

AN INTRODUCTION TO THE “WASTE MANAGEMENT (PACKAGING) REGULATIONS 2007 AND HOW THEY APPLY TO YOU:

Under the Waste Management (Packaging) Regulations 2007, all producers have important obligations for the recovery of packaging waste. The Regulations are designed to assist and promote the recycling of packaging waste, in order to facilitate the achievement by Ireland of the packaging waste recovery targets laid down in the EU Directive 94/62/EC on packaging and packaging waste (the Packaging Directive).

This leaflet provides an outline of the Regulations. It does not purport to provide a legal interpretation of the meaning or effects of the Regulations.

LOCAL AUTHORITY FUNCTIONS:

- To enforce the regulations.
- To require submission of information within a stated time frame e.g. a packaging report, information on the use of packaging, the steps taken to comply with the regulations and evidence of turnover.
- Make the relevant entries in the register maintained under section 19 of the Waste Management Act, 1996 to 2008
- Make any information submitted by producers of packaging waste, available to the public for inspection during office hours.

MANUFACTURER'S RESPONSIBILITIES

- Design and produce packaging to permit its reuse, recovery, recycling and to minimise its impact on the environment upon disposal.
- The physical properties and characteristics of the packaging must enable a number of trips in normally predictable conditions of use.
- The weight and volume of the packaging should be limited to the minimum required to maintain the necessary level of safety, hygiene and acceptance for the packaged product and the consumer.
- Manufacture packaging to minimise the presence of noxious and hazardous substances in emissions, ash or leachate when the packaging residues are incinerated or landfilled.
- Manufacture packaging to enable the recycling of a certain percentage by weight of the materials used.
- Packaging waste processed for energy recovery shall have a minimum inferior calorific value to allow optimisation of energy recovery.
- Packaging waste processed for composting shall be of such a biodegradable nature that it does not hinder the composting process into which it is introduced.
- Biodegradable packaging waste shall be capable of decomposing into carbon dioxide, biomass and water.

Further information and registration forms can be obtained from:
Environment Department, Kerry County Council, Maine Street, Tralee, Co. Kerry
Contact: Stuart Roche at 066 7162000 or email stuart.roche@kerrycoco.ie

INTERPRETATION

‘Packaging’ means any material, container or wrapping, used for the containment, transport, handling, protection, promotion, marketing or sales of products (e.g. bottles, cans, boxes, shrink wrap, strapping, pallets, liners, fillers and raw materials such as polystyrene).

‘Producers’ of packaging are people who, in the course of business, sell or otherwise supply to others packaging material, packaging or packaged products (e.g. shops, supermarkets, retailers, pubs, manufacturers, importers, fast food outlets etc.).

‘Major Producers’ of packaging are producers who:

- supply an aggregate weight of packaging material, packaging or packaged goods in excess of **10 tonnes in a calendar year** (excluding packaging destined for re-use and packaging for direct export) and
- have an annual turnover of more **than €1,000,000** (including turnover related to goods and services for export).

PRODUCER OBLIGATIONS

All producers of packaging waste must segregate the packaging waste arising on their own premises (back-door packaging waste) into specified waste streams and have it collected by authorised operators for recycling i.e. glass, steel, aluminium, paper, fibreboard, wood and plastic sheeting.

COMPLIANCE OPTIONS

All major producers must choose one of the following options in order to meet their main obligations:

- Participate in a recovery scheme operated by an approved body. Currently, Repak Ltd. is the sole approved body for the purpose of the regulations.
- Opt for the ‘Individual Compliance’ route. Producers who do not choose to join Repak must register with their local authority and implement their own steps to fulfil their obligations, which may relate both to packaging waste arising on a premises as well as packaging supplied to others.

PACKAGING PLACED ON THE IRISH MARKET

These additional responsibilities apply only to major producers opting for individual-compliance:

- Display a notice at each entrance to a supplying premises stating that packaging waste of the type placed on the market by the producer, will be accepted free of charge for the purpose of recovery.
- Provide adequate facilities at each supplying premises for the acceptance, segregation and storage of packaging waste. These facilities will be advertised to customers. Up to ten producers may act collectively as long as the group facilities are no more than 250 metres away from any of the participants.
- Accept or collect from any person (free of charge), at each supplying premises, packaging waste of the type or brand supplied by the producer.
- A major producer who is an importer of packaged goods or a packer/filler, must accept or collect not less than 55% by weight of the packaging imported/pack-filled by that producer in the previous quarter.
- Ensure packaging waste accepted/collected is either transferred to a producer of packaging or is made available for recovery.

- Prepare a plan specifying the steps to be taken to comply with the regulations, apply to Kerry County Council for registration and renew such registration not later than the 31st January each following year.

Applications for registration/renewal of registration are required for each premise separately. (Application forms are available on request and a fee of €15.00 per tonne or a minimum fee of €500.00 and maximum of €15,000.00 per application will apply).

- Compile and submit quarterly reports to Kerry County Council on the weight of packaging and packaging waste received, supplied, accepted, recovered and disposed of. Such information is to be retained for 3 years.
- Advertise twice yearly in a local newspaper your take back obligations.

PACKAGING REPORTS

- All producers (major and non-major) must submit a packaging report, compiled by an approved person, to Kerry County Council within a stated time frame, once they have been served with a notice. (Article 25)

Producers who are certified members of Repak are exempt from the above responsibilities.