

Explanatory Notes in Respect of the Draft Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008).

These Regulations are designed to promote the recovery of waste batteries and accumulators (e.g. rechargeable batteries). They will facilitate in particular the achievement of the targets for the collection, treatment, recovery and disposal of waste batteries and accumulators in an environmentally sound manner established by European Parliament and Council Directive 2006/66/EC¹ on batteries and accumulators and waste batteries and accumulators (Batteries Directive) and repealing Directive 91/157/EC².

The Regulations impose obligations on persons who supply batteries and accumulators to the Irish market, whether as retailers, importers or manufacturers. An exemption from these obligations is available to persons who participate in a scheme for the collection, treatment, recovery and disposal of waste batteries and accumulators in an environmentally sound manner operated by an approved body.

These explanatory notes **do not** affirm to be a legal interpretation of the Regulations.

PART 1 PRELIMINARY AND GENERAL

Article 1 Citation.

Provides that these Regulations be referred to as the ‘Waste Management (Batteries and Accumulators) Regulations 2008’.

Article 2 Purpose of regulations.

States that the purpose of these Regulations include giving effect to provisions Batteries Directive. These include –

- maximising the separate collection of waste batteries and accumulators and minimising the disposal of batteries and accumulators as mixed municipal waste in order to achieve a high level of recycling for all waste batteries and accumulators,
- ensuring that batteries or accumulators –
 - that do not meet the requirements of the Directive are not placed on the market on and from 26 September 2008 onwards, and/or
 - placed on the market on and from 26 September 2008 onwards that do not meet the requirements of the Directive are withdrawn from it,

¹ O.J. No. L266, 26.9.2006, p.1 as amended by corrigendum (O.J. No L311, 10.11.2006, p. 58).

² O.J. No. L78, 26.3.1991, p. 38 as amended by Commission Directive 98/101/EC (O.J. No L1, 5.1.1999, p.1).

Article 3 Interpretation of regulations.

Defines terms used in these Regulations. Key definitions include –

”the Act“ means the Waste Management Acts 1996 to 2008;

“the Waste Management Acts 1996 to 2008” mean the Waste Management Act 1996 (No. 10 of 1996) as amended by the Waste Management (Amendment) Act 2001 (No. 36 of 2001), Part 3 of the Protection of the Environment Act 2003 (No. 27 of 2003), Part 2 of the Waste Management (Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 290 of 2005), the Waste Management (Environment Levy) (Plastic Bag) Order 2007 (S.I. No. 62 of 2007), the Waste Management (Registration of Brokers and Dealers) Regulations 2008 (S.I. No. 113 of 2008) and the Waste Management (Landfill Levy) Order 2008 (S. I. No 168 of 2008);

“the Environmental Protection Agency Acts 1992 and 2003” means the Environmental Protection Agency Act 1992 (No. 7 of 1992) as amended by Part 2 of the Protection of the Environment Act 2003 (No. 27 of 2003);

”the Agency“ means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Acts 1992 and 2003;

“appliance” means any electrical or electronic equipment, as defined by Directive 2002/96/EC³, which is fully or partly powered by batteries or accumulators or is capable of being so;

“approved body” means an appropriate body corporate approved by the Minister in accordance with the provisions of Part V of these Regulations;

“authorised waste collector” means a holder of a waste collection permit that is in force and which allows for the collection of waste batteries and accumulators;

“automotive battery or accumulator” means any battery or accumulator used for automotive starter, lighting or ignition power;

“battery” or “accumulator” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one

³ O.J. No. L37, 13.02.2003, p.24.as amended by European Parliament and Council Directive 2003/108/EC of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment (O.J. No. L345, 31.12.2003, p. 106).

or more primary battery cells (nonrechargeable) or consisting of one or more secondary battery cells (rechargeable);

“battery pack” means any set of batteries or accumulators that are connected together or, as appropriate, encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open;

“button cell” means any small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power;

“civic amenity facility” shall include a civic amenity site and a recycling centre and means a facility operated by or on behalf of a local authority or a private sector operator which is provided for the efficient reception and temporary storage of recyclable and non-recyclable waste materials, including segregated waste batteries or, as appropriate, accumulators and which is appropriately licensed, permitted or registered under Regulations made pursuant to Section 39 of the Act;

“collection point” means –

- (i) any civic amenity facility,
- (ii) any premises where batteries or, as appropriate, accumulators are stored following acceptance in accordance with the provisions of article 21(2),
- (iii) any premises where batteries or, as appropriate, accumulators are stored prior to their distribution, including any distribution centre,
- (iv) any premises where the user takes possession of industrial batteries or, as appropriate, accumulators,
- (v) any educational establishment or workplace, or
- (vi) other facility for the receipt, storage (including temporary storage), segregation, sorting or repackaging of waste batteries or, as appropriate, accumulators pending their onward transport to a recycling facility,

subject to such a facility, other than a premises where industrial batteries or, as appropriate, accumulators are used, educational establishment or workplace, being appropriately licensed, permitted or registered under Regulations made pursuant to Section 39 of the Act, or other such facilities as may be prescribed in Regulations;

“collection rate” means, for a given Member State in a given calendar year, the percentage obtained by dividing the weight of waste portable batteries or, as appropriate, accumulators collected in accordance with

Article 8(1) of this Directive or with Directive 2002/96/EC in that calendar year by the average weight of portable batteries and accumulators that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that calendar year and the preceding two calendar years;

“cordless power tool” means any hand held appliance powered by a battery or accumulator and intended for maintenance, construction or gardening activities;

“equivalent type as the batteries supplied” means either –

- (i) portable batteries and accumulators, including button cells,
- (ii) industrial batteries or accumulators or, as appropriate,
- (iii) automotive batteries or accumulators

that are similar in size, weight, volume or, as appropriate, dimensions as the batteries supplied;

“to distribute” means –

- (i) to sell in exchange for any consideration including money whether or not by finance agreement, including but not exclusive to any loan, lease, hiring or deferred sale agreement or arrangement relating to any battery or, as appropriate, accumulator whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place, or
- (ii) giving as a prize or otherwise making a gift,

and cognate words, other than distributor, shall be construed accordingly;

“distance communication” is as defined in Article 2(4) of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts⁴ or, as appropriate, means sales and marketing services by electronic communication, voice telephony services, including telesales and telemarketing or non-electronic direct marketing services, including mail order;

“distributor” means any person that provides batteries or, as appropriate, accumulators on a professional basis to an end-user;

⁴ O.J. No. L144, 04.06.1997, p.19.

“industrial battery or accumulator” means any battery or accumulator designed for exclusively industrial or professional uses or used in any type of electric vehicle;

“placing on the market” means supplying or making available, whether in return for payment or free of charge, to a third party within the Community and includes import into the customs territory of the Community;

“portable battery or accumulator” means any battery, button cell, battery pack or accumulator that –

- (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;

“producer” means any person in a Member State that, irrespective of the selling technique used, including by means of distance communication as defined in Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts⁵, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the territory of that Member State on a professional basis;

“registration body” means the person, association or body corporate approved by the Minister in accordance with the provisions of Part III of these Regulations;

Article 4 Scope of the regulations.

Provides that the Regulations apply to all types of batteries and/or accumulators including any incorporated into electrical and electronic equipment (EEE) and/or battery packs, regardless of their shape, volume, weight, material composition or use with the exception of batteries and/or accumulators used in equipment –

- connected with the protection of Member States' essential security interests, arms, munitions and war material (with the exclusion of products that are not intended for specifically military purposes) and/or
- designed to be sent into space.

⁵ O.J. No. L144, 4.6.1997, p19 as last amended by Directive 2005/29/EC (O.J. No. L149, 11.6.2005, p22).

PART II PROHIBITION ON MARKETING OF BATTERIES AND ACCUMULATORS CONTAINING SPECIFIED HAZARDOUS SUBSTANCES

Article 5 Prohibition of specified hazardous substances.

Prohibits, subject to the exemptions in article 6, –

- batteries and/or accumulators that contain more than 0.0005% of mercury by weight,
- portable batteries and/or accumulators that contain more than 0.002% of cadmium by weight, and/or
- any battery and/or accumulator and/or battery pack –
 - that is not marked with the crossed out wheeled bin symbol, and
 - if they contain more than –
 - 0.0005 % mercury and is not marked with the chemical symbol Hg,
 - 0.002 % cadmium and is not marked with the chemical symbol Cd, or
 - 0.004 % lead and is not marked with the chemical symbol Pb
- any battery and/or accumulator and/or battery pack whose packaging is not marked with the crossed out wheeled bin symbol if the size of the symbol would be smaller than 0.5×0.5 cm

being placed on the market of the European Community (e.g. manufactured, imported from a third country etc.) from 26 September 2008 onwards, and/or distributed by any retailer in the State unless already placed on the market of the European Community prior to 26 September 2008.

Also prohibits –

- any portable or automotive battery and/or accumulator without capacity labelling being
- retailers distributing batteries and/or accumulators without capacity labelling

placed on the market from 26 September 2009 onwards.

Article 6 Exemptions.

The –

- mercury prohibition prescribed in Article 5 shall not apply in respect of button cells with a mercury content of no more than 2% by weight,
- cadmium prohibition prescribed in Article 5 shall not apply in respect of portable batteries and/or accumulators intended for use in –
 - emergency and alarm systems, including emergency lighting,
 - medical equipment, or
 - cordless power tools.

Also, the prohibitions prescribed in Article 5 shall not apply in respect of batteries and/or accumulators placed on the market prior to 26 September 2008 in compliance with the previous Batteries Directive 91/157/EEC of 18 March 1991

Article 7 Duty to inform the Agency

From 26 September 2008 onwards each producer (e.g. manufacturer, importer, exporter, brand owner etc. and/or retailer is required to notify the EPA as soon as he or she becomes aware that he or she placed on the market or sold a battery and/or accumulator including any incorporated into EEE and/or a battery pack that was in contravention of the Batteries Directive and provide any such information that will identify and trace the products concerned, together with details of any prohibited hazardous substances and/or inadequate labelling.

Producers must ensure that they or third parties acting on their behalf have access at all times, at an address in the State, to records of certification of –

- compliance by manufacturers and/or any person or persons in the supply chain, and/or
- laboratory testing, where such testing has been commissioned by the manufacturer, any person or persons in the supply chain and/or the producer concerned,

in order to verify that any battery placed on the market by the producer concerned complies with the requirements of article 5. These records must be maintained for a period of six years, starting from the end of the year in which the battery or accumulator was placed on the market.

Furthermore each producer and/or a retailer is required to provide every reasonable assistance to the EPA by providing any information

requested by the EPA in the format and within the timeframe specified by it.

Article 8 Functions of the Agency

From 26 September 2008 onwards the EPA shall be empowered to –

- arrange for and/or commission testing of any battery and/or accumulator including any incorporated into EEE and/or a battery pack, and/or request any information in relation to any battery and/or accumulator placed on the market in order to ensure its compliance with the requirements of the Batteries Directive,
- prohibit any suspect battery and/or accumulator including any incorporated into EEE and/or a battery pack that could be prohibited in accordance the provisions of article 5 and that is undergoing evaluation and/or testing from being placed on the market or sold until it is established that it complies with the requirements of the Batteries Directive,
- prohibit any battery and/or accumulator including any incorporated into EEE and/or a battery pack that does not comply the requirements of the Batteries Directive from being placed on the market,
- order the recall of any battery and/or accumulator including any incorporated into EEE and/or a battery pack that does not comply the requirements of the Batteries Directive from, the market place including retailers, and consumers who must be alerted that the battery and/or accumulator including any incorporated into EEE and/or a battery pack in question contains prohibited hazardous substances, and
- order that any recalled battery and/or accumulator including any incorporated into EEE and/or a battery pack is managed, treated and recycled in accordance with the requirements of Articles 26, 27 and 28 of these Regulations.

Furthermore, any direction prohibiting any battery and/or accumulator including any incorporated into EEE and/or a battery pack being placed on the market and/or sold, or ordering its recall shall be addressed to the producer, distributor(s) and/or any other person(s) the EPA considers appropriate.

Article 9 Procedure in relation to directions of the Agency

When it is being considered to issue a direction in accordance with the provisions of these Regulations the EPA is required to give, where it is feasible, the person to whom the direction is to be addressed to an opportunity to submit his or her views before issuing the direction.

However, where this is not feasible on account of the urgency of the matter, the EPA is required to give the person to whom the direction is to be addressed to an opportunity to submit his or her views after the direction is issued.

Any direction from the EPA in accordance with the provisions of these Regulations shall be in writing, shall state the reasons and shall be published by placing a notice in at least three national newspapers that are published within the State. In addition, where the EPA knows the identity of the person to whom the direction is to be addressed to, it shall also be either –

- issued in any manner prescribed in section 16 of the Waste Management Acts 1996 to 2008 which are as follows: –
 - addressing it to the person by name and delivering it to him or her,
 - leaving it at the address at which the person ordinarily resides,
 - sending it by post in a prepaid registered letter addressed to the person at the address at which he or she ordinarily resides,
 - if an address for the service of notices has been furnished by the person, by leaving it at, or sending it by prepaid registered post addressed to him or her to, that address,
 - where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and notice is required to be served on, or given to, him or her in respect of any premises, by delivering it to a person over the age of 16 years of age resident in or employed on the premises, or by affixing it in a conspicuous position on or near the premises, or
- left at the address where he or she carries out business, or
- by registered post to the address where he or she carries out business, and
- if immediate notification of the direction is required, in addition to one of the aforementioned methods, by sending it to a fax or e-mail address at the address where that person carries out business.

The EPA is empowered to require any measure specified in a direction issued in accordance with the provisions of these Regulations, to be taken either immediately, from a specified date, by a specified date, or between specified dates.

A direction made by the EPA under the provisions of these Regulations shall –

- take effect from the date specified in the direction, and
- advise the person to whom the direction is to be addressed of the appeal procedures available to him or her.

Any person to whom a direction has been addressed to issue a recall notice, and notify consumers that any battery and/or accumulator including any incorporated into EEE and/or a battery pack that he or she has placed on the market or sold contains prohibited hazardous substances, shall be required to place a notice in at least three national newspapers that are published within the State.

The size of recall notices required to be placed by the person to whom a direction has been addressed shall be half a page of a broadsheet or the full page of a tabloid newspaper.

Article 10 Appeals against directions of the Agency.

Any person in receipt of a direction from the EPA under the provisions of these Regulations may lodge an appeal to the Circuit Court within 21 days of receipt of the direction.

Any person appealing a direction of the EPA may apply to the court to have such a direction suspended until the appeal is decided upon or withdrawn.

A Presiding Judge may confirm, vary or over rule the direction.

A decision of the Circuit Court may only be appealed to the High Court on a specified point of law.

Article 11 - Injunctions.

Enables the EPA to apply for an injunction to the High Court against a person failing to comply with a direction from the EPA under the provisions of these Regulations for the purpose of obtaining an order requiring him or her to comply, in lieu of instigating summary proceedings,

PART III REGISTRATION BODY

Article 12 Establishment of a Registration Body.

The Minister may perform, or approve any person, association or corporate body to perform, some or all of the registration functions provided for in Article 15.

Any person, association or corporate body performing all the registration functions shall be known as the 'Registration Body'.

Article 13 Grant or refusal of approval.

The Minister is empowered to grant or refuse approval to any person, association or corporate body that applies to perform a registration function

Any application to the Minister for approval to act as the Registration Body should include –

- where appropriate, a copy of the –
 - articles of association of the body corporate, or
 - memorandum of association or registered rules of the association or society, and
 - the appropriate certificate issued by the Companies Registration Office or the Registrar of Friendly Societies,
- the names and addresses in the State of the officers of the registration body and its board of directors,
- the address of the registration body's registered office and the address of the secretary, if different from the registered office,
- a business plan in relation to the operation of the registration body,
- where appropriate, proposals in relation to corporate governance,
- proposals for the certification of producers for the purpose of article 19,
- proposals for determining the proportion of market share held by individual producers,
- proposals for registration fee structures, and
- such other information as may be specified in writing by the Minister for the purposes of this article.

The Minister may attach conditions to an approval such as the period of approval (which shall not exceed 10 years), variances in the terms and conditions of approval revocation of approval, the nature of information (including financial accounts) to be recorded and any other conditions the Minister may specify.

The Minister may vary the conditions attached to an approval at any time.

The Registrations Body shall be responsible for carrying out its functions. Its operations must be self-funding.

Article 14 Review and revocation of approval.

The Minister may review an approval granted to the Registration Body at any time.

Sub-article (2) lays down the procedures that

- When the Minister proposes to review the approval of the Registration Body he/she must provide notice in writing of the proposal and the reasons for same, setting out the time scale (which shall not be less than four weeks) when the Registration Body may reply.
- The Minister shall be required to consider any response submitted by the Registration Body.

Once the Minister considers any response submitted by the Registration Body, he/she may issue a revised approval to perform its functions, varying any conditions he/she considers appropriate.

The Registration Body is required to notify the Minister, not later than six months before the expiry of its approval, whether or not it intends to continue operating as the Registration Body. It also requires that the Registration Body, if intending to continue to perform the registration function, must re-apply not later than two months before the expiry of its approval.

The Minister may revoke the approval of the Registration Body if it appears to him/her it is not complying with the conditions attached to its approval.

Where the Minister proposes to revoke the approval of the Registration Body, it shall be notified in writing along with the reasons for revocation setting out the time scale (which shall not be less than four weeks) when the Registration Body may reply. The Minister shall be required to consider any response submitted by the Registration Body.

In the event that the approval of the registration body is revoked or expires, the Registration Body and any third party contracted to undertake any or all of the functions allotted to it, shall be required to transfer all records, documentation and data in written and in electronic form together with any funds and assets that were obtained on account of the functions provided for in Article 15 and powers that were vested in accordance with the provisions of Article 16 to the Minister or to the person or undertaking who is in receipt of the next approval to act as the Registration Body.

Article 15 Functions of the Registration Body.

The Registration Body must be established by 1 September 2008. It must thereafter maintain a register of producers placing batteries and/or accumulators including those incorporated into EEE and/or battery packs on the market.

The Registration Body will be required to –

- maintain a register of all producers placing batteries and/or accumulators including those incorporated into EEE and/or battery packs on the market,
- determine the market share of each producer and notify each producer of his or her market share ,
- ensure that audited accounts, and assets register and debtors ledger are maintained,
- submit in the first six months of each year an Annual Report and summary of accounts to the Minister for the previous year and audited accounts for the year prior to that,
- provide any information the Minister may require from time to time,
- obtain from each producer the quantity, by weight and/or by number of units, 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, and
- notify the relevant local authority and/or the EPA where it is evident to it that a producer has failed to comply with any provision or provisions of these Regulations and provision of all relevant information and data.

The Registration Body may sub-contract, where appropriate, any or all of its functions.

Article 16 Powers of the Registration Body.

The Registration Body is empowered to –

- examine applications from producers for registration and to issue approvals or refusals
- issue certificates of registration and registration numbers to approved producers
- obtain statements from the external auditors of any producer relating to financial information and/or examine the records of any producer relating to –
 - the quantities, by weight and/or by number of units, of waste batteries arising from batteries placed on the market

- in the State by a producer excluding any batteries that left the State prior to being sold to end-users, and
 - market data including the quantities, by weight and/or by number of units, of batteries placed on the market in the State by a producer,
- collect registration fees, and
- set the contributions payable by producers registering with the Registration Body (which it may review from time to time).

A third party contracted by the registration body may perform any or all of its functions to determine the total quantity of collected waste batteries and/or accumulators including those incorporated into EEE and/or battery packs attributable to each individual producer, including the members of any approved Collective Compliance Scheme (approved in accordance with the provisions of Part V of these Regulations) for the purposes of enabling each individual complier and each member of any approved Collective Compliance Scheme to pay the costs of the environmentally sound management of waste batteries and/or accumulators that he/she is liable for.

The third party contracted by the registration body that undertakes to determine the total quantity of collected waste batteries and/or accumulators attributable to each individual producer, including the members of any approved Collective Compliance Scheme are prohibited from releasing any information in respect of market share to any person including the Registration Body itself, other than to the individual producer concerned.

Article 17 Obligation of Producers to register with the Registration Body.

Each producer must, from –

- 19 September 2008, -
 - having paid the appropriate registration fee, be registered with the Registration Body,
 - declare that each battery and/or accumulator including any button cell he or she places on the market is marked in accordance with the provisions of article 31, and
- 26 September 2008, display his/her registration number on every invoice, credit note, dispatch or delivery docket issued.

Any person, however, who is not in possession of a valid Certificate of Registration or a Certificate of Renewal of Registration in accordance with the provisions of article 19 shall be prohibited from displaying any registration number issued by the registration body on any documentation, website or at any place.

Any producer, –

- failing to comply with any of the requirements of sub-article (1),
- who is not registered in accordance with the provisions of article 19(2), and/or
- who is refused an application for renewal of registration in accordance with the provisions of article 19(4)

shall be prohibited from placing batteries and/or including those incorporated into EEE and/or battery packs on the market.

Organisers of trade shows, exhibitions and/or events where batteries are being distributed shall be responsible for ensuring that any exhibitors, traders etc. –

- who distribute batteries are registered with the appropriate local authority in accordance with the provisions of article 42, and
- who are placing batteries for the first time on the market in the State are registered as producers with the registration body.

Any organisers of trade shows, exhibitions and/or events where batteries are being distributed who fail to ensure that any exhibitors, traders etc. who are placing batteries on the market in the State for the first time are registered as producers with the registration body shall be obliged to –

- register each non-registered producer concerned with the registration body in accordance with the provisions of article 17,
- arrange for the environmentally sound management of waste batteries in accordance with the provisions of articles 23 and 27,
- achieve the collection and recycling targets prescribed in articles 23 and 28, and
- prepare and submit waste management plans and reports in accordance with the provisions of article 30.

Article 18 Application for registration or renewal of registration.

Each producer is required to apply for registration, either by 5 September 2008, or by the date of the commencement of business, whichever is the latter. It also requires each producer to apply for renewal of registration by the 31st of January of each year, except in cases where the first renewal is within five months of the date of first registration. In such instances the first renewal of registration may be deferred until 31st January of the following year.

An application for registration shall be made in writing and contain at least the following information –

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Registered Name:
Address of Registered Office:
Telephone No.:
Fax No.:
E-mail:

Trading Name:
Address for Correspondence:
Name of the contact person in the company responsible for compliance with the Regulations:
Contact Person's Telephone No.:
Contact Person's Fax No.:
Contact Person's E-mail:

2. Name(s) and address(es) of owner(s).
3. Location(s) of premises at or from batteries are or will be supplied by the producer.
4. The quantities, where applicable, by weight or, as appropriate, by number of units, of batteries that were placed on the market in the State excluding any batteries that left the State prior to being sold to end-users in the calendar year prior to the date of application in each of the categories specified in guidance which the Minister may issue from time to time.

An application for renewal of registration shall be made in writing and contain at least the following information –

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Registered Name:
Address of Registered Office:

Telephone No.:
Fax No.:
E-mail:

Trading Name:
Address for Correspondence:
Name of the contact person in the company responsible for
compliance with the Regulations:
Contact Person's Telephone No.:
Contact Person's Fax No.:
Contact Person's E-mail:

2. Name(s) and address(es) of owner(s).
3. Location(s) of premises at or from which batteries are or will be supplied by the producer.
4. The quantities, by weight or, as appropriate, by number of units, of batteries that were placed on the market in the State in the State excluding any batteries that left the State prior to being sold to end-users in the calendar year prior to the date of application for renewal in each of the categories specified in guidance which the Minister may issue from time to time.

Each application for registration or renewal of registration must be accompanied by the fee determined by the Registration Body.

Each producer shall be required to provide details of any change to information provided in an application for registration or the most recent application for renewal of registration within 10 working days or such change.

A collective compliance scheme may submit an application for registration or for renewal of registration on behalf of each of its member producers.

The Minister may from time to time issue guidance to the registration body concerning the acceptance of applications for registration and/or renewal of registration.

Article 19 Certification of producers.

The Registration Body shall be required to register all producers who comply with the requirements of Articles 17 and 18.

A producer will not, however, be considered to be registered for the purposes of these Regulations until he/she has received a Certificate of Registration from the Registration Body and has been issued with a registration number.

The registration body shall be required to issue a certificate of registration or a certificate of renewal of registration, bearing a unique number, to all registered producer within six weeks of the date of application or within two weeks of the date of submission of additional information requested by the Registration Body in relation to the application, whichever is the latter.

The Registration Body is empowered to refuse an application for renewal of registration where, in the previous twelve months, the producer has not achieved the collection and recycling/recovery targets laid down (Articles 23 and 28), has not maintained adequate records (Article 29) or has not provided information required (Articles 18, 30, 31 or 32).

The Registration Body shall be required to issue a Provisional Certificate of Registration bearing a unique registration number within two weeks of the date of receipt of any valid application received on or before 5 September 2008. Provisional Certificates of Registration shall be valid until it is determined that the requirements of articles 17 and 18 have been complied with and a Certificate of Registration is issued but in any event no later than 31 January 2009.

Article 20 Distance Sellers.

Requires each producer or distributor who supplies batteries and/or accumulators including those incorporated into EEE and/or battery packs by means of distance communication (i.e. over the internet, telesales, mail order etc.) to –

- register with the Registration Body, as per the requirements of Article 17,
- notify the Registration Body that he/she supplies batteries and/or accumulators including those incorporated into EEE and/or battery packs via distance communication, and
- provide information to demonstrate that he/she contributes in full to his/her share of the environmentally sound management of waste arising from batteries and/or accumulators including those incorporated into EEE and/or battery packs, in each member state of the European Union where he/she supplies endusers who do not place the batteries and/or accumulators including those incorporated into EEE and/or battery packs on the market for the

first time within any of the territories they reside on a professional basis (e.g. householders).

For the avoidance of doubt –

- Batteries and/or accumulators sold by means of distance communication to an end-user outside the State shall be regarded as having left the State prior to being sold to the end-user concerned. Such batteries and/or accumulators shall not count towards the collection targets prescribed in article 23(7).
- Distance (e.g. internet) sellers –
 - in the State selling batteries and/or accumulators by means of distance communication to end-users outside the State will have no financial obligations for the environmentally sound management for the batteries and/or accumulators concerned in Ireland. They may, however, have financial obligations for the environmentally sound management for the batteries and/or accumulators concerned in the member state(s) their customers reside in.
 - outside the State selling batteries and/or accumulators by means of distance communication to end-users in the State will have financial obligations for the environmentally sound management for the batteries and/or accumulators concerned in Ireland.

PART IV MANAGEMENT OF WASTE ELECTRICAL BATTERIES AND ACCUMULATORS

Article 21 Distributor responsibility.

From 26 September 2008 onwards each retailer will be –

- prohibited from distributing batteries and/or accumulators including those incorporated into EEE and/or battery packs placed on the market in the State by a producer who does not have a certificate of Registration (issued in accordance with the provisions of article 19) or registration number, or who does not display his/her registration number on invoices, credit notes and dispatch or delivery docket,
- required to ensure that members of the public can return waste batteries and/or accumulators at conveniently located points during all opening / trading hours and including those incorporated into

EEE and/or battery packs regardless of its chemical origin provided they are of a type provided by him or her

- required to ensure that any waste batteries and/or accumulators including those incorporated into EEE and/or battery packs returned to him or her by members of the public must be transported and stored in accordance with the requirements of Sections 34 and 39 of the Waste Management Acts 1996 to 2008.

From 26 September 2008 onwards–

- each retailer will be required to take back waste batteries and/or accumulators including those incorporated into EEE and/or battery packs at every outlet from which he or she distributes batteries and/or accumulators including those incorporated into EEE and/or battery packs,
- each retailer will be prohibited from charging for the take back of waste batteries and/or accumulators including those incorporated into EEE and/or battery packs, and
- any person depositing waste batteries and/or accumulators including those incorporated into EEE and/or battery packs at the premises of any retailer will not be obligated to purchase any product or products from the retailer concerned.

A retailer shall not be obligated to accept –

- waste portable batteries that exceed a total of five kg in weight from any one person at any one time, and/or
- any waste portable battery leaking any of its constituent materials.

Retailers will be prohibited from offering any reduction or discount on the retail price for battery and/or accumulator including any incorporated into EEE and/or a battery pack or any other inducement in order to avoid his or her take back obligations.

From 26 September 2008 onwards each producer or retailer who supplies waste batteries and/or accumulators including those incorporated into EEE and/or battery packs by means of distance communication (i.e. over the internet, telesales, mail order etc.) to notify customers that waste batteries and/or accumulators including those incorporated into EEE and/or battery packs will be taken-back at free of charge together with details of any place of business in the State from which he or she distributes batteries and/or accumulators including those incorporated into EEE and/or battery packs and/or an address in the State where he or she takes back waste batteries and/or accumulators including those incorporated into EEE and/or battery packs. The Minister may from time to time issue guidance

concerning the placing of notices on websites or the notification of final end-users.

From 26 September 2008 onwards any retailer who distributes any battery and/or accumulator including any incorporated into EEE and/or a battery pack placed on the market by a producer who is not in possession of a valid Certificate of Registration or a Certificate of Renewal of Registration in accordance with the provisions of article 19 be shall obliged to –

- register with the registration body in accordance with the provisions of article 17,
- arrange for the environmentally sound management of waste batteries and/or accumulators including those incorporated into EEE and/or battery packs in accordance with the provisions of articles 23 and 27, and
- achieve the collection and recovery targets prescribed in articles 23 and 28, and
- prepare and submit waste management plans and reports in accordance with the provisions of article 30.

Article 22 Management of waste batteries and accumulators by distributors.

From 26 September 2008 onwards,–

- retailers can only transfer waste portable batteries and/or portable accumulators to a –
 - collector who is acting on behalf of the producer responsible for the waste arisings in question,
 - producer responsible for the waste arisings in question, and/or
 - an approved collective compliance scheme

that is in possession with a waste collection permit issued in accordance with the provisions of Section 34 of the Waste Management Acts 1996 to 2008, other than batteries and/or accumulators returned to or accepted by retailers concerned under the provisions of the Sale of Goods and Supply of Services Act, 1980 (No. 16 of 1980) and which are subsequently returned to the producer.

- any retailer who has registered with his/her local authority in accordance with the provisions of article 42 and has taken back waste portable batteries and/or portable accumulators free of charge in accordance with the provisions of article 21 may deposit the waste concerned –

- at a civic amenity facility operated by or on behalf of a local authority having made satisfactory arrangements as to the quantity and size of vehicles that may enter such a facility, together with any other appropriate arrangements (i.e. dates and times waste batteries and/or accumulators can be deposited), and provided the vehicle used to transport the waste is registered in the State.
- at a distribution centre (e.g. a cash and carry) where he or she purchases portable batteries and/or portable accumulators provided he or she has fulfilled the obligations in articles 21 and 42, subject to –
 - prior agreement with the operator of such a distribution centre,
 - the approval of the local authority in whose functional area the distribution centre concerned is situated,
 - the distribution centre concerned is registered in accordance with the provisions of article 42, and
 - the waste is transported in or on a vehicle registered in the State.

Local authorities may direct retailers to an alternative facility on account of it having insufficient space, or on account of a civic amenity facility being unable to cater for vehicles of a particular size or type.

Any retailer who transfers waste portable batteries and/or portable accumulators to a person or persons, other than a –

- collector who is acting on behalf of the producer responsible for the waste arisings in question,
- producer responsible for the waste arisings in question, and/or
- an approved collective compliance scheme

that is in possession with a waste collection permit issued in accordance with the provisions of Section 34 of the Waste Management Acts 1996 to 2008, will be responsible for –

- ensuring that the waste batteries concerned are –
 - collected by an authorised waste collector,
 - managed in accordance with the provisions of articles 23 and 27,
- achieving the collection and recycling targets prescribed in articles 23 and 28, and

- ensuring a report is submitted to the EPA by 28 February in respect of the previous calendar year containing at least the information set out below –

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the distributor where that distributor is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Registered Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

Trading Name:

Address for Correspondence:

Name of the contact person in the company responsible for compliance with the Regulations:

Contact Person's Telephone No.:

Contact Person's Fax No.:

Contact Person's E-mail:

2. Name(s) and address(es) of owner(s).
3. The location of premises where waste batteries were taken back from end-users and the quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries that were collected from each premises concerned during the relevant period in each of the categories specified in guidance which the Minister may issue from time to time.
4. The total quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries taken back from end-users during the relevant period in each of the categories specified in guidance which the Minister may issue from time to time.
6. The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recycling operators used for the collection, treatment and recycling of waste batteries during the relevant period.

7. The quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries –
 - (a) recycled by or on behalf of the distributor, and
 - (b) accepted by recycling operators,

in the relevant period, in each of the categories specified in guidance which the Minister may issue from time to time
8. The quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries disposed of or consigned for disposal by the distributor in each of the categories specified in guidance which the Minister may issue from time to time during the relevant period, and the nature of the disposal operations involved.

Article 23 Financing the take back of waste batteries and accumulators.

From 26 September 2008 onwards each producer or a third party acting on his or her behalf must finance any net costs arising from –

- the collection, storage, treatment and recovery and/or disposal of waste batteries and/or accumulators including those incorporated into EEE and/or battery packs deposited at collection points and civic amenity facilities in the functional areas of all local authorities relating to his or her own products regardless of when placed on the market and their chemical composition,
- the collection from endusers and environmentally sound management of waste industrial batteries and/or accumulators relating to his or her own products regardless of when placed on the market and their chemical composition, and
- any public information campaign on the collection, storage, treatment and recovery and/or disposal of portable batteries and/or portable accumulators in –
 - respect of portable batteries and/or portable accumulators he or she has placed on the market in the State, and/or
 - proportion to his or her market share in respect of portable batteries and/or portable accumulators placed on the market in the State.

Producers and retailers shall be prohibited from identifying separately, to person or persons, the costs of collecting, storing, treating and recovering and/or disposing waste batteries and/or accumulators including those incorporated into EEE and/or battery packs.

A self complying producer shall, from 26 September 2008 onwards, be required within –

- 20 working days of being requested so to do by the operator of a collection point, or its representative, for portable waste batteries and/or accumulators (including waste button cells) to collect, or arrange for the collection of, from the collection point concerned, any waste batteries and/or accumulators (including waste button cells) regardless of when placed on the market and their chemical composition , and/or
- 30 working days of being requested so to do by the operator of a collection point, or its representative, for waste –
 - automotive batteries and/or accumulators, and/or
 - waste industrial batteries and/or accumulators

to collect, or arrange for the collection of, from the collection point concerned any waste automotive and/or waste industrial battery and/or accumulator regardless of when placed on the market and its chemical composition

arising from his or her own products regardless of when they were placed on the market, and/or in proportion to his or her market share in respect of portable batteries and/or portable accumulators placed on the market in the State within 5 working days of such a request.

Operators of collection points will be empowered to make alternative arrangements for collection, storage, treatment and recovery and/or disposal of waste batteries and/or accumulators including waste industrial batteries and/or accumulators in instances where a producer fails to collect the waste following a request from an operator or it's representative in accordance with the provisions of sub-article (3), and to invoice that producer for all collection, treatment, recycling costs etc. along with any other costs incurred such as administrative, logistical and storage costs at a rate to be determined by the operator concerned along with an agency fee not exceeding 10% of all costs incurred.

When the business or part of the business of a producer is transferred to another person or persons; that producer will remain responsible for the collection, storage, treatment and recovery and/or disposal of waste batteries and/or accumulators including those incorporated into EEE and/or battery packs he/she has placed on the market up until such time as he/she can demonstrate that the person or persons to whom his/her business has been transferred to, is or are capable of, and are in agreement

to, meeting all the outstanding obligations of that producer under these Regulations.

Independent third parties, however, may collect waste industrial batteries and/or accumulators from endusers provided that –

- the waste industrial batteries or, as appropriate, accumulators concerned are –
 - collected by an authorised waste collector, and
 - managed in an environmentally sound manner in accordance with the provisions of Articles 26, 27 and 28, and
- a report is submitted to the EPA by 28 February in respect of the previous calendar year containing at least the information set out below -.
 1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the economic operator where that economic operator is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Registered Name:
Address of Registered Office:
Telephone No.:
Fax No.:
E-mail:

Trading Name:
Address for Correspondence:
Name of the contact person in the company responsible for compliance with the Regulations:
Contact Person's Telephone No.:
Contact Person's Fax No.:
Contact Person's E-mail:
 2. Name(s) and address(es) of owner(s).
 3. The location of premises from which waste industrial batteries were collected from end-users and the quantities, where applicable, by weight or, as appropriate, by number of units of waste industrial batteries that were collected from each premises concerned during the relevant period in

each of the categories specified in guidance which the Minister may issue from time to time.

4. The total quantities, where applicable, by weight or, as appropriate, by number of units of waste industrial batteries arising from batteries that were collected from end-users during the relevant period in each of the categories specified in guidance which the Minister may issue from time to time.

6. The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recycling operators used for the collection, treatment and recycling of waste industrial batteries during the relevant period.

7. The quantities, where applicable, by weight or, as appropriate, by number of units of waste industrial batteries –
 - (a) recycled by or on behalf of the economic operator, and
 - (b) accepted by recycling operators,in the relevant period, in each of the categories specified in guidance which the Minister may issue from time to time

8. The quantities, where applicable, by weight or, as appropriate, by number of units of waste industrial batteries disposed of or consigned for disposal by the economic operator in each of the categories specified in guidance which the Minister may issue from time to time during the relevant period, and the nature of the disposal operations involved.

Each producer of portable batteries, including button cells, will be required to collect a minimum of, no later than, –

- 26 September 2012, 25%, and
- 26 September 2016, 45%

of the quantity by type of battery he or she places on the market in accordance with the requirements set out in Annex I of the Directive, subject to any amendment that may be made to that Annex from time to time.

Annex I of the Batteries Directive currently reads –

ANNEX 1

MONITORING OF COMPLIANCE WITH THE ARTICLE 10 COLLECTION TARGETS

Year	Data collection		Calculation	Reporting requirement
X (*)+1	Sales in year 1 (S1)			
X+2	Sales in year 2 (S2)	—	—	
X+3	Sales in year 3 (S3)	Collection in year 3 (C3)	Collection rate (CR3) = $3^{\circ}C3/(S1+S2+S3)$	
X+4	Sales in year 4 (S4)	Collection in year 4 (C4)	Collection rate (CR4) = $3^{\circ}C4/(S2+S3+S4)$ (Target set at 25 %)	
X+5	Sales in year 5 (S5)	Collection in year 5 (C5)	Collection rate (CR5) = $3^{\circ}C5/(S3+S4+S5)$	CR4
X+6	Sales in year 6 (S6)	Collection in year 6 (C6)	Collection rate (CR6) = $3^{\circ}C6/(S4+S5+S6)$	CR5
X+7	Sales in year 7 (S7)	Collection in year 7 (C7)	Collection rate (CR7) = $3^{\circ}C7/(S5+S6+S7)$	CR6
X+8	Sales in year 8 (S8)	Collection in year 8 (C8)	Collection rate (CR8) = $3^{\circ}C8/(S6+S7+S8)$ (Target set at 45 %)	CR7
X+9	Sales in year 9 (S9)	Collection in year 9 (C9)	Collection rate (CR9) = $3^{\circ}C9/(S7+S8+S9)$	CR8
X+10	Sales in year 10 (S10)	Collection in year 10 (C10)	Collection rate (CR10) = $3^{\circ}C10/(S8+S9+S10)$	CR9
X+11	Etc.	Etc.	Etc.	CR10
Etc.				

(*) Year X is the year including the date mentioned in Article 26.

Producers shall not have an obligation in the State to finance the environmentally sound management of waste batteries and/or accumulators that arise and are collected under any scheme set up in accordance with the Directive or the WEEE Directive in another member state or third country.

Article 24 Alternative financing arrangements.

Producers and users of industrial and/or automotive batteries and/or accumulators shall be permitted to conclude agreements stipulating other financing methods provided that the waste is managed in an environmentally sound manner in accordance with the requirements of these Regulations

Where producers and users of industrial and/or automotive batteries and/or accumulators conclude agreements stipulating other financing methods provided for in sub-article (1), the –

- producer shall be required, in advance of the sale of such batteries and/or accumulators to notify that user in writing of any or all of the obligations that transfer to the enduser concerned in connection with the environmentally sound management of the waste batteries

and/or accumulators, and where appropriate, of his or her obligations to fulfil the provisions of articles 27 and 28 with regard to the treatment and recovery of waste batteries and accumulators, and

- end-user shall by the 31 January of each year, in respect of the previous calendar year, provide each producer concerned with adequate information to demonstrate that all waste batteries were –
 - treated at an appropriate facility in accordance with the requirements set out in Part A, and
 - recycled at an appropriate facility in accordance with the requirements set out in Part B

of Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time.

The current requirements of Annex III of the Directive can be found on pages 33 (article 27) and 36 (article 28)

Notwithstanding the above, –

- alternative financial arrangements with users of industrial batteries and/or automotive batteries and/or accumulators may be limited to the user and the producer mutually agreeing that the waste industrial batteries and/or accumulators concerned may be deposited by the user concerned at a collection point designated by the producer, and
- producers shall be prohibited from concluding agreements stipulating other financing methods with the endusers of automotive batteries and/or accumulators arising from privately registered/non-commercial vehicles.

Article 25 Collection of waste batteries and accumulators.

From 26 September 2008 onwards, members of the public will be entitled to deposit waste –

- portable batteries and/or portable accumulators including those incorporated into EEE or battery packs, and
- automotive batteries and/or accumulators arising from privately registered/non-commercial vehicles

at civic amenity facilities free of charge.

From 26 September 2008 onwards, each producer of –

- portable batteries and/or portable accumulators including those incorporated into EEE or battery packs must make adequate arrangements to provide for the collection of waste portable batteries and/or portable accumulators including those incorporated into EEE or battery packs from collection points and civic amenity facilities situated in the functional area of each local authority,
- automotive batteries and/or accumulators must make adequate arrangements to provide for the collection of waste automotive batteries and/or accumulators arising from privately registered/non-commercial vehicles from collection points and civic amenity facilities situated in the functional area of each local authority,
- automotive batteries or, as appropriate, accumulators must make adequate arrangements to provide for the collection of waste automotive batteries or, as appropriate, accumulators arising from commercially registered vehicles from collection points situated in the functional area of each local authority, and/or
- industrial batteries or, as appropriate, must make adequate arrangements to provide for the collection of waste industrial batteries or, as appropriate, accumulators regardless of their chemical composition, or as appropriate, origin from collection points situated in the functional area of each local authority,

Local authorities are empowered–

- to designate a workplace or school or a charity’s premises as a collections point, subject to the agreement of the management of the workplace or school or charity concerned and where appropriate an approved collective compliance scheme, and
- in order to facilitate collections in remote areas and/or areas with a low population density, to permit waste batteries that have been collected at a number of collection points to be bulked at one such collection point, subject to the agreement of the operators of the collection points and where appropriate obligated self complying producers and/or an approved collective compliance scheme.

Article 26 Disposal of waste batteries and accumulators.

From 26 September 2008 onwards, the disposal of waste industrial and automotive batteries and/or accumulators in landfill or by incineration shall be prohibited

The residues, however, or any battery and/or accumulator may be disposed of in landfill or by incineration provided it has already undergone both treatment and recycling in accordance with the provisions of articles 27 and 28.

Article 27 Treatment of waste batteries and accumulators.

From 26 September 2009 onwards any –

- producer responsible for financing the environmentally sound management of any waste battery or, as appropriate, accumulator in accordance with the provisions of article 23
- enduser of an industrial and/or automotive battery and/or accumulator who avails of alternative financing methods as provided for in article 24
- authorised waste collector, acting independently of any –
 - obligated producer, or
 - collective compliance scheme approved in accordance with the provisions of Part V of these Regulations,

engaged in the collection and transport of any waste battery or, as appropriate, accumulator

- organiser of a trade show and/or exhibition who becomes obligated in accordance with the provisions of article 17(5)
- retailer who becomes obligated in accordance with the provisions of article 22(4)

must ensure that waste batteries are treated and recycled using best available techniques in terms of the protection of health and the environment, must ensure such treatment and recycling meets the requirements set out in Part A of Annex III of the Directive and, as a minimum, must ensure such treatment and recycling complies with Community legislation as regards health, safety and waste management, and must regularly evaluate and adapt best available techniques in relation to recycling efficiencies.

Part A of Annex III of the Batteries Directive currently reads as follows –

PART A: TREATMENT	
1	Treatment shall, as a minimum, include removal of all fluids and acids.
2.	Treatment and any storage, including temporary storage, at treatment facilities shall take place in sites with impermeable surfaces and suitable weatherproof covering or in suitable containers.

From 26 September 2008 onwards, any waste battery and/or accumulator that is to be treated in another member state or outside the geographical

territory of the European Union must be treated in accordance with the laws of the member state or third country concerned and, where appropriate, each –

- producer responsible for financing the environmentally sound management of any waste battery or, as appropriate, accumulator in accordance with the provisions of article 23
- enduser of an industrial and/or automotive battery and/or accumulator who avails of alternative financing methods as provided for in article 24
- authorised waste collector, acting independently of any –
 - obliged producer, or
 - collective compliance scheme approved in accordance with the provisions of Part V of these Regulations,

engaged in the collection and transport of any waste battery or, as appropriate, accumulator

- organiser of a trade show and/or exhibition who becomes obligated in accordance with the provisions of article 17(5)
- retailer who becomes obligated in accordance with the provisions of article 22(4)

must ensure that the waste batteries are transported in accordance with the provisions of Council Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste⁶ Council Regulation (EC) No 1420/1999 of 29 April 1999 establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste⁷, and Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply⁸, and must ensure they are treated at a facility appropriately 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 sub-article (1) and article 28(1) have been complied with.

⁶ O.J. No. L 190, 12.7.2006, p 1 as last amended by Commission Regulation (EC) No 1379/2007 of 26 November 2007 amending Annexes IA, IB, VII and VIII of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (O.J. No. L 309, 27.11.2007, p 7).

⁷ O.J. No. L166, 1.7.1999, p. 6 as last amended by Commission Regulation (EC) No 105/2005 (O.J. L 20, 22.1.2005, p. 9).

⁸ O.J. No. L 316, 4.12.2007, p 6.

Holders of waste facility permits, registration certificates or waste collection permits must furnish information to the EPA in relation to waste batteries and/or accumulators collected, accepted, sorted, transferred, recycled, disposed of, brokered, or otherwise managed or treated within a specified period, in such form and at such frequency as may be specified by the EPA.

Any person exporting waste batteries and/or accumulators to any third country in accordance with –

must –

- ensure that they are treated in accordance with detailed rules for the implementation of article 15 of the Directive as laid down in accordance with the procedure referred to in Article 24(2) of the Directive, and
- demonstrate to the satisfaction of the EPA that all the waste batteries and/or accumulators concerned were –
 - treated at an appropriate facility in accordance with the requirements of sub-article (1), and
 - recycled at an appropriate facility in accordance with the requirements of article 28(1)

before claiming fulfilment of the obligations and efficiencies laid down in Annex III of the Directive, subject to any amendment that may be made to that Annex from time to time.

From 26 September 2008 onwards, any battery and/or accumulator that is collected with WEEE in accordance with the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) must be removed from the WEEE concerned prior to its environmentally sound management in accordance with the provisions of these Regulations.

Article 28 Recycling of waste batteries and accumulators.

From 26 September 2011 onwards, any –

- producer responsible for financing the environmentally sound management of any waste battery or, as appropriate, accumulator in accordance with the provisions of article 23
- enduser of an industrial and/or automotive battery and/or accumulator who avails of alternative financing methods as provided for in article 24
- authorised waste collector, acting independently of any –

- obligated producer, or
- collective compliance scheme approved in accordance with the provisions of Part V of these Regulations,

engaged in the collection and transport of any waste industrial battery or, as appropriate, accumulator

- organiser of a trade show and/or exhibition who becomes obligated in accordance with the provisions of article 17(5)
- retailer who becomes obligated in accordance with the provisions of article 22(4)

must ensure that its recycling process shall, as a minimum, meet the recycling efficiencies set out in Part B of Annex III of the Batteries Directive, subject to any amendment that may be made to that Annex from time to time.

Part B of Annex III of the Batteries Directive currently reads as follows –

PART B: RECYCLING	
3.	<p>Recycling processes shall achieve the following minimum recycling efficiencies:</p> <ul style="list-style-type: none"> (a) recycling of 65 % by average weight of lead-acid batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs; (b) recycling of 75 % by average weight of nickel-cadmium batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs; and (c) recycling of 50 % by average weight of other waste batteries and accumulators.

From 26 September 2008 onwards, the operator of any facility in the State engaged in the recycling of waste batteries and/or accumulators shall be required to consider the –

- introduction of certified environmental management schemes in accordance with Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing

voluntary participation by organisations in a Community ecomanagement and audit scheme (EMAS) ⁹,

- development new recycling and treatment technologies, and
- promotion of research into environmentally friendly and cost effective recycling methods for all types of batteries and accumulators.

Furthermore the EPA or any local authority shall encourage an applicant seeking a permit or a licence or the renewal of a permit or a licence, to operate a facility for the recycling of waste batteries, in accordance with the provisions of section 39(1) of the Act to set out his or her proposals for the –

- introduction of certified environmental management schemes in accordance with Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community ecomanagement and audit scheme (EMAS),
- development of new recycling and treatment technologies, and
- promotion of research into environmentally friendly and cost effective recycling methods

for all types of batteries and/or accumulators before considering such an application.

The Minister shall be empowered to issue guidance concerning new recycling technologies from time to time.

Article 29 Record keeping.

From 26 September 2011 onwards, any –

- producer responsible for financing the environmentally sound management of any waste battery or, as appropriate, accumulator in accordance with the provisions of article 23
- enduser of an industrial and/or automotive battery and/or accumulator who avails of alternative financing methods as provided for in article 24
- authorised waste collector, acting independently of any –
 - obligated producer, or
 - collective compliance scheme approved in accordance with the provisions of Part V of these Regulations,

⁹ O.J. No. L114, 24.4.2001, p1 as last amended by Commission Regulation (EC) No 196/2006 (O.J. No. L32, 4.2.2006, p4.

engaged in the collection and transport of any waste industrial battery or, as appropriate, accumulator

- organiser of a trade show and/or exhibition who becomes obligated in accordance with the provisions of article 17(5)
- retailer who becomes obligated in accordance with the provisions of article 22(4)

must ensure that quantities, by weight and/or by number of units, and categories of batteries and/or accumulators in each of the categories specified in guidance which the Minister may issue from time to time in respect of batteries and/or accumulators –

- placed on the market in each Member State of the European Union and third countries,
- that enter and exit any facility that treats waste batteries and/or accumulators, and
- exit any facility that recycles waste batteries and/or accumulators

are recorded.

These records must be –

- stored at an address within the State and must be kept for at least six years from the end of the year in which they were recorded, and
- made available on request to either the EPA or the appropriate local authority or any other appropriate agency.

Article 30 Waste management plans and reports.

Each producer on a date not later than the date of application for registration in accordance with the provisions of article 18(1)(a) is required to have prepared a plan which sets out the steps that he/she will take in order to comply with the requirements of these Regulations including the environmentally sound management of the waste batteries and/or accumulators for which he/she is responsible. In order that members of the public are made aware of the availability of such a plan producers must display the following notice –

WASTE MANAGEMENT ACT 1996

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

A producer's waste management plan shall contain at least the following information –

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Registered Name:
Address of Registered Office:
Telephone No.:
Fax No.:
E-mail:

Trading Name:
Address for Correspondence:
Name of the contact person in the company responsible for compliance with the Regulations:
Contact Person's Telephone No.:
Contact Person's Fax No.:
Contact Person's E-mail:

2. Name(s) and address(es) of owner(s).
3. The location of premises at which batteries are placed on the market in the State by the producer.
4. The projected quantities, where applicable, by weight or, as appropriate, by number of units of batteries that will be placed on the market in the State excluding any batteries that will leave the State prior to being sold to end-users in the relevant period in each of the categories specified in guidance which the Minister may issue from time to time, or an undertaking to comply with the obligation to report, as required or requested, to the “registration body” in accordance with the provisions of article 32.
5. The projected quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries that will arise from batteries placed on the market in the State excluding any batteries that will leave the State prior to being sold to end-users by the producer in the relevant period in each of the categories specified in guidance which the Minister may issue from time to time.

6. The names, addresses and permit numbers of proposed authorised waste collectors or, as appropriate, recycling operators to be used for the collection, treatment and recycling of waste batteries during the relevant period.
7. An undertaking that that only authorised waste collectors who demonstrate competence to comply with regulations made under the Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998) will be engaged.
8. The projected quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries that will be –
 - (a) recycled by or on behalf of the producer, and
 - (b) accepted by recycling operators,in the relevant period, in each of the categories specified in guidance which the Minister may issue from time to time.
9. The projected quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries that will be disposed of or consigned for disposal by the producer in each of the categories specified in guidance which the Minister may issue from time to time during the relevant period, and the proposed nature of the disposal operations involved.

Each producer on a date not later than the date of application for renewal of registration in accordance with the provisions of article 18(1)(b) is required to have prepared a report which sets out the steps that he/she has taken in order to comply with the requirements of these Regulations including the environmentally sound management of the waste batteries and/or accumulators for which he/she is responsible. In order that members of the public are made aware of the availability of such a report producers must display the following notice –

WASTE MANAGEMENT ACT 1996

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

A producer's waste management report shall contain at least the following information –

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Registered Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

Trading Name:

Address for Correspondence:

Name of the contact person in the company responsible for compliance with the Regulations:

Contact Person's Telephone No.:

Contact Person's Fax No.:

Contact Person's E-mail:

2. Name(s) and address(es) of owner(s).
3. The location of premises at which batteries are placed on the market in the State by the producer.
4. The quantities, where applicable, by weight or, as appropriate, by number of units of batteries placed on the market in the State excluding any batteries that left the State prior to being sold to end-users in the relevant period in each of the categories specified in guidance which the Minister may issue from time to time, or demonstrate compliance with the obligation to report, as required or requested, to the “registration body” in accordance with the provisions of article 32.
5. The quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries arising from batteries placed on the market in the State excluding any batteries that left the State prior to being sold to end-users by the producer in the relevant period in each of the categories specified in guidance which the Minister may issue from time to time.
6. The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recycling operators used for the collection, treatment and recycling of waste batteries during the relevant period.

7. A demonstration that each of the authorised waste collectors used for the collection of waste batteries during the relevant period complied with regulations made under the Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998).
8. The quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries –
 - (a) recycled by or on behalf of the producer, and
 - (b) accepted by recycling operators,at each treatment facility in the relevant period, in each of the categories specified in guidance which the Minister may issue from time to time
9. The quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries disposed of or consigned for disposal by the producer in each of the categories specified in guidance which the Minister may issue from time to time during the relevant period, and the nature of the disposal operations involved.

A producer must, when making an application for registration or renewal of registration with the Registration Body, submit a copy of its –

- plan for the management of waste batteries and/or accumulators, or
- report which specifies the steps that he/she has taken in order to comply with the requirements of these Regulations,

to the EPA for approval.

The EPA shall in determining the adequacy of any waste management plan submitted consult with the Minister with regard to any condition which the Minister may wish to apply including conditions –

- for the achievement of interim collection targets which may be set by the Minister.
- requiring co-operation with any approved collective compliance scheme and other self-complying producers including appropriate financial arrangements to enable the collection of waste batteries from collection points including civic amenity facilities, workplaces and educational establishments in the appropriate functional areas of all local authorities.

Each producer must pay the administration fee determined by the EPA when submitting a plan or report to it.

Each producer must make any –

- plan for the management of waste batteries and/or accumulators, or
- report which specifies the steps that he/she has taken in order to comply with the requirements of these Regulations,

available to any person who requests it free of charge within 10 working days of the date of receipt of the request.

A waste management plan or report may be made available by post, fax or e-mail.

In order to ensure they are legible, the above notices are required to be –

- at least 42 centimetres in height and 29.7 centimetres in width or 29.7 centimetres in height and 42 centimetres in width,
- printed in black indelible ink on a white background with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines and affixed, on a durable material, so as to be easily visible and legible,
- at or within one metre of each entrance to his or her premises, other than a premises that is used exclusively for retail sales, and shall not be obscured or concealed at any time.

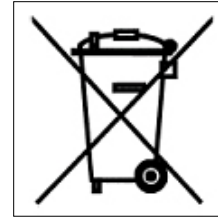
Article 31 Obligation of producers to provide information to users of batteries and accumulators.

From 26 September 2008 onwards, each producer will be required to ensure that that he or she or a third party acting on his or her behalf marks indelibly, visibly and legibly each battery and/or accumulator including any button cell he or she places on the market –

- with the crossed out wheeled bin symbol, and if they
- contain more than –
 - 0.0005 % mercury with the chemical symbol Hg,
 - 0.002 % cadmium with the chemical symbol Cd, and/or
 - 0.004 % lead with the chemical symbol Pb

which shall be printed beneath the crossed out wheeled bin symbol.

The symbol indicating separate collection for batteries and accumulators consists of the crossed-out wheeled bin, as shown across. The symbol must be printed visibly, legibly and indelibly and conform to any such standard that may be promoted by the Commission.



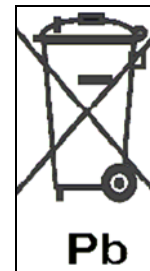
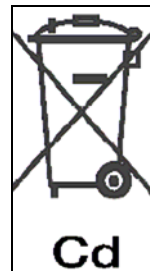
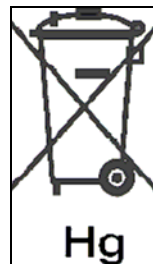
The crossed out wheeled bin symbol must cover at least –

- 3 % of the area of the largest side of any battery or, as appropriate, accumulator including any battery pack but excluding any cylindrical cell, or
- 1.5 % of the surface area of any cylindrical cell,

but should be no more than 5×5 cm in size.

If, however, the size of the battery and/or accumulator including any cylindrical cell and/or battery pack is such that the crossed out wheeled bin symbol would be smaller than 0.5×0.5 cm then the symbol must be printed on the packaging and must measure at least 1×1 cm.

The symbols Hg, Cd and/or Pb must cover an area of at least one quarter the size of the crossed out wheeled bin symbol.



If the crossed out wheeled bin symbol is printed on the packaging of any battery and/or accumulator including any button cell containing more than –

- 0.0005 % mercury,
- 0.002 % cadmium, and/or
- 0.004 % lead,

on account that crossed out wheeled bin symbol would be smaller than 0.5×0.5 cm the chemical symbols Hg, Cd and/or Pb must also be printed on the packaging concerned.

Producers, when supplying a new batteries and/or accumulators, must ensure that users are informed of –

- the potential effects on the environment and human health of the substances used in batteries and accumulators,
- the desirability of not disposing of waste batteries and accumulators as unsorted municipal waste and of participating in their separate collection so as to facilitate treatment and recycling,
- their role in contributing to the recycling of waste batteries and accumulators,
- the meaning of the symbol of the crossed-out wheeled bin symbol and the chemical symbols Hg, Cd and Pb,
- how to safely remove a battery and/or accumulator from EEE where a battery and/or accumulator is incorporated into the appliance concerned, and
- the type of any battery and/or accumulator that is incorporated into an appliance.

The aforementioned obligation to inform users will be deemed to have been met if the information is provided –

- in the instructions for use,
- in leaflets issued at the point of sale, and/or
- through an ongoing information campaign approved by the Minister, and

The obligation to inform users how to safely remove a battery and/or accumulator from EEE where a battery and/or accumulator is incorporated into the appliance concerned shall not apply 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 or accumulator.

From 26 September 2009 onwards, each producer will be required to ensure that that he or she or a third party acting on his or her behalf marks indelibly, visibly and legibly –

- each
 - portable battery and/or portable accumulator
 - automotive battery and/or automotive accumulator

with details of the capacity of the battery and/or accumulator concerned in accordance with the detailed rules for the implementation of this requirement, including harmonised methods for the determination of capacity and appropriate use, shall be laid down in accordance with the procedure referred to in Article 24(2) of the Batteries Directive.

Article 32 Obligation of producers to provide information to the Registration Body.

Each producer or a third party acting on his or her behalf shall declare –

- by 1 September 2008, in respect of the calendar year ending 31 December 2007,
- by 31 January of each year thereafter, in respect of the previous calendar year ending 31 December, and
- on request within a specified period or by a specified date, in respect of any specified period.

the quantities, by weight and/or by number of units, and categories of batteries and/or accumulators in each of the categories specified in guidance which the Minister may issue from time to time he or she placed on the market, to the registration body, or where any or all of the functions of the registration body have been devolved to a third party in accordance with the provisions of article 15(3), to the third party concerned.

Any person advertising batteries and/or accumulators will be required to inform members of the public that “Waste batteries must never be placed in your waste disposal or recycling bins. There is a bin for small batteries in your local store. Battery recycling is free”.

Article 33 Obligation of distributors to provide information to users of batteries and accumulators.

From 26 September 2008 onwards, each distributors of batteries and/or accumulators –

- when supplying a new product, shall ensure that users are informed of the return and collection systems available to them (which will be deemed to have been met if the information is provided in the instructions for use and leaflets issued at the point of sale), and
- when advertising batteries and/or accumulators will be required, in any advertisement, to include the following text –

Waste batteries must never be placed in your waste disposal or recycling bins. There is a bin for small batteries in your local store. Battery recycling is free.

- display in a conspicuous position within one metre of the point of sale and/or display of batteries and/or accumulators the following notice –

**FREE RECYCLING
WASTE MANAGEMENT ACT 1996**

Waste batteries including rechargeable batteries (of a type sold here) 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 small batteries free of charge at its recycling facilities.

All waste batteries must be recycled and should not be placed in your waste disposal or recycling bins.

Make sure you always recycle all your old batteries

In order to ensure they are legible, each of the above notices are required to be –

- at least 29.7 centimetres in height and 21 centimetres in width or 21 centimetres in height and 29.7 centimetres in width,
- printed in black indelible ink on a white background with a times new roman font size of at least 24 or equivalent and line space of at least 1.5 lines and affixed, on a durable material, so as to be easily visible and legible,
- at or within one metre of one metre of the point of sale and/or display of batteries and/or accumulators, and

shall not be obscured or concealed at any time.

Retailers who sell both electrical and electronic equipment as well as batteries and/or accumulators may, as an alternative, display in a conspicuous position within one metre of –

- the point of sale and/or
- display of batteries and/or accumulators the following notice –

**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 (of a type sold here) 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 your waste disposal or recycling bins.

Make sure you always recycle all your old electrical goods and batteries

which will required to be –

- at least 29.7 centimetres in height and 21 centimetres in width or 21 centimetres in height and 29.7 centimetres in width,
- printed in black indelible ink on a white background with a times new roman font size of at least 20 or equivalent and line space of at least 1.5 lines and affixed, on a durable material, so as to be easily visible and legible,
- at or within one metre of one metre of the point of sale and/or display of batteries and/or accumulators, and

shall not be obscured or concealed at any time.

PART V APPROVED BODIES

Article 34 Exemption from certain requirements.

This Article exempts any producer, who is responsible for the environmentally sound management of waste batteries and/or accumulators from the requirements of articles 23(1), 23(3), 23(4), 23(5), 23(6), 23(7), 23(8), 23(9), 25(b), 27, 28 and 30 provided he or she is participating satisfactorily in an approved collective compliance scheme and who can produce a valid certificate from the approved body to confirm this.

A producer, however, will no longer be exempt from the provisions of the aforementioned articles if –

- an approved body revokes his or her certificate of membership,
- if the Minister revokes an approval issued to the collective compliance scheme of which he or she is a member, or
- he or she ceases to be a member of an approved collective compliance scheme.

Each collective compliance scheme shall be responsible for the achievement of the collection targets specified in article 23(7) in proportion to the total quantity of batteries placed on the market in the State by producers participating in each collective compliance scheme concerned.

Article 35 Application to the Minister for approval.

A body corporate may apply to the Minister for approval to perform the functions of a collective compliance scheme.

An application for approval to the Minister must be made in writing and must enclose the following –

- a copy of the articles of association of the body corporate,
- the appropriate certificate issued by the Companies Registration Office,
- proposals relating to corporate governance,
- proposals for representation of small and medium enterprises on the board of the approved body together with the names and addresses in the State of the officers of the body corporate and its board of directors,
- a business plan in relation to the proposed scheme,
- proposals for a contingency reserve,
- proposals relating to co-operation with other approved bodies and individual producers who are not eligible for the exemptions provided for in article 34 including proposals in relation appropriate financial arrangements to enable the collection of waste batteries and accumulators from collection points including civic amenity facilities, workplaces and schools in the appropriate functional areas of all local authorities,
- proposals for a scheme to be undertaken by the body corporate for the environmentally sound management of waste batteries and accumulators,

- proposals for the achievement of the targets as laid down in articles 23 and 28 for the environmentally sound management of waste batteries and accumulators under the proposed scheme,
 - proposals for determining and verifying the level of the environmentally sound management of waste batteries and accumulators under the proposed scheme,
 - a copy of the rules of membership of the body corporate together with details of the membership fee structure,
 - a –
 - declaration that no producer applying for membership will be discriminated against on the grounds –
 - of the quantity and/or type of batteries and/or accumulators that he or she places on the market, and/or
 - that the body concerned is only catering for or will only cater for –
 - a maximum pre-determined share of waste arising from batteries and/or accumulators, and/or
 - waste arising from batteries and/or accumulators from a particular geographical location or locations,
- in the State, and
- list of applications for membership –
 - received,
 - accepted, and
 - rejected together with the grounds for rejection.
 - proposals for the certification of producers for the purposes of article 34,
 - proposals relating to green procurement and the engagement of authorised waste collectors demonstrating competence to comply with regulations made under the Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998),
 - proposals relating to the dissemination of information to the public regarding the environmentally sound management of waste batteries and accumulators,
 - proposals detailing the nature and frequency of information (including financial accounts) to be submitted by the body

concerned to the Minister or to such other person as may be specified by the Minister, and/or

- such other information as may be specified in writing by the Minister for the purposes of this article.

Article 36 Grant or refusal of approval.

The Minister is empowered to grant or refuse approval to any corporate body that applies to perform the functions of a collective compliance scheme.

Any approval to perform the functions of a collective compliance scheme granted by the Minister will be for a minimum of three years and for a maximum of five years.

Any approval granted by the Minister may be subject to conditions including conditions relating to –

- the articles of association of the body corporate,
- the appropriate certificate issued by the Companies Registration Office,
- corporate governance,
- the representation of small and medium enterprises on the board of the approved body and the composition of the board of directors,
- the business plan,
- a contingency reserve,
- co-operation with other approved bodies and individual producers who are not eligible for the exemptions provided for in article 34 including appropriate financial arrangements to enable the collection of waste batteries and accumulators from collection points including civic amenity facilities, workplaces and schools in the appropriate functional areas of all local authorities,
- any aspects of the scheme to be undertaken by the body corporate for the environmentally sound management of waste batteries and accumulators,
- the achievement of the targets as laid down in articles 23 and 28 for the environmentally sound management of waste batteries and accumulators together with interim collection targets which may be prescribed in conditions applied by the Minister,
- the determination and verification of the effects of measures to be undertaken with regard to the environmentally sound management of waste batteries and accumulators,
- the rules of membership of the body corporate and the membership fee structure,
- non-discrimination against any producer on the grounds –

- of the quantity and/or type of batteries and/or accumulators that he or she places on the market, and/or
- that the body concerned is only catering for or will only cater for –
 - a maximum pre-determined share of waste arisings from batteries and/or accumulators, and/or
 - waste arising from electrical batteries and/or accumulators from a particular geographical location or locations,

in the State,

- the certification of producers for the purpose of article 34,
- green procurement and the engagement of authorised waste collectors demonstrating competence to comply with regulations made under the Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998),
- measures to be undertaken by the body concerned relating to the dissemination of information to the public regarding the environmentally sound management of waste batteries and accumulators,
- the nature and frequency of information (including financial accounts) to be submitted by the body concerned to the Minister or to such other person as may be specified by the Minister, and/or any
- other matters the Minister may consider appropriate.

Any person or persons, including a liquidator, examiner, receiver and/or administrator is prohibited from using the contingency reserve provided for in sub-article (3)(f), for any purpose including the discharge of liabilities to creditors, whether secured creditors, preferential creditors, creditors claiming under retention of title, creditors with claims supported by guarantees or indemnities, ordinary creditors and/or subordinated creditors, other than for fulfilling the obligations of the producers in membership of the compliance scheme concerned in the event that an approved collective compliance scheme –

- has its approval revoked in accordance with the provisions of article 37,
- goes into liquidation, examination and/or receivership, and/or
- enters into a scheme of arrangement or compromise in accordance with the provisions of section 201 of the Companies Acts,

The Minister is empowered to vary any conditions attached to an approval to perform the functions of a collective compliance scheme at any time by notice in writing.

Article 37 Review and revocation of approval.

The Minister is empowered to review an approval to perform the functions of a collective compliance scheme or require a new application to be made where new targets need to be met, where he or she feels that this is necessary to ensure equitable distribution of producer responsibility obligations or that is this required in the interests of the environmentally sound management of waste batteries and/or accumulators.

Where the Minister proposes to review an approval to perform the functions of a collective compliance scheme or requires it to submit a new application; the collective compliance scheme concerned must be notified in writing. The collective compliance scheme concerned must also be provided with the reasons for the review and be given up to four weeks to make a submission to the Minister, or submit a new application. The Minister will be required to consider any submission or application made by the collective compliance scheme.

The Minister, having considered any submission or application made by the collective compliance scheme, is empowered to issue a –

- revised approval varying any or adding additional conditions, or
- new approval,

Each approved collective compliance scheme is required to notify the Minister, not later than 6 months before the expiry of its approval, whether or not it intends to continue performing the functions of a collective compliance scheme. It also requires an approved collective compliance scheme intending to continue performing its functions to re-apply for approval to the Minister not later than two months before the expiry date of its approval.

The Minister is empowered to review or revoke an approval to perform the functions of a collective compliance scheme where he or she is of the view that the collective compliance scheme concerned is not complying with the conditions attached to its approval or that targets for the environmentally sound management of waste batteries and/or accumulators are not being met.

Where the Minister proposes to revoke an approval to perform the functions of a collective compliance scheme; the collective compliance scheme concerned must be notified in writing. The collective compliance

scheme concerned must also be provided with the reasons for the proposed revocation and be given up to four weeks to make a submission to the Minister. The Minister will be required to consider any submission or application made by the collective compliance scheme.

Article 38 Use of logo adopted by an approved body

Any person (e.g. producer, retailer, economic operator etc.) is prohibited from displaying any logos, marks or symbols of an approved collective compliance scheme –

- at any premises, and/or
- on any –
 - vehicle,
 - product,
 - packaging,
 - advertisement, and/or
 - notice

unless the written consent of the approved collective compliance scheme concerned is given.

Article 39 Notifications to local authorities and the Registration Body and provision of information to the Agency and the Central Statistics Office.

All approved collective compliance schemes are required to notify, by the 7th day of each month, the -

Registration Body
appropriate local authority
EPA

of any producer who has been granted a valid certificate of membership, or who has had such a certificate revoked, in the preceding calendar month.

Furthermore, approved collective compliance schemes must furnish such information, in such form and at such frequency as may be specified by the Agency or the Central Statistics Office, in relation to activities carried out by producers or recycling operators registered with that body, for the purposes of complying with these Regulations.

PART VI FUNCTIONS OF THE AGENCY AND LOCAL AUTHORITIES

Article 40 Enforcement.

The EPA is responsible enforcing the provisions of articles 5, 7, 9, 15, 16, 17, 18, 19, 20, 21(1)(a), 21(4), 21(5), 23, 24, 27, 28, 29, 30, 31, 32, 33(3), 34, 38, 39, 45 and 46 of these Regulations.

Each local authority is responsible enforcing the provisions of articles 21(1)(b), 21(2), 21(3), 21(6), 21(7), 22, 33(1), 33(2) and 42 of these Regulations within its functional area.

Both the EPA and/or the relevant local authority is responsible enforcing the provisions of articles 25, 26, 43 and 44 of these Regulations

The EPA or a local authority may a producer or distributor to furnish in writing within 14 days and thereafter at such frequency as may be specified in the notice, any records including, but not exclusively, invoices, credit notes, dispatch and/or delivery dockets. Any such information obtained by the EPA may be submitted to a local authority or the Minister and Any such information obtained by a local authority may be submitted to EPA or the Minister.

Article 41 Authorised Persons.

An authorised person for the purpose of the Waste Management Acts 1996 to 2008 shall also be an authorised person for the purpose of these Regulations.

Article 42 Registration of Distributors.

From 1 September 2008 onwards, each local authority is required to establish and maintain a register of retailers within its functional area who transport or store waste batteries and/or accumulators that are accepted back of charge.

Each local authority must provide for the maintenance of the register and for inspection of each premises listed therein.

Each retailer who transports or stores waste batteries and/or accumulators that are accepted back free of charge must apply to the local authority for

–

- registration no later than 15 September 2008 or the date of commencement of business, whichever is the later, and

- renewal of registration no later than 31 January in each year following initial registration except in cases where the first renewal is within six months of the date of first registration in which case the first renewal of registration may be deferred until 31st January of the following year in respect of each premises –

from which he or she sells batteries and or accumulators, and/or he/she uses to store batteries and or accumulators prior to their sale.

Each application for registration or renewal of registration must be made in writing, and contain at least the following information –

- Name, address(es), telephone, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the distributor.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

- Location(s) of premises at or from which waste batteries or, as appropriate, accumulators are or will be stored, and

be accompanied by a –

- declaration from the applicant that transport and storage of waste batteries shall be in accordance with the provisions of –
 - sections 34(1) and 39(1) of the Act, or, as appropriate,
 - articles 43 and 44 of these Regulations, and
- fee as prescribed in article 37(4)(b) of the Waste Management (Waste Electrical and Electronic) Regulations (S.I. No. 340 of 2005) which is currently set at €20 per annum.

Any retailer who is registered in accordance with the provisions of article 37 of the Waste Management (Waste Electrical and Electronic) Regulations (S.I. No. 340 of 2005) shall be deemed to be registered in accordance with the provisions of this article.

A representative body and/or a trade association representing retailers or an approved collective compliance scheme may maintain such a register.

An approval to a representative body and/or a trade association –

- shall be subject to such conditions as the Minister may specify, including but not exclusively –
 - the period of approval,
 - variance in the terms and conditions of approval,
 - revocation of approval, and
 - the nature of information to be recorded and maintained by the body concerned.
- may be varied, and
- may be revoked, provided that –
 - notice is given in writing to the representative body and/or trade association concerned of the proposed decision and the reasons therefor,
 - a period of not less than four weeks is specified within which the representative body and/or trade association concerned may make a submission to the Minister in relation to the proposed decision, and consideration is given to such a submission.

A representative body and/or a trade association will be required to return all records, documentation and data in written and in electronic form, relating to the retailer registrar, including the requisite software and programmes to each appropriate local authority in the event of an approval to a representative body and/or a trade association to maintain a retailer register is revoked or expires.

A retailer shall fulfil the obligation to register with a local authority by applying, to a representative body and/or a trade association that is approved to provide a retailer registration service, to register each premises from which he or she, distributes batteries and/or uses for the storage of batteries prior to their distribution.

Any retailer who registers each premises from which he or she, distributes batteries or and/or uses for the storage of batteries prior to their distribution in accordance with the provisions of sub-article (13) shall be deemed to have fulfilled the obligation to be registered with a local authority.

Operators of collection points catering for portable batteries (e.g. retailers, workplaces, schools etc.) are exempt from the registration requirements in article 42 provided they do not exceed the storage limits set out below –

- Retailers – **250 kg** of waste portable batteries and or accumulators
- Schools – **250 kg** of waste portable batteries and or accumulators
- Workplaces – **250 kg** of waste portable batteries and or accumulators
- Premises occupied by a charity issued with a CHY reference by the Revenue Commissioners – **50 kg** of waste portable batteries and or accumulators

PART VII MISCELLANEOUS

Article 43 Non-application of section 34(1)(a) of the Act.

From 26 September 2008 onwards, any –

- retailer, registered or exempted from registration in accordance with the provisions of Article 42, who transports waste batteries and/or accumulators that are accepted free of charge provided that the transport of the waste batteries and/or accumulators concerned is being deposited at a collection point,
- person who transports waste batteries and/or accumulators on behalf of a charity registered with the Revenue Commissioners and which has been issued with a Charity (CHY) Number, or
- person or persons, acting on behalf of a workplace or educational establishment designated as a collection point by a local authority

will be exempted from having to have a collection permit to transport waste batteries and/or accumulators, subject to the aforementioned waste batteries and/or accumulators being transported in a vehicle registered in the State. This exemption shall not apply to vehicles designed to hold a skip or other de-mountable container.

The above exemption, however, **will not** apply –

- to contaminated waste batteries and/or accumulators that present a health and safety risk and
- unless the waste batteries and/or accumulators concerned will eventually be –
 - treated at an appropriate facility in accordance with the requirements set out in Part A, and

- recycled at an appropriate facility in accordance with the requirements set out in Part B

of Annex III of the Batteries Directive, subject to any amendment that may be made to that Annex from time to time.

Article 44 Non-application of section 39(1) of the Act.

From 26 September 2008 onwards, any –

- retailer registered or exempted from registration in accordance with the provisions of Article 42, who stores waste batteries and/or accumulators that are accepted free of charge will be exempted from having to have a waste permit to store waste batteries and/or accumulators, provided that the quantities of waste batteries and/or accumulators being stored at any one time do not exceed –
 - 2,500 kg of waste batteries and/or accumulators, other than waste portable batteries and/or portable accumulators, and/or
 - 250 kg of waste portable batteries and/or portable accumulators
- workplace or school designated as a collection point by a local authority in accordance with the provisions of article 25(c) and where the quantities being stored at any one time does not exceed 250 kg of waste portable batteries and portable accumulators.
- charity registered with the Revenue Commissioners and which has been issued with a Charity (CHY) Number whose premises has been designated as a collection point by a local authority, will be exempted from having to have a waste permit to store waste batteries and/or accumulators, provided that the quantities of waste batteries and/or accumulators being stored at any one time do not exceed –
 - 500 kg of waste batteries or, as appropriate, accumulators, other than waste portable batteries and/or portable accumulators, and/or
 - 50 Kg of waste portable batteries and/or portable accumulators.

The above exemptions **will not** apply –

- to contaminated waste batteries and/or accumulators that present a health and safety risk and

- unless the waste batteries and/or accumulators concerned will eventually be –
 - treated at an appropriate facility in accordance with the requirements set out in Part A, and
 - recycled at an appropriate facility in accordance with the requirements set out in Part B

of Annex III of the Batteries Directive, subject to any amendment that may be made to that Annex from time to time.

From 26 September 2008 onwards, local authorities may provide or arrange for the provision of alternative arrangements for the collection, bulking and temporary storage of waste batteries and/or accumulators delivered by commercial vehicles at facilities members of the public have access to, provided –

- the quantities of waste batteries and/or accumulators being stored at any one time do not exceed –
 - 10 tonnes of waste batteries and/or accumulators, other than waste portable batteries and/or portable accumulators, and/or
 - 1,000 kg of waste portable batteries and/or portable accumulators, and
- where the waste batteries or, as appropriate, accumulators shall be stored for a period not exceeding 30 days.

Sub-article (4) sets out the parameters regarding alternative arrangements for the collection, bulking and temporary storage of WEEE.

From 26 September 2008 onwards, the EPA and/or a local authority may issue registration certificates to facilitate the provision of alternative arrangements for the collection, bulking and temporary storage of waste batteries and/or accumulators. All records of a facility issued with a registration certificate shall be maintained for a period of six years, starting from the end of the year in which the record was created. A valid applications for a registration certificate must be adjudicated on within 4 weeks of the date of submission. Where an applicant demonstrates that he or she has applied for a registration certificate, up until 2 January 2009; he or she will be deemed to be registered until the application is adjudicated. No registration fee will be required in respect of applications for registration certificates submitted prior to 2 January 2009. A registration fee of €300 must accompany all application for registration certificates submitted from 2 January 2009 onwards. Each application for a

registration certificate must be made in writing and contain, where appropriate, the following information –

- (1) A Registration holder shall demonstrate within the application for a Certificate of registration the manner in which it is proposed to comply in all respects with the particulars of the Rules of this schedule, unless as may otherwise agreed in writing by the local authority or, as the case may be, the EPA.
- (2) Any emissions from the recovery or disposal activity concerned (including both storage and temporary storage) shall not result in contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment.
- (3) The registration holder shall ensure that all recovery and disposal of waste (including both storage and temporary storage) is undertaken in a manner which does not endanger human health.
- (4) Waste shall only be accepted by the registration holder at the site between 0800 and 1800 hours, Monday to Friday inclusive, and between 0800 and 1400 hours on Saturdays unless otherwise approved in writing by the relevant local authority or, as the case may be, the EPA.
- (5) The registration holder shall put in place appropriate procedures relating to the acceptance of waste at the facility, including
 - (i) waste inspection procedures,
 - (ii) waste acceptance and handling procedures,
 - (iii) waste characterisation and waste quarantine procedures,
 - (iv) other appropriate procedures and arrangements relating to the acceptance of waste, and
 - (v) measures to ensure compliance with article 6 of these Regulations.
- (6) The registration holder shall put in place appropriate procedures relating to the supervision of the storage, recovery or disposal activity.
- (7) The registration holder shall ensure that all waste accepted at the facility has been collected and transported in accordance with Section 34 of the Waste Management Acts 1996 to 2008 and the Waste Management (Collection Permit) Regulations, 2007.
- (8) The registration holder shall take all necessary measures relating to prevention of unauthorised waste activities and the establishment

of controls on entry to the facility, including the rejection of all waste arriving at the facility where the vehicle does not possess the requisite authorisation to permit the collection and transportation of waste in accordance with Section 34 of the Waste Management Acts 1996 to 2008 and the Waste Management (Collection Permit) Regulations, 2006.

- (9) The registration holder shall conduct, document and maintain an assessment of the risk of environmental pollution, having regard to the types of the wastes to be accepted and the nature of the activity being undertaken at the facility.
- (10) The registration holder shall take preventative measures to ensure that the activity is carried out in a manner which does not have any adverse effect on drainage of lands, watercourses, shallow wells, bored wells, raw water intakes or other sources of water supply, public and private roads or footways.
- (11) In the case of an activity involving the storage or temporary storage of waste, the registration holder shall establish the necessary measures to ensure the secure and safe storage of the wastes, including appropriately designed storage locations and containment arrangements.
- (12) The registration holder shall take all necessary measures to ensure compliance with all legal obligations pertaining to the carrying on of the activity or activities at the facility.
- (13) The registration holder shall take preventative measures to ensure that the activity does not result in unreasonable noise, dust, grit and other nuisances, which would result in the impairment of, or significant interference with, the amenities or the environment beyond the site boundary.
- (14) The registration holder, if requested by the EPA or relevant local authority, shall provide detailed written reports on investigations and monitoring of the activities and related ancillary matters.
- (15) The registration holder shall maintain a register in relation to the activity to which the certificate of registration relates, which shall be available for inspection by the local authority, which details:
 - (a) the dates, time of arrivals and quantities of each waste consignment (by European Waste Catalogue code(s) and description(s) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent amendments) delivered to the facility,

- (b) names of the carriers, including details of vehicle registrations and waste collection permits numbers,
 - (c) origin of waste delivered,
 - (d) quantities and composition of wastes rejected at the facility, and
 - (e) quantities, composition and destination of waste consigned for onward transport from the facility.

- (16) The registration holder shall compile and maintain records in a format agreed with the local authority or, as the case may be, the EPA in respect of the particulars of the summary information contained in the register established in accordance with Rule (15), for a period of not less than 7 years.

- (17) The registration holder shall immediately notify the relevant local authority or, as the case may be, the EPA of any incident arising from the activity, which:
 - (a) has the potential for contamination of surface or ground water, or
 - (b) poses an environmental threat to air or land.

- (18) As part of the notification process, the operator shall include, within the 24 hours of any such incident occurring, details as to—
 - (a) the date and time of the incident,
 - (b) details of the incident,
 - (c) evaluation of the pollution caused, and
 - (d) remedial corrective measures undertaken or to be undertaken, including details of preventative measures.

- (19) Not later than the 28th day of February in each year, the registration holder shall furnish to the local authority or, as the case may be, the EPA in such form as may be agreed, an Annual Environmental Report containing summary information in relation the preceding calendar year or part thereof as the case may be, in respect of the activities to which the Certificate of registration relates and giving particulars of the manner in which the Rules specified in this schedule have been implemented.

- (20) The registration holder shall also comply with any additional rules for the management of particular streams of waste:
 - Waste Electrical and Electronic Equipment Facilities,
 - Refrigerant Gas, Halon and Fluorinated Greenhouse Gas Facilities,
 - Organic Waste Composting Facilities,
 - Spreading of Organic Waste on Land, and
 - Storage of Immobilised Vehicles.

(21) Furthermore the registration holder shall –

- also make the register available to the local authority and/or the EPA on request. This register must also contain –
 - The dates, time of collections and quantities of each waste consignment (by European Waste Catalogue code(s) and description(s) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent amendments) collected from the facility,
 - Names of the carriers, including vehicle registration details in respect of waste collected from the facility, and
 - Origin of waste rejected from the facility.
- establish the provenance of waste batteries deposited (e.g. deposited on behalf of an approved body, a self complying producer of batteries, a business end user etc.).
- forward details of the source of waste batteries deposited at a waste facility on behalf of a person (other than an approved body or a self complying producer of batteries or a householder depositing a quantity of waste batteries not exceeding the quantity prescribed in article 21(7)(a)), together with details of the person depositing the waste batteries to the local authorities in the functional area or areas where the –
 - waste facility is located,
 - person depositing the waste batteries has his or her place of business and if not a business his or her place of residence, and
 - source of the waste batteries concerned has his or her place of business and if not a business his or her place of residence.

Article 45 Increased environmental performance.

From 26 September 2009 onwards, each producer in the State engaged in the manufacture of batteries and/or accumulators shall be required to consider the –

- promotion of research and encourage improvements in the overall environmental performance of batteries and accumulators throughout their entire life cycle, and
- development and marketing of batteries and accumulators which contain smaller quantities of dangerous substances or which

contain less polluting substances, in particular as substitutes for mercury, cadmium and lead.

Furthermore any undertaking supported by public funds that assists or intends to assist a manufacturer of batteries and/or accumulators shall consult with the Minister concerning the manufacture's proposals for the –

- promotion of research and encourage improvements in the overall environmental performance of batteries and accumulators throughout their entire life cycle, and
- development and marketing of batteries and accumulators which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular as substitutes for mercury, cadmium and lead.

before considering the granting or continued granting of such assistance.

The Minister from time to time may issue guidance concerning the design of and production of batteries and/or accumulators.

Article 46 Removal of waste batteries and accumulators.

From 26 September 2009 onwards, each producer in the State engaged in the manufacture of appliances containing batteries and/or accumulators shall be required to design the appliances concerned in such a way that waste batteries and accumulators 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 or accumulator.

The Minister from time to time may issue guidance concerning the design of and production of appliances containing batteries or, as appropriate, accumulators.

Retailers must ensure that instructions, –

- showing how batteries and/or accumulators can be removed safely and, where appropriate,
- informing the end-user of the type of the incorporated batteries and/or accumulators

are provided to each customer purchasing any appliance into which a battery or batteries have been incorporated.

Article 47 Offences.

Any person who –

- contravenes or fails to comply with a provision, or provisions, of these Regulations, or
- provides information which is false or to his or her knowledge misleading in a material way, or
- obstructs or interferes with an authorised person in the exercise of a power conferred by these Regulations

shall be guilty of an offence.

Where an offence under these Regulations is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been facilitated by any neglect on the part of a person, being a director, manager, secretary or other officer of that body, or a person who was purporting to act in any such capacity, that person shall also be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Article 48 Penalties

A prosecution for a summary offence under these Regulations may be taken by the Agency or a relevant local authority,

A person guilty of an offence under these Regulations shall be liable –

- on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months, or to both such fine and such imprisonment, or
- on conviction on indictment, to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years, or to both such fine and such imprisonment.

Article 49 Revocation.

The European Communities (Batteries) Regulations 1994 (S.I. No. 262 of 1994) and Part III of the Waste Management (Hazardous Waste) Regulations 1998 (S.I. No. 163 of 1998) are revoked with effect from 26 September 2008.

Schedules

First schedule	Information to be compiled and provided when applying for registration or renewal of registration in accordance with article 18
Second schedule	Information to be provided in reports in accordance with articles 22 and 23
Third schedule	Requirements regarding notices in accordance with articles 30 and 33
Fourth schedule	Information to be provided in plans and reports in accordance with article 30
Fifth schedule	Symbol for the marking of batteries indicating separate collection in accordance with article 31
Sixth schedule	Information to be provided when applying for registration or renewal of registration in accordance with article 42
Seventh schedule	Additional rules to those specified in Part I of the Fourth Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821 of 2007) as amended by the Waste Management (Facility Permit and Registration) (Amendment) Regulations 2008 (S.I. No 86 of 2008) in respect of registered activities in accordance with article 44
Eighth schedule	Information to be provided in applications for registration certificates in accordance with article 44