How to Comply with the Battery Regulations

A Guide for Producers

January 2015

Disclaimer

This document does not purport to be and should not be considered a legal interpretation of the legislation referred to herein. Although every effort has been made to ensure the accuracy of the material contained in this publication, complete accuracy cannot be guaranteed. Neither the Environmental Protection Agency nor the authors accept any responsibility whatsoever for loss or damage occasioned, or claimed to have been occasioned, in part or in full as a consequence of any person acting or refraining from acting, as a result of a matter contained in this publication. All or part of this publication may be reproduced without further permission, provided the source is acknowledged.
# Table of Contents

Table of Contents ........................................................................................................................................................................... ii

1. Introduction...................................................................................................................................................................................... 1

2. How do I know if I am a Producer? ........................................................................................................................................... 2

3. Battery Types................................................................................................................................................................................... 3

4. Producer Obligations........................................................................................................................................................................ 5

   4.1 Register with the WEEE Register Society Limited .............................................................................................................. 5

   4.2 Reporting to the WEEE Blackbox ........................................................................................................................................... 5

   4.3 Financial Obligations and Waste Battery Management ....................................................................................................... 6

       4.3.1 Joining a Compliance Scheme ........................................................................................................................................ 6

       4.3.2 Self-complying ................................................................................................................................................................. 6

   4.4 Battery Specifications and Information Requirements ........................................................................................................... 8

5. Batteries Distributors ....................................................................................................................................................................... 10

Appendix 1 Battery Producer Examples ........................................................................................................................................ 11

Appendix 2 Battery Scoping Tree ................................................................................................................................................... 12

Appendix 3: Summary of Main Obligations for Battery Producers ............................................................................................... 13
1. Introduction

This guide aims to assist producers of batteries in achieving compliance with the European Union (Batteries and Accumulators) Regulations 2014 (S.I. No. 283 of 2014) amended by the European Union (Batteries and Accumulators) (Amendment) Regulations 2014 (S.I. No. 349 of 2014), (hereinafter referred to as ‘the Battery Regulations’).

The Battery Regulations govern the transport, recycling and disposal of waste batteries and accumulators and forms part of a Producer Responsibility Initiative (similar to WEEE, RoHS, packaging, end of life vehicle and tyres) whereby the person or company who places the product on the Irish market has responsibility for financing the collection, storage, recycling and treatment of the product when it becomes waste.

Batteries are an essential energy source in our society, but they contain many hazardous substances, such as heavy metals and acids. Therefore it is important that waste batteries are properly collected and recycled to prevent the release of hazardous substances and to recover the recyclable components.

Any reference to the term “batteries” in this guidance document refers to both batteries and accumulators (i.e. rechargeable batteries) whether sold on their own or incorporated into a product, vehicle or electrical and electronic equipment.

Further information on obligations under the WEEE and Battery Regulations is provided on the EPA website.
2. How do I know if I am a Producer?

In order to determine if you are a battery producer please refer to Figure 1.

If the answer is **Yes** to any of the questions in Figure 1, then you are considered a battery producer and have obligations under the Battery Regulations. Additional help on determining if you are a producer of batteries is provided in Appendix 1 of this document.

---

**Figure 1: Are you Producer of Batteries?**
3. Battery Types

Batteries are categorized into three main types, portable, industrial and automotive, as detailed below in Table 1. Additional help on categorising your batteries is provided in Appendix 2 of this document.

Table 1: Types of Batteries

<table>
<thead>
<tr>
<th>Battery Type</th>
<th>Criteria</th>
<th>Codes /Applications</th>
<th>Common Uses</th>
</tr>
</thead>
</table>
| Portable     | • Sealed;  
• Can be hand-carried; or  
• Is neither an industrial battery or accumulator nor an automotive battery or accumulator. | AA, AAA, D cell, C cell and button cells. | • Mobile phones  
• Cameras  
• Remote controls  
• Torches  
• Laptops |
| Industrial   | • Designed exclusively for industrial or professional uses;  
• Used as a source of power in an electric vehicle;  
• Unsealed but is not an automotive battery or accumulator; or  
• Sealed but is not classified as a portable battery. | Deep cycle, marine or traction (e.g. golf cart & T-105-6V battery) | • Forklift  
• Golf buggy  
• Batteries for emergency back-up power supply  
• Farm fence  
• Automatic transport vehicles (e.g. motorised wheelchairs) |
### Battery Type | Criteria | Codes /Applications | Common Uses
--- | --- | --- | ---
**Automotive** | Any battery or accumulator used for automotive starter, lighting or ignition power. | Wet/dry charged (e.g. SLI - 12V battery) | • Car  
• Truck  
• Bus  
• Motorcycle  
• Tractor and machinery
4. Producer Obligations

The main battery producer obligations are outlined in this Section. For a comprehensive list of obligations please refer to Appendix 3.

Battery producers are required to:

1. **Register** with the WEEE Register Society Limited - note that you cannot complete registration until steps 2 & 3 below have been completed;
2. **Report** on a monthly basis the type, quantity and chemistry of batteries placed on the Irish market by your organisation;
3. **Finance** the environmentally sound management of waste arising from batteries placed on the Irish market by either:
   a. Becoming a member of a compliance scheme
   or
   b. Self-complying with the Battery Regulations, by self-financing the environmentally sound management of batteries (treatment) and submitting waste battery management plans and reports to the EPA.
4. Ensure that batteries placed on the Irish market:
   a. Comply with the requirements of the specified hazardous substance and labelling requirements;
   b. Are marked with the crossed out wheeled bin symbol (please see Section 4.4).

4.1 Register with the WEEE Register Society Limited

An application form is available to download from the WEEE Register Society Limited. When satisfied with your details, the WEEE Register Society Limited will issue a unique registration number, which should be shown on all invoices, credit notes, dispatch and delivery dockets issued to demonstrate to customers that they are obtaining their batteries from a registered producer.

The cost of the annual registration fee will depend on your organisation’s financial turnover relating to batteries placed on the Irish market.

4.2 Reporting to the WEEE Blackbox

As a producer you are required to report the total weight (in kg) and chemistry of any battery placed on the Irish market during the applicable calendar month. This is done via WEEE Blackbox to ensure that any sensitive commercial information relating to your business is confidentially maintained. Battery submissions are recorded under Category 11.

A Batcon application is available to producers to assist in standardising the information relating to battery codes and chemistries of batteries. Batcon converts battery volumes into average weights and chemistries. The link to the Batcon application can be accessed from the WEEE Blackbox, once logged in. Logon details for the WEEE Blackbox are usually obtained as part of the registration process with the WEEE Register Society Limited.

---

1 This number will be followed by the letter B for battery only Producers and WB for Producers of Electrical and Electronic Equipment (EEE) and Batteries.
2 A web based reporting system that is managed by the WEEE Register Society Ltd.
4.3 Financial Obligations and Waste Battery Management

The Battery Regulations aim to ensure that waste batteries are managed in an environmentally sound manner, and to promote the recovery and recycling of waste batteries. It places the responsibility on battery producers to contribute to the cost of this by either:

- Joining a compliance scheme; or
- Self-complying

4.3.1 Joining a Compliance Scheme

There are two approved compliance schemes in Ireland:

1. **ERP Ireland**: Tel: 01 662 4040
2. **WEEE Ireland**: Tel: 01 299 9320.

Registration/administration fees set by the individual compliance scheme will apply. A charge per kilogram of batteries placed on the market applies. This cost finances the environmentally sound management of waste batteries collected (i.e. recycling, treatment etc.).

Producers who join a compliance scheme are exempt of certain obligations under the Batteries Regulations, including:

- Reporting quantities of waste batteries to the EPA;
- Meeting collection, recovery and recycling targets;
- Record keeping;
- Meeting collection targets;
- Organisation of transport and management of waste batteries; and
- Meeting waste battery recycling efficiencies

In practice, most battery producers join a compliance scheme, as this reduces the administrative burden and cost of compliance.

4.3.2 Self-complying

If you decide to self-comply, the following requirements apply:

a. **Battery Waste Management Plan Submission**

A Waste Battery Management Plan must be submitted to the EPA estimating 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 the WEEE Register Society Limited will complete your registration detailed in steps 4.1 and 4.2 above. The plan should be accompanied with the appropriate fee\(^3\) and back fees (if obligated since 2008) as specified by the EPA. Templates for the annual waste battery plan can be downloaded from the EPA website.

---

\(^3\) For further information on fees: [www.batteries-enforcement.ie](http://www.batteries-enforcement.ie)
b. Battery Waste Management Report Submission

Self-complying battery producers must report to the EPA on an annual basis, the amount of batteries they took back during the year and how these waste batteries were recycled. Templates for the annual waste battery report can be downloaded from the EPA website.

Note: There are administration fees payable to the EPA that must accompany Waste Management Plans.

c. Statutory Notices

Self-complying battery producers must display a notice at or within one metre of each entrance to his or her premises. A notice in accordance with Schedule 6, Part 3 (plan notice), must be displayed until the first Waste Management Report is submitted. After this a notice (report notice) in accordance with Schedule 6, Part 2, must be displayed. A

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

- Minimum dimensions of 42 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.

The following is the required wording for the Statutory Report Notice:

```
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.
```

The plan notice and report notice can be downloaded from the EPA website.

d. Record keeping

Self-complying battery producers must record the quantities, by weight or by number of units, and the categories of batteries placed on the market for each EU and other countries.

Records must be kept of the quantities of waste batteries, by weight (or as appropriate by number of units), and categories of batteries (where categories are specified in guidance that may be issued) entering and leaving a recycling facility 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.

---

4 Fee for submission of a plan is currently €6,000.
e. Collection Targets

Portable battery producers are responsible for meeting collection targets as set out in Regulation 23(7):

- 25% by 26th September 2012; and
- 45% by September 2016.

f. Treatment/Recycling

Self-complying battery producers must ensure that waste batteries are treated and recycled at a facility appropriately authorised/permitted by the relevant competent authority.

Treatment must also 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 sites 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 is in accordance with Commission Regulation (EC) No 1013/2006, Council Regulation (EC) No. 1420/1999 and Commission Regulation (EC) No 1418/2007 which establishes rules for shipments of waste for recovery. Producers must be able to demonstrate, to the satisfaction of the EPA, that waste batteries are treated/recycled at an appropriate facility.

Recycling processes must achieve specified recycling efficiencies as set out in Annex III of Directive 2006/66/EC (on batteries and accumulators and waste batteries and accumulators). These are as follows:

<table>
<thead>
<tr>
<th>Percent</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>65%</td>
<td>by average weight of lead-acid batteries and accumulators;</td>
</tr>
<tr>
<td>75%</td>
<td>by average weight of nickel-cadmium batteries and accumulators; and</td>
</tr>
<tr>
<td>50%</td>
<td>by average weight of other waste batteries and accumulators.</td>
</tr>
</tbody>
</table>

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. They must undergo appropriate treatment after which the treated residues can be disposed of in landfill or by incineration.

4.4 Battery Specifications and Information Requirements

All producers placing batteries on the Irish market must ensure that:

- The crossed-out wheeled bin symbol is prominently displayed on each battery\(^5\) (see Figure 2). This symbol indicates to the end-user that batteries must not be disposed of with municipal waste.; and

- Batteries do not contain more than\(^6\):
  a) 0.0005% mercury by weight; and
  b) 0.0002% cadmium by weight.

---

\(^5\) ‘Prominently’ means not less than the following dimensions - 3% of the area of the largest side of any battery or 1.5% of the surface area of any cylindrical cell, up to a maximum of 5 x 5 cm.

\(^6\) There are exemptions for emergency and alarm systems, medical equipment and cordless power tools (see Part II, SI 268 of 2008).
Additionally, producers must provide information to users of batteries on:

- The potential effects on the environment and human health of the substances used in the batteries;
- The preference of not disposing waste batteries with unsorted municipal waste;
- The role of users in recycling of batteries;
- The meaning of the wheelie 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 Electrical and Electronic Equipment (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.

Producers can meet this 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 the Minister.
5. Batteries Distributors

In addition to producer obligations, if a person, company, or organisation sells directly to an end-user, they will also have obligations as a ‘distributor’ under the Batteries Regulations. Details on ‘distributor’ obligations and how to comply with them are outlined in “Information for Retailers of Electrical and Electronic Equipment and Batteries” and “Information for Retailers of Industrial and Automotive Batteries”.

Figure 3 illustrates the difference between a producer and a distributor of batteries.

Figure 3: Diagram showing difference between a producer and a distributor of batteries
Appendix 1 Battery Producer Examples

(From Commission Services document 2008)

Who is the "battery Producer"? - Examples

- A battery manufacturer or a domestic importer sells batteries to a retailer who in turn sells them to end-users in the same Member State

In this case, the battery manufacturer or the domestic importer is the Producer in that Member State, as they are the ones placing the batteries on the Market for the first time.

- A retailer sells batteries in a Member State; the batteries were bought outside that Member State

A retailer sells batteries to end-users in a given Member State which he bought in another country. In this case, as the retailer is placing these batteries on the Market for the first time in the given Member State, the retailer is the Producer.

- An equipment/car manufacturer buys batteries within a Member State; these batteries are then sold together with the equipment/car in the same Member State

A battery manufacturer or domestic importer in a Member State sells batteries to an equipment or car manufacturer in the same Member State who will then put the battery into equipment or a car and sell it on the Market of this Member State. In this case, the battery manufacturer or domestic importer is the Producer in this Member State as they are placing the batteries on the Market for the first time.

- A car/equipment manufacturer buys batteries outside a Member State, then incorporates them into equipment/a car and sells this in the Member State

The car/equipment manufacturer or domestic importer sells cars/equipment in a given Member State with batteries incorporated. The batteries for the car/equipment were bought outside this Member State. Since in this case it is the equipment or car manufacturer or domestic importer who places these batteries on the Market of the Member State for the first time, they are the battery Producers in this Member State.

- A company imports batteries from a non-EU parent company for its independent subsidiary located in a Member State

In this case the independent European subsidiary is the Producer, as it is the subsidiary which places the batteries on the Market in that Member State.

- Batteries or battery cells are sold in a Member State to a battery pack assembler and are then sold within the same Member State

In this case the battery pack assembler is the Producer, as it makes the battery pack available on the Market for the first time on a professional basis within the territory of the Member State.
Appendix 2 Battery Scoping Tree

Battery Scoping
(All Battery Types)

1. Is the battery intended to be used for automotive starter, lighting or ignition power?
   - Yes → Automotive Battery
   - No

2. Is the battery sealed?
   - Yes → Industrial Battery
   - No

3. Is the battery exclusively designed for industrial or professional use?
   - Yes → Industrial Battery
   - No

4. Is the battery exclusively designed to propel an electrical vehicle?
   - Yes
   - No → Portable Battery

5. Does the battery, whether it is an individual cell or pack, weigh more than 2Kg?
   - Yes
   - No

Battery Scoping Tree designed and published by the Department of the Environment, Heritage and Local Government (DoEHLG)
### Appendix 3: Summary of Main Obligations for Battery Producers

<table>
<thead>
<tr>
<th>Relevant Regulations</th>
<th>Responsibilities</th>
<th>Do I have this obligation as a battery compliance scheme (WEEE Ireland/ERP Ireland) member?</th>
<th>Do I have this obligation as a self-complying battery producer?</th>
</tr>
</thead>
</table>
| Regulations 5, 6 & 7 | ▪ Marking of batteries.  
▪ Exemptions for Cadmium (cordless power tools, emergency alarms or lighting systems and medical equipment).  
▪ Duty to inform the EPA, if non-compliant in relation to breaches of specified hazardous substances. | Yes | Yes |
| Regulations 17 | ▪ Register with the WEEE Register Society Limited.  
▪ Pay the appropriate fees.  
▪ Display registration number on any invoice, credit note, dispatch/delivery docket issued to a distributor. | Yes | Yes |
| Regulation 20 | A producer supplying batteries by means of distance communication (e.g. online, catalogue or telesales) must register etc. with the WEEE Register Society Limited as under Regulation 17 and must notify them at the time of registration that they supply batteries by means of distance communication and confirm that all batteries supplied meet the requirements of the Battery Regulations. | Yes | Yes |
| Regulation 21 (4) | Where a producer supplies batteries by means of distance communication he/she must place a visible and legible notice on his/her website, catalogues, brochures, mail-shots where batteries being distributed are displayed indicating that he or she will take back waste batteries of equivalent type to the ones he/she supplies free of charge together with details of where he or she distributes batteries from or, as appropriate, an address in the State where he or she takes back waste batteries. | Yes | Yes |
| Regulation 23 (1) | Producers are responsible for net costs for:  
▪ The environmentally sound management of waste batteries relating to the producer’s own products.  
▪ The collection from end-users.  
▪ Any public information campaign on the collection, treatment and recycling of waste portable batteries in proportion to the quantity of | No, producers who are members of a battery compliance scheme are exempt from this requirement | Yes |
<table>
<thead>
<tr>
<th>Relevant Regulations</th>
<th>Responsibilities</th>
<th>Do I have this obligation as a battery compliance scheme (WEEE Ireland/ERP Ireland) member?</th>
<th>Do I have this obligation as a self-complying battery producer?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation 23 (2)</td>
<td>Producers are prohibited from displaying the costs of the environmentally sound management of waste batteries.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| Regulation 23 (3)    | Producers must collect products of a type and brand they supply from a collection point:  
• Within 20 working days of a request made by the collection point operator (applies to portable waste batteries, including waste button cells),  
• Within 30 working days of a request made by the collection point operator (applies to waste automotive or industrial batteries). | No, producers who are members of a battery compliance scheme are exempt from this requirement | Yes                                                                 |
| Regulation 23 (4)    | If the producer fails to comply with a collection request in the appropriate time then the operator of the collection point may make alternative arrangements for the environmentally sound management of the waste batteries and may then bill the producer for the appropriate costs and charge an administrative fee of up to 10% of the total costs incurred during the process. | No, producers who are members of a battery compliance scheme are exempt from this requirement | Yes                                                                 |
| Regulation 23 (5)    | Where a business is transferred in whole or in part to another person or persons, the producer remains responsible for the full costs of financing the environmentally sound management of batteries the producer has placed on the market until the producer has demonstrated to the EPA that the new owners of the business are competent, and in agreement to meet all obligations of the producer in respect to such batteries. These obligations include:  
• Financing of the environmentally sound management of the waste batteries under Regulation 23(1),  
• Collection and recycling targets in accordance with the provisions of Regulation 23 (7) and Regulation 28. | No, producers who are members of a battery compliance scheme are exempt from this requirement | Yes                                                                 |
| Regulation 23 (6)    | Economic operator (i.e. producer, distributor, collector, recycler or other treatment operator) may collect waste industrial batteries from end users provided the waste industrial batteries are collected by an authorised waste collector and are managed in an environmentally sound manner in accordance with the provisions of Regulations 26, 27 & 28.  
• Economic operators must submit a report to the EPA by the 28th February each year in respect to the previous calendar year and must include the information set out in Part 2 of the Second Schedule. | No, producers who are members of a battery compliance scheme are exempt from this requirement | Yes                                                                 |
<table>
<thead>
<tr>
<th>Relevant Regulations</th>
<th>Responsibilities</th>
<th>Do I have this obligation as a battery compliance scheme (WEEE Ireland/ERP Ireland) member?</th>
<th>Do I have this obligation as a self-complying battery producer?</th>
</tr>
</thead>
</table>
| Regulation 23 (7)    | Each producer of portable batteries must achieve the following targets for the collection of portable batteries:  
▪ 25% by 26 September 2012 and  
▪ 45% by 26 September 2016  
of the quantity by weight of portable batteries placed on the market in the State excluding any portable batteries that left the State prior to being sold to end-users. | No, producers who are members of a battery compliance scheme, are exempt from this requirement | Yes |
| Regulation 23 (8)    | Producers in Ireland have no obligation to finance the environmentally sound management of waste batteries that arise and are collected under any scheme set up in accordance with the Batteries Directive or the Waste Electrical and Electronic Equipment Directive in another member state or third country. | No, producers who are members of a battery compliance scheme, are exempt from this requirement | Yes |
| Regulation 23 (9)    | The quantity of portable batteries placed on the market in the State by a producer excluding any portable batteries that left the State prior to being sold to end-users shall include batteries incorporated into appliances. | No, producers who are members of a battery compliance scheme, are exempt from this requirement | Yes |
| Regulation 25 (b)    | Producers of:  
▪ Portable batteries must ensure that adequate arrangements are in place for the collection of waste portable batteries from collection points and civic amenity facilities situated in the functional area of each local authority.  
▪ Automotive batteries must ensure that adequate arrangements are in place for the collection of waste automotive batteries arising from private or, as appropriate non-commercial vehicles from collection points and civic amenity sites situated in the functional area of each local authority. | No, producers who are members of a battery compliance scheme, are exempt from this requirement | Yes |
| Regulation 26        | ▪ It is prohibited from disposing waste industrial and automotive batteries in landfill or by incineration.  
▪ Residues of any battery may be disposed of in a landfill or by incineration provided it has already undergone both treatment and recycling in accordance with the provisions of Regulations 27 and 28. | Yes | Yes |
<p>| Regulation 27 (1)    | Producers responsible for financing the environmentally sound management of any waste battery, end-user of industrial or automotive batteries (other than an automotive battery from a private or non-commercial vehicle who avails of alternative financing methods), authorised waste collector acting independently of any obligated producer or approved body engaged in the | No, producers who are members of a battery compliance scheme, are exempt from this requirement | Yes |</p>
<table>
<thead>
<tr>
<th>Relevant Regulations</th>
<th>Responsibilities</th>
<th>Do I have this obligation as a battery compliance scheme (WEEE Ireland/ERP Ireland) member?</th>
<th>Do I have this obligation as a self-complying battery producer?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection and transport of any waste industrial batteries and persons obligated under the provisions of Regulation 17 (5) or 22 (3) shall ensure:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Waste batteries are transported in accordance with the provisions of the Council Regulations as indicated under Regulation 27 (2) including the shipment of waste, the shipment of certain types of waste to certain non-OECD countries, export for recovery of certain waste to certain countries.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Waste batteries are treated and recycled at a facility authorised by the relevant competent authority or authorities in the member state or third country concerned and when treated and recycled shall furnish documentary evidence that the requirements of 27 (1) and 28 (1) are complied with.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulation 27 (3)</td>
<td>Any holder of a waste facility permit, a waste registration certificate or waste collection permit must provide to the EPA information in relation to waste batteries collected, accepted, sorted, transferred, recycled, disposed of, brokered, or otherwise managed or treated within a specified period in such form or frequency as may be specified by the EPA.</td>
<td>No, producers who are members of a battery compliance scheme, are exempt from this requirement</td>
<td>Yes</td>
</tr>
<tr>
<td>Regulation 27 (4)</td>
<td>Persons exporting waste batteries to any third country shall ensure:</td>
<td>No, producers who are members of a battery compliance scheme, are exempt from this requirement</td>
<td>Yes</td>
</tr>
<tr>
<td>▪ That waste batteries are treated in accordance with Regulation 15 of the Batteries Directive.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Demonstrate to the satisfaction of the EPA that waste batteries are treated at an appropriate facility and in accordance with Regulation 27 (1).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Demonstrate to the satisfaction of the EPA that waste batteries are recycled at an appropriate facility and in accordance with Regulation 28 (1).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulation 27 (5)</td>
<td>Any battery that is collected with waste electrical and electronic equipment (WEEE) in accordance with the WEEE Regulations shall be removed from WEEE prior to its environmentally sound management.</td>
<td>No, producers who are members of a battery compliance scheme, are exempt from this requirement</td>
<td>Yes</td>
</tr>
<tr>
<td>Regulation 28 (1)</td>
<td>Producers responsible for financing the environmentally sound management of any waste battery, end-user of industrial or automotive batteries (other than an automotive battery from a private or non-commercial vehicle who avails of alternative financing methods), authorised waste collector acting independently of any obligated producer or approved body engaged in the collection and transport of any waste industrial batteries and persons obligated under the provisions of Regulation 17 (5) or 22 (3) shall ensure that</td>
<td>No, producers who are members of a battery compliance scheme, are exempt from this requirement</td>
<td>Yes</td>
</tr>
<tr>
<td>Relevant Regulations</td>
<td>Responsibilities</td>
<td>Do I have this obligation as a battery compliance scheme (WEEE Ireland/ERP Ireland) member?</td>
<td>Do I have this obligation as a self-complying battery producer?</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Recycling processes meet the recycling efficiencies set out in Part B of Annex III of the Batteries Directive.</td>
<td></td>
<td>Yes, this is a requirement on all battery producers, irrespective of whether they are members of a compliance scheme or self-complying</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| Regulation 29 | ▪ Each producer must ensure that he/she or third party acting on their behalf, records the quantities by weight or as appropriate by number of units, and categories of batteries (where categories are specified in guidance that may be issued by the Minister) that are placed on the market in each member state of the European Union and third countries  
▪ Each producer that is responsible for financing the environmentally sound management of any waste battery in accordance with the provisions of Regulation 23 or third party acting on their behalf shall record the quantities by weight or as appropriate by number of units, and categories of batteries (where categories are specified in guidance that may be issued) when entering and leaving a recycling facility carrying out the treatment of waste batteries or, as appropriate, when entering a recycling facility carrying out the recycling of waste batteries.  
▪ Records must be retained at an address in the State for a period of at least six years.  
▪ Records must be made available to the EPA, the WEEE Register Ltd., a local authority on request within a specified period or by a specified date. | | Yes |
| Regulation 30 (1, 2 & 5) | A producer must:  
▪ Prepare a Waste Management Plan.  
▪ Fix and maintain a notice in a conspicuous position within one metre of each entrance, other than the premises used for the distribution of batteries, that complies with requirements specified in Part 1 of the Third Schedule.  
▪ Every three years prepare a new Plan detailing the steps as outlined under (1.1) above. | No, producers who are members of a battery compliance scheme, are exempt from this requirement | Yes |
| Regulation 30 (3 & 4) | A producer must:  
▪ Prepare a Waste Management Report. The report shall contain the information set out in Part 2 of the Fourth Schedule.  
▪ Not later than the date of application for renewal of registration, fix and maintain a notice in a conspicuous position within one metre of each entrance other than the premises used for the distribution of batteries, that complies with requirements specified in Part 2 of the Third Schedule. | No, producers who are members of a battery compliance scheme, are exempt from this requirement | Yes |
<table>
<thead>
<tr>
<th>Relevant Regulations</th>
<th>Responsibilities</th>
<th>Do I have this obligation as a battery compliance scheme (WEEE Ireland/ERP Ireland) member?</th>
<th>Do I have this obligation as a self-complying battery producer?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation 30 (7)</td>
<td>An administration fee determined by the Agency shall accompany a copy of the plan or report. The Board of the Agency will determine the fee to accompany the waste management plan.</td>
<td>No, producers who are members of a battery compliance scheme, are exempt from this requirement</td>
<td>The fee may be in the region of €6,000 and back fees as appropriate.</td>
</tr>
<tr>
<td>Regulation 30 (8 &amp; 9)</td>
<td>A copy of a plan or report shall be made available free of charge by the producer to any person who so requests within 10 working days of the date of the receipt of the request. This includes sending the report by post, fax or electronic mail.</td>
<td>No, producers who are members of a battery compliance scheme are exempt from this requirement</td>
<td>Yes</td>
</tr>
<tr>
<td>Regulation 30 (10)</td>
<td>The Agency shall in determining the adequacy of a plan consult with the Minister with regard to any condition that the Minister may wish to apply (See below the conditions that the Minister for the Environment, Heritage and Local Government has directed the EPA to include as conditions when approving any plan submitted to the EPA for approval)</td>
<td>No, producers who are members of a battery compliance scheme are exempt from this requirement</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| Application of Conditions as directed by the Minister under Regulation 30 (10) | Producers shall undertake to achieve interim collection targets of:  
• 15% of waste portable batteries by 26th September 2010  
• 30% of waste portable batteries by 26th September 2014 based on the quantity by weight of portable batteries placed on the market in the State. | No, producers who are members of a battery compliance scheme are exempt from this requirement. Compliance scheme undertakes to achieve the collection targets on your behalf | Yes |
| Application of Conditions as directed by the Minister under Regulation 30 (10) | Producers shall engage with all other legal entities who have financial obligations in accordance with the provisions of Regulation 23 of the Regulations and where appropriate with all approved bodies granted approval in accordance with regulation 36 of the Regulations to agree adequate arrangements that ensure waste batteries are collected from all collection points in the State.  
Where, no agreement is reached producers will be required to contribute to the financing of adequate clearing arrangements to enable each entity who has financial obligations in accordance with the provisions of Regulation 23 of the Regulations and where appropriate with all approved bodies granted approval in accordance with Regulation 36 of the Regulations to collect waste batteries in proportion to the market share attributable to each legal entity concerned to enable collection points contact the clearing mechanism that is established to arrange for collections of waste batteries.  
The costs in financing such clearing arrangements will have to be borne | No, producers who are members of a battery compliance scheme are exempt from this requirement | Yes, self-complying battery producers are required to demonstrate compliance with this regulation |
<table>
<thead>
<tr>
<th>Relevant Regulations</th>
<th>Responsibilities</th>
<th>Do I have this obligation as a battery compliance scheme (WEEE Ireland/ERP Ireland) member?</th>
<th>Do I have this obligation as a self-complying battery producer?</th>
</tr>
</thead>
</table>
|                      | equally by each legal entity concerned regardless of market share attributable to each. Such clearing mechanisms shall also be used in determining the financial obligation, in proportion to market share, of each legal entity with financial obligations in accordance with the provisions of Regulation 23 of the Regulations and where appropriate with all approved bodies granted approval in accordance with regulation 36 of the Regulations.  
- Producers shall undertake to make arrangements with all other producers who have financial obligations in accordance with the provisions of Regulation 23 of the Regulations and where appropriate with all approved bodies granted approval in accordance with Regulation 36 to ensure that waste batteries are collected from all collection points in the State.  
- Producers shall further undertake that in the event no agreement is reached, it shall contribute, in equal amount to other obligated legal entities, to the financing of adequate clearing arrangements to enable each entity who has financial obligations in accordance with the provisions of Regulation 23 of the Regulations where appropriate with all approved bodies granted approval in accordance with Regulation 36 to collect waste batteries in proportion to the market share attributable to each legal entity concerned to enable collection points contact the clearing mechanism that is established to arrange for collections of waste batteries. | Yes | Yes |
<p>| Regulation 32 | Each producer or a third party acting on their behalf shall declare the quantities by weight or as appropriate by number of units and categories of batteries (where categories are specified in guidance that may be issued by the Minister) he/she placed on the market in the State excluding any batteries that left the State prior to being sold to end-users, to the registration body or where any or all of the functions of the registration body have been devolved to a third party the third party concerned. | Yes | Yes |
| Regulation 46 | Each person in the State engaged in the manufacture of appliances into which batteries are incorporated shall be required to design the appliances concerned in such a way that waste batteries can be readily removed, except where, for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and requires a permanent connection between the appliance and the battery. | Yes | Yes |</p>
<table>
<thead>
<tr>
<th>Relevant Regulations</th>
<th>Responsibilities</th>
<th>Do I have this obligation as a battery compliance scheme (WEEE Ireland/ERP Ireland) member?</th>
<th>Do I have this obligation as a self-complying battery producer?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>▪ Any producer of appliances into which batteries have been incorporated shall ensure that each appliance concerned is accompanied by instructions showing how they can be removed safely and, where appropriate, informing the end-user of the type of the incorporated batteries.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ The Minister from time to time may issue guidance concerning the design of and production of appliances containing batteries.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>