

Retailer Quick Guide to WEEE Regulations 2014



Ireland



The new WEEE Regulations (S.I. 149 of 2014) came into effect on 29th March. This quick guide for retailers is an FAQ report. However it is not an exhaustive list and it is recommended that you become familiar with your own obligations in the Regulations. This is not a legal document and is for guidance purposes only.

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1. Main points of difference between WEEE1 and WEEE2 for household WEEE

- WEEE2 was introduced effective March 29th 2014.
- Retailers must continue to take back WEEE from private households on a one for one basis.
- A new requirement for retailers with an EEE sales area greater than 400 Sq. Mt must take back small WEEE (less than 25CM) without any obligation on consumers to purchase a new item.
- An important change is retailers are no longer allowed to drop off WEEE at their local CA site.
- Visible fees including VAT (called vEMC's) are being reintroduced July 1st 2014 on the following categories only:
 - €10 Cat 1.1 (American side by side)
 - €5 Cat 1.2, 1.2a, 1.3 (All LHA – large domestic appliances)
 - €5 Cat 4.1 (Large TV's - 32" and greater)
- The appropriate vEMC's must be shown on the price ticket; samples in section 6
- The producer will invoice the retailer for vEMC's and forward this entire amount to their respective compliance company.
- Retailers who join the 'Retailer take back programme' effective July 1st will be paid based on WEEE tonnage collected from their premises
 - €80 + vat for all LHA, and TV's and monitors
 - €30 + vat for all other mixed WEEE
- These payments are made direct to all participating retailers. Full details of this scheme will be forwarded to you by your respective compliance company well in advance of July 1st.
- A marketing fund of €2 Million is available over a period of 24 months, which will be allocated to retailers based on the percentage of WEEE returned. The fund is specifically to promote and create consumer awareness of electrical recycling in ROI. For members of buying groups this funding will be agreed with head office and a media plan on how the budget will be spent.
- Distance sellers must now appoint a local based agent (authorised representative) who will be responsible for ensuring their WEEE2 obligations are carried out in full.

2. Retailer Registration Requirements

Q) What changes have been made to the retailer registration requirements?

a) You may complete a once off, FOC, registration as a retailer with the WEEE Compliance Schemes (www.weeeireland.ie or www.erp.ie)

OR

b) You must register annually with your Local Authority at a cost of €200 per annum.

Q) Should I display my WEEE retailer registration?

A) Yes, you must display your WEEE retailer registration certificate. The WEEE Compliance schemes will advise on how this should be done.

3. WEEE Take Back

Q) Must I still take back Waste Electrical and Electronic Equipment (WEEE) from private household customers free of charge?

A) Yes, you must continue to take back WEEE from private households free of charge and on a one for one basis in store and on delivery of new appliances.

If you give your customer a 24 hour notice of delivery and the product is prepared for collection you must offer take-back on delivery. If the product is not prepared the customer can still return it indefinitely to your store. If you do not give a 24 hour notice of delivery then the customer can ask you to return and take it back within 15 days.

A new requirement is that retailers with an EEE sales area of more than over 400m² in size must take back very small appliances (≤25cm) free of charge without any obligation on consumers to purchase.

Q) Is there a time limit on customers bringing back WEEE?

A) No there is no time limit on take back in store.

Q) Can I still bring the WEEE taken back from customers to my local Civic Amenity Site?

A) No, retailers may no longer bring WEEE to Local Authority/Civic Amenity sites

Q) What then must I do with WEEE taken back from customers?

A) It is mandatory for retailers to hand over all your WEEE to one of the Compliance Schemes, ERP Ireland or WEEE Ireland, whichever operates in your area (see compliance scheme map in section 9)

Q) Do I have to keep records of this WEEE?

A) Yes, it is a new requirement in these Regulations, that records must be kept, for a period of not less than two years, of WEEE taken back and handed over to a compliance schemes. These records may be requested by your local authority or the EPA.

4. Retailer Take Back Programme

Q) How do I recover the costs of take back, storage and segregation of WEEE?

A) From 1st July 2014 Retailers can recover these costs by joining the retailer take back programme. Recovery of costs will be paid on a rate per tonne taken back. These rates are of €80 plus VAT per tonne on LHA and TVs/Monitors and €30 plus VAT for mixed WEEE.

Q) Will an effort be made to increase consumer awareness of WEEE take back?

A) From 1st July 2014 a marketing fund will be available to support the promotion and advertisement of WEEE take back and recycling. The fund will be allocated to Retailers based on WEEE tonnes collected. A marketing committee of industry stakeholders will liaise directly with retailers to agree the Campaign and oversee disbursement of the fund.

Q) How can I access this retailer take back programme?

A) Contact the WEEE Compliance schemes operating in your area

Q) How will I receive these payments?

A) Payments will be made by electronic transfer and received quarterly in arrears from the compliance scheme in your area

Q) Are visible Environmental Management Costs (vEMCs) being reintroduced?

A) Yes, but only on certain categories of household appliances and from 1st July 2014. These categories and applicable (VAT inclusive) vEMCs are:

Category 1.1.	€10
Category 1.2, 1.2a, 1.3	€5
Category 4.1	€5
Category 5(tbc)	€0.15

See www.weeeregister.ie/information/ for full category listings.

Q) How will vEMCs be collected?

A) Producers will, as before, include the applicable vEMCs on a separate line when invoicing retailers.

5. How to display vEMC's

Q) What information do I need to show to consumers regarding vEMCS?

A) vEMCs shall be indicated to each purchaser visibly and legibly in writing

1. Retail Premises

In retail premises where the retail price of the item is displayed EEE must be shown inclusive of the vEMC and shall include the following wording

'Included in this price is a contribution to recycling costs of €x.xx'

2. Websites or other means of distance selling

On websites or other means of distance selling where the retail price is quoted or the ordering and financial transaction confirming the purchase or such EEE is undertaken, show the retail price of that specific item of EEE which shall be inclusive of the vEMC and shall include the following wording

'Included in this price is a contribution to recycling costs of €x.xx'

3. Catalogues, brochures and all advertising

In catalogues, brochures and all advertising the retailer must include the following wording in letter **not less than 2 mm high**

'Included in these prices is a contribution to recycling costs'

4. Retail Transactions

In all **retail transactions** each retailer must make available at the point of sale to the purchaser an invoice, receipt or docket which shall state

'Price of electrical items includes a contribution to recycling costs'

6. How to explain what vEMC's are for

- **visible Environmental Management Costs (vEMCs)** are shown to customers buying new electrical appliances as part of the contributions towards the cost of take back, collection and recycling of waste electrical appliances.
- **From 1st July vEMCs can be shown on larger appliances**, specifically fridges, freezers and other large household appliances including large televisions.
- The **WEEE Register Society Category listings** will show the validated vEMCs on these appliance categories that retailers can display in store in the appropriate format from 1st July 2014.
www.weeeregister.ie
- **Useful phrases for sales reps** when asked about vEMCs are:

"The vEMC is a contribution to the cost of take back of old appliances"...

"anything with a battery or a plug can be recycled for free under this scheme"

" your old appliance will be properly recycled, no hazardous waste will be released into the Environment"

7. Display Examples

In store displays:

ABC American Fridge Freezer

€999.⁹⁹

Included in this price is a contribution to recycling costs of €10.00

XYZ Washing Machine

€349.⁹⁹

Included in this price is a contribution to recycling costs of €5.00

LMN 40 inch TV

€549.⁹⁹

Included in this price is a contribution to recycling costs of €5.00

Retail invoice, receipt or docket:

ABC Ltd

10 Main Street
Co. Dublin
Tel: 01 1234567
VAT # 1234567

16 04 14		Cashier: Joe	
Product	Qty	Unit Price	Amount
ABC	1	999.99	999.99
LMN	1	549.99	549.99
Sub Total			1,549.98

Payable Total			1,549.98

Price of electrical items includes a contribution to recycling costs.

8. Distance Sellers

Q) What obligations do Distance Sellers have with regard to the WEEE 2 regulations?

- Distance sellers must now appoint an authorised representative (local based agent) who will be responsible for ensuring their WEEE2 obligations are carried out in full.
- From the regulations: “authorised representative” means any natural or legal person established within the State who has been appointed by written mandate from a producer, established in another Member State to fulfil the obligations of that producer, pursuant to these Regulations in the State
- Where a producer or retailer sells EEE by means of distance communication he must ensure that WEEE can be returned to him free of charge on a one-for-one basis. He must also place a visible and legible notice on his website, catalogues and advertisements etc, indicating the free take back on a one-for-one basis. The 24 hour notice / 15 days from the date of delivery conditions apply to distance sales also.

9. Additional Information

Q) What other information do I need to show to consumers?

- When supplying a new EEE product for private households, retailers must ensure that users are informed of the return and collection systems available to them. This obligations can be met of the information is provided in the instructions for use or, leaflets issued at the point of sale.
- Article 30 of the regulations, ‘Obligations of distributors to provide information to users of electrical and electronic equipment’ sets out in detail the requirements on retailers with regard to signage and other information to be notified to users of EEE. As the regulations set out the exact text and indeed exact areas where notices must be displayed we have set out below in full Article 30 and Schedule 6 which is referenced within.

Obligation of distributors to provide information to users of electrical and electronic equipment

- (1) *When supplying a new product, distributors of electrical and electronic equipment for private households shall ensure that users are informed of the return and collection systems available to them.*
- (2) *2) The obligation of sub-regulation (1) will be deemed to have been met if the information is provided in the instructions for use or, as appropriate, leaflets issued at the point of sale.*
- (3) *Notwithstanding sub-regulation (1), each distributor of electrical and electronic equipment for private households shall fix and maintain, in a conspicuous position within one metre of the point of sale or, as appropriate, display of electrical and electronic equipment a notice complying with the requirements specified in Part 2 of Schedule 6.*

9. Additional Information

(4) *The obligation of sub-regulation (3) will be deemed to have been met if a distributor of electrical and electronic equipment and batteries or, as appropriate, accumulators, fixes and maintains in a conspicuous position within one metre of the point of sale or, as appropriate display of electrical and electronic equipment and batteries or, as appropriate, accumulators a notice complying with the requirements specified in Part 5 of Schedule 6.*

(5) *Notwithstanding sub-regulation (1), any person advertising household electrical and electronic equipment will be required, in any advertisement, to include the following text;*

“Waste Electrical and Electronic Equipment (WEEE) must never be placed in any of your household wheelie bins. WEEE is taken back free of charge at electrical retail outlets on a one-for-one like-for-like basis. Local authority civic amenity facilities also take back WEEE free of charge. WEEE recycling is free.”

(6) *The obligation of sub-regulation (5) will only be deemed to have been met if the information is clearly visible and understandable and is printed proportionately in text where each letter is at least 2mm in height.*

(7) *Notwithstanding sub-regulations (5) and (6), any person advertising household electrical and electronic equipment and batteries may for the purposes of fulfilling the obligation in sub-regulation (5) and the obligation in article 33(3) of the Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008), in any advertisement, include the following text;*

“Waste Electrical and Electronic Equipment (WEEE) and waste batteries must never be placed in any of your household wheelie bins. WEEE is taken back free of charge at electrical retail outlets on a one-for-one like-for-like basis. There is a container for small waste batteries in your local store. Local authority civic amenity facilities also take back WEEE and waste batteries free of charge. WEEE and waste battery recycling is free”

provided the information is clearly visible and understandable and is printed proportionately in text where each letter is at least 2mm in height.

SCHEDULE 6

REQUIREMENTS REGARDING NOTICES IN ACCORDANCE WITH REGULATIONS 14, 25 AND 30

Part 1

Requirements regarding a notice in accordance with the provisions of regulation 14(6).

A notice for the purpose of regulation 14(6) shall

- (a) *be not less in dimension than 42 centimetres in height and 29.7 centimetres in width or 29.7 centimetres in height and 42 centimetres in width, (*
- (b) *b) be so 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 yellow background and affixed, on a durable material, so as to be easily visible and legible,*
- (c) *not be obscured or concealed at any time, and*
- (c) *state the following*

9. Additional Information

“WASTE MANAGEMENT ACT 1996

[Name of distributor] participates in a scheme operated by [Name of undertaking approved by local authority] which has been approved by [Name of local authority] for the collection of waste electrical and electronic equipment. [Name of undertaking approved by local authority] accepts waste electrical and electronic equipment at [address of premises accepting waste electrical and electronic equipment]. [Name of distributor] is therefore not required to accept waste electrical and electronic equipment on these premises. ”

Part 2

Requirements regarding a notice in accordance with the provisions of regulation 30(3).

A notice for the purpose of regulation 30(3) shall

- (a) be not less in dimension than 29.7 centimetres in height and 21 centimetres in width or 21 centimetres in height and 29.7 centimetres in width,*
- (b) be so printed in bold type in black indelible ink with a times new roman font size of at least 24 or equivalent and line space of at least 1.25 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,*
- (c) not be obscured or concealed at any time, and*
- (d) bear the following wording*

“FREE RECYCLING

WASTE MANAGEMENT ACT 1996

Waste Electrical and Electronic Equipment (WEEE) is taken back free of charge in this store on a one-for-one, like-for-like basis.

Each local authority must also accept household WEEE free of charge at its recycling facilities.

All WEEE must be recycled and should not be placed in any of your household wheelie bins.

Make sure you always recycle all your old electrical goods.”

Part 3

Requirements regarding a notice in accordance with the provisions of regulation 25(1).

A notice for the purpose of regulation 25(1) shall

- (a) be not less in dimension than 42 centimetres in height and 29.7 centimetres in width or 29.7 centimetres in height and 42 centimetres in width,*
- (b) be so 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, so as to be easily visible and legible,*
- (c) not be obscured or concealed at any time, and*
- (d) state the following*

9. Additional Information

“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. ”

(e) be affixed until the preparation of a subsequent report in accordance with the provisions of regulation 25(3).

Part 4

Requirements regarding a notice in accordance with the provisions of regulation 25(3).

A notice for the purpose of regulation 25(3) shall

(a) be not less in dimension than 42 centimetres in height and 29.7 centimetres in width or 29.7 centimetres in height and 42 centimetres in width,

(b) be so 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, so as to be easily visible and legible,

(c) not be obscured or concealed at any time, and

(d) state the following

“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. ”

Part 5

Requirements regarding a notice in accordance with the provisions of regulation 30(4).

A notice for the purpose of regulation 30(4) shall

(a) be not less in dimension than 29.7 centimetres in height and 21 centimetres in width or 21 centimetres in height and 29.7 centimetres in width,

(b) be so printed in bold type black indelible ink with a times new roman font size of at least 20 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,

(c) not be obscured or concealed at any time, and

(d) bear the following wording

9. Additional Information

“FREE RECYCLING

WASTE MANAGEMENT ACT 1996

Waste Electrical and Electronic Equipment (WEEE) is taken back free of charge in this store on a one-for-one, like-for-like basis.

Waste batteries including rechargeable batteries are taken back free of charge in this store. You are not obliged to make any purchase when returning old batteries here. Each local authority must also accept household WEEE and small batteries free of charge at its recycling facilities. All WEEE and waste batteries must be recycled and should not be placed in any of your household wheelie bins. Make sure you always recycle all your old electrical goods and batteries.”

Producers

- Has the definition of an EEE Producer changed?
 - ◇100% exporters of EEE from Ireland no longer need to register
 - ◇All other Producer definitions remain

- What is an Authorised Representative (AR)?
 - ◇An AR can be appointed by a producer established in another Member State in order to fulfil its producer obligations in Ireland
 - ◇Each distance seller established in another Member State or third country must appoint an AR in Ireland. Likewise Irish distance sellers must appoint an AR in every Member State market where they place EEE on the market for the first time.
 - ◇ARs are responsible for fulfilling all producer obligations and are legally liable in the event of non-compliance.

- Who can become an Authorised Representative?
 - ◇Any natural or legal person who has been appointed by written mandate.

- Have there been changes in the definition of B2B and B2C WEEE?
 - ◇Yes. EEE likely to be used by both private and non-private households (B2C and B2B end users) must be considered as B2C EEE e.g. laptop, PCs, televisions, mobile phones.

- What are the implications for my business?
 - ◇If you have been, until now (March 2014), reporting such products as B2B to the WEEE Blackbox you must immediately report them as B2C. If you are not already a member of a compliance scheme you shall have to join one of the two approved schemes ERP Ireland or WEEE Ireland.

- Do producers still have to pay recycling management costs to their Schemes now that vEMCs have been reintroduced on certain categories of EEE?
 - ◇Yes producers continue to be responsible to pay RMCs based on WEEE Blackbox reporting

- **vEMCs and Producers**

Producers will display the applicable vEMC on invoices to retailers and will report these details to the WEEE Blackbox. They will then be invoiced for these amounts by their compliance schemes.

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10. Contact Details

- For further information on the WEEE Compliance Schemes contact:

WEEE Ireland

Whelan House,
South County Business Park, Leopardstown,
Dublin 18

Tel: +353 (0) 1 2999320

Fax: +353 (0) 1 2959410

Email: info@weeeireland.ie

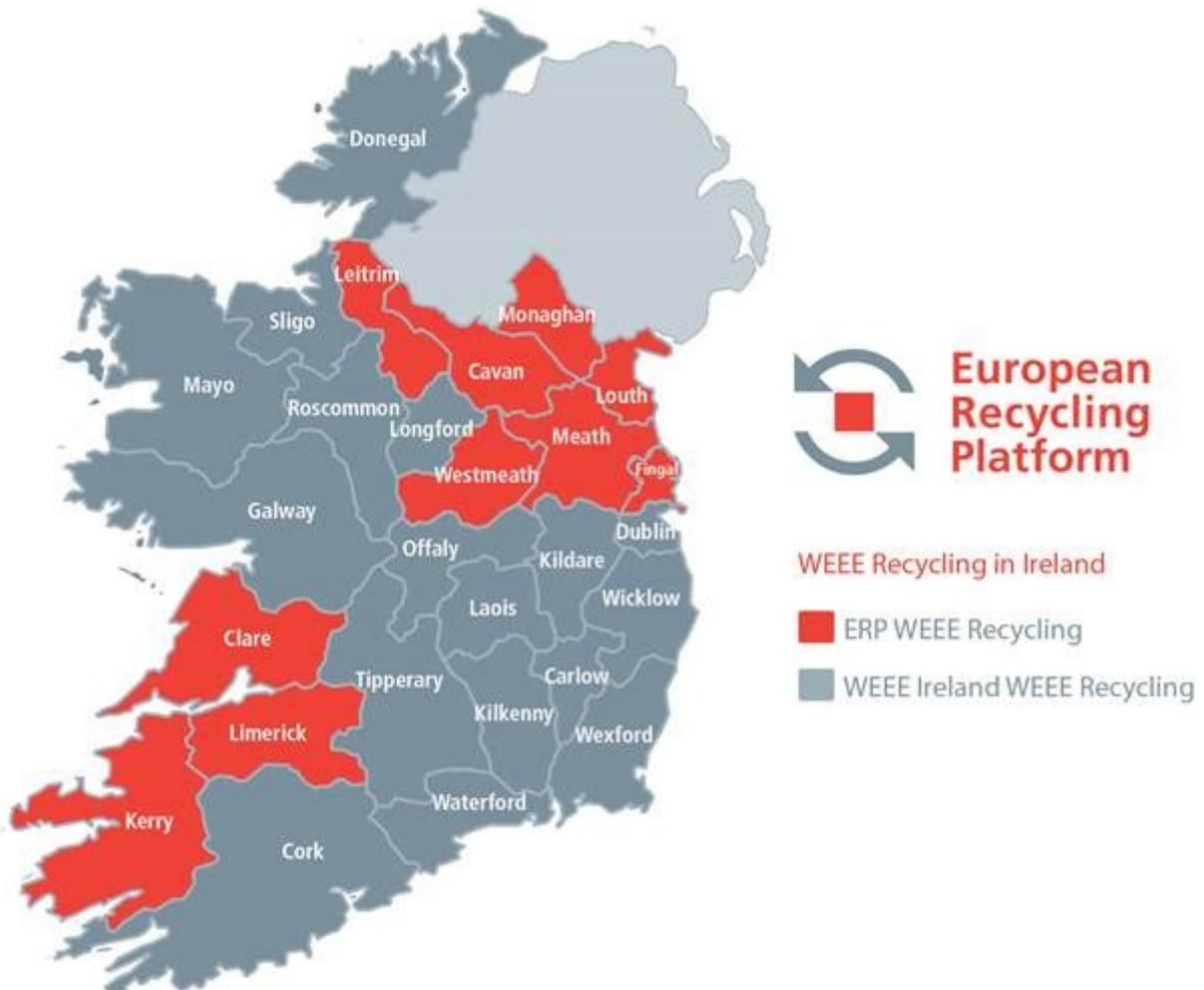
ERP Ireland

2-4 Ely Place,
Dublin 2

Tel: +353 (0) 1 6624040

Fax: +353 (0) 1 6618316

www.erp-recycling.ie



10. Contact Details

- For further information on the regulations contact:

WEEE Register Society Ltd,
The National Registration Body,
Suite 509, 8 Dawson Street,
Dublin 2

Office Opening Hours: 9am-5pm

Tel: +353 (0)1-6333550 / +353 (0)1-6333551

Fax: +353 (0)1-6333552

Email: info@weeeregister.ie

- For further information on enforcement of the regulations contact:

EPA

PO Box 3000

Johnstown Castle Estate

Wexford

Tel: 053-916 0600

www.epa.ie