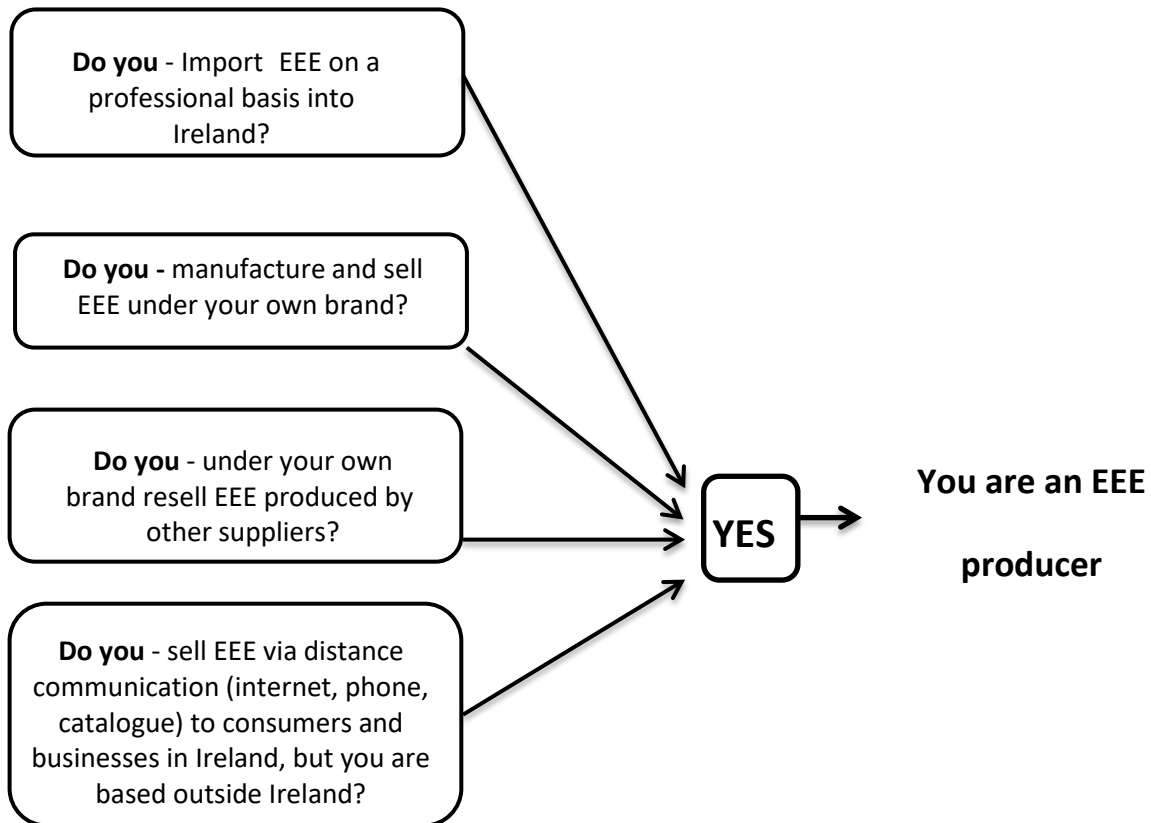


Figure 1: Are you are Producer of EEE?

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.

A common scenario in the catering/RAC sectors is the purchasing of equipment (e.g. AC units, blast chillers etc.) by catering suppliers/RAC companies from large manufacturers and then selling the equipment on to end users within Ireland. If the equipment is sourced from a registered EEE producer (based either abroad or within Ireland) then you **do not** have producer obligations. However, if the equipment is purchased from an unregistered EEE producer then, unless that unregistered EEE producer itself registers, you will **have** producer obligations under the WEEE Regulations and you will have to meet the obligations described in this document and as summarised below in Table 2.

Note: Even if you are not an EEE producer, but you make EEE available on the market to users (i.e. selling on equipment to an end user that has been purchased from a registered EEE producer), you are a B2B EEE **distributor**. In this scenario, you must ensure that your customers are informed of the WEEE take back facilities that are available to them (i.e. how to return the WEEE to the registered producer - see Section 6 of this guidance).

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 a 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 can either self-comply **or** 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 can either self-comply **or** join a compliance scheme, and
 - For the B2B portion of the EEE, dual use producers **must** self-comply.

The catering/RAC equipment covered by this guidance document is not likely to arise in household waste at end of life and therefore **B2B** producer obligations only are discussed in this document.

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.

4. B2B EEE Producer Obligations

Table 2 below outlines the key obligations that apply to B2B producers - such as those supplying catering/RAC equipment. A brief description of each obligation and the relevant section of the WEEE Regulations are also provided for ease of reference.

Table 2: Summary of B2B EEE Producer Obligations¹

Obligation	Brief Description	WEEE Regulations Section
Register with the Producer Register Limited	<ul style="list-style-type: none"> - Determine the categories of EEE that you place on the market. - Register by downloading a postal form or online with the Producer Register Limited (www.producerregister.ie) 	Regulation 10 (5)(a)
Report quantities of EEE placed on the Irish market to the WEEE Blackbox	<ul style="list-style-type: none"> - As a producer you are required to report the quantity and exact weight of products placed on the market, per category and subcategory. This is done using a web-based reporting system known as the WEEE Blackbox which is managed by the Producer Register Limited. 	Regulation 29(a)
Finance the environmentally sound management of WEEE	<ul style="list-style-type: none"> - As a producer you are required to declare that you have sufficient resources to finance the environmentally sound management of B2B WEEE. 	Regulation 18 (1)(a) - (b)
Ensure that the EEE products are marked with the crossed out wheeled bin symbol	<ul style="list-style-type: none"> - Products placed on the market by your organisation must be labelled with the crossed out wheeled bin symbol. This informs consumers that the item of EEE should not be disposed of as unsorted municipal waste (general waste). 	Regulation 28 (1)(a)

¹ Producers based outside Ireland, placing EEE on the Irish market, must appoint an Authorised Representative (AR) within Ireland. The AR is then responsible for fulfilling the obligations of the WEEE Regulations (as set out in Table 2).

Obligation	Description	WEEE Regulations
Ensure that EEE placed on the Market complies with the requirements of the Restriction of Hazardous Substances Regulations (RoHS)	- All producers must ensure that their equipment does not exceed the limits for six hazardous substances. More information can be found at: www.rohs.ie .	Regulation 11 (5)
Finance the take-back of WEEE	- B2B producers must finance the take back of WEEE from users. It is the producer's responsibility to ensure that end users can return WEEE to them.	Regulation 18
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 for WEEE set out in Schedule 10 of the WEEE Regulations.	Regulation 23, Schedule 10
Submit a Waste Management Plan to the EPA	<ul style="list-style-type: none"> - As a B2B Producer you are required to submit a Waste Management Plan to the EPA every 3 years. Your first 3-year Plan must be submitted to the EPA before registration with the Producer Register Limited can be completed. - A Waste Management Plan sets out how the producer intends to manage WEEE arising from EEE placed on the Irish market. The format for a waste plan is defined and is available to access from the EPA's online WEEE reporting module via the EDEN portal. 	Regulation 25 (1)(a)
Submit an annual Waste Management Report to the EPA	- Each B2B producer must submit a WEEE Waste Management Report to the EPA by the 31st of January each year outlining how much WEEE was returned to your organisation, arising from EEE placed on the market (not including equipment under warranty) and how it was managed and treated. The format for a waste report is defined and is available to access from the EPA's online WEEE reporting module via the EDEN portal .	Regulation 25 (3)(a)

Obligation	Brief Description	WEEE Regulations Section
Maintain records related to management of WEEE	- Each B2B producer is required to maintain the following records: <ul style="list-style-type: none"> • Quantities of EEE, by weight or number of units, per category, placed on the market for each EU country and also other countries. • The weight of WEEE (including components, materials and substances) entering and leaving a treatment facility. 	Regulation 24
Provide information to users of EEE	- When selling a new EEE product, producers must ensure that users are informed of their role in contributing to recycling/reuse, the take back options available to them, the required disposal arrangements, the potential environmental/health effects as a result of hazardous substances in EEE/WEEE and the meaning of the crossed out wheeled bin symbol.	Regulation 28 (1)(b)
Display Statutory Notices at your premises	- B2B EEE producers have a requirement to display notices at their premises, as specified in Schedule 6 of the WEEE Regulations.	Regulation 25 (1) and (3); Schedule 6 Parts 3 and 4

<p>Meet WEEE storage, transport and treatment requirements</p>	<ul style="list-style-type: none"> - Any area used for the temporary storage of WEEE must, where appropriate, have a weatherproof covering and an impermeable surface. - Collected WEEE must be treated at authorised treatment facilities. - Treatment 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 - Outlined in Schedule 9 of the WEEE Regulations - The producer must ensure that operations at facilities used for storage and/or treatment of WEEE are in accordance with the WEELABEX² requirements and requirements of the WEEE Regulations. - B2B producers transporting WEEE that has been taken back from their customers are exempt from the requirement for a Waste Collection Permit, as long as (i) the WEEE is not hazardous and (ii) this is incidental to their main business activity. 	<p>Regulations 21, 22, 23; Schedule 8</p>
--	---	---

² WEELABEX standards lay down measures related to the protection of the environment and human health and safety through the prevention and mitigation of the adverse impacts of collection, storage and handling of waste electrical and electronic equipment (WEEE).

5. Take Back of B2B WEEE by Producers

B2B EEE Producers must take back WEEE from customers/users as follows:

For equipment placed on the market prior to 13th August 2005 that is now waste:

- The EEE producer is obliged to take back WEEE of a similar type and function (irrespective of brand) **only** when the customer is purchasing new equipment from the producer. The EEE producer is then responsible for the environmentally sound management of this WEEE.
- Where the customer is simply discarding the WEEE and not replacing it, the responsibility for ensuring the environmentally sound management of the WEEE remains with the customer (i.e. the business end user).

For equipment placed on the market from 13th August 2005:

- The EEE producer must either (i) take back and manage the WEEE from the customer when the customer requests it or (ii) make an alternative financing arrangement with the customer i.e. there must be a formal agreement between both parties on who will finance the management of the WEEE. The formal agreement must be in place prior to purchase of the EEE and must be notified to the EPA.

Figure 2 below sets out the obligations in relation to the take back of WEEE as it may apply to RAC/catering suppliers.

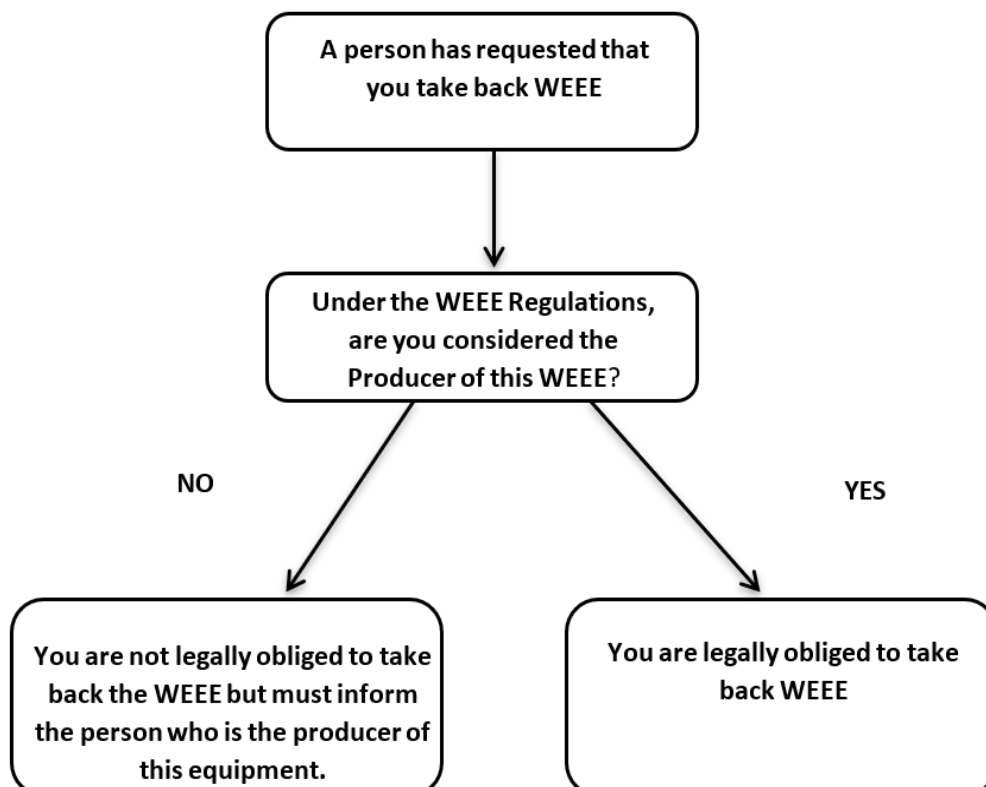


Figure 2: WEEE Take Back

6. Record Keeping

WEEE is discarded waste equipment that has reached end-of-life and is returned to your company. All WEEE taken back should be weighed and recorded so that this information can be included in your annual Waste Management Report.

Sometimes, the returned equipment will include EEE that is re-usable (in whole after repair or as spare parts used in other equipment). This re-usable EEE has not yet reached end-of-life and is not yet waste. It is not WEEE but is 'used EEE' (or UEEE for short). A record of the quantity (kgs) and type of UEEE (description, make and model) that has been reused (or sent for repair/reuse) must be kept by the producer. If this equipment is placed again on the Irish market by the producer, it does not have to be recorded again in the WEEE Blackbox, however, it should be included in the annual WEEE Waste Management Report to the EPA.

Records of all collected equipment – WEEE and UEEE - should be available for inspection by the EPA.

Note: Only WEEE that has originated from B2B customers should be reported to the EPA in the annual WEEE Waste Management Report. Do not report any B2C WEEE.

You must maintain records of all WEEE take-back and of all WEEE sent off site for treatment or recovery for the last 6 years. This includes:

- Within Ireland: Waste collection dockets detailing the waste type, EWC code, quantity and destination. Waste Transfer Form (WTF) required for hazardous WEEE;
- Certificates of destruction/recycling from the WEEE treatment facility;
- Evidence that the recovery and recycling targets for Category 1 WEEE are being met by your WEEE treatment operator³;
- Valid Transfrontier Shipment (TFS) of Waste documentation for WEEE shipped outside the State.

³ See Schedule 10 of the WEEE Regulations.

7. Where EEE contains batteries

If the EEE contains batteries and you do not distribute from a registered EEE producer then, in addition to being an EEE producer, you will also be a battery producer under the Batteries Regulations (S.I. No 283 of 2014), as amended⁴. The Batteries Regulations underpin a Producer Responsibility Initiative for the management of waste batteries (similar to WEEE, RoHS and packaging), whereby the person/organisation who places batteries on the market for the first time has responsibility for financing the collection, storage, recycling and treatment of the batteries when they become waste.

There are three types of batteries in scope of the Batteries Regulations; portable, industrial and automotive. Examples of these battery types include:

- Portable batteries (e.g. those in battery blister packs, toys, mobile phones, IT equipment, remote controls, button cells used in cameras, watches);
- Industrial batteries (those in fork lift trucks, electric bikes, mobility scooters, farm fence and golf buggies); and
- Automotive batteries (ignition/starter batteries in cars, vans and trucks).

The registration and compliance processes for battery producers are similar to those for WEEE, however, there is no distinction between B2B and B2C for batteries, so producers do have the option of joining a compliance scheme for the battery element of their business. However, the option to self-comply is also available. Guidance for [battery producers](#) is available on the EPA website.

If you distribute from a registered EEE producer, then you **do not** have producer obligations, but you do have distributor obligations. In this event you must ensure that your customers are informed of the take back facilities that are available to them (i.e. how to return the B2B WEEE – and the waste batteries - to the registered producer).

Guidance for [distributors of EEE and/or batteries](#) is available on the EPA website.

⁴ European Union (Batteries and Accumulators) (Amendment) Regulations 2014 (S.I. No. 349 of 2014)

8. Treatment of WEEE

WEEE treatment typically involves sorting, removal of hazardous materials for treatment or disposal and the separation of fractions (i.e. metals, plastics, circuit boards etc.) which are then separately recycled.

The producer must ensure:

1. Their WEEE is treated at authorised facilities, unless the producer wishes to reuse the equipment (in whole or part). If components are removed for future use as spare parts, detailed records should be kept;
2. Treatment 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 - Outlined in Schedule 9 of the WEEE Regulations;
3. The producer must ensure that the sites used for storage and treatment of WEEE are operating in accordance with the WEELABEX requirements and the requirements of the WEEE Regulations (Schedules 8 and 9).
4. Relevant recovery and recycling targets are achieved. Proof of meeting the recovery and recycling targets is required. Records from authorised treatment facilities must be kept on file for inspection by EPA.

Some producers remove metal from catering and RAC equipment for separate recycling at an authorised scrap metal facility. However, producers are required to demonstrate achievement of the WEEE recovery and recycling targets based on the total weight of the original product that was placed on the market and not just the electrical/electronic parts. Therefore, the quantity of metal in B2B WEEE take-back should be included in the annual B2B WEEE Waste Management Report submitted to the Agency.

Reminder - Report the total weight of the WEEE product, not just the electrical/electronic parts.

1.1 Equipment Containing Refrigerant Gases

Some catering/RAC equipment which falls under the scope of the WEEE Regulations (such as AC units, refrigerators, freezers and refrigeration units) contains refrigerant gases. Common refrigerants used include hydrochlorofluorocarbons (HCFCs), chlorofluorocarbons (CFCs) and hydrofluorocarbons (HFCs).

HCFCs and CFCs are Ozone Depleting Substances (ODS). ODS are chemicals that can damage the earth's ozone layer if they escape into the upper atmosphere. HFCs are Fluorinated Greenhouse Gases (F-Gases). F-gases are very powerful greenhouse gases that contribute to climate change if emitted to the atmosphere.

These refrigerant gases are contained within the cooling circuits of the catering/RAC equipment and in some occasions in the insulating foam (CFCs, HCFCs or HFCs may have been used as a blowing agent).

[More information on ODS](#) is available on the EPA website.

1.2 Recovery of Refrigerant Gas

Where the refrigerant gas can be safely removed from the equipment (i.e. the equipment is not hermetically sealed⁵), this should be carried out **before** the equipment is physically decommissioned and removed from your site. This can be completed by RAC technicians or appropriately qualified in-house personnel.

This is important to ensure that inadvertent leaks of refrigerant gas do not occur when the item of WEEE is transferred to a WEEE treatment facility (i.e. when the WEEE is being sorted, dismantled or crushed). Also, the WEEE treatment facility may not be appropriately authorised to accept refrigerant-containing waste or WEEE.

Important considerations:

- Recover refrigerant gases before the equipment is decommissioned, where possible. Recovery must be carried out by an appropriately qualified person and all care must be taken to prevent leaks/emissions.
- Ensure that cylinders of recovered refrigerant gas are labelled to indicate their contents.
- Keep records of the amount of refrigerant gas recovered, the measures taken to recover and dispose of the refrigerant gas and the identity of the personnel/company who decommissioned the equipment and recovered the refrigerant gas. Records must be retained by the operator of the equipment and the company/personnel who worked on the equipment for a period of 6 years.
- Options for dealing with recovered F-gas refrigerant include reuse, recycling, reclamation or destruction.
- Recovered ODS gas **must be destroyed** due to a ban on the use of ODS (effective 1st January 2015).
- Where recovery of gas is not possible (i.e. in hermetically sealed equipment such as fridges) then the WEEE must be degassed in an authorised gas recovery facility.
- If the equipment contains insulating foam where refrigerant gas was used as the blowing agent, then the blowing agent must be extracted from the insulating material. If not, the equipment will be considered as a hazardous waste.

1.3 Waste Refrigerant Gas

Refrigerant gas destined for destruction/disposal must be treated as a **hazardous waste**. Anyone handling waste has a “duty of care” for the waste they handle and must ensure they move waste appropriately and use the right documentation.

The collection and transportation of waste refrigerant gases can only be carried out by a person that either holds an appropriate waste collection permit or by the contractor that generated the waste while working on the equipment. A Prior Annual Notification (PAN) must be submitted to the EPA before the waste gas is moved. [Guidance on PANs](#) is available on the EPA website. Waste refrigerant gases must be brought to an appropriately authorised waste management facility i.e. a facility that has either a licence from the Environmental Protection Agency, or a Waste Facility Permit or Certificate of Registration from the relevant local authority.

⁵ Equipment with an airtight seal.

The following options apply for the movement and management of waste refrigerant gases:

1. A contractor who has submitted a PAN to the EPA can transport the waste refrigerant gas from the premises of the EEE end-user to an authorised waste management facility, as outlined in their PAN and in accordance with the relevant requirements of the Waste Management (Collection Permit) Regulations. In this instance, the contractor becomes the holder of the waste and must fulfil the general duty on the holder of waste as set out in Section 32 of the Waste Management Act. Where the waste gases are moved under a PAN, a Waste Transfer Form (WTF) is not also required for their movement within Ireland. However, any transfer of hazardous waste outside the State must be in accordance with the requirements of Transfrontier Shipment of waste legislation. [Guidance on the import and export of ODS](#) can be found on the EPA website.
2. The operator of the equipment (i.e. the user of the EEE) can make its own arrangements for the proper management of the waste refrigerant gas. In this instance, the operator remains the holder of the waste and must fulfil the general duty on the holder of waste as set out in Section 32 of the Waste Management Act. The collector of the waste refrigerant gas must hold a valid Waste Collection Permit for the area(s) in which the collections are taking place, and for these types of waste (i.e. for the relevant EWC codes).

Waste refrigerant gases can be temporarily stored – for up to 6 months - at the site where they are generated. They cannot be stored there for any longer unless the site is specifically authorised to do so.

More [information and guidance](#) on ODS and F-gases can be found on the EPA website

