

WEEE Registration – Information Note for Applicants

Introduction

Under a new European Union Directive on waste electrical and electronic equipment¹ (WEEE) producers or importers of electrical and electronic equipment (EEE) will be required to fund the collection, treatment and environmentally sound management of WEEE from private households and businesses. Members of the public will be entitled to have WEEE taken back by retailers free of charge on a one-one-for-one basis from 13 August next. The Minister for the Environment, Heritage and Local Government has now made regulations² bringing the Directive into force in Ireland and the Directive takes effect from the above date.

Financing Provisions

Producers are required to provide at least for the financing of the collection, treatment, recovery and environmentally sound management of household WEEE. The financing system that is to be applied on 13 August 2005 is to be based on the current market share of individual producers for household EEE placed on the market before this date (*historic waste*) and on the provision of financial guarantees for household EEE placed on the market thereafter. In order to properly apportion the costs of operation of such arrangements to the producers responsible, it is necessary to formulate a system to determine the financial liability share of individual producers, including responsibility for the cost of products for which a producer no longer exists or cannot be identified. Registration of all producers provides the vehicle for determining market share and also for validating that adequate financial guarantees are in place to provide for the collection and treatment of all electrical products placed on the market by a producer after 13 August 2005 when they become waste.

Collective Schemes

It is anticipated that there will be two collective schemes – WEEE Ireland Ltd. and the European Recycling Platform (ERP). Producers should note that those who participate in a collective scheme will be exempt from the requirements regarding financial guarantees; these requirements will only apply to those producers opting to self-comply under the Regulations. These producers will be required to submit details of such guarantees, the adequacy of which must be verified by the Registration Body established under the Regulations to register EEE producers.

Registration Body

The WEEE Directive requires that Member States register all producers of electrical and electronic equipment. For the purposes of fulfilling this obligation in Ireland, an industry based Registration Body, WEEE Register Society Ltd., has been established as a society under the Industrial and Provident Societies Act 1893-1978. It will be known as *WEEE Register, the National WEEE Registration Body*.

The Body will be run by an independent committee of management made up of five persons. Mr. Declan Burns, ex Director of the Environmental Protection Agency (EPA) has been appointed as Chairman of *WEEE Register*. The Department of the Environment, Heritage and Local Government and the Environmental Protection Agency (EPA) will have each one observer who can attend meetings of the Body, but who will not have any role in decisions taken by the Body. WEEE Register will be required to apply for approval as the Registration Body for the purposes of the legislation – the legislation allows for the operation of only one

¹ Waste Electrical and Electronic Equipment Directive (Directive 2002/96/EC (WEEE))

² Waste Management (Electrical and Electronic Equipment) Regulations 2005

registration body – and this process will be completed shortly. In the meantime *WEEE Register* will operate on a non-statutory basis.

Functions

The main functions of WEEE Register Society Ltd. which are set out in detail in the Regulations are:

- The processing of applications and issuing of *Certificates of Registration* to EEE producers;
- To manage and oversee the determination of current market share of EEE producers on basis of confidential market data submitted by producers;
- Procurement and oversight of a contractor to determine the market share of producers through a confidential *Black Box* system;
- the validation of Environmental Management Costs (EMCs i.e. costs of collection, treatment, recycling and disposal of historical WEEE) – the Directive allows producers to show visible EMCs for the collection, treatment and environmentally sound management of historic WEEE for new products placed on the market from 13 August 2005.
- the adequacy of financial guarantees;
- Keep proper accounts of all income and expenditure of the WEEE Register;
- Make a report to the Minister in the first six months of every year including a summary of all income and expenditure and audited accounts in respect of the previous year; and
- Notify the EPA where it is evident that a producer has failed to comply with the WEEE Regulations.

The Black Box Function

WEEE Register will procure the contractor e.g. an independent financial advisor or similar, to carry out the Black Box function i.e. manage the sensitive market data and inform producers individually, including those in collective schemes, of their respective market share. This information will be used to establish producers' financial liabilities associated with the management of a proportion of the WEEE arising in Ireland. The proportion of WEEE management for which individual producers are responsible will then be notified on a confidential basis to each producer, whether they are participating as part of collective compliance scheme or have opted to self-comply.

The selection of contractor is now in train and the Black Box function will be operational in July 2005.

Confidentiality of Market Data

Producers should note that the *Black Box* contractor will be statute-barred from informing any third party, including the collective schemes and the Executive and Committee of Management of *WEEE Register* itself of market share information. This will be dealt with on a strict confidential basis between the *Black Box* and the individual producer. The contractor will not handle monies arising from registration fees or recycling monies paid by producers.

The role of the *Black Box* includes;

- Receipt and processing of data on market share from registered producers;
- Receipt and processing of data from treatment facilities, contractors and/or collective compliance schemes;
- Determination of market share based on product type, producer and/or other criteria e.g., consortia or collective compliance scheme;
- Advising WEEE Register on the validation of environmental management costs (costs of collection, treatment, recycling and disposal of WEEE);
- Advising WEEE Register on the adequacy of financial guarantees;
- Providing management reports for WEEE Register; and
- Providing year-end reporting by preparing and sending out annual summaries for each producer and/or compliance scheme.

Who needs to register?

You must register with WEEE Register if you

1. manufacture and sell EEE in the State,
2. manufacture EEE and export it out of the State,
3. re-brand EEE as your own and sell it in the State,
4. import EEE into the State.

Distance sellers i.e. those who sell EEE via the Internet or by telephone/mail order should note that points 1 to 3 also apply to them.

How do I apply for Registration?

If you are a producer under 1-4 above then you must apply for registration. You will also have to submit on a confidential basis your market data to the contractor appointed to carry out the Black Box function. You will be contacted by the Black Box on how this information is to be submitted. To get registered simply complete and sign the attached application form and forward together with the appropriate fee(s) to *WEEE Register* at the address shown below. Please enclose a cheque, postal order or bankers draft for the appropriate amount made payable to *WEEE Register Society Ltd*.

WEEE Register

The National WEEE Registration Body,
P.O. Box 10262
Dublin 2.
Tel: (01) 2409320/1
E-mail: weeeregister@gmail.com

Remember, you must apply to register by 20 July next

Certificate of Registration

Within one week of receipt of your application you will be issued with a provisional *Certificate of Registration* which will carry a unique registration number. This provisional certificate will be valid until the *Black Box* has confirmed and notified your market share. This information will be available to you by **29 July next**. *WEEE Register* will then issue you with a formal *Certificate of Registration*. Remember that this unique number which will not change even following subsequent re-registration applications, must be shown on any invoice, credit note, dispatch and delivery docket issued to a distributor (retailer) from **13th August 2005**. Unless you can show this number and possess a valid *Certificate of Registration* you cannot place EEE on the market nor can retailers sell products where the producer concerned

has not been registered. In addition to the legal prohibition on placing EEE on the market, non-compliance with these requirements will be an offence under the regulations and will carry serious penalties.

How will the Registration Body be financed?

The Body will be self-financing through registration fees, which will be set annually; the fees will be set on a graduated basis having regard to producers' Irish market turnover. To assist in meeting initial start-up costs, the Department have provided some grant aid from the Environment Fund.

The initial registration fees covering the period from 7th July 2005 to 31 December have been set as follows:

Companies with less than €1m annual turnover in the State: €500

Companies with more than €1m annual turnover in the State: €1,000

What about subsidiary companies?

Any company which places EEE on the market (even it is a subsidiary of a larger corporation) and has a separate VAT number must apply for registration.

Will Business to Business (B2B) firms need registration?

Yes, those involved in B2B must apply for registration and submit market data to the *Black Box*.

Will firms doing both B2B and Household EEE need to register separately?

No. However, producers will be required to submit separate data for B2B and Household EEE.

When do I have to re-apply for registration?

Applying now will mean that you will be registered to the end of this year. Thereafter, you must re-apply on an annual basis to be re-registered. For example, you must apply before 31 January 2006 in order to be registered for that year. The same process will be repeated for subsequent years. Your unique registration number will not change.

Will the Collective schemes have a separate set of registration number?

No.

Will WEEE Register have an enforcement role?

WEEE Register Society Ltd won't have an enforcement role, but must inform enforcement authorities where non-compliance is evident.

Where can I get more information on the Regulations?

Copies of the regulations made by the Minister for the Environment, Heritage and Local Government are available on the Department of the Environment, Heritage and Local Government's web site at www.environ.ie. If you click on the following link it will take you directly to the WEEE section of the site.

<http://www.environ.ie/DOEI/DOEIPol.nsf/wvNavView/Waste+Electrical+&+Electronic+Equipment?OpenDocument&Lang=>

What about the RoHS Directive?

Producers will be required to submit declarations in writing to *WEEE Register* that the products which they place the market are RoHS compliant. This Directive does not come into

force until 1 July next. Declarations in relation to this Directive do not arise at this stage but will be required when submitting an application for re-registration in January 2006.

Further Information:

WEEE Register

The National WEEE Registration Body,
P.O. Box 10262
Dublin 2.
Tel: (01) 2409320/1
E-mail: weeeregister@gmail.com

Producer Collective schemes:

<p>WEEE Ireland Mr. Leo Donovan Suite 18, The Mall, Beacon Court, Sandyford, Dublin 18.</p> <p>Phone: 00353 1 2999320</p> <p>E-mail: leo@weeeireland.ie</p>	<p>European Recycling Platform (ERP) John Hayes EMEA Compliance Programmes Manager Hewlett Packard Liffey Park Barnhall Road Leixlip Co. Kildare</p> <p>Phone: 00353 1 6150435 Fax: 00353 1 6150712 E-mail: john.hayes2@hp.com</p>
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