



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

## *Business to Business (B2B) Producers of EEE – Additional requirements for EEE incorporating Batteries*

*April 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

**Contact us:**  
**ENVIRONMENTAL PROTECTION AGENCY**  
PO Box 3000, Johnstown Castle Estate, Co. Wexford, Ireland  
Lo Call: 1800 33 55 99 Email: [weee@epa.ie](mailto:weee@epa.ie)  
Website: [www.weee-enforcement.ie](http://www.weee-enforcement.ie)

## Table of Contents

1. Introduction .....	3
2. Compliance requirements where batteries are incorporated into B2B EEE .....	4
3. Summary of the Key Producer Obligations for battery component of EEE incorporating batteries 5	
4. Battery Producer obligations explained.....	7
4.1 Register with WEEE Register Society Limited.....	7
4.2 Report quantities of EEE and batteries placed onto the Irish Market to WEEE Register Society Limited via the WEEE Blackbox.....	7
4.3 Finance the Environmentally Sound Management of WEEE incorporating batteries .....	7
4.4 Ensure that your Electrical and Electronic Equipment (EEE) Products and Batteries are marked with the Crossed out Wheeled Bin Symbol .....	8
4.6 Meet Recovery and Collection targets for battery components of B2B WEEE .....	8
4.7 Waste Management Plans and Reports .....	9
4.7.1 Submit a Waste Battery Management Plan to the EPA.....	9
4.7.2 Submit a Waste Battery Management Report to the EPA.....	10
4.8 Record Keeping .....	11
4.9 Provide information to end users related to recycling of waste batteries.....	11
4.9.1 Means of provision of information .....	11
4.10 Display Statutory Notices at the premises.....	12
4.11 Meet Storage, Treatment and Transport requirements .....	12
4.11.1 Transport requirements.....	13
4.11.2 Treatment requirements .....	13

## 1. Introduction

The Waste Electrical and Electronic Equipment (WEEE) Regulations 2014 - S.I. No. 149 of 2014 (hereinafter referred to as the [WEEE Regulations](#)) govern the sustainable production, reuse, recycling and appropriate disposal of WEEE. The WEEE Regulations are in place since 29<sup>th</sup> March 2014 and replace the 2005<sup>1</sup> and 2011<sup>2</sup> WEEE Regulations and amendments.

The European Union (Batteries and Accumulators) Regulations 2014 (S.I. No. 283 of 2014), as amended<sup>3</sup> (hereinafter referred to as the [Battery Regulations](#)) came into effect on 30<sup>th</sup> July 2014 and promote the recycling of waste batteries. They also facilitate, in particular, the achievement of targets for the collection, treatment, recycling and disposal of waste batteries in an environmentally sound manner.

The aim of this updated guidance document is to provide additional information to producers of Electrical and Electronic Equipment (EEE) **which incorporates batteries**, for use by businesses only (B2B EEE), in achieving compliance with the WEEE and Battery Regulations (where applicable).

**This document is a supplementary document and should be read in conjunction with the guidance document *"A Guide for Business to Business (B2B) Producers of EEE"* available on the [EPA website](#)**

The EPA has prepared other guidance documents that should be referred to and are available on the [EPA website](#), most relevant of which are:

- The WEEE and Battery Regulations in Ireland – Who Does What and Who Can Answer your Queries?
- Step-by-step guidance for producers (B2B and B2C) under the WEEE and Battery Regulations
- Summary of Changes under the new WEEE Regulations

<sup>1</sup> Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005)

<sup>2</sup> European Communities (Waste Electrical and Electronic Equipment) Regulations 2011 (S.I. No. 355 of 2011, as amended by S.I. No. 397 of 2011)

<sup>3</sup> The European Union (Batteries and Accumulators) (Amendment) Regulations 2014 ([S.I. No. 349 of 2014](#))

## 2. Compliance requirements where batteries are incorporated into B2B EEE

If you are a producer of an item of EEE which incorporates or is supplied with batteries then you are also deemed to be a **battery producer** and have **obligations under the Battery Regulations**.

The regulations identify three main types of batteries outlined in Table 1.

**Table 1: Battery Types Covered by the Battery Regulations**

Battery Type	Criteria	Codes /Applications	Uses
<b>Portable</b>	(a) is sealed; (b) can be hand-carried or, as appropriate; (c) is neither an industrial battery or accumulator nor an automotive battery or accumulator.	AA, AAA, D cell, C cell and button cells	<ul style="list-style-type: none"> <li>• Mobile phones</li> <li>• Cameras</li> <li>• Remote controls</li> <li>• Torches</li> <li>• Laptops</li> </ul>
<b>Industrial</b>	Designed exclusively for industrial or professional uses;  Used as a source of power for propulsion in an electric vehicle;  Unsealed but is not an automotive battery or accumulator; or  Sealed but is <u>not classified</u> as a portable battery.	Deep cycle, marine or traction (E.g. Golf Cart & T-105-6V battery)	<ul style="list-style-type: none"> <li>• Forklift</li> <li>• Golf buggy</li> <li>• Fork lift truck</li> <li>• Batteries for emergency back-up power supply</li> <li>• Farm fence</li> <li>• Automatic transport vehicles (E.g. motorised wheelchairs)</li> </ul>
<b>Automotive</b>	Any battery or accumulator used for automotive starter, lighting or ignition power.	Wet/dry charged (e.g. SLI - 12V battery)	<ul style="list-style-type: none"> <li>• Car</li> <li>• Truck</li> <li>• Buses</li> <li>• Motorcycle</li> <li>• Tractors and machinery</li> </ul>

All battery producers have two compliance options open to them – **self-complying** with the regulations **or** joining a **compliance scheme**<sup>4</sup>.

- **Membership of a compliance scheme:**

B2B producers of EEE may join a compliance scheme for the battery component of their business. The two main compliance schemes available are [ERP Ireland](#) (tel: 01 662 4040 or [WEEE Ireland](#) tel: 01 299 9320). Members of compliance scheme pay an annual fee to cover the costs of the management and reporting requirements in relation to waste batteries and this is based on the market share of batteries as reported to the WEEE Blackbox.

- **Self-complying:**

If a B2B producer of EEE chooses to self-comply, then the following obligations must be fulfilled:

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

An at-a-glance comparison of obligations for self-complying battery producers versus battery producers who are members of a compliance scheme, is outlined in Table 2.

### **3. Summary of the Key Producer Obligations for battery component of EEE incorporating batteries**

**Table 2** below outlines the key obligations which apply to B2B EEE producers with respect to the battery component of any EEE. The relevant sections within this guidance document and the Battery Regulations are also provided for ease of reference.

---

<sup>4</sup> [ERP Ireland](#) tel: 01 662 4040 or [WEEE Ireland](#) tel: 01 299 9320

**Table 2: Summary of B2B Producer Obligations for battery component of EEE containing batteries**

Obligation	Battery Regulations	Battery Producers (Self Complying)	Battery Producers (Compliance Scheme Members)
Register with WEEE Register Society Limited - <a href="#">Section 4.1</a>	Regulation 17	✓	✓
Report Quantities of EEE and EEE incorporating batteries placed onto the Irish Market to WEEE Register Society Limited via the WEEE Blackbox - <a href="#">Section 4.2</a>	Regulation 32	✓	✓
Finance the environmentally sound management of WEEE incorporating batteries - <a href="#">Section 4.3</a>	Regulation 23(1)	✓	✓
Ensure that your EEE products and component batteries are marked with the crossed out wheeled bin symbol - <a href="#">Section 4.4</a>	Regulation 31	✓	✓
Ensure that batteries placed on the market comply with the requirements of the Battery Regulations with regard to composition - <a href="#">Section 4.5</a>	Regulation 5	✓	✓
Meet collection targets and recycling efficiencies for batteries <a href="#">Section 4.6</a>	Regulation 23 (7)	✓	✗
Submit Battery Waste Management Plans to the EPA - <a href="#">Section 4.7.1</a>	Regulation 30	✓	✗
Submit Battery Waste Management Reports to the EPA - <a href="#">Section 4.7.2</a>	Regulation 30	✓	✗
Record Keeping- <a href="#">Section 4.8</a>	Regulation 29	✓	✗
Provide information to consumers related to recycling of waste batteries - <a href="#">Section 4.9</a>	Regulation 31	✓	✓
Display Statutory Notices at the premises - <a href="#">Section 4.10</a>	Regulation 30 (1) and (3) Schedule 3	✓	✗
Meet storage, transport and treatment requirements - <a href="#">Section 4.11</a>	Regulations 23, 26	✓	✗

## 4. Battery Producer obligations explained

### 4.1 Register with WEEE Register Society Limited

If the EEE you place on the market incorporates or is supplied with batteries, then the type of batteries incorporated should be identified when registering, i.e. portable, industrial or automotive.

Once an application for registration has been submitted, WEEE Register Society Limited will issue a unique registration number. This number will be followed by the letter **W** for EEE only Producers, **B** for battery only Producers and **WB** for Producers of EEE and Batteries. If you place EEE incorporating batteries on the market then you will be issued with a registration number with a **WB** suffix.

### 4.2 Report quantities of EEE and batteries placed onto the Irish Market to WEEE Register Society Limited via the WEEE Blackbox

In addition to reporting B2B EEE to the WEEE Blackbox, for all EEE incorporating batteries placed on the market, the total number of units or weights and battery chemistry of each battery type must be reported.

### 4.3 Finance the Environmentally Sound Management of WEEE incorporating batteries

B2B EEE producers **must self-comply** with respect to B2B EEE, however, there is an option to join a **compliance scheme** for the **battery component** of any B2B EEE.

If a B2B producer is placing EEE incorporating batteries onto the market, then they must finance the take-back of batteries of equivalent type proportional to their market share. Financing options depend on whether a producer of EEE incorporating batteries chooses to self-comply with the regulations or to join a compliance scheme.

Where a B2B producer of EEE incorporating batteries chooses to join a **compliance scheme** with respect to the battery component, the financing of the management of batteries can be achieved by financially contributing to the compliance scheme. Battery producers pay a fee to the relevant compliance scheme and are invoiced for the recycling of batteries based on their market share of batteries as reported to the WEEE Blackbox.

**Self-complying** producers of batteries must declare that they have the adequate resources available to finance the take back and environmentally sound management of WEEE and waste batteries. This declaration is made as part of the Waste Battery Management Plans and Reports.

#### 4.4 Ensure that your Electrical and Electronic Equipment (EEE) Products and Batteries are marked with the Crossed out Wheeled Bin Symbol

Product placed on the market by your organisation must be labelled with the crossed out wheeled bin shown in Figure 1 below. This informs consumers that items of EEE and batteries should not be disposed of as unsorted municipal waste (general waste).



Figure 1: Wheeled Bin Symbol

#### 4.5 Ensure batteries placed on the market comply with the requirements of the Battery Regulations with regard to composition

Producers of EEE incorporating batteries must ensure that the batteries contained in their equipment meet the requirements of the Battery Regulations.

Producers must ensure that batteries adhere to the following limits for Mercury (Hg) and Cadmium (Cd)<sup>5</sup>:

- All batteries 0.0005% Hg by weight. Button cell batteries must not have a mercury content of more than 2% by weight.
- For portable batteries, 0.002% of Cd by weight

#### 4.6 Meet Recovery and Collection targets for battery components of B2B WEEE

B2B producers of EEE incorporating batteries who chose to join a **compliance scheme** for the battery proportion of their business are exempted from having to directly meet the collection targets and recycling efficiencies for batteries.

**Self-Complying** 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.

---

<sup>5</sup> There are exemptions for emergency and alarm systems, medical equipment and cordless power tools

All self-complying battery producers (**i.e. portable, industrial and automotive**) must ensure that waste batteries are treated and recycled at a facility appropriately authorised/permited 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 incorporating batteries 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 incorporated in WEEE 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:

- 65 % by average weight of lead-acid batteries and accumulators;
- 75 % by average weight of nickel-cadmium batteries and accumulators; and
- 50 % by average weight of other waste batteries and accumulators.

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

#### 4.7 Waste Management Plans and Reports

**The requirement regarding plans and reports does not apply to B2B producers who have joined a compliance scheme for the battery component of their business.**

##### 4.7.1 Submit a Waste Battery Management Plan to the EPA

Where a B2B EEE producer is a member of a **compliance scheme** with respect to component batteries, they are **exempted from having to produce and submit a waste management plan**.

**Self-complying** Battery Producers must submit a Waste Battery Management Plan 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 WEEE Register

Society Limited will complete your registration. The plan should be accompanied by the appropriate fee<sup>6</sup> 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](#).

**Note:** There are administration fees payable to the EPA that must accompany Waste Management Plans<sup>7</sup>

#### 4.7.2 Submit a Waste Battery Management Report to the EPA

Battery Producers who are members of a **compliance scheme** are **exempted from having to submit a waste management report**.

**Self-complying** battery producers must report to the EPA on an annual basis, the quantities of batteries taken back during the reporting year and how these waste batteries were recycled. Templates for the annual waste battery report can be downloaded from the [EPA website](#).

As producers are responsible for achieving the required collection, recovery and recycling targets, it is very important to ensure that whichever recovery operator you decide to use is properly authorised<sup>4</sup> and can provide you with the necessary documentary evidence that you need. This will be required for annual reporting to the EPA. Examples of questions that producers should consider asking themselves and their recovery operator(s) are included in Table 3.

**Table 3: WEEE incorporating waste batteries - questions for collection and treatment/recovery operators**

	Questions	Comments
1.	Are you authorised to collect waste batteries of the type relevant to my business?	If so, can you show me a copy of your Waste Collection Permit?
2	Are you authorised to recover/recycle waste batteries of the type relevant to my business?	If so, can you show me a copy of your Waste Facility Permit, Certificate of Registration or Waste Licence?
3.	Do you ensure that all waste batteries are removed from WEEE before treatment?	If so, can you provide me with weights or units of recovered waste batteries?
4.	<p>If your company is not authorised to treat waste batteries, who do you transfer waste batteries for recovery/recycling?</p> <ul style="list-style-type: none"> <li>• Are they appropriately authorised?</li> <li>• Can I obtain evidence to ensure that waste batteries are recovered/recycled properly?</li> </ul>	Ensure you obtain information on the recovery/recycling of waste batteries from the end destination where the batteries are recovered/recycled. This will include where waste batteries are exported. Waste which is shipped abroad for treatment must be carried out in compliance with the relevant regulations on transfrontier shipment (TFS) of waste. For more information on TFS requirements contact the

<sup>6</sup> For determination of fees please contact the EPA at 1 890 335599.

<sup>7</sup> Fee for submission of a plan is currently €6,000.

	<a href="#">National TFS Office.</a>
--	--------------------------------------

## 4.8 Record Keeping

**All producers of EEE incorporating batteries** must record the quantities of batteries, by weight (or as appropriate by number of units), and the types of batteries placed on the market.

**Self-complying battery producers** must ensure that records are kept of the quantities of waste batteries, by weight (or as appropriate by number of units), and types of batteries entering and leaving a recycling facility carrying out the treatment or recycling of waste batteries.

Battery Producers who are **members of a compliance scheme are exempted** from having to record the quantities 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.

## 4.9 Provide information to end users related to recycling of waste batteries

In addition to information relating to EEE, producers of EEE incorporating batteries must provide the following information to end-users:

- The potential effects on the environment and human health of the substances used in the batteries;
- That waste batteries should not be disposed of with unsorted municipal waste;
- The role of users in recycling of batteries;
- The meaning of the wheeled 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.

### 4.9.1 Means of provision of information

EEE and Battery Producers can meet the consumer information 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.

#### 4.10 Display Statutory Notices at the premises

The requirement regarding Statutory Notices does not apply to B2B producers who have joined a compliance scheme for the battery component of their business.

**Self-complying** battery producers must display a notice at or within one metre of each entrance to his or her premises.

The following is the required wording for the Statutory Notices. The first notice is applicable **only where a report (see Section 4.10) has not yet been submitted.**

WASTE MANAGEMENT ACT 1996

A plan 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.

Once a Waste Management Report has been developed and submitted to the EPA **only the second notice below must be displayed.**

WASTE MANAGEMENT ACT 1996

A report specifying the steps taken by [name of producer] for the purpose of recycling waste batteries is available at these premises and, if so requested, will be sent by post, fax or electronic mail.

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 21 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 plan notice and report notice can be downloaded from the [EPA website](#).

#### 4.11 Meet Storage, Treatment and Transport requirements

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

Storage of WEEE (including WEEE incorporating batteries) is exempt from the requirement for a Waste Facility Permit of Certificate of Registration provided that the volume of the stored WEEE is less than 45 cubic metres of WEEE.

#### 4.11.1 Transport requirements

B2B producers transporting WEEE including WEEE incorporating batteries taken back from their customers are exempt from the requirement for a Waste Collection Permit, as long as this is incidental to their main business activity.

If the producer sends WEEE including WEEE incorporating batteries outside the state for treatment then the producer must ensure that the shipment of WEEE is in accordance with [Commission Regulation \(EC\) No 1013/2006](#) and [Commission Regulation \(EC\) No 1418/2007](#) which establishes rules for exporting waste for recovery.

#### 4.11.2 Treatment requirements

In addition to meeting the requirements for the treatment and recovery of WEEE, B2B Producers of EEE incorporating batteries must ensure that any incorporated **batteries are**, removed for separate treatment/recycling and reported accordingly, where required

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