

Public Consultation Draft

Explanatory Notes in Respect of the Draft Waste Management (Batteries and Accumulators) Regulations 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.

Article 3 Interpretation of regulations.

Defines terms used in these Regulations. Key definitions include –

”the Act“ means the Waste Management Acts 1996 to 2007;

“the Waste Management Acts 1996 to 2007” 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), the Waste Management (Electrical and Electronic Equipment) Regulations 2005 (S.I.

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).

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No. 290 of 2005) and the Waste Management (Environment Levy) (Plastic Bag) Order 2007 (S.I. No. 62 of 2007);

the “Companies Acts” means the Companies Acts 1963 to 2001 and every other enactment which is to be read together with any of those Acts;

“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;

“Authorised Officer” means a person appointed under Article 41 of these Regulations to be an authorised officer;

“the Board” means the Board of the Environmental Protection Agency;

“all reasonable times” means all times when members of the public have access to a place where batteries or, as appropriate, accumulators are distributed;

“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;

“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 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 and/or encapsulated within an outer casing so as to form a complete unit that the enduser is not intended to split up or open;

³ O.J. No. L37, 13.02.2003, p.24.as amended by as amended by European Parliament and Council Directive 2003/108/EC³ of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment (O.J. No. L345, 31.12.2003, p. 106).

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“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;

“collection point” means –

- (i) a civic amenity facility,
- (ii) a premises from which batteries or, as appropriate, accumulators are stored following acceptance in accordance with the provisions of article 21(2),
- (iii) any premises where industrial batteries or, as appropriate, accumulators are used, or
- (iv) other facility for the receipt, storage or recovery of waste batteries or, as appropriate, accumulators

subject to such a facility, other than a premises where industrial batteries or, as appropriate, accumulators are used, 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;

“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;

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

“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;

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“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 contracts⁴, 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.

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

Article 5 Prohibition of specified hazardous substances.

Prohibits all batteries and/or accumulators that contain more than 0.0005% of mercury by weight and all portable batteries and/or portable accumulators that contain more than 0.002% of cadmium by weight from being –

⁴ O.J. No. L144, 4.6.1997, p19 as last amended by Directive 2005/29/EC (O.J. No. L149, 11.6.2005, p22.

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- 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.

Article 6 Exemptions.

The prohibition prescribed in Article 5 shall not apply in respect of –

- button cells with a mercury content of no more than 2% by weight,
- portable batteries and/or accumulators intended for use in –
 - emergency and alarm systems, including emergency lighting,
 - medical equipment, or
 - cordless power tools.

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.

Furthermore each producer and/or a retailer is required to provide every reasonable assistance to the EPA.

Article 8 Functions of the Board

From 26 September 2008 onwards the Board of the EPA or an Authorised Officer of the Board 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

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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 Board of the EPA or an Authorised Officer of the Board considers appropriate.

Article 9 Procedure in relation to directions of the Board

When it is being considered to issue a direction in accordance with the provisions of these Regulations Board of the EPA or an Authorised Officer of the Board 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 Board of the EPA or the Authorised Officer concerned 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 Board of the EPA or an Authorised Officer of the Board 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 Board of the EPA or the Authorised Officer concerned knows the identity of the person to whom the direction is to be addressed to, it shall also be either –

- handed to him or her,

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- left at the address where he or she carries out business,
- by registered post to the address where he or she carries out business,
- by registered post or by hand to an address provided to the Board of the EPA or the Authorised Officer concerned by the person concerned, or
- if immediate notification of the direction is required, by sending it to a fax or e-mail address at the address where that person carries out business.

The Board of the EPA or an Authorised Officer of the Board 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 Board of the EPA or an Authorised Officer of the Board 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 Board.

Any person in receipt of a direction from the Board of the EPA or an Authorised Officer of the Board 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 Board of the EPA or an Authorised Officer of the Board 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.

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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 Board of the EPA or an Authorised Officer of the Board to apply for an injunction to the High Court against a person failing to comply with a direction from the Board or and Authorised Officer 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,

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- 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

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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 July 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, 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

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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
- 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 1 August 2008, be registered with the Registration Body, and declare that –

- each battery and/or accumulator including any button cell he or she places on the market will be marked indelibly, visibly and legibly –
 - with the crossed out wheeled bin symbol, and/or

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- containing more than –
 - 0.0005 % mercury with the chemical symbol Hg,
 - 0.002 % cadmium with the chemical symbol Cd, or
 - 0.004 % lead with the chemical symbol Pb

which shall be printed beneath the with the crossed out wheeled bin symbol and shall cover an area of at least one quarter the size of that symbol,

- each –
 - portable battery,
 - portable accumulator,
 - automotive battery or, as appropriate,
 - automotive accumulator

he or she places on the market will be marked indelibly, visibly and legibly with details of the capacity of the battery and/or accumulator concerned. Details of the capacity of any battery and/or accumulator shall be marked 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.

- he/she will display, on and from 26 September 2008, his/her registration number on every invoice, credit note, dispatch or delivery docket issued, and
- he/she will pay the registration fee determined by the Registration Body.

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.

Any person (e.g. haulier, courier etc.) who transports any battery on behalf of a producer who is attempting to place, or who is placing, the battery

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concerned on the market in the State, should ensure that the producer concerned is in possession of a valid Certificate of Registration or a Certificate of Renewal of Registration in accordance with the provisions of article 19.

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 on the market in the State for the first time 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 14 July 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.

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

2. Name(s) and address(es) of owner(s).
3. Location(s) of premises at or from batteries or, as appropriate, accumulators are or will be supplied by the producer.
4. The quantities, where applicable, by weight or, as appropriate, by number of units, of batteries or, as appropriate, accumulators that were placed on the market in the calendar year prior to the date of application and substantiated estimates of the projected average life of the batteries or, as appropriate, accumulators concerned in each of 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.

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

2. Name(s) and address(es) of owner(s).
3. Location(s) of premises at or from which batteries or, as appropriate, accumulators are or will be supplied by the producer.
4. The quantities, by weight or, as appropriate, by number of units, of batteries or, as appropriate, accumulators that were placed on the market in the State in the calendar year prior to the date of application for renewal and substantiated estimates of the projected average life of the batteries or, as appropriate, accumulators concerned in each of in each of the categories specified in guidance which the Minister may issue from time to time.

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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.

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 one week of the date of receipt of any application received on or before 1 August 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.

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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).

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 dockets,
- required to ensure that members of the public can return waste batteries and/or accumulators 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 2007

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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.

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 or every 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.

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

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- 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 Disposal 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 2007,

- 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,

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- 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.

For a transitional period of 6 months (i.e. until 28 March 2009) a retailer who is registered for VAT and has –

- applied for registration with his/her local authority in accordance with the provisions of article 42, and
- taken back waste portable batteries and/or portable accumulators free of charge in accordance with the provisions of article 21

may deposit the waste portable batteries and/or portable accumulators concerned free of charge at a civic amenity facility operated by or on behalf of a local authority or an alternative facility nominated by the local authority concerned.

Any retailer who transfer 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 2007, 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

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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.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Name(s) and address(es) of owner(s).
3. The location of premises where waste batteries were taken back from endusers 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 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 endusers during the relevant period in each of 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, recovery 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) recovered by or on behalf of the distributor, and
 - (b) accepted by recovery operators,in the relevant period, in each of 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 in each of the categories specified in guidance which the

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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 when requested to do so by –

- a local authority or its representative, to collect or arrange for the collection of any waste batteries and/or accumulators deposited at collection points and civic amenity sites regardless of when placed on the market and their chemical composition, and/or
- an enduser of industrial batteries and/or accumulators or a third party acting on its behalf, to collect or arrange for the collection of, from the enduser concerned any waste industrial battery and/or accumulator regardless of when placed on the market and its chemical composition

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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.

Each local authority or enduser of industrial batteries and/or accumulators 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 the local authority or its representative in accordance with the provisions of sub-article (3), and to invoice that producer for all collection, treatment, recovery, recycling costs etc. along with any other costs incurred such as administrative, logistical and storage costs at a rate to be determined by that local authority 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

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of business of the producer where that producer is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Name(s) and address(es) of owner(s).
3. The location of premises from which waste industrial batteries or, as appropriate, accumulators were collected from endusers and the quantities, where applicable, by weight or, as appropriate, by number of units of waste industrial batteries or, as appropriate, accumulators that were collected from each premises concerned during the relevant period in each of 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 or, as appropriate, accumulators arising from batteries or, as appropriate, accumulators that were collected from endusers during the relevant period in each of 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, recovery operators used for the collection, treatment and recycling of waste industrial batteries or, as appropriate, accumulators during the relevant period.
7. The quantities, where applicable, by weight or, as appropriate, by number of units of waste industrial batteries or, as appropriate, accumulators –
 - (a) recovered by or on behalf of the economic operator, and
 - (b) accepted by recovery operators,

in the relevant period, in each of in each of the categories specified in guidance which the Minister may issue from time to time

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8. The quantities, where applicable, by weight or, as appropriate, by number of units of waste industrial batteries or, as appropriate, accumulators disposed of or consigned for disposal by the economic operator in each of 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 automotive and industrial batteries will be required to collect a minimum of, no later than, –
 - 26 September 2010, 90%
 - 26 September 2012, 91%
 - 26 September 2014, 93%, and
 - 26 September 2016, 95%

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, and

- of portable batteries, including button cells, will be required to collect a minimum of, no later than, –
 - 26 September 2010, 20%
 - 26 September 2012, 25%
 - 26 September 2014, 35%, 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 –

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ANNEX I

MONITORING OF COMPLIANCE WITH THE ARTICLE 10 COLLECTION TARGETS

Year	Data collection		Calculation	Reporting requirement
X (7)+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.				

(7) 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 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

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obligations to fulfil the provisions of articles 27 and 28 with regard to the treatment and recovery of waste batteries and accumulators..

Notwithstanding the above, 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,

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Local authorities are empowered to designate workplaces or schools as collections points, subject to the agreement of the management of workplace or school concerned and where appropriate 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 its treatment shall, as a minimum, meets the requirements set out in Part A of Annex III of the Batteries Directive, subject to any amendment that may be made to that Annex from time to time.

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

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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 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 is transported in accordance with the provisions of Council Regulation (EEC) No. 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁵ and treated at a facility appropriately licensed and/or permitted by the relevant authority or authorities in the other member state or third country concerned, and furnish documentary evidence that the requirements of article 28 have been complied with.

⁵ O.J. No. L30, 6.2.1993, p1 as last amended by Commission Regulation (EC) No 2557/2001 (O.J. No. L349, 31.12.2001, p1.

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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 –

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PART B: RECYCLING

3. Recycling processes shall achieve the following minimum recycling efficiencies:
 - (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, 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) ⁶,
- 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.

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 –

⁶ 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.

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- 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 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

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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.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Name(s) and address(es) of owner(s).
3. The location of premises at which batteries or, as appropriate, accumulators 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 or, as appropriate, accumulators that will be placed on the market in the State in the relevant period in each of in each of the categories specified in guidance which the Minister may issue from time to time.
5. The projected quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries or, as appropriate, accumulators that will arise from batteries or, as appropriate, accumulators placed on the market in the State by the producer in the relevant period in each of in each of the categories specified in guidance which the Minister may issue from time to time.

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6. The names, addresses and permit numbers of proposed authorised waste collectors or, as appropriate, recovery operators to be used for the collection, treatment and recycling of waste batteries or, as appropriate, accumulators during the relevant period during the relevant period.
7. The projected quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries or, as appropriate, accumulators that will be –
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in the relevant period, in each of in each of the categories specified in guidance which the Minister may issue from time to time.
8. The projected quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries or, as appropriate, accumulators that will be disposed of or consigned for disposal by the producer in each of 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

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principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Name(s) and address(es) of owner(s).
3. The location of premises at which batteries or, as appropriate, accumulators 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 or, as appropriate, accumulators placed on the market in the State in the relevant period in each of in each of the categories specified in guidance which the Minister may issue from time to time.
5. The quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries or, as appropriate, accumulators arising from batteries or, as appropriate, accumulators placed on the market in the State by the producer in the relevant period in each of 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, recovery operators used for the collection, treatment and recycling of waste batteries or, as appropriate, accumulators during the relevant period during the relevant period.
7. The quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries or, as appropriate, accumulators
—
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in the relevant period, in each of 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 or, as appropriate, accumulators disposed of or consigned for disposal by the producer in each of in

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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 is required to prepare a new plan for the management of waste batteries and/or accumulators at least once every three years and not later than the date for renewal of registration in accordance with the provisions of sub-article (3).

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.

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.

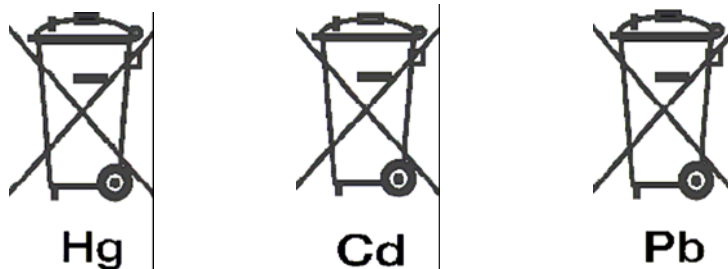
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Article 31 **Obligation of producers to provide information to users of batteries and accumulators.**

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, or
 - 0.004 % lead with the chemical symbol Pb

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



- 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

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appropriate use, shall be laid down in accordance with the procedure referred to in Article 24(2) of the Batteries Directive.

- when supplying a new battery or, as appropriate, accumulator, 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 shown in Annex II 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 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.

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,

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the information as prescribed in sub-article (1)(b) (e.g. the display of the chemical symbols Hg, Cd and Pb) shall also be printed on the packaging concerned.

The obligation to inform users in sub-article –

- 1(b) 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
- 1(b)(v) 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.

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.



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 August 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.

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

WASTE MANAGEMENT ACT 1996

Waste batteries including rechargeable batteries are taken back free of charge in this store.

There is no obligation to purchase when returning an old battery here.

All household waste batteries can be deposited free of charge at local authority recycling facilities.

All waste batteries must be recycled and should not be placed in a bin with your household rubbish.

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 –

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WASTE MANAGEMENT ACT 1996

Waste batteries including rechargeable batteries are taken back free of charge in this store.

There is no obligation to purchase when returning an old battery here.

All household waste batteries can be deposited free of charge at local authority recycling facilities.

All waste batteries must be recycled and should not be placed in a bin with your household rubbish.

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, 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

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- he or she ceases to be a member of an approved collective compliance scheme.

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 to 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

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- 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 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,
- 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,

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- 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 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,
- 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,
- 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

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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

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- 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.

All approved collective compliance schemes are required to notify, by the 7th day of each month, the Registration Body of any producer who has been

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granted a valid certificate of membership, or who has had such a certificate revoked, in the preceding calendar month together with the local authority where such a producer has his or her place(s) of business.

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, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 38, 39, 45 and 46 of these Regulations.

Each local authority is responsible enforcing the provisions of articles 21, 22, 33, 42 and 44 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 and 43 of these Regulations

Article 41 Authorised Officers.

The Board of the EPA is empowered to appoint Authorised Officers to enforce Part II of these Regulations. It also provides that such authorised Officers shall have the powers of entry and enforcement as provided for in –

- the Waste Management Acts 1996 to 2007,
- the Environmental Protection Agency Acts 1992 and 2003, or
- any other legislation as may be enacted from time to time.

Article 42 Registration of Distributors.

From 1 July 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 by 1 August 2008, or on the date of commencement of business, whichever is later, and

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- for 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 or within seven months if the date of first registration is prior to 1 August 2008, in 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.

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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.

[IN ORDER TO SIMPLIFY THE PROCESS OF REGISTERING RETAILERS, THE FOLLOWING OR ALTERNATIVE PROVISIONS ALLOWING FOR OTHER OPTIONS COULD BE INSERTED INTO THE REGULATIONS FOLLOWING DISCUSSIONS WITH TRADE / REPRESENTATIVE ASSOCIATIONS DURING THE CONSULTATION PERIOD. COMMENTS ON THIS PROPOSAL ARE INVITED]

A representative body and/or a trade association representing retailers 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.

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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.

PART VII MISCELLANEOUS

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

From 26 September 2008 onwards, any –

- retailer, registered 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, or
- 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,

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.

Also, the above exemption 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

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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 in accordance with the provisions of Article 41, 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 –
 - 90 cubic metres of waste batteries and/or accumulators, other than waste specified in paragraph (ii), and/or
 - 0.420 cubic metres / 420 litres of waste portable batteries and/or portable accumulators

- charity registered with the Revenue Commissioners and which has been issued with a Charity (CHY) Number, 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 –
 - 45 cubic metres of waste batteries or, as appropriate, accumulators, other than waste specified in paragraph (ii) and/or
 - 0.210 cubic metres / 210 litres 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 0.094 cubic metres / 94 litres of waste portable batteries and 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

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- 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 –
 - 180 cubic metres of waste batteries and/or accumulators, other than waste specified in paragraph (ii), and/or
 - 45 cubic metres 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. 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 –

- (a) Any emissions from the activity concerned 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.

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- (b) Waste shall only be accepted at the site between 0800 and 1800 hours, Monday to Friday both inclusive, and between 0800 and 1400 hours on Saturdays unless otherwise approved in writing by, as the case may be the relevant local authority or the Agency.
- (c) The operator shall put in place appropriate procedures relating to acceptance and supervision of the activity.
- (d) The operator shall take all necessary measures relating to prevention of unauthorised waste activities and entry to the facility.
- (e) The operator 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.
- (f) The operator shall take preventative measures to ensure that the registered activity does not result in undue 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.
- (g) The operator, if requested by the Agency or relevant local authority, shall provide detailed written reports on investigations and monitoring of the activities and related ancillary matters.
- (h) The operator shall maintain a register, which shall be available for inspection by the local authority, which details –
 - (i) The dates, time of arrivals and quantities of waste (by EWC code) delivered,
 - (ii) Names of the carriers, including vehicle registration details,
 - (iii) Origin of waste delivered, and
 - (iv) Quantities and composition of wastes not accepted at the facility.
- (i) The operator shall immediately notify the relevant local authority of any incident arising from the activity, which –
 - (i) Has the potential for contamination of surface or ground water, or
 - (ii) Poses an environmental threat to air or land.
- (j) As part of the notification process, the operator shall include, within the 24 hours of any such incident occurring, details as to –

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- (i) The date and time of the incident,
- (ii) Details of the incident,
- (iii) Evaluation of the pollution caused, and
- (iv) Remedial corrective measures undertaken or to be undertaken, including details of preventative measures.

Article 45 Increased environmental performance.

From 26 September 2009 onwards, each producer in the State engaged in the manufacture of batteries or, as appropriate, 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.

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.

Article 47 Offences.

Any person who contravenes or fails to comply with a provision, or provisions, of these Regulations or who provides information which is false or to his or her knowledge misleading in a material way, or who obstructs or interferes with an authorised person or an inspector in the exercise of a power conferred by these Regulations shall be guilty of an offence.

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Offences may be prosecuted on indictment.

Notwithstanding the above, 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 any director, manager, secretary or any other officer of such body, such person shall be guilty of an offence.

Article 48 Penalties

A person guilty of an offence under the Act shall be liable –

- on summary conviction, to a fine not exceeding €3,000 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 €15,000,000 or to imprisonment for a term not exceeding 10 years, or to both such fine and such imprisonment.

A person guilty of an offence under the European Communities Acts 1972 to 2007 shall be liable –

- on summary conviction, to a fine not exceeding €3,000 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 and Accumulators) Regulations 1994 (S.I. No. 262 of 1994) are revoked with effect from 26 September 2008.

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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 and accumulators 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	Rules 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