



The Batteries Regulations

Guidance for Retailers and Distributors of Industrial and Automotive 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

This guidance document will assist retailers and distributors of industrial and automotive batteries to comply with the European Union (Batteries and Accumulators) Regulations 2014 (SI No. 283 of 2014) – the Batteries Regulations.

The EPA is the lead enforcement authority for the Batteries Regulations although some enforcement responsibility is shared with the local authorities. Where a particular retailer obligation is a Local Authority enforcement responsibility (e.g. registration, take back obligations) a retailer will be required to satisfy the Local Authority regarding compliance with that obligation.

The information provided in this document does not cover all the obligations of retailers who sell batteries by distance communication. Distance communication means any form of indirect sales e.g. internet sales, catalogue sales or telemarketing. Distance Sellers must display take-back information on the company's website(s), advising customers of the return systems available to them for waste batteries. For more detailed guidance for distance sellers, please see separate guidance document on the EPA Website.

Notes:

- Some retailers of automotive batteries (e.g. garages, motor factors) also sell portable batteries or products containing batteries, for example batteries for car key fobs or torches. Such retailers should also consult the relevant guidance document on non-industrial batteries which can be found on the EPA Website.
- A retailer who sells electrical and electronic equipment (EEE) that incorporates batteries (or when batteries come with it) e.g. a cordless drill, is a battery retailer and will also have obligations under the Waste Electrical and Electronic Equipment (WEEE) Regulations (more information on the WEEE Regulations is available on the EPA Website).
- Electrical equipment that is typically installed as part of the vehicle (e.g. car radio) is not in scope of the WEEE Regulations and is instead managed under the End of Life Vehicle (ELV) Regulations.

2. Typical Battery Types and Applications

Table 1 presents battery types and typical applications for each battery type.

Table 1: Types of Batteries

Battery Type	Codes/Applications	Possible Uses
Portable	AA, AAA, D cell, C cell, 6 & 9V and button cells	<ul style="list-style-type: none"> • Mobile phones • Cameras • Remote controls • Torches • Laptops
Industrial	<p>Designed exclusively for industrial or professional uses;</p> <p>Used as a source of power for propulsion in an electric vehicle;</p> <p>Unsealed but is not an automotive battery or accumulator; or</p> <p>Sealed but is not classified as a portable battery</p>	<ul style="list-style-type: none"> • Forklift • Golf buggy • Fork truck • Batteries for emergency back-up power supply • Farm fence • Automatic transport vehicles (e.g. motorised wheelchairs)
Automotive	Starter, lighting or ignition	<ul style="list-style-type: none"> • Car • Boat • Truck • Bus • Motorcycle • Tractors and machinery

3. Summary of Retailer Obligations

This section provides a summary of each of the key obligations under the Batteries Regulations followed by a more detailed description of each obligation.

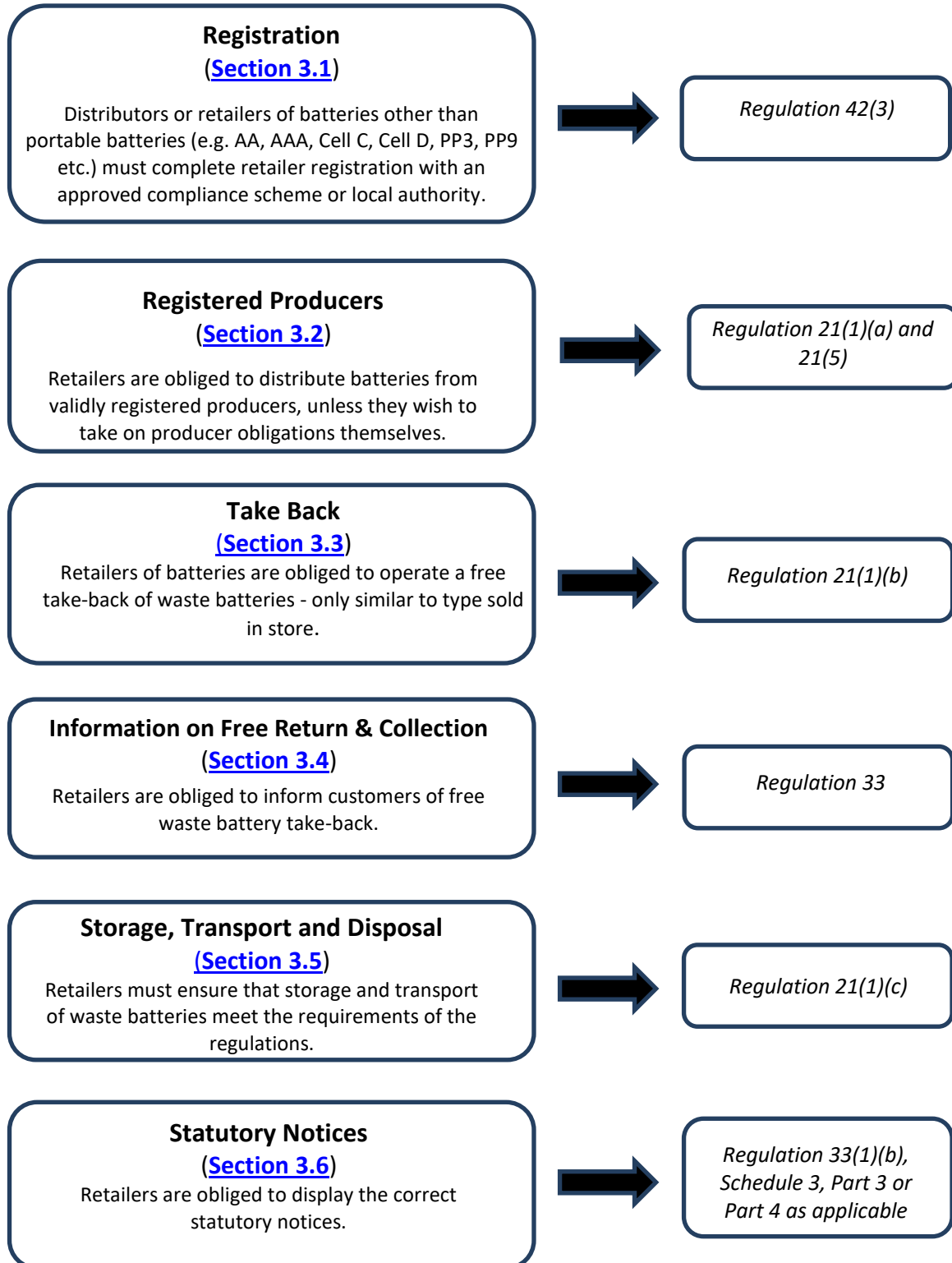


Figure 1: Summary of Key Obligations under the Batteries Regulations

3.1 Registration with a Compliance Scheme or Local Authority

A distributor or a retailer selling batteries and/or storing waste batteries is required to register with a compliance scheme or their local authority.

A compliance scheme manages the collection, treatment and recycling of WEEE and batteries from authorised collection points on behalf of its members.

Registration with a compliance scheme is on a once off basis and is free of charge. More information can be found by contacting one of the following compliance schemes:

- ERP Ireland (covers Cavan, Clare, Fingal, Louth, Limerick, Meath, Monaghan and Kerry): www.erp-recycling.ie or;
- WEEE Ireland (covers all other counties): www.weeeireland.ie

Registration with the relevant Local Authority must be renewed annually and carries a fee of €200 per annum.

3.2 Registered Producers

Retailers must ensure that all batteries which they sell are sourced from validly registered producers.

Validly registered producers are obliged to display their unique Producer Registration Number, issued by the Producer Register Limited, on invoices, credit notes, dispatch and delivery dockets. A Producer Registration Number for a producer supplying batteries only is displayed with the suffix "B"¹, and the registration number for a producer supplying EEE and batteries is displayed with the suffix "WB"².

A list of validly registered producers is available on the Producer Register Limited website (www.producerregister.ie) under the heading 'Producers'.

Retailers should not stock any batteries that are not marked with the crossed out wheeled bin symbol as shown in Figure 2.



Figure 2: Cross out Wheeled Bin Symbol

³ B denotes a company registered as a producer of Batteries only

² WB denotes a company registered for EEE and Batteries

3.3 Take Back

Retailers are required by law to take back waste batteries from members of the public free of charge. Take-back is on a one-for-zero basis i.e. members of the public are not obliged to make a purchase in order to avail of the free take-back. Retailers are only obliged to take back waste batteries of similar type to which they sell or similar type to those batteries incorporated into EEE or supplied with the EEE that they sale. For example, retailers are not obliged to take waste automotive or industrial batteries if they only sale AA or AAA batteries.

Note: Retailers are not required to take back leaking batteries.

3.4 Information on Free Return and Collection System

When supplying a new product, retailers of batteries are obliged to inform users of the return and collection systems that are available to them. This obligation can be met by providing the information in the instructions for use or on a leaflet provided at the point of sale.

3.5 Storage, Transport and Disposal of Portable, Industrial and Automotive Batteries

3.5.1 Industrial or Automotive Batteries

Waste industrial or automotive batteries taken back at retailer premises should only be passed to a person or a company that is authorised³ to collect and manage this type of waste. These are as follows:

1. A permitted collector acting on behalf of a compliance scheme (WEEE Ireland or ERP Ireland)
2. A permitted collector acting on behalf of a self-complying battery producer.
3. A person or a company authorised for collection of industrial and/or automotive batteries.

Note: Civic amenity sites are not obliged to accept waste automotive and/or industrial batteries from retailers.

If a retailer transfers waste batteries to a person other than a collector operating on behalf of an approved compliance scheme or a self-complying producer (e.g. directly to a waste facility), the retailer must take on the following obligations:

1. Ensure that the batteries are managed in an environmentally sound manner.
2. Ensure that they are treated in accordance with the technical requirements of the Batteries Directive.
3. Ensure the recycling targets are achieved.
4. Submit an annual report detailing such activities to the EPA by 28th February each year, in accordance with Regulation 22(3) of the Batteries Regulations.

3.5.2 Portable batteries

Both compliance schemes WEEE Ireland and ERP Ireland provide storage boxes for waste portable batteries to retailers and also organise collection of those boxes. In order to obtain empty boxes or

³ Authorised by a local authority or EPA

to have waste portable batteries collected, please contact ERP Ireland (www.erp-recycling.ie) or WEEE Ireland (www.weeeireland.ie).

Alternatively, retailers can bring waste portable batteries that have been collected through regular take back from retail customers, to the local civic amenity site.

3.5.3 Waste authorisation requirements and exemptions

Registered retailers are exempted from the need to have a Waste Facility Permit⁴ for storage of waste batteries where the amount stored does not exceed certain set limits and the manner of storage satisfies the requirements of Regulation 44 of the Batteries Regulations. The limits applicable to retailers are as follows:

- Maximum of 250 kg of portable batteries;
- 2,500 kg of industrial and automotive batteries.

3.6 Statutory Notices

At all retail premises selling EEE and batteries (including batteries incorporated into EEE), a notice must be displayed in a position easily visible to customers, within 1 m of the point of sale of EEE or batteries (e.g. at the till) or where EEE or batteries are displayed. The sign must satisfy the following requirements:

- Be not less than 29.7 centimetres in height and 21 centimetres in width or 21 centimetres in height and 29.7 centimetres in width (A4 size).
- Be printed in black indelible ink with a Times New Roman font size of at least 20 or equivalent and line space of at least 1.25 lines on a white background and affixed, on a durable material, so as to be easily visible and legible.
- Not be obscured or concealed at any time.
- Contain the following wording:

⁴ For more information in relation to a Waste Facility Permit or a Certificate of Registration, please contact your local authority.

Statutory Notice - EEE and Batteries

FREE RECYCLING - Waste Management Act 1996

“Waste electrical and electronic equipment (WEEE) is taken back free of charge in this store on a one-for-one, like-for-like basis. Waste batteries including rechargeable batteries are taken back free of charge in this store. You are not obliged to make any purchase when returning old batteries here. Each Local authority must also accept household WEEE and small batteries free of charge at its recycling facilities. All WEEE and waste batteries must be recycled and should not be placed in any of your household wheelie bins. Make sure you always recycle all your old electrical goods and batteries”.

At all retail premises selling batteries only, a notice must be displayed in a position easily visible to customers, within 1 m of the point of sale of the batteries. The sign must satisfy the following requirements:

- Be not less than 29.7 centimetres in height and 21 centimetres in width or 21 centimetres in height and 29.7 centimetres in width (A4 size);
- Be printed in black indelible ink with a Times New Roman font size of at least 24 or equivalent and line space of at least 1.25 lines on a white background and affixed, on a durable material, so as to be easily visible and legible;
- Not be obscured or concealed at any time;
- Bear the following wording:

Statutory Notice - Batteries Only

“FREE RECYCLING - Waste Management Act 1996

Waste batteries including rechargeable batteries (of a type sold here) are taken back free of charge in this store. You are not obliged to make any purchase when returning old batteries here.

Each Local Authority must also accept small batteries free of charge at its recycling facilities. All waste batteries must be recycled and should not be placed in your waste disposal or recycling bins.

Make sure you always recycle all your old batteries”

Samples of the statutory notices are provided in Appendix A below. Samples can also be downloaded from the EPA website.

3.7 Other Requirements and Prohibitions

All advertisements for sale of EEE and batteries must contain the following text:

“Waste Electrical and Electronic Equipment (WEEE) and waste batteries must never be placed in any of your household wheelie bins. WEEE is taken back free of charge at electrical retail outlets on a one-for-one like-for-like basis. There is a container for small waste 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”

All advertisements for sale of batteries **only** must contain 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.”***

There are no visible environmental management costs (vEMCs) applicable for batteries. Therefore importers, wholesalers and retailers are **prohibited** from displaying any cost associated with the environmentally sound management of waste batteries.

Under the Batteries Regulations there are no price notice display requirements for batteries on shelf ticketing, catalogues, web-sites, brochures, direct mail communications or in any advertising.

All distance communications should include information for the consumer stating that waste batteries will be taken back and that take back is provided at a specified location.

Appendix A: Statutory Notices

FREE RECYCLING WASTE MANAGEMENT ACT 1996

Waste Electrical and Electronic Equipment (WEEE) is taken back free of charge in this store on a one-for-one, like-for-like basis.

Waste batteries including rechargeable batteries (of a type are sold here) are taken back free of charge in this store.

You are not obliged to make any purchase when returning old batteries here.

Each local authority must also accept household WEEE and small batteries free of charge at its recycling facilities.

All WEEE and waste batteries must be recycled and should not be placed in any of your household wheelie bins.

Make sure you always recycle all your old electrical old electrical goods and batteries.

**FREE RECYCLING
WASTE MANAGEMENT ACT 1996**

Waste batteries including rechargeable batteries (of a type sold here) are taken back free of charge in this store.

You are not obliged to make any purchase when returning old batteries here.

Each Local Authority must also accept small batteries free of charge at its recycling facilities.

All waste batteries must be recycled and should not be placed in your waste disposal or recycling bins.

Make sure you always recycle all your old batteries.