



STATUTORY INSTRUMENTS.

S.I. No. 197 of 2015



WASTE MANAGEMENT (COLLECTION PERMIT)(AMENDMENT)
REGULATIONS 2015

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 7, 18, 32 and 34 of the Waste Management Act 1996 (No. 10 of 1996), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Waste Management (Collection Permit) (Amendment) Regulations 2015.

Amendment to the Waste Management (Collection Permit) Regulations 2007

2. The Waste Management (Collection Permit) Regulations 2007 (S.I. 820 of 2007) are hereby amended by—

(a) In article 4(2), by inserting the following after the definition of "household waste":

“ “household kerbside waste” means that fraction of household waste presented for collection from a household premises and collected by an authorised waste collector and excludes waste water, construction and demolition waste and bulky waste more suitable for collection in a skip or other such receptacle (which includes but is not limited to heavy waste materials such as furniture, carpets and rubble), as well as household hazardous waste and other streams of household waste which are required to be collected in another appropriate manner, such as, but not limited to, WEEE and waste batteries and accumulators.”

(b) In article 20(2)(i) by inserting "and in the case of recyclable materials, on and after 1 July, 2015, a frequency of collection of not less than once every two weeks," after "practicable to do so,"

(c) by inserting the following paragraphs after Article 20(2)(m):

"(n) weigh each and every collection of household kerbside waste collected separately in approved receptacles designed for reuse on and after 1 July, 2015, and for the avoidance of doubt, approved receptacles designed for reuse do not include bags,

(o) report, in writing, this weight to the person or persons who presented the waste for collection at a frequency specified by the nominated authority, where such frequency is not less than once every month,

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 19th May, 2015.

- (p) use a weighing system to weigh household kerbside waste in accordance with paragraph (n) which has an EC Type Approval under the Measuring Instruments Directive (2004/22/EC) or a National Type Approval granted prior to the coming into force of the Measuring Instruments Directive (2004/22/EC), in accordance with the Legal Metrology (General) Regulations 2008, to weigh each and every collection of kerbside household waste collected separately in receptacles designed for reuse,
 - (q) use a weighing system to weigh household kerbside waste in accordance with paragraph (n) of accuracy Class Y (b) or better, where such a weighing system shall have a resolution of 1 kilogramme (kg) or better for weighing approved receptacles designed for reuse with a volume of 360 litres or less and a resolution of 5 kilogrammes [kg] or better for weighing approved receptacles designed for reuse with a volume of greater than 360 litres, in accordance with the Legal Metrology (General) Regulations 2008,
 - (r) only use vehicles which have been fitted with a weighing system which is in accordance with paragraphs (p) and (q) to collect household kerbside waste collected separately in approved receptacles designed for reuse on and after 1 July, 2015, and for the avoidance of doubt, approved receptacles designed for reuse do not include bags,
 - (s) only collect household kerbside waste in approved receptacles which are designed for reuse on and after 1 July, 2016, with the exception of the collection of such waste in specific areas designated by a local authority as being only suitable for the collection of such waste in non-reusable receptacles such as bags,
 - (t) prepare a customer charter for household kerbside waste collection in the form set out in the sixth schedule to these regulations, or a form substantially to the like effect, to the satisfaction of the nominated authority, to facilitate publication on the website of the nominated authority on 1 July, 2015, and any amendments or updates to the customer charter to be submitted to the nominated authority without delay to facilitate publication of the revised charter on the website,
 - (u) provide for the collection of at least the recyclable waste materials listed in the seventh schedule to these regulations on and after 1 July, 2015 as part of the segregated collection arrangements provided in accordance with paragraph (i) for household kerbside waste collection.”,
- (d) By the substitution of the following sub-article for Article 23(1):

“23 (1) The nominated authority shall initiate a review of a permit granted by it at any time after the date on which the permit was granted—

(a) where the nominated authority has reason to believe that a review of the permit is required as a result of:

(i) a significant change in the nature, focus or extent of the waste collection activity having taken place,

(ii) an amendment having been made to the waste management plan for the region concerned, or

(iii) a change in legislation,

or

(b) at the request of a relevant local authority in whose area the permitted activity takes place.”

(e) By inserting the following sub-article after Article 23(1)—

“(1A) Where—

(a) the nominated authority initiates a review under section 34(6) of the Act and considers, in its opinion, following an assessment of any submissions, documents or other information already received from the permit holder, together with records and information already in the possession of the nominated authority and other relevant local authorities in relation to the waste collection activity concerned that a significant change in the nature, focus or extent of existing waste collection activities has not taken place, the nominated authority may make a decision that the proposed review can be implemented through the amendment of the conditions attached to a waste collection permit which has been granted on the basis of the assessment that has been made;

(b) a decision is taken to amend the conditions of a waste collection permit pursuant to paragraph (a), the existing waste collection permit shall remain in force until such time as the conditions are amended and the amended waste collection permit shall be subject to the same expiry date as the existing permit; and

(c) a nominated authority proposes to amend the conditions of a waste collection permit pursuant to paragraph (a), it shall give notice in writing of such intention to the permit holder or to any other relevant local authority concerned and, in the case of an activity relating to the collection of hazardous waste, the Agency.”

- (f) In Article 23(2) by inserting “, pursuant to sub-article (1),” after the words “Where a nominated authority proposes”.
- (g) By inserting the following sub-article after Article 23(2)—
- “(2A) A notice given under sub-article (1A)(c) in relation to a review of a waste collection permit to which sub-article (1A) applies to amend the conditions attached to a permit which has been granted—
- (a) shall inform the permit holder of the intent of the nominated authority to review the existing waste collection permit to amend conditions attached to the permit,
 - (b) shall state that-
 - (i) an application for the review of the permit is not required, and
 - (ii) the current expiry date of the waste collection permit shall remain the same following the amendment of the conditions,
 - (c) may require the waste collection permit holder to furnish such submissions, plans, documents, other information and particulars in a format specified by the nominated authority within a specified timeframe as the nominated authority considers necessary for the purposes of the proposed review.”
- (h) In Article 23(3) by the insertion of “to which sub-article (1A) does not apply” after the words “A notice given under sub-article (2)”,
- (i) In Article 26 by the insertion of “to which Article 23(1A) does not apply,” after the words “documents or other information received from the applicant for the review of a waste collection permit”,
- (j) In Article 27(1) by the insertion of “to which Article 23(1A) does not apply,” after the words “records or other information received by it in relation to an application for the review of the waste collection permit”,
- (k) In the title of Article 28 by the insertion of “or of the amendment of conditions attached to a waste collection permit” after the words “Determination and notice of grant or refusal of a reviewed waste collection permit”,
- (l) By inserting the following sub-article after Article 28(1)-
- “(1A) A nominated authority may, in relation to the review of a waste collection permit to which Article 23(1A) applies, amend a waste collection permit in accordance with these Regulations in relation to the carrying on by the permit holder of a waste collection activity relating to a region or regions within 40 working days of issuing a notice under article 21(1A)(c).

- (m) In Article 28(5) by the insertion of “to which Article 23(1A) does not apply,” after the words “A reviewed waste collection permit”,
- (n) In Article 28(6) by the insertion of “to which Article 23(1A) does not apply,” after the words “shall not grant a reviewed waste collection permit”
- (o) After the fifth schedule, by the insertion of the following two schedules:

“

Article 20

SIXTH SCHEDULE

CUSTOMER CHARTER FOR HOUSEHOLD WASTE COLLECTION

1. INTRODUCTION (Insert *Name*) is committed to providing the highest standards in the provision of waste management services to their customers. We have a commitment to providing a service that seeks to incentivise waste prevention and to encourage the segregation of waste so that it can be managed in accordance with the waste hierarchy, whereby waste prevention, preparing for reuse, recycling and other recovery are preferred over the disposal of waste. This approach is in line with current national waste policy in the area — *A Resource Opportunity — Waste Management Policy in Ireland*. This document is designed to communicate how we intend to provide household waste collection services in accordance with these principles to the public in a clear and concise fashion.

2. CUSTOMER SERVICE STANDARDS

- (a) We will provide a regular and reliable collection service and process your waste in a professional and environmentally sound manner.
- (b) All service provision will be carried out in line with current local and national legislation and in line with sustainable waste management practices. Our National Waste Collection Permit Office (NWCPO) waste collection permit number is (Insert number) and the details of the permit can be viewed at www.nwcpo.ie.
- (c) We will provide you with timely, relevant and clear information regarding your collections, including temporary changes resulting from public holidays or adverse weather conditions.
- (d) We will consider any reasonable special requests that individual households may have.
- (e) We will explain clearly what our service rules are and the reasons for them.

- (f) We will respond to formal complaints we receive about our services in a timely and professional manner.
- (g) We will ensure that there are no direct impediments to you switching your service provider should you wish to do so.
- (h) We will design our service and carry out collections in a way that minimises litter and odour nuisance.
- (i) We will offer a “2 Bin” or “3 Bin” service (to facilitate the segregation of residual waste, recyclables and where appropriate, food/bio waste) in line with the relevant regulations in relation to food/bio waste [the European Union (Household Food Waste and Bio-waste) Regulations 2015]. The frequency of collection will be as follows:
 - Residual Waste Bin — in line with the European Union (Household Food Waste and Bio-waste) Regulations 2015.
 - Recyclable Waste Bin — at least every fortnight.
 - Food & Bio Waste Bin —in line with the European Union (Household Food Waste and Bio-waste) Regulations 2015.

3. COMMUNICATION WITH CUSTOMERS

- (a) We will explain clearly what services you can expect to receive and will provide details of the collection services we offer on a county/city basis to the National Waste Collection Permit Office for publishing on their website.
- (b) We will provide you with clear and concise billing which will allow you to understand all elements of the costs involved in providing your waste services.
- (c) We will inform all customers availing of a domestic waste collection service at least 10 days in advance of any predictable alternative arrangements made for collection in relation to public holidays etc., or any proposal to vary the level of collection.
- (d) We will keep you informed of changes in our service that are designed to improve our service offering.
- (e) At the time of initial service provision, each customer will be provided with details of their service providers; full name and address, contact details (website where available, phone number, email, postal address), a clear breakdown of pricing policy for provision of service, process for accessing account statement and balances, procedure for receipt of payments, process for dispute resolution, procedure for customers who have fallen into arrears with their payments, where applicable, service provision frequency and details and the procedure for cancellation of service provision, including refund of charges

where applicable. You will also be provided with details of the period of validity for the offer provided and advised of a cooling off period, should you wish to change your mind (usually any time prior to delivery of bins but at least 7 days from time of contract signing).

- (f) In the case of e-Commerce contracts with customers, and in line with reducing paper usage, all communication and documents will be sent by email, unless otherwise requested. In the interests of the environment and reducing costs we are committed to increasing communication by this method.
- (g) We will alert you at least 30 days in advance of the expiry of your contract.
- (h) We will produce a version of this Charter which has been approved by the National Adult Literacy Agency

4. Householder Responsibilities

- (a) In line with national policy, prevent, reuse and recycle waste as much as possible. Refer to national and regional campaigns that seek to help reduce waste production. Present your waste materials, properly segregated and placed in their respective bins / receptacles. Please refer to our *Waste Segregation and Presentation Guidelines* (see section 7 below) which are available on our web site or which are available to send to you by post, if requested.
- (b) Segregate your waste appropriately. Please note the procedure in place should the incorrect waste be placed in a bin (e.g. food waste placed in the recycle bin):

(Procedure for dealing with contamination of a bin through waste being deposited in the incorrect bin to be inserted by collector)
- (c) In the event that you have difficulty paying your outstanding bill, please contact us directly as soon as possible as we have a procedure to agree an individual payment plan which deals with how we will manage customers who have difficulty paying their bill.
- (d) Contact us, as your waste management service supplier, if you have any queries on how best to manage any of your waste materials. We have the expertise to provide the appropriate service or advice on how to best resolve the issue

5. PRICING, CHARGING MECHANISM AND ACCESS TO ACCOUNT INFORMATION

- (a) The range of service and costs for service provision will be clearly communicated to each customer.

- (b) New Customers will receive information on charging and pricing structures at the time of sign up i.e. whether over the phone, via website sign-up or via completion of hard copy application form.
- (c) Information, including a copy of Terms and Conditions of Business will be provided to Customers as part of new Customer Welcome Packs and will be available on the company's website and/or www.nwcpo.ie.
- (d) Any changes to the Terms and Conditions of the business will be communicated to customers in a timely manner. Payment of invoices following such notifications shall be taken as acceptance of the updated Terms.
- (e) Customers will be entitled to easy access to their account information including statements / balances

6. COMPLAINTS PROCEDURE/DISPUTE RESOLUTION

- (a) You are entitled to a fair and reasonable hearing when you have a genuine complaint or dispute and the company commits to resolving your issues as quickly as is reasonably possible. Please find our contact details for complaints:

(Collector to insert contact details)
- (b) We will respond to formal complaints that we receive about our services in a timely and professional manner. In the case of written complaints, within 10 working days.
- (c) Complaints shall be logged on the individual customer account with a tracking facility to ensure the complaint has been resolved and the customer notified of updates or the course of action taken to resolve the issue.
- (d) Billing disputes are handled on a case by case basis and recorded. We will liaise with you directly to resolve the matter.
- (e) Dispute resolution including withdrawal of service will be in line with the company policy available on the company website or which is sent out by post on request. This will be a fair and equitable process in line with good consumer policies.

7. EDUCATION AND RAISING AWARENESS

- (a) We shall implement an education and awareness programme in relation to waste management for householders that we service. This will be available via promotional literature that we provide directly to you and via our website or through the website of the National Waste Collection Permit Office.

- (b) Information packs shall be available to all customers clearly indicating waste types appropriate to each bin and how to present material for recycling.
- (c) We shall work with other national bodies in promoting waste prevention, reduction and recycling e.g. EPA / Repak etc.
- (d) We will provide Waste Segregation and Presentation Guidelines to customers, or at a minimum to the National Waste Collection Permit Office for publishing on their website, which clearly explain which materials are to be placed in which bin and collect at a minimum the recycling materials set out below and as prescribed in the sixth schedule of the Waste Collection Permit Regulations. We will explain to you what happens to materials collected in the residual, recycle and food waste bins.

Paper

Newspapers
Magazines
Junk mail
Envelopes
Paper
Phone books
Catalogues
Tissue boxes
Sugar bags
Calendars
Dairies
Letters
Computer paper
Used Beverage and Juice cartons
Milk cartons
Egg Boxes
Holiday brochures
Paper Potato bags

Cardboard

Food boxes
Packaging boxes
Cereal boxes
Kitchen Towel tubes

Aluminium cans

Drink cans

Plastic Bottles (PET 1)

Mineral Bottles
Water Bottles
Mouthwash bottles
Salad dressing bottles

Plastic Bottles (HDPE2)

Milk Bottles
Juice Bottles
Cosmetic bottles
Shampoo bottles
Household cleaning bottles
Laundry detergent bottles
Window Cleaning Bottles
Bath room bottles

Plastic packaging (PP)

Yogurt containers
Margarine tubs
Rigid food packaging- (except black)
Liquid Soap Containers
Fruit containers

Steel cans

Pet food cans

Food cans

Biscuit tins

Soup tins

(Optional — In addition, we will accept the following items in the recycling bin:)

8. TERMINATION OF SERVICE / REFUNDS / CHANGING SERVICE PROVIDERS

- (a) Should you wish to terminate your service provision, please advise us by email or in writing or by phoning giving (*Number of days to be inserted*) days' notice. We will remove our bins by arrangement with you and any balance owing on your account, after a Cancellation Charge (if applicable) is deducted, will be refunded to you within 30 days of receipt of termination notice.
- (b) We will ensure that there are no direct impediments to you switching your service provider

9. CHANGING EQUIPMENT AND OWNERSHIP OF BINS

- (a) At time of initial service provision, by agreement, each customer will be supplied with the appropriate bins / receptacles sized to service their specific needs.
- (b) In the case of changing equipment / ceasing service / changing service provider we commit to organising to arrange the collection of your old bins within a two week period of the ceasing of the service.
- (c) This Charter does not affect your statutory rights in any way and provides a simple interpretation of our commitment to you, our customer, and what we expect in return, to help ensure that you are provided with the best service level possible.

SEVENTH SCHEDULE

Recyclable Household Waste Materials

Paper

Newspapers
 Magazines
 Junk mail
 Envelopes
 Paper
 Phone books
 Catalogues
 Tissue boxes
 Sugar bags
 Calendars
 Dairies
 Letters
 Computer paper
 Used Beverage and Juice cartons
 Milk cartons
 Egg Boxes
 Holiday brochures
 Paper Potato bags

Cardboard

Food boxes
 Packaging boxes
 Cereal boxes
 Kitchen Towel tubes

Aluminium cans

Drink cans

Steel cans

Pet food cans
 Food cans
 Biscuit tins
 Soup tins

Plastic Bottles (PET 1)

Mineral Bottles
 Water Bottles
 Mouthwash bottles
 Salad dressing bottles

Plastic Bottles (HDPE2)

Milk Bottles
 Juice Bottles
 Cosmetic bottles
 Shampoo bottles
 Household cleaning bottles
 Laundry detergent bottles
 Window Cleaning Bottles
 Bath room bottles

Plastic packaging (PP)

Yogurt containers
 Margarine tubs
 Rigid food packaging- (except black)
 Liquid Soap Containers
 Fruit containers



GIVEN under the Official Seal of the Minister for the Environment,
Community and Local Government,
15 May 2015.

ALAN KELLY,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations amend the Waste Management (Collection Permit) Regulations 2007 to give effect to national waste policy regarding the regulation of the collection of household waste. In particular, the regulations provide for the weighing of household waste collected, the reporting of this weight to the householder, the preparation of customer charters, the phasing out of the collection of non-reusable waste receptacles such as bags (with the exception of areas specifically identified as only being suitable for bag collections), the collection of recyclable household waste at least every two weeks and the collection of a minimum schedule of household waste recyclable material.

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.81

