



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

A Guide for Business to Business (B2B) Producers of EEE

April 2015

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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 29th March 2014 and replace the 2005¹ and 2011² WEEE Regulations and amendments.

The aim of this updated guidance document is to assist producers of Electrical and Electronic Equipment (EEE) for use by businesses only (B2B EEE), in achieving compliance with the WEEE Regulations.

The following definitions are provided in the context of the WEEE Regulations:

A producer is any person or body who is established in Ireland and

- Imports and places EEE on the market, on a professional basis
- Manufactures and sells EEE under their own brand
- Places on the market under their own brand or trademark EEE produced by other manufacturers

or

- Sells EEE via distance communication to consumers and businesses in Ireland where the company is based outside Ireland.

B2B EEE producers are producers who supply EEE for professional use only. B2B EEE is EEE that can only be used by businesses, and are not likely to be used in private households e.g. an ultrasound machine. B2B EEE includes equipment such as vending machines, laboratory equipment, medical devices and catering equipment (Note: If an item of B2B EEE has been sold to a business, but is likely to be used in a private household, such as a laptop or a telephone, it may be classified as a dual use product and will therefore be reported as business-to-consumer (B2C) EEE, and not as B2B EEE.).

WEEE is Waste Electrical and Electronic Equipment and is EEE that has become waste, i.e. the holder discards or intends/is required to discard that EEE item.

NOTE: If you are supplying B2B EEE which incorporates batteries then you also have producer obligations under the Battery Regulations. Please see the guidance document [“Business to Business \(B2B\) Producers of EEE – Additional requirements for EEE incorporating Batteries”](#) available on the [EPA website](#)

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

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

The EPA has prepared other guidance documents which 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

2. How do I know if I am an EEE Producer?

An EEE producer is defined by the WEEE Regulations as an organisation or individual who, irrespective of the selling technique used, including by means of distance communication (telesales, websites etc.) falls under any of the four activities listed in Figure 1.



If the answer to any of the questions in Figure 1 is YES, then you are an EEE producer and have obligations under the WEEE Regulations.

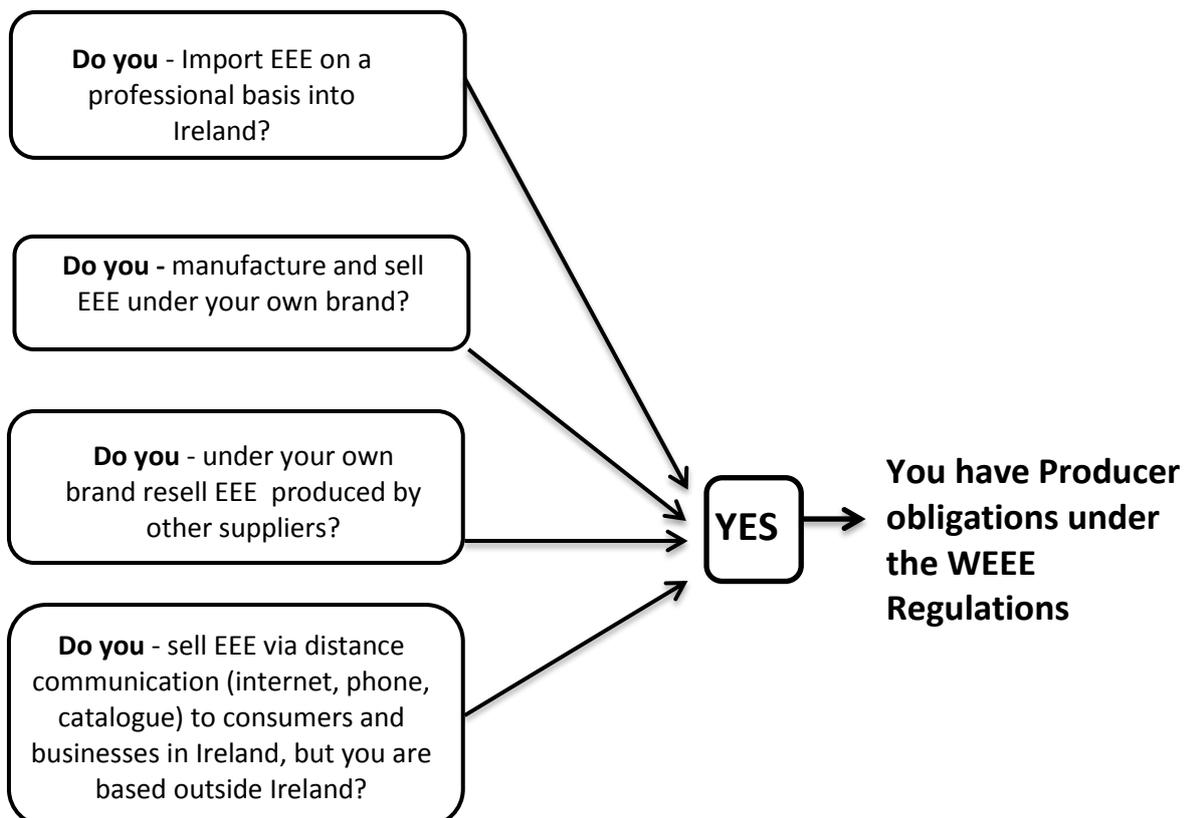


Figure 1: Are you are Producer of EEE?

For the avoidance of doubt, if companies place electrical or electronic equipment on the Irish market for the first time, then they **must** take on producer obligations.

Note: 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. Organisations who are established in another Member State or third country may, if they wish to take on producer obligations for their EEE, appoint an **Authorised Representative (AR)** who will take on producer responsibilities on their behalf. Producers, based in another Member State, who supply EEE into Ireland by means of **distance communication** do not have that choice and **are obliged to appoint an AR to take on producer responsibilities on their behalf.**

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 (retailers) to private households. B2C EEE are all items of EEE that can potentially be used by private households. Even if an EEE item was purchased by a business, if such an item can also be used by private household/consumer, for example small printer or a keyboard, then it is considered B2C EEE (i.e. EEE for private households).
2. Business to Business (**B2B**) producers supply EEE that is for business use only. B2B WEEE typically does not arise in household waste at end of life and includes equipment such as vending machines, laboratory equipment, medical devices and catering equipment.
3. Producers who supply both **B2B and B2C** EEE.

Each type of producer has varying options for demonstrating compliance with their obligations under the Regulations as follows:

- B2C EEE producers can either self-comply **or** join a compliance scheme³,
- For B2B EEE producers, self-compliance is, at present, the only option,
- Producers who supply both B2B and B2C EEE:
 - For the B2C EEE portion, such producers can either join a compliance scheme **or** self-comply, and
 - For the B2B EEE portion, such producers **must, at present,** self-comply.

Some producers will also be distributors (e.g. a retail store) of a product where the equipment is supplied directly to the end user. Distributors have additional obligations for the B2C portion of their business. Responsibilities for B2C EEE retailers can be found in the EPA Guidance Note on the EPA website titled [“Information for Retailers of Electrical and Electronic Equipment and Batteries”](#).

Table 1 provides a breakdown of the main requirements for **B2B EEE** Producer requirements. These are described in more detail in the sections below (links to the relevant sections are provided in the table).

³ There are two compliance schemes in Ireland, WEEE Ireland and ERP Ireland. More information on compliance scheme membership is provided on the EPA website in the guidance documents titled [“Step by Step Guidance for Producers under the WEEE Regulations \(S.I. No. 149 of 2014\) and Battery Regulations \(S.I. No. 283 of 2014\), as amended”](#) and [“The WEEE and Battery Regulations in Ireland - Who Does What and Who can Answer your Queries”](#).

3. Summary of the Key B2B EEE Producer Obligations

Table 1 outlines the key obligations which apply to B2B EEE producers. The relevant sections within this guidance document and within the WEEE Regulations are also provided for ease of reference.

Table 1: Summary of B2B EEE Producer Obligations

Obligation	WEEE Regulations	EEE B2B Producers
Register with WEEE Register Society Limited - Section 4.1	Regulation 10 (5)(a)	✓
Report quantities of EEE placed on the Irish Market to WEEE Register Society Limited via the WEEE Blackbox - Section 4.2	Regulation 29(a)	✓
Finance the environmentally sound management of WEEE- Section 4.3	Regulation 18 (1)(a),(b)	✓
Ensure that your EEE products are marked with the crossed out wheeled bin symbol - Section 4.4	Regulation 28 (1)(a)	✓
Ensure that EEE placed on the Market complies with the requirements of the Restriction of Hazardous Substances Regulations (RoHS). - Section 4.5	Regulation 11 (5)	✓
Meet recovery and collection targets - Section 4.6	Regulation 23, Schedule 10	✓
Submit a WEEE Waste Management Plan to the EPA - Section 4.7	Regulation 25 (1)(a)	✓
Submit a WEEE Waste Management Report to the EPA- Section 4.8	Regulation 25 (3)(a)	✓
Record Keeping Section 4.9	Regulation 24	✓
Provide information to final users related to recycling of WEEE Section 4.10	Regulation 28 (1)(b)	✓
Display Statutory Notices at the premises - Section 4.11	Regulation 25 (1) and (3), Schedule 6 Parts 3 and 4	✓
Meet WEEE storage, transport and treatment requirements - Section 4.12	Regulations 21, 22, 23	✓

4. B2B EEE Producer Obligations Explained

4.1 Register with WEEE Register Society Limited

4.1.1 Determine EEE Categories

The first step in the registration process is to categorise the EEE you place on the market:

- Is all your EEE in scope of the WEEE Regulations;
- Categories of EEE: [Schedule 1](#) (see box on the right) of the WEEE Regulations outlines the applicable categories of EEE whilst [Schedule 2](#) provides an indicative list of the EEE which falls under each category⁴. For example, Category 3 is IT and Telecommunications equipment and includes equipment such as printers, laptop computers and copying equipment. WEEE Register Society Limited also maintains up to date WEEE Category Listings which should be referred to; and
- B2B versus B2C EEE

Note: The categories of EEE will be reduced to six from 15th August 2018. See [Schedule 3](#) of the WEEE Regulations.

If you are not sure about any part of the categorisation of the equipment you place on the market, WEEE Register Society limited will be able to assist you.

Categories of EEE

1. Large household appliances
2. Small household appliances
3. IT and telecommunications equipment
4. Consumer equipment and photovoltaic panels
5. Lighting equipment
6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
7. Toys, leisure and sports equipment
8. Medical devices (with the exception of all implanted and infected products)
9. Monitoring and control instruments
10. Automatic dispensers

4.1.2 Complete Registration

Registration can be completed by downloading a postal form or online from WEEE Register Society Limited. (www.weeeregister.ie). Once an application for registration has been submitted, WEEE Register Society Limited will issue a unique registration number.

Note: You are not deemed to be fully registered until you are issued with a certificate of registration from WEEE Register Society Limited. This certificate will not be issued until a WEEE waste management plan has been submitted to the EPA (see Section 4.8).

⁴ This indicative list of products is non-exhaustive

4.2 Report quantities of EEE placed on the Irish Market to WEEE Register Society Limited via the WEEE Blackbox

As a producer, you are required to report the quantity and exact weight of EEE products placed on the market, per category and subcategory.

Reporting is carried out via a web based reporting system ([WEEE Blackbox](#)) that is managed by WEEE Register Society Limited. This is to safeguard the confidentiality of all commercially sensitive information relating to your business. Further information on access to and the operation of the WEEE Blackbox can be obtained from WEEE Register Society Limited during the registration process.

4.3 Finance the Environmentally Sound Management of WEEE

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

- For WEEE placed on the market after the 13th August 2005, the producer must finance the take back and management WEEE from the business end users or make alternative financing arrangements for environmentally sound management of WEEE (i.e. disposal/recovery) in advance of the sale of EEE.
- For historic B2B WEEE (equipment placed on the market prior to the 13th August 2005 that is now waste), the producer is obliged to take back WEEE of a similar type and function (irrespective of brand) when a business end user is purchasing new equipment from him/her. If the business end user is discarding the historic WEEE and not replacing it, the responsibility for ensuring the environmentally sound management of the historic WEEE remains with the business end user. An appropriately authorised waste contractor and/or recovery operator must be used to transport and manage the waste in both scenarios.

The Producer can opt to make alternative financing arrangements with the end user in advance of the sale of equipment. The Producer is required to notify the business end user of obligations under Regulations 22 (treatment and shipments) and Article 23 (recovery and recycling targets). WEEE must be transported and managed by appropriately licensed and permitted waste management operators. Note: the record-keeping and reporting requirements still lie with the Producer.

4.4 Ensure that your Electrical and Electronic Equipment (EEE) Products 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 below. This informs consumers that items of EEE should not be disposed of as unsorted municipal waste (general waste)⁵.



Figure 2: Wheeled Bin Symbol

4.5 Ensure that EEE Placed on the Market Complies with the Requirements of the Restriction of Hazardous Substances (RoHS) Regulation

The Restriction of the use of certain Hazardous Substances (RoHS) [Directive](#) restricts the use of Lead (Pb), Mercury (Hg), Cadmium (Cd), Hexavalent chromium (Cr⁶⁺), Polybrominated biphenyls (PBB) and Polybrominated diphenyl ether (PBDE) in manufacturing of certain EEE sold in the European Union (EU). The RoHS Directive was given effect in Ireland by the European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2012 ([S.I. No. 513 of 2012](#)).

All producers **must** ensure that their equipment does not exceed the limits of these six hazardous substances. The applicable limits are set out in [Annex II](#) of the RoHS Directive. More information can be found at: www.rohs.ie.

4.6 Meet Recovery and Collection Targets

Each B2B producer which finances the environmentally sound management of WEEE must ensure that they, or a third party acting on their behalf, meets the minimum recovery and collection targets for WEEE set out in Schedule 10 of the WEEE Regulations and in Table 2 below.

⁵ Symbol for the marking of EEE indicating separate collection (Standard ISEN50419).

Table 2: Recovery Targets (Note: some of the categories may not be applicable to B2B EEE)

Category of Equipment		Until 14 th August 2015		From 15 th August 2015 - 14 th August 2018	
		Rate of Recovery	Rate of component, material and substance reuse and recycling by an average weight per appliance	Rate of Recovery	Rate of component, material and substance reuse and recycling by an average weight per appliance
1	Large household appliances	80%	75%	85%	80%
2	Small household appliances	70%	50%	75%	55%
3	IT and telecommunications equipment	75%	65%	80%	70%
4	Consumer equipment	75%	65%	80%	70%
5	Lighting equipment	70%	50%	75%	55%
	Gas discharge lamps	n/a	80%	n/a	80%
6	Electrical and electronic tools (with the exception of large-scale stationary industrial tools)	70%	50%	75%	55%
7	Toys, leisure and sports equipment	70%	50%	75%	55%
8	Medical devices (<i>with the exception of all implanted and infected products</i>)	70%	50%	75%	55%
9	Monitoring and control instruments	70%	50%	75%	55%
10	Automatic dispensers	80%	75%	85%	80%

Recovery targets from 15th August 2018 are set out in [Schedule 10](#), Part 3 of the WEEE Regulations and these targets will be applicable to the six categories of EEE set out in [Schedule 3](#).

Collection targets now apply to B2B producers:

- From 2016, the collection target will be 45%; and
- From 2019, the collection target will be 65%.

The collection target is the total weight of WEEE collected in that year divided by the average weight of EEE placed on the market in the three preceding years.

4.7 Submit a WEEE Waste Management Plan to the EPA

As a B2B Producer you are required to submit a Waste Management Plan to the Environmental Protection Agency (EPA) **every 3 years**. Your first 3 year Plan must be submitted to the EPA before registration with WEEE Register Society Limited can be completed.

The purpose of the Waste Management Plan is to ensure that B2B producers are managing WEEE in an environmentally sound manner. This means that collection, storage, reuse, treatment and recovery, or as appropriate, disposal of WEEE is carried out in accordance with all relevant legislation and best practice. WEEE should be managed by an organisation (authorised waste contractor or recovery operator) with proper authorisation⁶ to transport, store and/or treat WEEE.

Note: B2B WEEE cannot be managed through civic amenity sites.

The Waste Management Plan sets out how the producer intends to manage WEEE arising from EEE placed on the Irish market. The format for these plans is defined, and is available to access from the EPA's online reporting [portal](#). Guidance documents are available to assist you to complete your report. These documents are available on the [EPA website](#)

Typical information required in the plan is:

- How much WEEE do you think you will get back over the three year period of the plan?
- How will the WEEE be managed?
- In discussion with the chosen recovery operator, can the recycling targets, as outlined in [Section 4.6](#), be met for the category of equipment in which you are involved?

4.8 Submit a WEEE 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 (not including equipment under warranty) and how it was managed and treated. Unlike the plans, waste management reports are more straightforward as they are based on actual data.

Reports must be submitted to the EPA using the online reporting [portal](#). Guidance documents are available to assist you to complete your report. These documents are available on 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 authorised⁴ 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.

⁶ An authorisation may be a Waste Collection Permit, Waste Facility Permit, Certificate or Registration or Waste Licence, depending on the activity being carried out. For more information in relation to a Waste Facility Permit or Certificate of Registration, please contact your local authority. For more information in relation to a Waste Collection Permit, please contact the National Waste Collection Permit Office at Áras an Chontae, Charleville Road, Tullamore, Co. Offaly, Telephone: 057 9357428. For more information on Waste Licences, contact the EPA.

Table 3: Questions to consider for WEEE collection and treatment/recovery operators

	Questions	Comments
1	Are you authorised to collect WEEE?	If so, can you show me a copy of your Waste Collection Permit?
2.	Are you authorised to treat WEEE in the category relevant to my business (e.g. Category 8 Medical Devices)?	If so, can you show me a copy of your Waste Facility Permit, Waste Licence or Certificate of Registration?
3.	<p>If your company is not authorised to treat WEEE, who do you transfer WEEE to for treatment?</p> <ul style="list-style-type: none"> • Are they appropriately authorised? • Can I obtain evidence to ensure that WEEE is treated properly and I can meet my recovery and recycling targets? 	<p>Ensure that you can obtain information on the recovery and recycling targets from the end destination where WEEE is treated. This will include where WEEE is exported for treatment to recovery operator and/or parent company. This information will be required for you to report to the EPA on an annual basis. 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 National TFS Office.</p>

4.9 Record Keeping

Each B2B EEE producer is required to maintain the following records:

- 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 the recovery facility after treatment.

These records must be kept for **6 years** and must be made available to the EPA or a local authority on request. These records will assist you to compile information as part of the EPA WEEE waste management report, which will be due each January.

4.10 Provide information to consumers related to recycling of WEEE

When selling a new EEE product, producers must ensure that users are informed of the following:

- WEEE cannot be disposed of as municipal waste (general waste) and must be collected separately
- The users role in contributing to re-use, recycling and other forms of recovery of WEEE;

- The return and collection (take back) systems available to them⁷ (by returning it to the producer or whichever alternative arrangement is in place);
- The potential effects (on the environment and human health) as a result of the presence of hazardous substances in EEE; and
- The meaning of the crossed out wheeled bin symbol, shown in [Figure 2](#) above.

4.10.1 Means of provision of information

EEE 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.

4.11 Display Statutory Notices at the premises

B2B Producers of EEE are required to display one of the following notices on their premises.

The following is the required wording for the Statutory Notices. The first notice is applicable **only where a report (see [Section 4.8](#)) has not yet been submitted.**

WASTE MANAGEMENT ACT 1996

As a self-complying producer of EEE, we undertake to finance the management of WEEE arising unless an alternative arrangement has been agreed at the time of purchase. For more information on the provisions made for the management of WEEE, please contact our offices. If your old equipment was bought prior to 2005 and you are replacing the equipment with new equipment supplied by us, we will take back your old equipment free of charge and dispose of it in an environmentally sound manner.

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 recovering waste electrical and electronic equipment is available at these premises and, if so requested, will be sent by post, fax or electronic mail.

B2B EEE producers have a requirement to display a notice at their production premises, as specified in Schedule 6 of the WEEE Regulations:

⁷ B2B WEEE cannot be taken to local amenity site for management.

- These notices must be displayed within one metre of each entrance to each premises (other than the premises used for distribution of EEE);
- Minimum dimensions: 21 x 29.7 centimetres (A4);
- 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 and affixed, on a durable material, be easily visible and legible,
- Not be obscured or concealed at any time;

Both notices are available for download at on the [EPA website](#).

4.12 Meet WEEE Storage, Transport and Treatment requirements

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

WEEE storage is exempt from the requirement for a Waste Facility Permit or Certificate of Registration provided that the volume of the stored WEEE is less than 45 cubic metres of WEEE.

B2B producers transporting WEEE 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 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.

4.12.1 Treatment of WEEE

Collected **WEEE** must be disposed/recovered by authorised treatment facilities, unless the producer wishes to reuse equipment (in whole or part). If such components are removed for future use as spare parts, a detailed record should be kept.

Treatment of **WEEE** 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 the sites for storage and proposed treatment operations are in accordance with the WEELABEX requirements and requirements of the WEEE Regulations (Schedule 8).

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