

- ▶ Provide adequate facilities for the acceptance, segregation and storage of packaging waste at each premises and also provide facilities whereby customers may remove, segregate and deposit packaging from products or substances purchased at that premises.
- ▶ Within a week of being requested to do so, collect or arrange for the collection of any packaging or packaged products of a type or brand supplied by you to another producer.
- ▶ Publication of notices in the local media relating to take back facilities during the months of March and September annually and supply of such notices to the local authority.
- ▶ Adhere to the target quantities set in the Regulations for recovery of various packaging streams.
- ▶ Major producers who supply packaging material, packaging or packaged products other than from a premises, must secure a premises for the purpose of facilitating take-back of packaging waste within the functional area of the local authority where such a major producer carries out its business.

What is the registration fee for self –compliance?

An application for registration or renewal to a local authority shall be accompanied by a minimum fee of €500 or €15 per tonne of packaging material and packaging placed on the market, up to a maximum of €15,000.

Joint Collection Facilities:

A major producer may provide collection facilities either individually or collectively with other major producers located within the functional area of the local authority concerned. If they chose to do so, the number of major producers acting collectively, shall be limited to a maximum of ten participants.

Exemption from Obligations for Major Producers

All Major producers must comply with the aforementioned **Article 5 obligations**.

A major producer to whom a Certificate is granted by an approved body stating that such a producer is participating, in a satisfactory manner, in a scheme for the recovery of packaging material, packaged products or packaging waste (Repak) shall be exempt from obligations listed above other than the **Article 5 obligations**.

A major producer granted a Certificate from Repak is obligated to fix and maintain a clearly visible notice at or near each entrance to all premises from which packaging and packaging waste is supplied and to which the public have access.

How can a major producer become a member of Repak?

Full details of how to become a Repak Member are available by contacting:
Repak Ltd, Red Cow Interchange Estate, 1 Ballymount Road, Clondalkin, Dublin 22
Telephone: 01 4670190
Website: www.repak.ie
E Mail: info@repak.ie



Local Authority Role:

Your local authority is responsible for enforcing the Waste Management (Packaging) Regulations 2007.

Your local authority enforcement officers have the following general powers under the Waste Management Acts 1996-2007.

Powers of entry and inspection.
Power to serve enforcement notices and require further information.
Power to initiate proceedings for an offence.

We would appreciate your co-operation in this regard.

The onus is on each business to understand the Regulations, determine their position and fully comply. Failure to comply with the Regulations is an offence and prosecution may follow. Prosecution can result in fines up to €15,000,000 and/or imprisonment in addition to costs.

If you require further information please contact the Environment Section of your local authority.

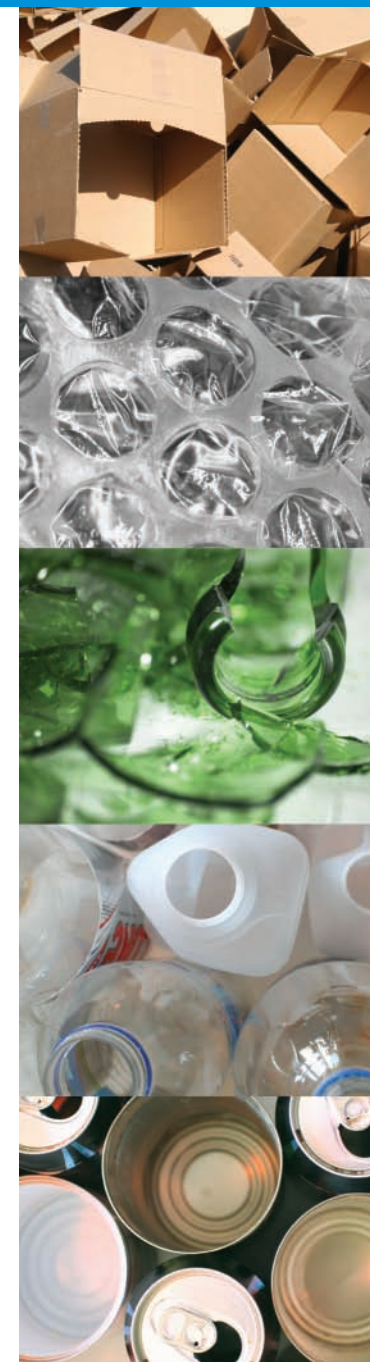
Contact details:

Galway County Council:	Telephone: 091 476402	www.galway.ie
Galway City Council:	Telephone: 091 536595	www.galwaycity.ie
Mayo County Council:	Telephone: 094 9024444	www.mayococo.ie
Leitrim County Council:	Telephone: 1890 205 205	www.leitrimcoco.ie
Sligo County Council:	Telephone: 071 9111111	www.sligococo.ie
Roscommon County Council:	Telephone: 0906 637260	www.roscommoncoco.ie



Connaught Local Authorities:

Waste Management (packaging) Regulations 2007 Regulations for Business





Introduction:

This information brochure has been produced by the local authorities of Mayo, Galway County and City, Leitrim, Roscommon and Sligo. We have developed this brochure in order to raise awareness to the Waste Management (Packaging) Regulations 2007 which came into effect on the 31st March 2008. We hope that you find it of benefit. It does not act as an exact interpretation of the law and does not remove the obligation on businesses to consult and comply with the Regulations.

What are the Waste Management (Packaging) Regulations?

The Waste Management (Packaging) Regulations 2007 impose obligations on producers of packaging waste. These Regulations consolidate the previous packaging Regulations and are aimed at increasing the recycling and recovery rates for packaging waste.

Who do they apply to?

The Regulations apply to all businesses which sell or supply to others on the Irish Market packaging material or packaged products e.g. retailers of electrical goods, supermarkets, hardware shops, pharmacies, fast food outlets, pubs, hotels, manufacturers, wholesalers, importers and distributors.



Packaging and Packaging waste

What is packaging?

Packaging means any material, container or wrapping, used for or in connection with the containment, transport, handling, protection, promotion, marketing or sale of any product or substance, including such packaging as may be prescribed.

Packaging includes raw materials used in the manufacture of packaging waste that is placed on the market. Items that are designed and intended to be filled at point of sale shall be considered to be packaging provided that they fulfil a packaging function. Examples of such packaging would be sandwich bags, disposable plates and cups and paper and plastic carrier bags.

Packaging components and ancillary items integrated into packaging shall be considered to be part of the packaging such as labels hung directly on or attached to a product.

Packaging sold and consumed on a premises comes under the scope of these Regulations, for example: bottles or cans of drink which are consumed on the premises of hotels, clubs, restaurants and pubs.

Packaging can be further categorised into primary, secondary and tertiary (transport) packaging.

Full details and examples of packaging types are outlined in the Regulations.

What is packaging waste?

Packaging waste is defined to be any packaging or packaging material, excluding production residues, which are discarded or are intended to be discarded or, are required to be discarded as waste.

Producers of packaging waste have particular obligations in relation to Specified Waste Packaging streams.

What are specified waste packaging streams?

- ▶ Aluminium
- ▶ Glass
- ▶ Paper
- ▶ Plastic Sheeting
- ▶ Steel
- ▶ Wood
- ▶ Fibreboard (including cardboard)



Producers and Major Producers

Producers of packaging waste can be divided into two separate categories - producer and major producer.

What is a producer?

A producer of packaging waste is a producer for trade or otherwise in the course of their business, sells or otherwise supplies to other persons packaging, packaging material or packaged products.

What is a major producer?

A major producer is a producer as defined above but also having the following criteria. A business is classified as a major producer when the aggregate weight of packaging material and packaging supplied by such a major producer exceeds or is expected to **exceed 10 tonnes** in a calendar year and has an annual turnover of **more than €1 million**. The turnover of the major producer is derived from their activities within the State including the export of goods and services. The aggregate weight of packaging is based on packaging material and packaging supplied from all relevant activities within the State.

How do I know if my business falls under the category of major producer?

Turnover may be declared by way of an accountant's letter, stating whether your annual turnover is above or below the specified €1 million threshold. You need to be in a position to declare this to your local authority, if requested.

If your business has a turnover of greater than €1 million but is producing less than 10 tonnes of packaging material and packaging per annum you are not a major producer. In very limited cases only, where the range of products sold is very small, a producer may be allowed to compute the weight of packaging supplied. However, the local authorities in most cases will require an audit to be carried out by a competent independent person approved by the local authority.

Local authorities can require packaging reports and proof of turnover from producers not more than once in any period of twelve months.



Producer Obligations:

What must a producer do with specified packaging waste?

Producers must adhere to **Article 5 obligations** as outlined below:

Producers have two options with regard to their **specified** packaging waste. They must ensure that packaging waste arising is:

Transferred, for recovery, to a producer of packaging material of a type or brand to which the packaging waste relates,

Or

(2) Separated at source by type and collected by the producer or by an authorised recovery operator for the purpose of recovery.

Businesses must ensure that their specified packaging waste streams are not sent to landfill for disposal or are not deliberately contaminated.

What must a producer do with **non-specified** packaging waste?

Non-specified packaging waste must be transferred for recovery, treatment or disposal to a producer to which the waste relates.

Or

Be collected by the producer or by a recovery operator for the purpose of recovery, treatment and disposal.

Or

(3) Be separated at source by material type for the purpose of facilitating the recovery of said waste on-site (i.e. used as a fuel) in accordance with the necessary licences or permits.

Information on packaging for reuse:

Where packaging is destined for reuse a producer shall compile and maintain detailed records for each trip or rotation of the packaging.

What are the obligations on Major Producers?

Major producers that are not members of a compliance scheme (Repak) have a large number of obligations in addition to those of producers. They must meet all the obligations in order to be self-compliant with the Regulations:

- These obligations are outlined in detail in the Regulations. Generally they are as follows:
- ▶ Register with your Local Authority in the functional area of your business.
 - ▶ Pay an annual levy based on quantities of packaging supplied.
 - ▶ Submit a three year implementation plan and an annual amended plan and results to your local authority.
 - ▶ Submit quarterly reports to the local authority.
 - ▶ Renew registration annually.
 - ▶ Accept packaging back from any person, free of charge including waste packaging from products purchased elsewhere of the type or brand supplied by your business.
 - ▶ Fix and maintain clearly visible signs relating to take back facilities at each premises from which packaging is supplied.

