



FAQ for Producers/Importers

What are the main responsibilities as a producer or importer of solid fuels?

The key obligation on producers/importers is that they shall only sell or distribute a solid fuel product that:

- Is an approved solid fuel
- Is certified as per the regulations
- Is labelled as per the regulations
- Relates to a fuel activity in respect of which the producer is registered on the Fuels Register
- That appropriate documentation is provided to merchants and retailers
- That the required information travels with the fuel while being transported

In addition to registration and certification, the producers are responsible for the conformity assessments of their products.

I am an importer of solid fuels. What is required of me under the new regulations?

If you are only importing and not manufacturing solid fuels, you are required to register with the EPA. To do so, you will need to provide appropriate certificates of compliance, to demonstrate that the fuels you are importing meet the requirements of the new regulations.

Are firelighters and kindling covered by the regulations?

Firelighters and kindling are not subject to the regulations at this time as they are used for ignition only and not prolonged burning. However, fire logs and fire bags will be subject to the regulations.

Registration

I was registered on the previous coal baggers register – do I need to re-register?

Yes, you need to re-register now that the new regulations have come into operation. A new registration form has been sent to everyone on the register and is also available on [the EPA website](#). The Department and the EPA will be working together during the transition to the new registration system to identify any issues and ensure the register is active as soon as possible.

I was not previously on the EPA register but wish to register for the 2022/2023 heating season. What do I need to do?

You are required to fill out a registration form and have the required certification. The revised application form has been made available on the [EPA website](#).

Once you have your EPA registration number you will be required to include it on all documentation and must provide updated documentation to a retailer if requested.

Certification

I was previously certified under SWIFT7. Do I need to get an additional certification?

No, not for the current heating season, as if you are already registered and certified under SWIFT7, you will be permitted to use your existing certification until you re-register in September 2023. The new application form will require that you provide details of each product and confirm that it is covered by the appropriate certification.

If you have additional biomass/wood-based products that are not covered by your existing SWIFT7 certification, you will need to engage with a third-party certification body to ensure they are certified for the new registration system.

In the case of coal-based, manufactured part biomass products which were not included your existing SWIFT certification, as an interim measure for 2022/2023 heating season you should provide new testing certs to the EPA to prove that the new products meet the new requirements of the regulations.

What certification schemes will be accepted by the EPA?

SWIFT7 will continue to be accepted for the 2022/2023 heating season only with respect to low smoke fuels and manufactured part biomass, as the requirements under the new regulations remain largely the same as those for products which were permitted in the previously designated low smoke zones.

The EPA may look for additional supporting evidence to confirm that the fuel meets the technical requirements, including copies of smoke emissions test or sulphur test results if there are any concerns about a product meeting the requirements.

Examples of certification schemes that will be accepted include:

- WFQA and Ready to Burn certification will be accepted for 100% biomass, wood products and wood logs
- HETAS Approved solid fuel certification
- There is also a new Irish Standard (IS-311) in development which will replace the SWIFT7. Once this is approved by the NSAI and published, it will be accepted by the EPA.

Or

- (a) a relevant standard or code of practice of a national standards body or equivalent body in another Member State, an EFTA country, the United Kingdom or Turkey;
- (b) any relevant international standard recognised for use in another Member State, an EFTA country, the United Kingdom or Turkey;
- (c) any relevant technical regulation with mandatory or de facto mandatory application for marketing or use in, another Member State, an EFTA country, the United Kingdom or Turkey;
- (d) any relevant quality assurance scheme approved by the Minister,

insofar as the standard, code of practice, technical regulation, scheme or process in question enables the requirements of Regulation 5 to be certified in an equivalent manner.

Other important points to note include:

- The onus will be on the producer to prove the certification scheme demonstrates compliance with the regulations.
- Producers will now have to engage and pay for certification themselves as this will not be carried out under contract by the EPA.
- Eco-design certificates will not be accepted as they are based on the fuel being used in a specific eco-designed appliance type. The eco-design obligations only came into force in January 2022 and the evidence to date indicates that the majority of appliances were installed in Ireland before this date.

I am a wood producer. What is required of me under the new regulations?

You are considered a solid fuel producer under the regulations and all relevant requirements as outlined above apply to you, in the same manner as they apply to producers of other solid fuels.

Labelling

Do I need to label my products in any particular way?

Yes. Approved solid fuels must be labelled with the words “contents comply with the Air Pollution Act Regulations” and packaging must also include the EPA producer registration number. This is to give the retailer and the householder confidence that the product is an approved fuel.

For most producers who were previously registered, this will not require a change of packaging. Any additional necessary information not on the packaging of current stocks can be securely attached (e.g. by way of sticker or staples) while those stocks are being depleted.

However, labelling must be in order for the 2023/24 heating season.

If the fuel is imported and does not have the required wording, then this wording also needs to be secured to the packaging.

As a transitional measure, point of sale information containing the required labelling information can be used for the current heating season where labels/stickers cannot be attached by the producer.

There are additional requirements for the packaging of manufactured biomass products, as set out in Schedule 3 of the Regulations.

In the case of wood, wood sold in volumes of two cubic metres or more must be accompanied by a notice containing the statement specified in Schedule 1 of the Regulations.

A common-sense and pragmatic approach to the labelling provisions is being taken for the first few months following the introduction of the new regulations, as we are aware that there are a number of bags in the system. The new register will assist in the enforcement of this element of the regulations until such time that stocks are run down, and the new system is appropriately bedded in.

What if I my packaging does not comply with the new regulations?

As above, we are taking a common-sense approach to this for the first couple of months, focusing on the key issue which is that no unapproved fuels are placed on the market. However, you should ensure that your registration number and product code is securely attached to packaging and also included on all documentation as soon as it has been received.

As a transitional measure, point of sale information containing the required labelling information can be used for the 2022/23 heating season where labels/stickers cannot be attached by the producer.

What is the product code mentioned above?

The product code is the unique code assigned to each product upon production, such as a barcode or any other unique identifier on the packaging. If you do not have a unique identifier on the packaging, you must supply the EPA with a code that is unique to each product. This is for each producer to determine, but applications will not be processed by the EPA without it.

Transportation

Are there additional record-keep requirements when transporting solid fuel?

Yes. The owner or operator of any vehicle which is used for the transport of solid fuel shall retain on the vehicle and provide to an authorised officer, if requested:

- (a) A record of the quantity of each type of solid fuel on the vehicle and the name and address of the person or body who supplied the fuel,
- (b) A record of the destination or destinations of the solid fuel and the name and address of the person or persons purchasing the fuel, and
- (c) A record demonstrating that the solid fuel is an approved fuel, such as an invoice, credit note, or dispatch or delivery documents detailing the products purchased from a registered producer which must include the registration number issued to the producer by the EPA.

You should ensure that these documents are provided to the driver of any vehicle being used for the delivery or other transport of solid fuel.

Other requirements

It should also be noted that SI 257 of 1991 is still in force although it is not under the remit of this Department. It has a number of additional requirements, such as:

4. (1) It shall be unlawful to manufacture, assemble or sell for domestic use any petroleum coke or other solid fuel which has a gross calorific value greater than 24 megajoules per kilogram on a moist ash-free basis and which contains less than 2.5 per cent ash by weight on a dry basis, unless the petroleum coke or other solid fuel is mixed with another solid fuel such that—
- (a) the percentage of petroleum coke or of the other first-mentioned solid fuel (as the case may be) contained in the admixture is not more than 50 per cent by weight on a dry basis, and
 - (b) the ash content of the admixture is equal to or greater than 2.5 per cent by weight on a dry basis.

Full details of SI 257 of 1991 can be found [here](#)

Disclaimer

This document provides information to assist producers and importers to comply with regulations which came into force on the 31st of October 2022.

It represents the most up to date information possible and is not a legal interpretation of the regulations. It is a working document and subject to update and change at any time as new information becomes available.

Any additional queries can be directed to solidfuels@decc.gov.ie



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