



STATUTORY INSTRUMENTS.

S.I. No. 233 of 2019



EUROPEAN UNION (WASTE ELECTRICAL AND ELECTRONIC
EQUIPMENT) (AMENDMENT) REGULATIONS 2019

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I, RICHARD BRUTON, Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment, hereby make the following Regulations:

Citation

1. These Regulations may be cited as the European Union (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2019.

Interpretation

2. In these Regulations —

“the Regulations of 2014” means the European Union (Waste Electrical and Electronic Equipment) Regulations 2014- S.I. 149 of 2014.

Amendment to the Regulations of 2014

3. The Regulations of 2014 are amended by —

(a) the insertion of the following after sub-regulation 8(2)(k)-

“(l) develop appropriate refund procedures for the reimbursement of contributions to producers where electrical and electronic equipment is transferred for placing on the market outside of the State.”;

(b) the substitution of the following for sub-regulation 16(10)-

“(10) Notwithstanding sub-regulation 9, with effect from 1 July 2014, environmental management costs may be shown separately to the purchasers of electrical and electronic equipment at the time of sale of new products, provided the costs shown do not exceed the best estimate of the actual costs incurred of the environmentally sound management of waste electrical and electronic equipment, of that equipment type.”;

(c) the substitution of the following for sub-regulation 22(3)-

“(3) Without prejudice to sub-regulation (1), where waste electrical and electronic equipment is treated in another Member State or a third country, the producer or authorised representative or, as appropriate, user of electrical and

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 31st May, 2019.*

electronic equipment for users other than a private household who concludes an agreement stipulating other financing methods provided for in regulation 19(1) shall—

- (a) ensure that the shipment of WEEE is in compliance with Regulation (EC) No 1013/2006 and Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply;
- (b) ensure that it is treated at a facility appropriately licensed or, as appropriate, permitted by the relevant authority or authorities in the third country concerned;
- (c) furnish documentary evidence to prove that the treatment took place in conditions that are equivalent to the requirements of the Directive.”;

- (d) the insertion of the following after sub-regulation 22(4)-

“(5) Waste electrical and electronic equipment exported out of the Union shall only count towards the fulfilment of obligations and targets set out in Schedule 10 if, in compliance with Regulations (EC) No 1013/2006 and (EC) No 1418/2007, the exporter can prove that the treatment took place in conditions that are equivalent to the requirements of this Directive.”;

- (e) the insertion of the following after sub-regulation 23(b)-

“(c) the achievement of the targets shall be calculated, for each category, by dividing the weight of the WEEE that enters the recovery or recycling/preparing for re-use facility, after proper treatment in accordance with Schedule 9) with regard to recovery or recycling, by the weight of all separately collected WEEE for each category, expressed as a percentage.”;

- (f) the insertion of the following after sub-regulation 24(3)-

“(4) Each producer or authorised representative or a third party acting on his or her behalf shall ensure that information concerning the waste electrical and electronic equipment that is separately collected in accordance with Regulation 20 is made available to the Agency free of charge, including at least information on waste electrical and electronic equipment that has been:

- a. Received by collection and treatment facilities;
- b. Received by distributors;
- c. Separately collected by producers or third parties acting on their behalf.”;

- (g) the substitution of the following for sub-regulation 37(2)-

“(2) The Agency shall cooperate with the competent authorities in other Member States and with the Commission to establish an adequate flow of information to ensure the proper implementation of the Directive. Such cooperation shall include, inter alia, granting access to the relevant documents and information including the results of any inspections, subject to the provisions of national data protection law.”;

- (h) the insertion of “toys” in Schedule 3, part 4;

- (i) the insertion of “electric knives” in Schedule 4, part 5;

- (j) the substitution of the following for Schedule 5, Part 2, No.5-

“5. Quantity, by weight of waste of EEE separately collected, recycled (including prepared for re-use), recovered and disposed of within the State or shipped within or outside the Union.”



GIVEN under my Official Seal,
24 May 2019

RICHARD BRUTON,
Minister for Communications, Climate Action and Environment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the European Union (Waste Electrical and Electronic Equipment) Regulations 2014- S.I. No. 149 of 2014 for the purposes of giving full effect to Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment.

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