

WEEE and Batteries Enforcement



Enforcement Update (2016)

The Environmental Protection Agency's Office of Environmental Sustainability is responsible for leading the enforcement of the waste electrical and electronic equipment (WEEE) and Battery Regulations in Ireland. Enforcement is carried out in cooperation with local authorities. The relevant Regulations are:

- *European Union (Waste Electrical and Electronic Equipment) Regulations 2014 (S.I. No. 149 of 2014); and,*
- *European Union (Batteries and Accumulators) Regulations 2014 (S.I. No. 283 of 2014, as amended)*

Enforcement Plan 2016

The Producer Responsibility Team produces an annual enforcement plan which sets out the Agency's intentions regarding the number of inspections and audits to be carried out in the year for each of the relevant WEEE and Batteries sectors including producers, distance sellers and retailers. The plans comply with the criteria and requirements of the EU Recommended Minimum Criteria for Environmental Inspections (RMCEI)¹. A plan was developed for 2016 and includes the following elements:

- B2B EEE Producer enforcement including:
 - assessment of waste management plans and reports, and
 - a campaign of audits
- Audit of a self-complying battery producer
- A campaign of inspections of distance seller websites
- A campaign of inspections of distributors (retailers)

It was intended that much of the enforcement effort should be carried out by contracted external services with the direction and support of the Agency. The enforcement effort is, where appropriate, co-ordinated with the local authorities. Detail on outcomes is provided in turn below:

B2B Producer Enforcement

WEEE Waste Management Plans and Reports

A summary of the situation by the end of 2016 and as of the 16/02/17 with regard to submissions which were required during 2016 is set out in the table below. The EPA continues to seek outstanding submissions from previous years and is now also seeking submissions which are required as of the 31/01/17.

¹ Recommendation of the European Parliament and of the Council providing for minimum criteria for environmental inspections in the Member States (2001)

Date	Status	Plans	Reports
31/12/16	Due	233	599
	Submitted	202 (87%)	544 (91%)
	Reviewed	121 (52%)	428 (71%)
	Approved	99 (43%)	374(62%)
17/02/17	Due	232	602
	Submitted	202 (87%)	557 (92%)
	Reviewed	110 (47%)	404 (67%)
	Approved	102 (44%)	379 (63%)

B2B EEE Producer Audit Campaign

A campaign of 61 audits of this sector was carried out in 2016. The improved rates of submission of WEEE waste management plans and reports to the EPA by the statutory deadline in 2016 (average >70%) compared to 2015 (average = 20%) meant that the focus of the 2016 audit campaign could be directed at other matters such as producer registration, the quality of producer's internal systems for WEEE management, reporting and data validation and the appointment of authorised representative. Each audited producer was issued with an audit report that set out the findings and necessary compliance actions. Notifications of non-compliance were also issued to all non-compliant producers. Findings included the following:

- 57 (of 61) producers were not validly registered with the Producer Register Limited (PRL).
- 25 producers were not displaying the correct statutory notice.
- 20 producers were not in a position to confirm that the statutory recovery targets were being achieved by their WEEE treatment operators.

Throughout the year the EPA sought closure of the various non-compliances. The main non-compliance related to non-registration with PRL and by the end of 2016 all of the registration obligations were closed out. Where non-compliances have not been closed out the companies will be considered for a repeat audit in 2017. Where non-compliance persists then the EPA can move to issue a fixed payment notice. Overall, it is considered that these annual B2B Producer audit campaigns are a very important element of the EPA's enforcement effort as it increases compliance generally in the sector and improves the quality of the data that is submitted to the EPA. This is critical for accurate reporting by the EPA to the EU Commission.

B2B EEE Producer Audit Campaign

The EPA commenced investigation into 12 problematic and/or potential free riding producers in 2016 including one based in Northern Ireland and one in the UK. The EPA also visited two suspected free-riding producers (one for batteries and one for EEE). This work was based on a combination of intelligence provided by a third party and by the PRL. The EPA issued 6 notices to the producers. Two

producers confirmed registration very shortly after that and third (a suspected free rider) confirmed registration. The EPA will continue to seek compliance for the remaining producers in 2017.

Retailer and Distance Seller Inspections

Due to resource challenges the 2016 inspection campaigns for retailers and distance sellers could not be carried out. An additional resource was secured by the EPA in late 2016 and will be assigned to this work in 2017. The 2017 inspection schedules are currently being drawn up.

Battery Producers

There are now five self-complying battery producers. All five have submitted their current waste management plans which have been assessed and approved. All 2016 waste management reports were also submitted and approved. Due to resource challenges it was not possible to carry out a battery producer audit in 2016. It is planned to carry out two audits in 2017.

IT systems development

A significant amount of time and effort was put into the development of new internal IT systems in 2016. Some of these have been used for the first time in 2017 and provided great time-saving efficiencies. Other systems will be used shortly to schedule and manage the 2017 audit and inspection campaigns and are anticipated to bring even more efficiencies to the way that the EPA carries out WEEE and battery enforcement and in the way that the EPA communicates with the regulated community. The projects were a combination of the development of new systems and the redevelopment and improvement of existing systems (such as the existing online web-form which is used by B2B producers to submit waste management plans and reports to the EPA).

Working with local authorities

Under the WEEE and Battery Regulations, local authorities have responsibility for enforcement of many retailer obligations. The EPA engages with local authorities on an ongoing basis to ensure effective enforcement of the Regulations. The EPA chairs the WEEE and Batteries working group which comprises local authorities and the Department of Communications, Climate Action and Environment. The working group completed updating the local authority Battery enforcement guidance manual in 2016. At this stage both the WEEE and Batteries enforcement guidance chapters have been updated following the publication of the new regulations in 2014.

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