

WASTE MANAGEMENT (PACKAGING) REGULATIONS 1997

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S.I. No. 242 of 1997.

The Minister for the Environment, in exercise of the powers conferred on him by sections 7 of the Waste Management Act, 1996 (No. 10 of 1996) hereby makes the following Regulations:

PART I

Preliminary and General

REG 1

1 Citation

1. These Regulations may be cited as the Waste Management (Packaging) Regulations, 1997.

REG 2

Purpose of Regulation

2. The purposes for which these Regulations are made include the purpose of giving effect to articles 6 and II of European Parliament and Council Directive 94/62/EC of 20 December, 1994 on packaging and packaging waste(1).

(1)O.J. No. L365/10, 31 December, 1994.

REG 3

Commencement

3. These Regulations shall come into operation on the 1st day of July, 1997.

REG 4

Interpretation generally

4. (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified is a reference to a Schedule, Part or article of these Regulations.

(2) In these Regulations, any reference to a sub-article or paragraph which is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

(3) In these Regulations, save where the context otherwise requires:

"the Act" means the Waste Management Act, 1996;

"approved body" means a body corporate approved by the Minister in accordance with Article 15;

"offer and make available for recovery" in relation to packaging waste means—

(a) segregate such packaging waste into appropriate categories for the purpose of facilitating the recovery of said waste, and at a minimum into the specified categories, and

(b) take reasonable steps to notify persons engaged in waste recovery (in these Regulations referred to as "recovery operators") of the availability, nature, amount and location of such packaging

waste, and

(c) offer to provide such packaging waste to a recovery operator free of charge, and

(d) store such waste for a period of not less than four weeks after notification under paragraph (b), or until it is collected by a recovery operator, whichever is the earlier;

"packaging" constitutes packaging within the meaning of section 5 of the Act which is—

(a) sales or primary packaging, that is to say packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase, or

(b) grouped or secondary packaging, that is to say packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units (whether the latter are sold as such to the final user or consumer or whether the packaging serves only as a means to replenish shelves at the point of sale), and which can be removed from a product without affecting the product's characteristics, or

(c) transport or tertiary packaging, that is to say packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packagings in order to prevent damage from physical handling and transport (but not including road, rail, ship and air containers);

"packaging destined for reuse" means packaging which has been conceived and designed to accomplish within its life cycle a minimum of two trips or rotations, and which is subject to operations by which it is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market enabling the packaging to be refilled;

"packaging material" means material used in the manufacture of packaging and includes raw materials and processed materials prior to their conversion into packaging;

"recovery operator" means a person referred to in the definition of "offer and make available for recovery";

"relevant period" means the preceding calendar year or, in the case of a first application for renewal of registration under article 6 or a first report under article 8 (2), the period since the initial application for registration was made by the producer in question;

"specified categories" in relation to packaging waste means glass, aluminium, steel, paper and fibreboard, plastics, wood and textiles, or such other categories as may be specified by the Minister from time to time;

"supply" in relation to packaging material, packaging and packaged products includes, in the course of business, to provide in exchange for consideration other than money and to give as a prize or otherwise make a gift;

"turnover" in relation to any producer, means the amounts derived from the provision (including the export) of goods and services falling within the producer's ordinary activities, after deduction of—

(a) trade discounts, and

(b) value-added tax.

(4) For the purpose of these Regulations, "producer" is hereby specified, under and in accordance with section 27 of the Act, to mean a person who, for the purpose of trade or otherwise in the

course of business, imports, manufactures, sells or otherwise supplies to other persons packaging material, packaging or packaged products, and "produce" shall be construed accordingly.

(5) (a) For the purposes of these Regulations, "major producer" means a producer who, for the purpose of trade or otherwise in the course of business, imports, manufactures, sells or otherwise supplies to other persons packaging material, packaging or packaged products, where the aggregate weight of packaging material and packaging supplied by such major producer exceeds or may be expected to exceed 25 tonnes in a calendar year, and who has an annual turnover of more than £1,000,000.

(b) For the purpose of determining whether or not a producer is a major producer—

(i) the aggregate weight of packaging material and packaging concerned shall, subject to paragraph (c), be the aggregate weight arising from all relevant activities of the producer within the State, and

(ii) the turnover of the producer concerned shall be the turnover derived from the producer's activities within the State (including the export of goods and services).

(c) For the purpose of determining whether or not a producer is a major producer, account shall not be taken of—

(i) packaging destined for reuse, and

(ii) packaging material and packaging where such material or packaging is supplied by, or used in the supply of products by, that producer to persons outside of the State.

PART II

Producer Responsibility Obligations

REG 5

Acceptance and recovery of packaging waste

5. (1) Subject to article 13, a major producer shall-

(a) fix and maintain in a conspicuous position at or near the main entrance to each premises at or from which such major producer supplies packaging material, packaging or packaged products, a notice complying with the requirements specified in Part I of the First Schedule (unless a notice is being displayed in accordance with sub-article (5));

(b) provide adequate facilities at each premises specified in paragraph (a) for the acceptance, segregation and storage of packaging waste in accordance with these Regulation;

(c) provide facilities at each premises specified in paragraph (a) whereby customers may remove and deposit packaging from products or substances purchased at that premises;

(d) accept from any person, free of charge, at each premises specified in paragraph (a), any packaging waste relating to packaging material, packaging or packaged products of a type or brand supplied by that major producer;

(e) within a week of being requested so to do, collect, or arrange for the collection of, from any producer to whom the major producer supplies packaging material, packaging or packaged products, any packaging waste relating to packaging material, packaging or

packaged products of a type or brand supplied by the major producer;

(f) take such steps as are necessary to ensure that packaging waste accepted or collected in accordance with this sub-article is—

(i) transferred to a producer of packaging material, packaging or products of a type or brand to which the packaging waste in question relates, or

(ii) recovered by or on behalf of the major producer or by a recovery operator, or

(iii) offered and made available for recovery, and

(g) comply with any request from a recovery operator for the segregation of any component of waste offered and made available for recovery by the major producer in accordance with paragraph (f) in order to facilitate its collection and recovery by that operator.

(2) The facilities to be provided for the purpose of sub-article

(1) (c) shall be commensurate with the number of customers which normally frequent the premises concerned, and the purpose, location and availability of such facilities shall be notified or advertised in such manner as to be clearly evident to customers.

(3) (a) Subject to article 13, a major producer who is an importer of packaged goods or is a packer/filler shall take such steps as are necessary to ensure that in any calendar month, the aggregate weight of packaging waste which is accepted or collected by that major producer is not less than 40 per cent of the aggregate weight of packaging material and packaging supplied by that major producer in the preceding calendar month.

(b) In this sub-article, "packer/filler" means a producer who puts products into packaging for the purpose of supply.

(4) (a) A major producer shall not be required under sub-article (1) to accept packaging waste at a premises in any calendar month where such major producer has in that calendar month accepted at that premises an amount of packaging waste the aggregate weight of which exceeds the aggregate weight of packaging material and packaging supplied by the major producer from the premises in the preceding calendar month and such major producer complies with the requirements of sub-article (5) (a).

(b) A major producer to whom sub-article (6) applies shall not be required under sub-article (1) to accept packaging waste at a premises in any calendar month where such major producer has in that calendar month accepted at that premises an amount of packaging waste the aggregate weight of which exceeds the aggregate weight of packaging material and packaging supplied by the major producer within the functional area of the relevant local authority in the preceding calendar month and such major producer complies with the requirement of sub-article (5) (a).

(c) A major producer shall not be required under sub-article (1) to accept or collect packaging waste in any calendar month where such major producer has in that calendar month accepted and collected an amount of packaging waste the aggregate weight of which exceeds the aggregate weight of packaging material and packaging supplied by the major producer in the preceding calendar month and such major producer complies with sub-article (5) (b).

(5) (a) A major producer who proposes in accordance with sub-article (4) (a) or (4) (b) not to accept packaging waste at a premises shall—

(i) apply to the local authority in whose functional area the premises is situate for authorisation to cease to accept such waste and shall not cease to accept such waste at the premises concerned unless so authorised in writing by the said local authority, and
(ii) not less than one day before ceasing to accept such waste at the premises, fix and maintain in a conspicuous position at or near the main entrance to the premises a notice complying with the requirements specified in Part 2 of the First Schedule.

(b) A major producer who proposes in accordance with sub-article

(4) (c) not to accept or collect packaging waste shall—

(i) seek the authorisation of the local authority in whose functional area the principal place of business of such major producer is situate and shall not cease to accept or collect packaging waste unless so authorised in writing by the said local authority, and

(ii) not less than one day before ceasing to accept such waste at a premises or to collect such waste—

(I) fix and maintain in a conspicuous position at or near the main entrance to the premises a notice complying with the requirements specified in Part 2 of the First Schedule, and

(II) send a copy of the authorisation to the relevant local authority in respect of each area in which the major producer carries on business.

(c) A local authority—

(i) shall give a decision on an application for authorisation within two working days of receipt of the application, and

(ii) shall not issue an authorisation under this sub-article unless it is satisfied that the authorisation is warranted having regard to the provision of sub-article (4).

(6) A major producer who supplies packaging material, packaging or packaged products otherwise than from a premises shall, in order to fulfil the obligation set out in sub-article (1) (other than paragraph (c) of that sub-article), acquire or otherwise obtain the use of a premises located in each county and county borough in which such major producer carries on business, which premises shall, in relation to the functional area of the local authority, be deemed for the purposes of these Regulations (save where the context otherwise requires) to be premises specified in sub-article (1) (a) at which the major producer carries on business in that functional area.

REG 6

Registration

6. (1) Subject to article 13, a major producer shall, in respect of each premises specified in article 5 (1) (a)—

(a) apply for registration to the local authority in whose functional area the premises is situate not later than the 1st day of July, 1997 or the date of commencement of business, whichever is the later, and

(b) apply for renewal of such registration to the relevant local authority, not later than the 31st day of January in each year following initial registration. subject only that a major producer shall not be required to make such application within six months of initial registration.

- (2) An application for registration under sub-article (1) shall be made in writing and shall contain at least the information set out in Part I of the Second Schedule.
- (3) An application for renewal of registration under sub-article (1) shall be made in writing, shall contain at least the information set out in Part 2 of the Second Schedule, and shall be accompanied by a statement, signed by the major producer or, where such major producer is a body corporate, a director of such body corporate, certifying that the major producer has taken all necessary steps to comply with the requirements of these Regulations in the period since initial registration or last preceding renewal of registration, as the case may be.
- (4) (a) An application by a major producer under sub-article (1) for registration shall be accompanied by a copy of the plan prepared by such major producer under article 8.
- (b) An application by a major producer under sub-article (1) for renewal of registration shall be accompanied by a copy of the report prepared by such major producer under article 8 for the relevant period.
- (5) An application under sub-article (1) shall be accompanied by a fee equivalent to £5 per tonne of packaging and packaging material which—
- (i) in the case of the initial registration of a premises at which business has been carried on by the applicant for a period of twelve months or more immediately prior to application, was supplied by the applicant at that premises in the twelve month period prior to the date of application for registration,
 - (ii) in the case of the initial registration of a premises at which business has not been carried on by the applicant for a period of twelve months or more immediately prior to application, is likely to be supplied by the applicant at that premises in the twelve month period subsequent to the date of application for registration,
 - (iii) in the case of a renewal of registration in respect of a premises, was supplied by the applicant at that premises in the period since initial registration or last preceding renewal of registration, as the case may be, save that the amount of a fee shall not be less than £200, and not more than £1,000, in respect of a premises.
- (6) A major producer shall notify the relevant local authority of any changes to the information provided in, as the case may be, an application for registration or the last preceding application for renewal of registration.
- (7) An application under sub-article (1) shall, where the relevant local authority so requires, be in a form specified by the authority.

REG 7

Information to local authority

7. (1) With effect from the 1st day of July, 1997 or the date of commencement of business, whichever is the later, a major producer shall, subject to article 13, compile and maintain the information set out in Part 3 of the Second Schedule, and shall submit a monthly summary of such information to the relevant local authority

within 10 days of the end of each month.

(2) It shall be the responsibility of a major producer to retain, for a period of three years after the end of the period in question, such records as are necessary to verify the accuracy of information compiled and maintained in accordance with sub-article (1).

(3) The information to be submitted by a major producer to a local authority under sub-article (1) shall, where the relevant local authority so requires, be in a form specified by the authority.

REG 8

Plants and reports

8. (1) Subject to article 13, a major producer shall, not later than the date on which application for registration is made under article 6—

(a) prepare a plan specifying the steps to be taken by the said major producer in order to comply with the requirements of these Regulations, and

(b) fix and maintain in a conspicuous position at or near the main entrance to each premises specified in article 5 (1) (a) a notice complying with the requirements specified in Part 3 of the First Schedule.

(2) Subject to article 13, a major producer shall, not later than the date on which application for renewal of registration is made under article 6—

(a) prepare a report specifying the steps taken by the said major producer in order to comply with the requirements of these Regulations in the relevant period, and the results of those steps, and

(b) fix and maintain in a conspicuous position at or near the main entrance to each premises specified in article 5 (1) (a) a notice complying with the requirements specified in Part 4 of the First Schedule.

(3) A report under sub-article (2) shall contain at least the information set out in Part 4 of the Second Schedule.

(4) A copy of a plan or report prepared for the purpose of this article shall be made available, free of charge, by the major producer concerned to any person who so requests.

(5) For the purpose of this article, "made available" includes sending the plan or report, as the case may be, by post to a person who so requests,

REG 9

Packaging waste on a producer's premises

9. Subject to article 13, a producer shall take such steps as may be practicable to ensure that packaging waste arising on the producer's premises, including secondary and tertiary packaging which is received by that producer but is not thereafter used in the supply of products, is—

(a) transferred to a producer of packaging material, packaging or products of a type or brand to which the packaging waste in question relates,

(b) recovered by or on behalf of the producer, or by a

recovery operator, or
(c) offered and made available for recovery.

REG 10

Obligation regarding recovery operators

10. (1) For the purposes of articles 5 and 9, a producer shall ensure that a person purporting to be a recovery operator is engaged in bona fide waste recovery activities.

(2) In a prosecution for a contravention of sub-article (1), it shall be a good defence to prove that the producer accused took all reasonable steps, including the making of reasonable enquiries, to establish that a person concerned was a bona fide recovery operator.

REG 11

Application of requirements

11. (1) Where, within the functional area of a local authority, a producer operates more than one premises at or from which such major producer supplies packaging material, packaging or packaged products—

(a) the requirement to maintain and provide information under article 7 shall apply in respect of each such premises as a separate entity, and

(b) a plan or report required to be prepared and published under article 8 may relate to the overall activities of the major producer concerned within the relevant functional area, and these Regulations shall be construed accordingly.

(2) In determining, for the purpose of articles 5 and 6, the aggregate weight of packaging material and packaging supplied by a major producer, account shall not be taken of—

(a) packaging destined for reuse, and

(b) packaging material and packaging where such material or packaging is supplied by, or used in the supply of products by, that major producer to persons outside of the State.

REG 12

Information on the weight of packaging

12. A producer who supplies to another producer packaging material, packaging or packaged products, shall comply with any reasonable request from the latter producer for data on the weight of the material or packaging concerned sufficient to enable the latter producer to comply with these Regulations.

PART III

Approved Bodies

REG 13

Exemption from certain requirements

13. (1) A producer to whom is granted a certificate by an approved body stating that such producer is participating, in a satisfactory manner, in a scheme for the recovery of packaging and packaging waste, shall be exempt from the requirements of articles 5,6,7,8,9 and 20 unless and until—

(a) such certification is revoked by the approved body concerned or otherwise ceases to have effect/be in force, or

(b) approval granted by the Minister to the body concerned is revoked in accordance with article 16.

(2) A producer to whom sub-article (1) applies shall, only for as long as such producer is so exempt, fix and maintain in a conspicuous position at or near the main entrance to each premises specified article 5 (1) (a) a notice complying with the requirements specified in Part 5 of the First Schedule.

REG 14

Application to the Minister for approval

14. (1) A body corporate or association may apply to the Minister for approval for the purposes this Part.

(2) An application for approval under sub-article (1) shall be made in writing and shall be accompanied by the following—

(i) a copy of the articles of association of the body corporate or association,

(ii) proposals for a scheme to be undertaken by the body corporate or association for the recovery of packaging waste,

(iii) a financial plan in relation to the proposed scheme,

(iv) annual packaging waste recovery targets to be achieved under the proposed scheme,

(v) proposals for the certification of producers for the purpose of article 13,

(vi) proposals for determining and verifying the level of recovery of packaging waste under the proposed scheme, and

(vii) such other information as may be specified in writing by the Minister for the purposes of this article.

REG 15

Grant or refusal of approval

15. (1) Subject to sub-article (2), the Minister may, by notice in writing, grant approval to a body corporate or association for the purposes of this Part, or may refuse to grant such approval.

(2) An approval under sub-article (1) may be subject to such conditions as the Minister may specify, including conditions relating to—

- (a) measures to be undertaken by the body concerned or by producers participating in a scheme with regard to the recovery of packaging waste,
- (b) targets to be achieved by the body concerned with regard to the recovery of packaging waste,
- (c) determination and verification of the effects of measures undertaken with regard to the recovery of packaging waste,
- (d) measures to be undertaken by the body concerned relating to the dissemination of information to the public regarding packaging and the recovery of packaging waste, and
- (e) the nature and frequency of information (including financial accounts) to be submitted by the body concerned to the Minister or to such other person as may be specified by the Minister.

(3) The Minister may, by notice in writing, from time to time vary any condition attached to an approval under this article.

REG 16

Revocation of approval

16. (1) Subject to sub-article (2), where it appears to the Minister that an approved body is not complying with conditions attached to such approval, or that relevant packaging waste recovery targets have not been or are not being met, the Minister may revoke an approval granted under article 15.

(2) Where the Minister proposes to revoke an approval granted under article 15, the Minister shall—

- (a) give notice in writing to the approved body of the proposed decision and the reason therefor,
- (b) specify a period of not less than one month within which the approved body may make a submission to the Minister in relation to the proposed decision, and
- (c) consider any submission so made.

REG 17

Use of logo adopted by an approved body

17. No person shall, otherwise than with the written consent of an approved body, display at any premises or on or in any product, packaging, advertisement or notice, any logo or other mark or symbol designed and adopted by that approved body for use by producers certified by that approved body for the purposes of article 13.

REG 18

Notifications to local authorities

18. An approved body shall, not later than the 7th day of each month, notify each local authority of any producer situate within the functional area of the authority in respect of which a certificate for the purposes of article 13 has been granted or

revoked within the preceding calendar month.

PART IV

Local Authority Functions

REG 19

Enforcement by local authorities

19. Each local authority shall be responsible for the enforcement of these Regulations within their functional areas and shall take such steps as are necessary for this purpose.

REG 20

Power of local authority to require submission of information

20. (1) Subject to article 13 and sub-article (4), a local authority may by notice in writing require a producer to furnish within a specified period of not less than four weeks—
- (a) a packaging report of a specified period,
 - (b) such information as may be specified in the notice regarding the use of packaging by that producer, the steps taken in order to comply with any requirement of these Regulations, and the results of those steps, or
 - (c) evidence of the turnover of the producer concerned.
- (2) A notice under sub-article (1) may specify the manner in which any matter is to be set out or addressed in a packaging report, or the nature of the evidence to be furnished, as the case may be.
- (3) A producer on whom a notice under this article has been served shall, within the period specified in the notice, comply with the terms thereof.
- (4) A local authority may not require a producer to furnish in accordance with sub-article (1) a packaging report more frequently than once in any period of twelve months.
- (5) For the purpose of this article, "packaging report" means a report, compiled on behalf of a producer by a person approved for that purpose by the relevant local authority, certifying in respect of a specified period the nature and weight of—
- (a) packaging material and packaging received and supplied by a producer, and
 - (b) packaging waste—
 - (i) produced or received by a producer,
 - (ii) taken back by other producers,
 - (iii) recovered by or on behalf of the producer,
 - (iv) offered and made available for recovery, and
 - (v) collected for recovery by recovery operators.

REG 21

Entries in a local authority register

21. (1) It is hereby prescribed that the register maintained by a local authority under section 19 of the Act shall contain entries specifying the following matters—

(a) the receipt of an application for authorisation under article 5 (5) and the decision of the local authority in respect of that application,

(b) the registration or renewal of registration of a major producer by the local authority in accordance with article 6,

(c) the giving of a notice under article 20.

(2) Information received by a local authority in accordance with articles 6, 7 and 20 shall be made available at the principal office of the local authority concerned for inspection by any person during office hours.

PART V

Miscellaneous

REG 22

Onus of proof on a producer

22. In a prosecution for a contravention of articles 5, 6, 7 or 8 of these Regulations, a producer shall be deemed to be a major producer unless the said producer satisfies the Court that the contrary is the case.

REG 23

Collection of packaging waste

23. Notwithstanding any contractual arrangements to the contrary effect—

(a) a local authority shall not be obliged to collect or arrange for the collection of packaging waste from a producer where the authority considers that the said producer is not in compliance with the requirements of these Regulations,

(b) a commercial waste collector shall not accept from a producer packaging waste for disposal without first receiving a written declaration, signed by the person in charge of the premises from which the waste is to be collected, stating that, in relation to the waste which will be presented by the producer for collection at that premises, the waste will not be so presented unless the producer has complied with article 5 and article 9 in so far as they require such waste to be offered and made available for recovery.

REG 24

Constituent materials in packaging waste

24. For the purpose of segregating packaging waste into specified categories, or otherwise in order to comply with a requirement of these Regulations, an item of packaging waste shall be deemed to be comprised of the constituent material which is proportionally largest by weight, and shall be categorised accordingly.

REG 25

Concentration of heavy metals in packaging and packaging material
25. (1) Subject to sub-article (2), packaging material and packaging shall not be imported, manufactured or used after the dates specified in column (1) of the Table to this article, unless the aggregate concentrations of lead, cadmium, mercury and hexavalent chromium present in such packaging material or packaging does not exceed the equivalent values specified in column (2) of the said Table.

(2) Sub-article (1) shall not apply to packaging entirely composed of lead crystal glass as defined in Council Directive 69/493/EEC on the approximation of the laws of the Member States relating to crystal glass(1).

(1)O.J. No. L326, 29 December, 1969.

Table to article 25

Concentration of heavy metals in packaging and packaging material

Column 1	Column 2	Column 3
June, 1998	600 parts per million by weight	30
June, 1999	250 parts per million by weight	30
June, 2001	100 parts per million by weight	30

FIRST SCHEDULE

Requirements regarding notices

PART I

Requirements regarding a notice under Article 5 (1) (a)

A notice for the purpose of article 5 (1) (a) shall—

(a) be so printed and affixed, on a durable material, so as to be easily visible and legible, and

(b) state the following—

"WASTE MANAGEMENT ACT, 1996

We are required to accept on these premises, free of charge, for the purpose of recovery, packaging waste arising from products, packaging or packaging material of a type or brand sold or otherwise supplied on these premises. The products or packaging in question need not necessarily have been purchased from [name of producer]."

PART 2

Requirements regarding a notice under Article 5 (5) (a)

A notice for the purpose of article 5 (5) (a) shall—

(a) be so printed, on a durable material, so as to be easily visible and legible,

(b) state the following—

"WASTE MANAGEMENT ACT, 1996

The acceptance of packaging waste on these premises, for the purpose of recovery, will be temporarily suspended from [date] and will resume on the 1st of [month and year]. This temporary suspension has been authorised by the relevant local authority."

and

(c) be affixed until the second date specified therein.

PART 3

Requirements regarding a notice under Article 8 (1)

A notice for the purpose of Article 8 (1) shall—

(a) be so printed, on a durable material, so as to be easily visible and legible,

(b) state the following—

"WASTE MANAGEMENT ACT, 1996

A plan specifying the steps to be taken by [name of producer] for the purpose of recovering packaging waste is available at these premises or, if so requested, will be sent by post."

and

(c) be affixed until the preparation of a subsequent report under article 8 (2).

PART 4

Requirements regarding a notice under Article 8 (2) shall—

A notice for the purpose of article 8 (2) shall—

(a) be so printed, on a durable material, so as to be easily visible and legible,

(b) state the following—

"WASTE MANAGEMENT ACT, 1996

A report specifying the steps taken by [name of producer] for the purpose of recovering packaging waste is available at these premises and, if so requested, will be sent by post."

PART 5

Requirements regarding a notice under Article 13 (2)

A notice for the purpose of Article 13 (2) shall—

(a) be so printed and affixed, on a durable material, so as to be easily visible and legible, and

(b) state the following—

"WASTE MANAGEMENT ACT, 1996

[Name of producer] participates in a scheme operated by [name of approved body] which is an approved body for the recovery of packaging waste. [Name of producer] is therefore not required to accept packaging waste on these premises."

SECOND SCHEDULE

Information to be compiled and provided

PART 1

Information to be provided for the purpose of registration [Article 6 (2)]

1. Name(s), address, telephone and fax number of the registered office or, if not a company, the principal place of business, of the producer.

2. Name and address(es) of owner(s).

3. Nature of business conducted.

4. Location of premises at or from which packaging or packaged products are or will be supplied by the producer (including a premises to which article 5 (2) applies).

5. Where appropriate—

(i) estimated weight of—

(a) packaging intended for reuse, and

(b) other packaging and packaging material,

received and/or supplied in the twelve month period prior to the date of application, in each of the specified categories;

- (ii) name and address of producers from whom packaging and packaged products was/were received in the twelve month period prior to the date of application;
- (iii) name and address of producers to whom packaging and packaged products was/were supplied in the twelve month period prior to the date of application.

PART 2

Information to be provided for the purpose of renewal of registration [Article 6 (3)]

1. Name(s), address, telephone and fax number of registered office or, if not a company, the principal place of business, of the producer.
2. The weight of packaging and packaging material received and supplied in the relevant period in each of the specified categories.
3. The weight of packaging waste accepted in the relevant period, in each of the specified categories.
4. The name and address of any producer who accepted the transfer of packaging waste from the producer concerned in the relevant period, and the weight of such waste so accepted by each such producer.
5. Recovery operators notified of the availability of packaging waste during the relevant period, for the purposes of article 5 (1).
6. The weight of packaging waste—
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in the relevant period, in each of the specified categories.
7. The weight of packaging waste disposed of or consigned for disposal by the producer during the relevant period, in each of the specified categories, and the nature of the disposal operations involved.

PART 3

Information to be compiled and maintained by registered producers [Article 7]

1. The weight of packaging and packaging material received and supplied in each of the specified categories.
2. The weight of packaging waste accepted, in each of the specified categories.
3. The name and address of any producer who accepts the transfer of packaging waste from the producer concerned, and the weight of such waste so accepted by each such producer.
4. The weight of packaging waste—
 - (a) recovered by or on behalf of the producer, and/or
 - (b) accepted by each recovery operator,in each of the specified categories.
5. The weight of packaging waste disposed of or consigned for disposal by the producer in each of the specified categories and the nature of the disposal operations involved.

PART 4

Information to be provided in a report for public information [Article 8 (3)]

1. Name(s), address, telephone and fax number for the registered office or, if not a company, the principal place of business, of the producer.
2. Location of premises at which packaging or packaged products are produced by the producer.

3. The weight of packaging and packaging material received and supplied in the relevant period in each of the specified categories.
4. The weight of packaging waste accepted by the producer in the relevant period, in each of the specified categories.
5. The weight of packaging waste the transfer of which was accepted by other producers.
6. Recovery operators notified of the availability of packaging waste during the relevant period, for the purposes of article 5 (1), and the means used to effect such notification.
7. The weight of packaging waste—
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in the relevant period, in each of the specified categories.
8. The weight of packaging waste disposed of or consigned for disposal by the producer in each of the specified categories during the relevant period, and the nature of the disposal operations involved.

GIVEN under the Official Seal of the Minister for the Environment this 10th day of June, 1997.

BRENDAN HOWLIN,
Minister for the Environment.

EXPLANATORY NOTE.

These Regulations are designed to promote the recovery of packaging waste. They will facilitate in particular the achievement of the targets for the recovery of packaging waste established by Directive 94/62/EC on packaging and packaging waste.

The Regulations impose obligations on persons who supply packaging (i.e. packaging materials, packaging or packaged goods) to the Irish market, whether as retailers, packers/fillers or manufacturers. An exemption from these obligations is available to persons who participate in a packaging waste recovery scheme operated by an approved body.

The Regulations also provide for limits on the concentration levels of certain heavy metals in packaging.