

Summary of Changes under the new WEEE Regulations (S.I. No. 149 of 2014)

The European Union (Waste Electrical and Electronic Equipment) Regulations 2014 - [S.I. No. 149 of 2014](#) (the WEEE Regulations) are in place since 29th March 2014 and replace the 2005 and 2011 WEEE Regulations and amendments.

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Tables 1, 2 and 3 provide an overview of the relevant changes as they apply to distributors (retailers), producers and other organisations, respectively. Please note that this document does not provide an exhaustive list of obligations under the WEEE Regulations, as it focuses on changes between the new and the old WEEE Regulations. Further information can be found at www.weee-enforcement.ie

Table 1: Summary of Changes under the WEEE Regulations applicable to Retailers

No.	New or Changed Requirement applicable to Retailers	Regulation/ Schedule No.
1.	Retailers cannot drop off WEEE to their local Civic Amenity (CA) site.	Regulation 15(a)(ii)
2.	Reintroduction of the requirement to display recycling fees (vEMCs) ^{1,2} on the price tag: <ul style="list-style-type: none"> • €10 for American side-by-side fridges • €5 for all large domestic appliances • €5 for large TVs – 32” and greater • €0.15 for fluorescent lamps • €0.05 for LED light sources 	Regulation 16 (10), (11), (12)
3.	Distributors can register with the compliance scheme (WEEE Ireland or ERP, depending on the county ³) once off and free of charge . Alternatively, distributors must register as a retailer of EEE. Registration can be made through the relevant Local Authority annually, at a cost of €200 annually.	Regulation 40(5)(b)
4.	Distributors must display at their premises the certificate of WEEE Retailer Registration issued by the compliance scheme (WEEE Ireland or ERP) or the Local Authority.	Regulations 40(10)(a) 40(4)(c)
5.	Distributors with a dedicated EEE sales area of greater of 400 sq.m. must take back small WEEE (less than 25cm) on a one for zero basis (i.e. take back with no purchase).	Regulation 14(1)(b)(ii)
6.	Retailers must maintain records for 2 years containing information on the quantities of WEEE taken back, stored and handed over to the compliance schemes.	Regulation 15(b)
7.	A retailer or a 3 rd party acting on a retailer’s behalf, collecting and transporting over 2 tonnes of WEEE now require a Waste Collection Permit.	Regulation 41(2)(d)(ii)

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¹ Details of vEMCs available on WEEE Register Society Limited’s Website (www.wееeregister.ie)
² EEE categories will change as per Table 2, point 4, but vEMCs also periodically change, so please make sure you are using the most recent WEEE Register Society Categories Listing
³ <http://www.wееeireland.ie/retailers/retailer-registration/> or http://www.erp-recycling.ie/retailer_registration

No.	New or Changed Requirement applicable to Retailers	Regulation/ Schedule No.
8.	<p>A retailer, or a 3rd party acting on a retailer's behalf, requires a Waste Facility Permit or Certificate of Registration if they store WEEE taken back in quantities of more than:</p> <ul style="list-style-type: none"> • 45 cubic metres of WEEE other than lighting equipment and mobile phones; • 1,000 units of lighting equipment; • 25 kg of mobile phones. 	Regulation 42(1) (a)
9.	Distance sellers, whether based inside or outside EU, must now appoint an Authorised Representative (AR) established in Republic of Ireland. The AR will be responsible for all their obligations under the new Regulations and legally liable in an event of non-compliance.	Schedule 10 (1)

Table 2: Summary of Changes under the WEEE Regulations applicable to Producers

No.	New or Changed Requirement applicable to Producers	Applies to B2B ⁴ and/ or B2C ⁵	Regulation/ Schedule No.
1.	Change in definition of producer which now means that companies established in Ireland who export 100% of EEE produced and do not import EEE and/or sell EEE in Ireland, do not have producer responsibilities in Ireland.	B2B & B2C	Regulation 3
2.	Only producers established in Ireland can register with WEEE Register Society. However, by way of exception to this rule a producer established in another EU country, that places EEE onto the Irish market, may now appoint an Authorised Representative (AR) in Republic of Ireland. An AR established in Ireland will be responsible for all obligations under the WEEE Regulations and are legally liable in an event of non-compliance.	B2B & B2C	Regulation 10 (1)
3.	<p>The categories of EEE:</p> <ul style="list-style-type: none"> • From 15th August 2018 there will be 6 categories of EEE - reduced from 10; and • From 15th August 2018 substantial change applies: 'open scope' meaning that any equipment that meets definition of EEE will be placed in one of the six categories. 	B2B & B2C	Schedules 3 & 4

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⁴ B2B-Business to Business , determined by the end user of the equipment
⁵ B2C-Business to Consumer, whereby the end user of the equipment is likely to be a householder.

No.	New or Changed Requirement applicable to Producers	Applies to B2B ⁴ and/or B2C ⁵	Regulation/ Schedule No.
4.	<p>New exemptions from the WEEE Regulation will apply from 15th August 2018. Some of the main new exemptions include:</p> <ul style="list-style-type: none"> • Large-scale stationary industrial tools; • Large- scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations; • Non-road mobile machinery made available exclusively for professional use; and • Medical devices and in-vitro diagnostic devices and active implantable medical devices. 	B2B & B2C	Regulation 4 (3)
5.	<p>With regards to offences, the EPA or local authorities now have a much larger scope to serve a notice in writing to a producer if they are considered non-compliant.</p>	B2B & B2C	Regulation 37(6)(b)
6.	<p>WEEE originating from a business can be considered household WEEE (B2C WEEE) if, because of its nature and quantity, it is similar to household WEEE. For example, telephones, personal computers are likely to be used both by a business or a consumer, and are therefore classified as WEEE from private households (B2C WEEE).</p> <p>All such dual use equipment should be reported as B2C when placed on the market also.</p>	B2B & B2C	Regulation 3
7.	<p>Collection targets now also apply to B2B producers:</p> <ul style="list-style-type: none"> • From 2016, collection target will be 45%; • From 2019, collection target will be 65%. <p>Collection % = the total weight of WEEE collected in that year / the average weight of EEE placed on the market in the three preceding years.</p>	B2B	Article 7(2) (WEEE Directive)
8.	<p>Increase in recovery and recycling targets by 5% from 15th August 2015. The recycling targets will include preparation for reuse⁶ from August 2015.</p>	B2B	Regulation 23(a), Schedule 10

⁶ 'Preparing for re-use' is defined by the Waste Directive 2008/98/EC as meaning 'checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing'

Table 3: Summary of Changes under the WEEE Regulations - Other Organisations

No.	New or Changed Requirement	Regulation/ Schedule No.
1.	Person or company exporting used EEE must prove that this is not WEEE. Schedule 11 outlines the minimum requirements for shipments of used EEE.	Schedule 11
2.	The waste contactor used by the Producer must now ensure that WEEE is treated in accordance with the WEEELABEX ⁷ requirements (or EN equivalent treatment standards).	Regulation 22(1)(b)
3.	Organisations wishing to prepare WEEE for reuse must now be approved by the WEEE Register Society.	Regulation 8(1)(b)

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⁷ WEEELABEX 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).