

European Communities (Shipments of Hazardous Waste exclusively within Ireland) Regulations 2011. S.I. No. 324 of 2011

Hazardous waste is waste that is dangerous or potentially harmful to health or the environment. For this reason it is important to manage all hazardous waste safely and to create a traceable record of all hazardous waste movements.

The European Communities (Shipments of Hazardous Waste exclusively within Ireland) Regulations 2011 were introduced on 1st July 2011 to streamline the administration of legislation on the movement or shipments of hazardous waste exclusively within Ireland.

Dublin City Council, as the competent authority, has set up a tracking system using Waste Transfer Forms (WTFs) as part of the online Waste Regulation Management System (WRMS). The online electronic system involves users registering online to create an account; purchasing a WTF at a charge of €6 per form; completing the WTF online; and downloading the WTF. The WTF must be signed and accompany the waste while in transit. The receiving facility must login to the online system to validate acceptance of the load.

Guidance is available in the form of:

- Frequently asked questions (FAQs)
- An instruction manual for the online WRMS may be downloaded at:
<http://www.dublincity.ie/main-menu-services-water-waste-and-environment-waste-and-recycling/national-tfs-office>

Registered WRMS users also have access to the instruction manual online by clicking the 'Help' key at the top of the screen.

The transfer of hazardous waste must be done in accordance with the waste collection permit regulations. Details of these regulations may be found on the National Waste Collection Permit Office (NWCPO) website – www.nwcpo.ie

Members of the public transporting their own waste are not considered as 'Establishments or undertakings which produce, collect or transport hazardous waste on a professional basis' or 'brokers, dealers and consignees' within the meaning assigned in the Regulations (S.I. 324 of 2011) and accordingly are not subject to the requirements of these Regulations. However, members of the public transporting their own waste are 'holders' of waste and are thus subject to the requirements of Section 32 of the Waste Management Act 1996.

FREQUENTLY ASKED QUESTIONS

1. What is the purpose of the Regulations?

The main purpose of the Regulations is to implement Article 33 of the TFS Regulation (Council Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste) in relation to the shipment or transfer of **hazardous waste** within the State. All references to waste in these FAQs refer to hazardous waste as defined under S.I. No. 324 of 2011 and S.I. No. 126 of 2011.

2. What is the scope of the Regulations?

The Regulations apply to the collection, transport and transfer of hazardous waste exclusively within the State and set out the duties and responsibilities of producers, notifiers, carriers, collectors, holders and consignees in such matters.

3. Who is the competent authority for shipments of hazardous waste exclusively within the State?

Dublin City Council (DCC) is the designated competent authority for implementing and ensuring compliance with the Regulations. DCC may appoint authorised persons and request any local authority or the Environmental Protection Agency (EPA) to cooperate in enforcement activities or investigation for the purposes of these Regulations.

4. Who do the Regulations apply to?

- **Waste Producer:** Means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste.
- **Waste Holder:** Means the waste producer or the natural or legal person who is in possession of the waste.
- **Notifier:** Means a producer or holder of waste who arranges for such waste to be moved from the premises at which it is being held, and includes a representative of that person
- **Carrier:** Means a person who undertakes the movement of waste, other than a notifier, and includes a representative of that person.
- **Consignee:** Means the person or undertaking or authorised facility to whom or to which the waste is shipped for recovery or disposal.

5. What is a Waste Transfer Form (WTF)?

A Waste Transfer Form (WTF) is a tracking document which must be used whenever hazardous waste is shipped or transferred within the State.

6. How do I register to use the online WRMS?

In order to use the online WRMS, a user account must be created by following the steps outlined below. Registration is free.

- Go to <https://wrms.dublincity.ie>
- In the left hand panel, click on “register” and complete the “register new user” form.
 - If the account is being accessed by more than one user, a generic account with a shared username (email address) and password should be created.

- To register e.g. Bloggs Transport - split the name across the 2 fields as follows:
 First Name: Bloggs
 Last Name: Transport
- An Instruction Manual (on registering) can be accessed by clicking on 'Help' (at the top of the screen).
- When the form is filled out, click on the 'register' button.
- Once approved, a confirmation email will be sent to the email address given on the registration form.
- Log back into the WRMS and create WTFs online.


7. Who may purchase or download a WTF?

Anyone (notifier/carrier/consignee) who has registered to use the online WRMS may purchase and download a WTF.

8. How do I purchase a WTF?

- Go to <https://wrms.dublincity.ie> and login to the system using the username (email address) and the password specified on the registration form.
- Click on "Create WTF" (on the left hand side of the screen) and complete the form. The following information is required:
 - Notifier name and address
 - Consignee (facility) name and address
 - Number of WTFs required (i.e. quantity)
 - County of origin (i.e. the local authority area where the waste is being collected in).
- A fee of €6 per WTF is payable by debit or credit card.
- An Instruction Manual (on WTFs) can be accessed by clicking on 'Help' (at the top of the screen).

After the payment is processed a list of WTF serial numbers is displayed. These WTFs will have a "Draft" status. There is an option to print the list of WTF serial numbers which relate to any purchase as shown in the screenshot below.


 Your payment to the Online Payment Portal has been authorised with code: 98794
 List of WTF was created successfully

WTF Number
DCC000015
DCC000016
DCC000017
DCC000018
DCC000019
CC000020
CC000021
CC000022
CC000023
CC000024
CC000025
CC000026
CC000027
CC000028
CC000029

9. What information is required to be entered on a WTF?

The WTF is displayed on WRMS under three headed tabs as follows: WTF Summary, Notifier-Carrier Part and Consignee Part. The Table below outlines the information required to complete the three sections of a WTF.

WTF Summary	Notifier-Carrier Part	Consignee Part
WTF Number	Date Shipped	Date Received
Status	Quantity Shipped	Quantity Received
Notifier Name	Waste Generator (if different from notifier)	EWC Codes
Notifier Address	Type of Collections	Comment
Consignee Name	EWC Codes	Comments on EWC Differences
	Comment	Vehicle Registration Number
	Waste Description	Vehicle Type
	Physical Characteristics	Trailer / Container No. Received
	Special Handling Requirements	Disposal / Recovery Operations
		D-Codes
		R-Codes

The **WTF Summary** part is completed when the form is purchased.

Prior to moving the waste, the **Notifier-Carrier Part** of the form must be filled out. A printed and signed copy of the WTF with a date shipped and “Active” status must accompany the waste.

When the consignee receives the waste, the consignee (facility) completes the **Consignee Part** of the WTF online, and the status changes to ‘Completed’.

Full details of how to fill out a WTF are in the online instruction manual.

10. What is the cost of a WTF?

The fee charged is €6 per WTF. Payments are made online by debit or credit card through Dublin City Council’s secure web site. There are no exemptions from the requirement to pay a fee for the use of a WTF. **No refunds** will be made in lieu of forms purchased and not used.

11. What does each status on the WTF mean?

- Draft:** When the form is first purchased the status reads ‘**Draft**’.
- Active:** When the Notifier-Carrier Part of the form, including the date shipped, is completed the form reads ‘**Active**’. The printed form which accompanies the waste to the consignee (facility) must have an “**Active**” status.
- Completed:** When the consignee receives the waste, the consignee (facility) logs on to accept the waste and complete the Consignee Part of the online WTF. The status on the form changes to ‘**Completed**’.

12. How long does the consignee have to complete the WTF?

Consignees should ensure a WTF is completed online within one month of receipt of the waste.

13. Who signs a WTF?

Both the notifier and carrier sign the WTF. The consignee (facility) completes the WTF online confirming receipt of the waste.

14. Can I use one WTF for multiple collections?

Yes. You are permitted to use one WTF, per vehicle, per county, per day, per delivery to the facility receiving the waste. When creating the WTF, 'multiple collection' must be selected and 'see annex' entered in the waste generator field. The Annex is a supporting document put together by the person organising the collections and it must accompany the WTF. The annex lists all the collection points to be covered and contains information such as the waste generators name and address, and the hazardous (EWC) waste codes. The annex must be signed by a representative from each collection point on the list.

If the vehicle delivers waste to the consignee (facility), and leaves again to do further collections, a separate WTF is required for each trip to the facility.

15. Can I combine 2 local authority areas on the one WTF?

Yes. If multiple collections are taking place within a county with more than one local authority area (e.g. Galway City and Galway County Council), then one WTF can be used. The area where most of the waste is being collected should be selected as the 'county of origin'.

If waste is collected from different neighbouring counties e.g. Roscommon and Sligo, there is a requirement to purchase a separate WTF per county, i.e. one for Roscommon and a separate WTF for Sligo.

16. Are records required to be kept?

Yes. The notifier, carrier and consignee shall keep a chronological record of the quantity, nature and origin of the waste and, where relevant, the destination, frequency of collection, mode of transport and treatment method foreseen in respect of the waste, and of waste transfer forms. The waste generator shall take the appropriate steps to obtain documentary evidence that any consignment of hazardous waste which is moved on his or her behalf by a carrier is received by the relevant consignee. WTFs and related documents should be kept for 3 years.

17. Do exemptions apply?

Yes. Exemptions are set out under Regulation 3 of S.I. 324 of 2011.

Further examples of when a WTF is / is not required are set out below:

- A WTF is not required when the registered owner wishes to discard of their vehicle. The registered owner may take the vehicle to an Authorised Treatment Facility (ATF) themselves or arrange to have it taken by an authorised waste collector on their behalf.
- A WTF is not required for the initial movement of a vehicle to a depot / yard. If the vehicle is to go for destruction / dismantling, a WTF is required for the onward movement to an ATF. A WTF is not required for the onward movement if it is on behalf of the local authority or An Garda Síochána.

- A WTF is not required for the movement of a vehicle prior to an insurance assessment. However, if the holder of the vehicle determines it to be a waste then a WTF is required.
- A WTF is required to transfer the following types of waste to a facility: fluorescent tubes, asbestos, lead-acid batteries, mineral oil (e.g. engine oil).

18. What if a collection does not take place as planned?

Where a planned shipment is scheduled and a “Date Shipped” is entered on a WTF changing the status of the form to “Active”, then the shipment should proceed on this date.

However, if due to unforeseen circumstances, a planned collection cannot proceed, it is permitted to amend the “Date Shipped” and change the status of the form back to “Draft”. **However, note that all other data entered under the “WTF Summary” and “Notifier-Carrier” tabs must remain unchanged.**

- Only one (1) postponement is permitted on an individual WTF
- WTF forms which have been amended under the above postponement procedure must be used **within fifteen (15) calendar days** from the date the form is changed back to “Draft”. If the shipment does not take place within the 15 days allowed, then the WTF number must be marked “Invalid”.
- Where such amendments take place, NTFSO requests a list of the WTF form reference numbers be emailed to the National TFS Office (wrms@dublincity.ie). Amendments will be monitored and audited by the enforcement team.

19. What would be considered as not compliant with the Regulations?

The following are examples of non compliances:

- Hazardous waste transported or transferred within the State without being accompanied by a WTF.
- Consignee / waste facility accepting hazardous waste which is not accompanied by a WTF.
- Failure of a waste producer to take appropriate steps to obtain documentary evidence that any consignment of hazardous waste which is moved on his or her behalf by a carrier is received by the relevant consignee.
- Failure to sign the WTF where indicated prior to the transfer of hazardous waste.

20. What action may be taken for non compliance with the Regulations?

1. Any person who contravenes any provision of these Regulations shall be guilty of an offence and legal proceedings may be initiated.

2. A monitoring fee of €100 may be issued where legal proceedings are not intended to be taken. This fee shall be payable on receipt of an invoice from the NTFSO specifying the reason for the issuing of a monitoring fee and a timeframe for payment of same.

21. What prosecution may be incurred for offences under the Regulations?

A person guilty of an offence under the Regulations is liable (a) on summary conviction, to a fine not exceeding €4,000, or imprisonment for a term not exceeding 3 months, or both, or (b) on conviction on indictment, to a fine not exceeding €500,000, or imprisonment for a term not exceeding 3 years, or both.

22. Where can I view a copy of the Regulations?

The European Communities (Shipments of Hazardous Waste exclusively within Ireland) Regulations 2011 (S.I. No. 324) is available at www.irishstatutebook.ie

This is a Guidance Document only and does not purport to provide, nor should it be relied on, as a legal interpretation of the Regulations.