



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government

Waste Batteries and the Retailer

Your role in ensuring the Environmentally Sound Management of Waste Batteries in Ireland

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Retailers of batteries are affected by new regulations, which were made on 16th July 2008 transposing EU 2006/66/EC on batteries and accumulators and waste batteries and accumulators. While the Batteries Directive is based largely on the principle of *producer responsibility*, the regulations include specific provisions relating to retailers.

The regulations and other information on waste batteries can be accessed on the Department's website by clicking on the following link:

<http://www.environ.ie/en/Environment/Waste/ProducerResponsibilityObligations/Batteries>

Retailer Obligations

From 26 September 2008, each battery retailer must:

- be registered with their local authority, unless they only sell portable batteries (e.g. AAA, AA, Cell C, Cell D, PP3, PP9 etc);
- provide for free in-store take back of batteries of equivalent type to the ones they sell (e.g. retailers who only sell portable batteries do not take back automotive or industrial batteries);
- ensure that any waste collected is delivered to an approved collection facility;
- ensure that the storage and transport of waste batteries collected meets the requirements of the Regulations; and
- ensure that private households are informed of the waste battery take back facilities available to them and that they are encouraged to participate in the separate collection of waste batteries.

Additional details, including simple ways to ensure you are meeting your obligations are provided below.

A retailer who sells electrical and electronic equipment (e.g. PVR's, computers, toys, watches etc.) with a battery incorporated in or accompanying the product is also a battery retailer.

Local Authority Registration

The first step in ensuring you are meeting your obligations, if you sell automotive or industrial batteries is to *register* with your local authority i.e. County or City Council.

The registration system is simple and straightforward. Retailers are required to complete and sign a simple form undertaking to comply with *General Binding Rules** on the environmentally sound management of waste batteries and to forward this with a nominal fee (€20) to their local authority. The initial registration will cover a period of 15 months, with registration taking place annually from January 1st thereafter.



* Retailer Registration – General Binding Rules

Most sites used for the storage of waste require a Waste Permit from the relevant Local Authority. Retailers can avail of an exemption to this, provided they register with their Local Authority.

A simple, universal registration form for the storage of waste batteries and WEEE by retailers has been developed and is available from your Local Authority. The form will request information regarding the types of waste batteries and, where appropriate, WEEE you intend to store and will ask you to sign a declaration stating you comply with the special requirements for the storage and treatment of waste batteries and, where appropriate, WEEE, outlined above.

All sites used for the storage of waste are subject to periodic inspection by the relevant authority.

If you are already registered with your local authority for compliance with the WEEE Regulations, you are automatically on the Local Authority's Batteries Retailer Register.

Retailers who do not sell electrical and electronic equipment, automotive and/or industrial batteries (e.g. the only type of batteries sold are portable such as AAA, AA, Cell C, Cell D, PP3, PP9 etc) are exempted from registration.

Retailer Take-back

From 26 September 2008 all retailers, regardless of whether they are obliged to register with a local authority or not, are required to take back Waste batteries from members of the public *free of charge*.

Take back is on a one-for-zero basis. This means members of the public are **not obliged** to make a purchase when depositing waste batteries at a retail outlet.

They can, however, only deposit batteries of a type, regardless of brand or where they brought them, sold by the retailer concerned. For example, you are not obligated to accept an automotive or industrial battery if the only type of batteries you sell is only portable ones (e.g. AAA, AA, Cell C, Cell D, PP3, PP9 etc).

Retailers cannot offer inducements in lieu of their take-back obligations. They will not, however, be required to take back leaking batteries.

Delivery to Approved Collection Facilities

From 26 September 2008, retailers will be entitled to dispose of waste portable batteries (e.g. AAA, AA, Cell C, Cell D, PP3, PP9 etc) at civic amenity sites.

It is important to note that this is *subject to prior arrangements* being made with the relevant local authority and/or site owner/operators; a local authority may divert the waste portable batteries to another facility operated by it or on its behalf.



Arrangements with Civic Amenity Sites

Civic amenity sites often have peak times when they are particularly busy, e.g., weekends. In addition, some sites such as those located in urban areas have restricted access and/or limited capacity.

It is important for site operators to know how many retailers they can expect at their sites. It is equally important for retailers to accommodate any specific requirements, such as limiting the number of items per trip, the number of trips per week or the times when retailers will have access to the site.

This is in everyone's best interest, including the public who also rely on these sites to recycle their waste. One retailer at a time may not present a problem, ten certainly could!

Producers of automotive batteries or collective compliance schemes acting on their behalf are required to collect waste automotive batteries from retailers.

Producers of industrial batteries or collective compliance schemes acting on their behalf are required to collect waste industrial batteries from the point where the end user takes possession of the batteries concerned. Industrial batteries may also be transferred to independent third parties who are in possession of a valid waste collection permit for batteries.

Alternatives to delivering portable batteries yourself

Waste portable batteries cannot be transferred to independent third parties.

You may, however, be able to make arrangements to have waste batteries collected from your premises by the producers (or collective compliance schemes acting on their behalf) who are responsible for the environmentally sound management of the waste portable batteries.

The collective compliance schemes will collect on demand 50 Kgs of waste portable batteries.

Collection points in the one locality, e.g. retailers outlets, workplaces, schools *etc.* may make local arrangements to bulk the waste portable batteries at one location in order to make collections in that area viable.

Appropriate waste authorisations will be required for those who undertake the collection e.g., a Waste Collection Permit.

Two **collective compliance schemes** are currently in operation. Contact details for each of the schemes are provided at the end of this document.

Special Requirements for Storage and Transport of Waste Batteries

There are certain minimum requirements associated with the collection, storage and disposal of waste batteries. The Waste Battery Regulations allow retailers to avail of an exemption from the normal waste permitting requirements for the storage and transport of such waste.

With regard to retailers of automotive and industrial batteries, ***a modified permitting regime will operate to ensure certain minimum requirements are met.*** Under the modified regime which will be less burdensome than the normal waste permitting requirements, retailers will be required to *register* their premises with their local authority i.e. County or City Council.

Retailers who are already registered with local authorities for WEEE are, however, automatically registered for batteries.

Storage

Waste batteries taken back at retailers' premises need to be stored properly. Suitable receptacles for storing waste batteries are available from the two approved collective compliance schemes,

Registered retailers of automotive and industrial batteries who store waste batteries that have been taken back free of charge at their premises are exempted from requiring a Waste Permit, provided that the quantities in storage at any one time do not exceed 2,500 kg of waste automotive an/or industrial batteries and 250 kg of waste portable batteries. The transfer of waste automotive and industrial batteries to a Local Authority civic amenity site is not permitted.

Retailers of portable batteries who store portable waste batteries that have been taken back free of charge at their premises are also exempted from requiring a Waste Permit, provided that the quantities in storage at any one time do not exceed 250 kg of waste portable batteries.

Transport

From 26 September 2008, retailers *who are registered* with their local authority, or *exempted* from having to do so, and who have accepted waste batteries back free of charge are exempted from requiring a Waste Collection Permit when transporting those waste batteries to an approved collection or sorting facility, provided that the vehicle used for it's transport is registered in the State.

Collection

Waste batteries taken back at retailers' premises should only be passed on to someone authorised to collect and manage this type of waste. These include:

- A civic amenity facility, provided any necessary arrangements have been made with the relevant local authority in advance (e.g., days and times waste portable batteries will be accepted from retailers);
- Permitted waste collector acting on behalf of the producer(s) responsible for the waste batteries or an approved collective compliance scheme;
- Civic amenity facilities, however, are not obliged to accept waste automotive and/or industrial batteries from retailers.

Furthermore, if a retailer transfers waste batteries to a person other than an approved collective compliance scheme or an obligated self-complying producer, the retailer concerned takes on the responsibility for ensuring that –

- all such waste batteries are –
 - managed in an environmentally sound manner,
 - are treated in accordance with the technical requirements of the batteries Directive,
- recycling efficiencies prescribed by the Directive are achieved, and
- an annual report adequately accounting for all such activities is submitted to the EPA by the 28th February of each year

Reports to EPA

Reports to the EPA shall include,

- The location of premises where waste batteries were taken back from end-users and the quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries that were collected from each premises concerned during the relevant period in each of the categories specified in guidance which the Minister may issue from time to time.
- The total quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries taken back from end-users during the relevant period in each of the categories specified in guidance which the Minister may issue from time to time.
- The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recycling operators used for the collection, treatment and recycling of waste batteries during the relevant period.
- The quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries –
 - recycled by or on behalf of the distributor, and
 - accepted by recycling operators,in the relevant period, in each of the categories specified in guidance which the Minister may issue from time to time
- The quantities, where applicable, by weight or, as appropriate, by number of units of waste batteries disposed of or consigned for disposal by the distributor in each of the categories specified in guidance which the Minister may issue from time to time during the relevant period, and the nature of the disposal operations involved.

Environmental Management Costs (EMC's)

The display of any costs associated with the management of waste batteries is prohibited at all points in the supply chain.

This means importers cannot display EMCs to wholesalers or retailers, wholesalers cannot display them to retailers and retailers cannot display to consumers.

Provision of Information

When selling a new battery, retailers must inform users of the return and collection systems available to them at the end of that battery's life, or when it becomes waste. Retailers can meet this obligation by providing the required information in leaflets or in signage at the point of sale.

Furthermore, an A4 sign advising customers of waste battery take back arrangements must be placed within one metre of each point of sale and/or each point where batteries are displayed. This signage must be –

- printed in bold type with 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 1.25 lines and affixed, on a durable material, and
- clearly visible and must not be obscured or concealed at any time.

An example of this sign can be found at **Appendix 1**.

Alternatively, retailers who sell both electrical goods (EEE) and batteries may place an alternative A4 sign advising customers of both WEEE and waste battery take back arrangements may be placed within one metre of each point of sale and/or each point where batteries are displayed. This signage must be –

- printed in bold type with 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 1.25 lines and affixed, on a durable material, and
- clearly visible and must not be obscured or concealed at any time.

An example of the alternative sign can be found at **Appendix 2**.

Advertisements

All print advertisements for batteries must contain the following text –

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

Retailer = Distributor

The Batteries Directive defines a 'distributor' as any person that provides batteries and accumulators on a professional basis to an end-user. Retailers are, therefore, distributors for the purposes of the Batteries legislation.

If a retailer (or distributor) sells batteries that have been placed on the market in Ireland by a 'producer' or 'importer' who fails to register with the **WEEE Registration Body**, that retailer/distributor takes on the producer responsibility obligations for those batteries.

How do I know if they are registered?

Registered WEEE producers have been issued with **a registration number** since August 2005 and have been required to display this number on any invoice, credit note, dispatch or delivery docket they issue.

From 26 September 2008, battery producers will also be required to display **a valid registration number** on any invoice, credit note, dispatch or delivery docket they issue. Any producer with a valid registration number will have a current Certificate of Registration or Re-registration in his / her possession.

Details of producers with a valid registration number can be found at www.weeeregister.ie

If a valid registration number cannot be provided, you are strongly advised to contact the producer or their representative in Ireland before agreeing or continuing to sell their products.

Retailers should also avoid stocking any batteries from producers that do not contain a crossed out wheeled bin symbol.

From 26 September 2008 all batteries being put on the market in the European Union must be marked with a crossed out wheeled bin together with the appropriated chemical symbol if they contain than prescribed levels of mercury, cadmium or lead.

From 26 September 2009 all portable and automotive batteries being put on the market in the European Union must be marked with the battery's capacity.



Frequently Asked Questions

Q. Will my shop become a mini civic amenity site?

No. With regard to the taking back of waste batteries, the Regulations do not go beyond the requirements placed on retailers in the Directive. Retailers will be able to transfer portable waste batteries free of charge to civic amenity sites.

Q. Will there be an additional health and safety risk for my staff?

No. A retailer will not be required to take-back contaminated waste batteries that presents a health and safety risk unless such contamination is on account of his or her liability under the Sale of Goods and Supply of Services Act 1980.

Q. Will I need to obtain waste licenses or permits?

No. In order to minimise the regulatory burden of the Batteries Directive, the Regulations allow for an exemption from the normal waste permitting requirements for the storage and transport of waste batteries in certain circumstances. Under the modified regime, which will be considerably less burdensome and less expensive than the normal collection and waste permitting requirements. Retailers of automotive and/or industrial batteries who are registered for WEEE will not be required to re-register their premises with their local authority for the purposes of the Battery Regulations.

Q. Will my insurance costs go up?

Insurance costs should not increase as a result of obligations under the Batteries Directive as there is no change of function here. Retailers are constantly required to take back returned, damaged and faulty goods from consumers as part of their normal day-to-day business operations.

Q. Will I be at a competitive disadvantage now that other Member States have deferred implementation?

Deferral of the Directive in any other member state will not place retailers at a competitive disadvantage. The obligations involved for all who sell batteries will be the same, regardless of whether they are independent retailers or multiples, headquartered in or outside the State.

Q. Will I need to obtain a change of use for my premises under the Planning Regulations?

No, there are no planning issues here. Retailers are simply continuing an everyday practise of taking back goods from consumers; before the implementation of the Batteries Directive this take-back related to returned WEEE, faulty or damaged goods. Now it is extended to include waste batteries.

Q. I haven't heard much about this legislation until now, have retailers been consulted throughout?

In addition to retailer representation on the Batteries Working Group which has been up and running since July 2006; there was a public consultation in January 2008. The Department, in finalising the Regulations, considered all comments and observations received.

Relevant Contact Details

Collective Compliance Schemes

To date two collective compliance schemes have been approved. They are WEEE Ireland and the European Recycling Platform. Their contact details are as follows:

WEEE Ireland

Suite 18, The Mall,
Beacon Court,
Sandyford,
Dublin 18.

Phone: 00 353 1 299 9320
E-mail: info@weeeireland.ie

Web: www.weeeireland.ie

European Recycling Platform (ERP) Ireland

Unit 9D, Nutgrove Office Park,
Nutgrove Avenue,
Rathfarnham,
Dublin 14

Phone: 00 353 1 299 5642
E-mail: ireland@erp-recycling.org

Web: www.erp-recycling.org

Local Authority Area

Carlow County Council
Cork City Council
Cork County Council
Donegal County Council
Dublin City Co
Dun Laoghaire - Rathdown County Council
Galway City Council
Galway County Council
Kildare County Council
Kilkenny County Council
Laois County Council
Leitrim County Council
Longford County Council
Mayo County Council
North Tipperary County Council
Offaly County Council
Roscommon County Council
Sligo County Council
South Dublin County Council
South Tipperary County Council
Waterford City Co
Waterford County Council
Westmeath County Council
Wexford County Council
Wicklow County Council

Local Authority Area

Cavan County Council
Clare County Council
Fingal County Council
Kerry County Council
Limerick City Co
Limerick County Council
Louth County Council
Meath County Council
Monaghan County Council

National Producer Register

The registration of battery producers is undertaken by the WEEE Register. Its contact details is as follows:

The WEEE Register Society Limited.

The National WEEE Registration Body.
Suite 501,
8 Dawson Street,
Dublin 2.

Phone: 00 353 1 240 9320
00 353 1 240 9321
Fax: 00 353 1 240 9342
E-mail: info@weeeregister.ie
Web: www.weeeregister.ie

Further information, including the regulations and accompanying explanatory memoranda can be obtained at the Department's website:
<http://www.environ.ie/en/Environment/Waste/ProducerResponsibilityObligations/Batteries>

Disclaimer:

This document does not purport to provide a legal interpretation of the Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008). The Department of the Environment, Heritage and Local Government developed this document as guidance to retailers in fulfilling their obligations. Users of this document should use the material provided therein for information purposes only. The Department of the Environment, Heritage and Local Government does not accept any responsibility whatsoever for loss or damage occasioned or claimed to have been occasioned, in part or in full, as a consequence of any person acting or refraining from acting, as a result of a matter contained in this document.

FREE RECYCLING

WASTE MANAGEMENT ACT 1996

Waste batteries including rechargeable batteries (of a type sold here) are taken back free of charge in this store.

You are not obliged to make any purchase when returning old batteries here.

Each local authority must also accept small batteries free of charge at its recycling facilities.

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

Make sure you always recycle all your old batteries.

FREE RECYCLING

WASTE MANAGEMENT ACT 1996

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

Waste batteries including rechargeable batteries (of a type sold here) are taken back free of charge in this store.

You are not obliged to make any purchase when returning old batteries here.

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

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

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