Rialtas na hÉireann
Government of Ireland

FAQ for Retailers

What are the Solid Fuel Regulations that I need to be aware of?

The current regulations on solid fuels for domestic heating in Ireland took effect on October 31st, 2022. The primary focus of these regulations is on improving air quality and improving people's health chances and outcomes, by restricting the retail, online and commercial sale of smoky fuels, including smoky coal, turf and wet wood. These fuels are proven to be a major contributor to air pollution in Ireland.

The regulations are known as the Air Pollution Act 1987 (Solid Fuels) Regulations 2022. They may be found online at www.irishstatutebook.ie/eli/2022/si/529/ or by searching for "SI 529 of 2022".

What fuels are covered by the regulations?

All solid fuels being sold for domestic or licensed premises, including coal products, wood products, biomass products and manufactured part biomass products, are subject to the regulations.

As a retailer, you will need to be sure that each product you offer for sale is provided by a producer registered with the EPA, and that the product is listed as approved by the EPA for that producer. A list of registered producers and their approved products can be found on the EPA Website.

Importers are also classed as producers even if they do not manufacture the fuel, and so they too must be registered with the EPA.

How can I be sure that the solid fuels I sell comply with the new standards?

You should deal only with registered producers of solid fuels. Under the regulations, all producers must register with the Environmental Protection Agency (EPA) and must include their registration number on any invoice, credit note, dispatch and delivery docket, marketing material or website or at any premises relating to any fuel activity carried out by the producer.

The EPA registers will be updated regularly, and you will be able to check if the producer and products are registered on the EPA website.

Please note that fuel products which are not listed on the fuel register should be removed from sale immediately.

We would advise that you regularly check the EPA producer register and product register at https://www.epa.ie/our-services/licensing/air/solid-fuel-regulations/ in advance of purchasing any fuels.

It is an offence to retail any solid fuel product placed on the market by a producer who does not comply with these obligations.

It is always an offence to make available for sale, or offer in any other way, a solid fuel which is not an approved fuel, no matter who the producer is.

Please also refer to the FAQ on requirements for advertising fuels.

My supplier says they still have stocks of fuels which are approved under the new regulations, but labelled as per the requirements of the previous regulations. Are they permitted to supply this to me?

The wording "contents comply with the Air Pollution Act Regulations" and the EPA registration number must be clearly included on the packaging of all products by the producer, as per the labelling requirements are set out in the Regulations.

For products where older packaging does not meet the labelling requirements of the new regulations. As a transitional measure was put in place where point of sale information containing the required labelling information could be used for the 2022/23 heating season, however this is no longer in place.

Please note that the Swift7 standard is no longer active and is not a mark of compliance with the new regulations. SWIFT7, was only permitted for use to the end of heating season 2022/23.

I still have fuels in stock which are no longer approved under the new regulations. Can I continue to sell this fuel until stocks are depleted?

No. Now that the regulations are in force, it is an offence to retail unapproved fuels.

Can an obligation be placed on my suppliers to accept returns of unsold unapproved solid fuels?

This Department cannot legislate to place such an obligation on suppliers. It is recommended that direct negotiations would take place between retailers and their suppliers.

We would also recommend that you consider ensuring a clause is in place in any future purchasing contracts to ensure that if a producer or product is removed from the register that you will not be at the loss for fuels that you cannot sell.

Are firelighters and kindling covered by the regulations?

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

Can I sell turf from my retail premises?

No. The regulations specifically include a prohibition on the sale of turf from retail premises, such as shops, service stations, fuel yards, public spaces and public houses. In addition, turf cannot be offered for sale by way of the internet or other media.

What records do I need to keep?

Retailers must keep records for a period of one year to show that fuel retailed is an approved solid fuel. These records should include all invoices, credit notes, dispatch or delivery documents detailing the products purchased from a producer, including the registration number issued to the producer by the EPA.

These records shall be provided by a retailer for inspection, on request, by an authorised person.

Will copies of these records be sufficient, if (for example) the originals are with accountants or auditors?

Yes, provided that upon request, the originals can also be produced for inspection by an authorised person within a reasonable timeframe.

Are there additional record-keep requirements when transporting solid fuel, for example when delivering to customers?

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.

You should also note it is an offence under the regulations to transport any unapproved fuels. Please see the FAQ on transportation for more details.

I do door-to-door sales, and do not know who will be purchasing the fuel in advance of carrying out my route. What should I do?

In this instance, you should comply with points a) and c) and be able to comply with details about the origins of the fuel under point b).

• Disclaimer:

This document provides information to assist retailers 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**