



STATUTORY INSTRUMENTS.

S.I. No. 529 of 2012



EUROPEAN UNION (BATTERIES AND ACCUMULATORS)
(AMENDMENT) REGULATIONS 2012

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to the provisions of Commission Decision 2009/603/EC of 5 August 2009 establishing requirements for registration of producers of batteries and accumulators in accordance with Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators, hereby make the following regulations:

Citation.

1. These Regulations may be cited as the European Union (Batteries and Accumulators) (Amendment) Regulations 2012.

Commencement.

2. These Regulations shall come into operation on the day after the date on which notice of their making is published in the *Iris Oifigiúil*.

Interpretation.

3. In these Regulations, “Principal Regulations” means the Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008) as amended by the Waste Management (Batteries and Accumulators) (Amendment) Regulations 2008 (S.I. No. 556 of 2008).

Amendment of Article 16 of the Principal Regulations.

4. Article 16 of the Principal Regulations is amended—

(a) by the substitution of the following for Article 16(1)(b):

“(b) issue a certificate to each producer confirming the producer’s valid registration number,”,

(b) by the substitution of the following for Article 16(1)(d):

“(d) receive registration fees and make administrative charges to provide for the effective carrying out of its functions, and”, and

(c) by the substitution of the following for Article 16(1)(e):

“(e) set the level of the registration fees which it may review from time to time and inform the Minister of the methodology of the cost calculation of said fees.”.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 28th December, 2012.

Amendment of Article 17 of the Principal Regulations.

5. Article 17 of the Principal Regulations is amended—

(a) by the substitution of the following for Article 17(2):

“(2) A producer who—

- (a) fails to comply with any of the provisions of sub-article (1) or;
- (b) who is deemed not to be registered in accordance with article 19(2),

shall be prohibited from placing batteries on the market in the State.”,

(b) by the substitution of the following for Article 17(3):

“(3) Any person or persons not in possession of a valid registration number in accordance with the provisions of article 19 shall be prohibited from displaying any registration number issued by the registration body on any documentation, website or at any place.”,

(c) by the substitution of the following for Article 17(4)(b):

“(b) who is required to comply with the provisions of sub-article (1) is in possession of a valid registration number in accordance with the provisions of article 19.”, and

(d) by the substitution of the following for Article 17(5):

“(5) Notwithstanding sub-article (4), any person organising a trade show, exhibition or, as appropriate, any event who fails to ensure that a producer placing batteries on the market in the State at the trade show, exhibition or, as appropriate, event concerned is in possession of a valid registration number in accordance with the provisions of article 19 shall be obliged to—

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

Amendment of Article 18 of the Principal Regulations.

6. The Principal Regulations are amended by substituting the following for Article 18:

“18. (1) A producer shall apply for registration to the registration body or, as appropriate, a third party acting on its behalf not later than 5 September 2008 or the date of commencement of business, whichever is the later.

(2) An application for registration in accordance with the provisions of sub-article (1) shall be made in writing or, where appropriate, electronically, shall be in compliance with the procedural requirements for registration in each Member State established in accordance with Commission Decision 2009/603/EC, shall contain the information set out in Part 1 of the First Schedule and may contain the information set out in Part 2 of the First Schedule.

(3) An application for registration in accordance with the provisions of sub-article (1) shall be accompanied by the registration fee determined by the registration body.

(4) A producer shall notify the registration body or, as appropriate, a third party acting on its behalf of any changes to the information provided in an application for registration, no later than one calendar month of such change.

(5) Without prejudice to sub-article (1), an application for registration to the registration body or, as appropriate, a third party acting on its behalf may be made by an approved body established in accordance with the provisions of Part V of these Regulations on behalf of any producer in respect of which a certificate for the purposes of article 34 has been granted.

(6) Without prejudice to sub-articles (1) and (2), the Minister from time to time may issue guidance to the registration body concerning the processing of information by the registration body under Part III.”.

Amendment of Article 19 of the Principal Regulations.

7. The Principal Regulations are amended by substituting for Article 19 the following:—

“19. (1) Without prejudice to sub-article (3), a producer—

(a) who makes an application, or

(b) on whose behalf an application has been made,

in accordance with the provisions of article 18 shall be registered by the registration body provided that the requirements of articles 17 and 18 are complied with.

(2) Without prejudice to sub-article (1), a producer shall not be deemed to be registered until a registration number has issued by the registration body or, as appropriate, a third party acting on its behalf.

(3) The registration body or, as appropriate, a third party acting on its behalf shall issue a unique registration number as expeditiously as possible and, in any event, within—

- (a) six weeks of the date of receipt of an application for registration, or
- (b) two weeks after the date of receipt of further information or particulars requested by the registration body in connection with such an application,

whichever is the later.

(4) A producer shall be required by the registration body to supply information indicating how it continues to meet its environmental responsibilities on an annual basis.

(5) Information provided in accordance with the provisions of sub-article (4) shall be made in writing or, where appropriate, electronically and shall include confirmation that the information included in the First Schedule remains correct and shall also include confirmation that the producer has:—

- (a) achieved the targets specified in articles 23 and 28,
- (b) maintained satisfactory records in accordance with the provisions of article 29,
- (c) provided the information specified in this article and articles 30, 31 and 32.

(6) The registration body may charge an administration fee for the processing of the information provided under this article.

(7) A producer shall deregister by informing the registration body in writing that it has ceased to be a producer.

(8) The information for the purposes of sub-article (7) shall indicate how the producer has met its environmental responsibilities up until the last date on which it has placed batteries on the market.”.

Amendment of Article 20 of the Principal Regulations.

8. Article 20 of the Principal Regulations is amended—

(a) by the substitution of the following for Article 20(1)(a):

“(a) register in accordance with the provisions of article 17 and on request provide the information contained in article 19 (5),”, and

(b) by the substitution of the following for Article 20(1)(b):

“(b) notify the registration body or, as appropriate, a third party acting on its behalf at the time of registration that he or she supplies batteries by means of distance communication and confirm that all such batteries placed on the market comply with the requirements of these Regulations.”.

Amendment of Article 21 of the Principal Regulations.

9. Article 21 of the Principal Regulations is amended—

(a) by the substitution of the following for Article 21(1)(a)(ii):

“(ii) supplied to him or her by any person who supplies batteries placed on the market in the State by a producer who is not in possession of a valid registration number in accordance with the provisions of article 19 and, as appropriate, does not display the registration number issued to said producer in accordance with the provisions of article 19 on any invoice, credit note, dispatch or delivery docket in respect of batteries supplied to the distributor concerned.”, and

(b) by the substitution of the following for Article 21(5):

“(5) Notwithstanding sub-article (1)(a), any distributor who distributes any battery placed on the market in the State by a producer who is not in possession of a valid registration number in accordance with the provisions of article 19 shall be obliged to—

- (a) register with the registration body in accordance with the provisions of article 17,
- (b) arrange for the environmentally sound management of waste batteries in accordance with the provisions of articles 23 and 27, and
- (c) achieve the collection and recycling targets prescribed in articles 23 and 28, and
- (d) prepare and submit waste management plans and reports in accordance with the provisions of article 30.”.

Amendment of Article 30 of the Principal Regulations.

10. Article 30 of the Principal Regulations is amended—

(a) by the substitution of the following for Article 30(1):

“(1) A producer shall, not later than the date on which application for registration is made in accordance with the provisions of article 18(1)—

- (a) have prepared a plan specifying the steps to be taken by the said producer in order to comply with the requirements of these Regulations, including the steps which the producer intends to take to ensure the environmentally sound management of waste batteries, and
- (b) fix and maintain, on and from 26 September 2008, in a conspicuous position at or within one metre of each entrance to each of his or her premises, other than a premises used for the distribution of batteries, a notice complying with the requirements specified in Part 1 of the Third Schedule.”,

(b) by the substitution of the following for Article 30(3):

“(3) A producer shall, not later than the date on which it shall be required to supply to the registration body information indicating how it continues to meet its environmental responsibilities in that year in accordance with the provisions of article 19(4)—

- (a) have prepared a report specifying the steps taken by the said producer in order to comply with the requirements of these Regulations in the relevant period, and the results of those steps, and
- (b) fix and maintain, in a conspicuous position at or within one metre of each entrance to each of his or her premises, other than a premises used for the distribution of batteries, a notice complying with the requirements specified in Part 2 of the Third Schedule.”,

(c) by the substitution of the following for Article 30(5):

“(5) A producer shall at least once every three years, and not later than the date on which it shall be required to supply to the registration body information indicating how it continues to meet its environmental responsibilities in that year in accordance with the provisions of article 19(4), have prepared a new plan in accordance with the provisions of sub-article (1)(a).”,

(d) by the substitution of the following for Article 30(6):

“(6) A producer shall on the date on which application for registration is made in accordance with the provisions of article 18(1), submit to the Agency for its approval a copy of a plan or report prepared for the purpose of this article.”.

Amendment of the First Schedule of the Principal Regulations.

11. The Principal Regulations are amended by substituting for the First Schedule the following:—

“FIRST SCHEDULE

INFORMATION TO BE COMPILED AND PROVIDED WHEN
APPLYING FOR REGISTRATION IN ACCORDANCE WITH
ARTICLE 18

PART 1

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

Registered Name:

Address of Registered Office:

CRO No.:

VAT No.:

Telephone No.:

URL:

Fax No.:

E-mail:

Trading Name:

Trading Address:

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

Contact Person Telephone No.:

Contact Person Fax No.:

Contact Person E-mail:

2. Information on the type of batteries and accumulators placed on the market by the producer.

3. Information on how the producer meets its responsibilities for providing adequate financing for the environmentally sound management of waste batteries: by self-compliance or membership of an approved compliance scheme.

4. Date of the application for registration.

5. Declaration stating that the information provided is true.

PART 2

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



GIVEN under my Official Seal,
19 December 2012.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

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

These Regulations amend the Waste Management (Batteries and Accumulators) Regulations 2008 as amended and are intended to give effect to Commission Decision 2009/603/EC establishing requirements for registration of producers of batteries and accumulators in accordance with Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators.

BAILE ÁTHA CLIATH
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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