



**RE: Draft Waste Management (Batteries and Accumulators) Regulations 2008**

To Whom It May Concern

The Catering Equipment Association (CEA) welcomes the opportunity to present its views to the Department of Environment, Heritage and Local Government as part of the public consultation process on the Waste Management (Batteries and Accumulators) Regulations 2008.

**The Catering Equipment Association**

The CEA actively represents and promotes the catering equipment industry and associated food services industry to the government, and are the owners of CATEX, the largest Catering and hospitality exhibition in Ireland. The current membership of CEA stands at forty-seven companies, and is growing rapidly. CEA is affiliated to Food and Drink Industry Ireland, within the Irish Business and Employers Confederation (IBEC), as well as being a member of the European Federation of Catering Equipment Manufacturers, which lobbies at EU level on behalf of the industry.

**Key issues:**

The CEA support the aim of the Government to ensure the environmentally sound management of waste. However, it is the view of the association's members that this needs to be achieved without placing undue or unnecessary financial/administrative burdens on the catering equipment and associated food services industry.

There are a number of issues in the draft regulations on which we have concerns.

1 Article 17: *Obligation of Producers to register with the Registration Body:*

**Sections (4 & 5)** seek to transfer the producer responsibility to *'any person organising a trade show, exhibition or, as appropriate, any event where batteries are being distributed'* in certain instances. The CEA believe this is an unreasonable provision within the Regulations and strongly object to it for the following reasons:

- a. Trade shows and trade show organisers are in the business of promoting their industry and generating additional economic activity. We envisage that additional measures such as those proposed in the Regulations, will create additional costs from a management and resource perspective and would in our view discourage trade show participation and increase the costs associated with them to the organisers.

- b. The CEA believe it is the remit of the Environmental Protection Agency (EPA) to monitor the detail companies whose products fall under the Batteries Directive and therefore should not pass on the obligation to the organisers of trade fairs, who may not have the resources to carry out this process and cannot ultimately control exhibitor's legislative obligations. The CEA believe that exhibitors could potentially supply misleading information, with the result that the trade show organiser could be prosecuted. (Not the exhibitor).
- c. By transferring the producer obligation to the organiser of a trade show, this provision goes against the principle of "**Producer Responsibility**" which has always been the cornerstone of previous legislation, such as; WEEE (where it is absolutely clear who the producer is). This introduces a grey area into the legislation, which is open to exploitation.
- d. This provision could potentially allow a producer who is attempting to evade their responsibilities to intentionally 'pass on' their responsibility to trade show organisers. (By supplying false information to the trade show organiser).

2 **Administrative / Financial Burden:**

The Regulations do not specify who will run the registration system; however, we understand the existing WEEE Register Society and Blackbox will fulfil this function. We welcome this approach as it should simplify the administration of the system, however we have concerns that the annual fees for the WEEE Register Society will increase. In our view, as the number of companies falling under the scope of the WEEE directive has exceeded expectations, the annual fees should at this stage be reducing. *A system, which has low and decreasing costs associated with it, will encourage greater compliance across all industry; increasing costs will have the opposite effect.*

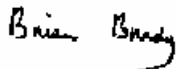
3 **Clarity regarding compliance schemes & fulfilment of obligations:**

The CEA are concerned that (as with the WEEE regulations), our members will not be in a position to join compliance schemes and fulfil their obligations adequately. Whilst these regulations do not appear to distinguish between B2B and B2C as in the WEEE Regulations, we believe it is important to have compliance schemes up and running **before** the legislation is implemented, and that these schemes are available to **all** companies at a reasonable cost.

The Catering Equipment Association would like for the Department of Environment, Heritage and Local Government to seriously consider the views of the Catering Equipment and associated food services industry when transposing these Regulations into Irish law.

Should you require any further clarification on any of the points raised, I would be pleased to supply you with it.

Yours sincerely



**BRIAN BRADY**  
Chairman CEA Technical Working Group