

## **Waste Management (Packaging) Regulations, 2003 – Key Points**

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The "Waste Management (Packaging) Regulations, 2003" revise and replace previous regulations made in 1997, and subsequent amending regulations made in 1998, and are intended to facilitate the achievement by Ireland of the 50% packaging waste recovery target by end 2005 as set out in EU Directive 94/62/EC on packaging and packaging waste. The regulations came into effect on 1 March 2003. The key points are summarised as follows:

- Requirement on businesses to segregate their packaging waste (article 5) - The new Regulations introduce a requirement that all producers (i.e. manufacturers, importers, distributors, wholesalers and retailers - both Repak and non-Repak members) participating in the placing of packaging on the market must segregate the packaging waste arising on their own premises (back-door packaging waste) into specified waste streams - e.g. waste aluminium, fibreboard, glass, paper, plastic sheeting, steel and wood - and have it collected by authorised operators for recycling. This effectively provides that such waste cannot be landfilled and, therefore, represents a nationwide ban on the landfilling of these specified materials arising in the manufacturing/retail sector. For clarification purposes, the Regulations do not apply to businesses which are not involved in the placing of packaging on the market i.e. service type businesses etc. An exemption is provided for "contaminated" waste.
- Definition of major producers (article 4(5)(a)) - "Major producers" - who are subject to the main requirements of the regulations - were defined in the 1997 Regulations as those businesses which place 25 tonnes or more of packaging on the market each year and which have a turnover of eur 1.27m (iep 1m) or more. The new regulations reduce the turnover threshold to eur 1million, which will broaden the base of major producers.
- Packaging Sold and Consumed on the Premises (article 4(5)(c)(i)(I)) - The 1997 Regulations have been clarified to make clear that packaging sold "and consumed" on a producer's premises comes within the scope of the regulations, e.g. bottles sold and consumed in pubs, clubs and hotels. This again will broaden the base of major producers who are subject to the main requirements of the Regulations.
- Take-back requirements (article 9) - The requirement on self-complying major producers (i.e. non-Repak members) to provide segregated take-back facilities for the deposit of packaging waste by customers may be fulfilled either individually or in co-operation with other self-compliers (subject to a maximum of 10 major producers participating in any one group scheme, and the group segregated deposit facilities being not more than 250 metres from any participating premises). This recognises the practical realities and space limitations faced by major producers in, for example, shopping centres, industrial estates and "high streets" in individually providing segregated take-back facilities.

- Display of signs (article 9) - For the purpose of enhanced visibility and awareness of the take-back requirements, specified signs indicating (i) the obligation of self-complying major producers to take back packaging waste from customers, or (ii) the exemption of major producers from these requirements via Repak membership, must now be of a specified minimum size and displayed at each entrance to a major producers premises.
- Registration Fees (article 11) - The annual registration fees which self-compliers pay to local authorities are being increased from iep 5 per tonne of packaging placed on the market to eur 15 per tonne, subject to a minimum registration fee of eur 500 and a maximum fee of eur 5,000 (up from the previous range of between eur 254 and eur 1,270). These increased registration fees should assist towards meeting local authority enforcement costs.
- Submission of returns by self-compliers (article 12) - Self-complying major producers must now submit quarterly returns to local authorities, instead of monthly returns. This will reduce the administrative burden on self-compliers in submitting returns and on local authorities in chasing the submission of returns.
- Plans and Reports (article 13) - Article 13 now requires self-compliers to submit a new plan every 3 years on the steps which they propose to take to prevent and minimise packaging waste.