

**Waste Management (Packaging) (Amendment) Regulations, 2004
S.I. No. 871 of 2004 – Key Points**

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These new regulations, which amend the Waste Management (Packaging) Regulations, 2003 – S.I. No. 63 of 2003, came into effect on 30 Dec 2004. The following is a summary of the main changes in the new regulations:

- Display of signs by self-complying major producers and Repak members – articles 9(1)(a) and 15(2). The 2003 regulations required self-complying major producers to display signs indicating their obligation to take-back from any member of the public packaging waste of the type or brand supplied from their premises at “each entrance to which members of the public have access”. There was ambiguity as to what constituted ‘public access entrances’. The new regulations clarify that the take-back signs must be displayed “in a conspicuous position, and in such manner as to be clearly visible to members of the public, at each entrance to each premises”, thereby deleting any reference to ‘public access’ and removing any remaining ambiguity on this matter. There was a similar obligation on Repak members to display signs at each ‘public access’ entrance indicating their exemption from the take-back obligation. The revised wording in article 15(2) clarifies that Repak members must display such signs at all entrances to their premises.
- Packaging waste take-back times – article 9(1)(d) - In order to remove any ambiguity about the times at which packaging can be deposited at the premises of self-complying major producers, the revised wording to article 9(1)(d) clarifies that self-compliers are required to accept such packaging waste “at all reasonable times”. This wording has previously been interpreted to mean “during normal business hours” in the context of other provisions of the Waste Management Act 1996-2003.
- Obligation on self-compliers to advertise take-back of packaging waste – new article 9(8) - In order to increase public awareness of the obligation of self-complying major producers to take-back packaging waste from members of the public, the new article 9(8) requires self-compliers to – during the months of March and September each year - place notices in local newspapers circulating in the functional area where their premises are located advertising their take-back facilities and their obligation to take-back from members of the public packaging waste of the type or brand supplied from their respective premises. (Copies of such advertisements are to be submitted with self-compliance registration renewal applications – see revision to Part 2 of Second Schedule. Prescribed wording for such notices is provided for in new Part 6 of the First Schedule to the Regulations.) Local authorities should advise self-compliers of this obligation when issuing certificates of registration or certificates of renewal of registration, as appropriate. Self-compliers should be further advised that such advertisements should be placed in the ‘Public Notices’ section of the newspapers concerned.

- Multiple branch self-compliers – new articles 10(7) and (8) - In order to provide some degree of consistency on the application of the registration requirements, new sub-articles 10(7) and (8) require multi-branch self-compliers to designate their main branch or another designated branch as having responsibility for registration/renewal of registration of all premises operated by them. In this way, local authorities will have one common address/point of contact to which all correspondence/queries in relation to a multi-branch operator should be addressed.
- Self-compliance registration fees – article 11(3) - The existing maximum self-compliance registration fee of EUR 5,000 per premises has been increased to EUR15,000. In effect, the new self-compliance registration fees per premises are EUR15 per tonne of packaging placed on the market subject to a minimum of EUR500 and a maximum of EUR15,000. This fee revision should be regarded as an *interim* arrangement pending the completion of a comprehensive policy review of the self-compliance registration fee structure. (See below for further elaboration.)
- Local authority advertising of self-compliers – new article 14(3) - To supplement the new provision outlined at the third point above to increase public awareness of the obligation of self-complying major producers to take-back packaging waste from members of the public, new article 14(3) requires local authorities to at least once a year take out an advertisement in one or more newspapers circulating in their functional areas publicising details of all major producers registered as self-compliers in their respective areas who are obliged to take-back packaging waste from members of the public. Such advertisements should also indicate the packaging material types that can be brought back to the listed premises.
- Other amendments - The other amendments contained in the new regulations are largely consequential amendments further to the main changes outlined above.

The changes in the new regulations were agreed by the National Packaging Waste Strategy Group, established to develop appropriate strategies to facilitate the achievement of Ireland's packaging waste recovery targets set by EU Directive. The Strategy Group – which is co-chaired by the Department and Repak – comprises representation from all relevant sectors i.e. Repak, IBEC, producers, waste collectors, reproducers, local authorities and the Department. As indicated above, it is intended to undertake a comprehensive policy review in relation to the self-compliance registration fees. The review will also include consideration of all aspects of the arrangements relating to the 'purchase' of packaging waste for the purpose of fulfilling certain of the self-compliance obligations under the regulations.