

## WASTE MANAGEMENT (PACKAGING)(AMENDMENT) REGULATIONS 1998

In exercise of the powers conferred on the Minister for the Environment and Local Government by sections 7 of the Waste Management Act, 1996 (No. 10 of 1996), which said powers are delegated to me by the Environment and Local Government (Delegation of Ministerial Functions)(No. 2) Order, 1997 (S.I. No. 428 of 1997), and for the purpose of giving effect to provisions of European Parliament and Council Directive 94/62/EC of 20 December, 1994 on packaging and packaging waste(1), I, Dan Wallace, Minister of State at the Department of the Environment and Local Government, hereby make the following Regulations:—

(1)O.J. No. L 365/10, 31 December, 1994

### REG 1

1. (1) These Regulations may be cited as the Waste Management (Packaging)(Amendment) Regulations, 1998.

(2) These Regulations shall come into operation on the 1st day of December, 1998.

### REG 3

3. The Waste Management (Packaging) Regulations, 1997 (S.I. No. 242 of 1997) are hereby amended by—

(a) the addition after the interpretation of "approved body" in article 4(3) of the following —

""European standard" means a standard the reference number of which is published in the Official Journal of the European Communities in pursuance of Article 9(2)(a) of European Parliament and Council Directive 94/62/EC;"

(b) the deletion of "imports, manufactures," in sub-articles (4) and (5) of article 4;

(c) the addition of the following article after article 25 —

"26. (1) Subject to sub-articles (2) and (3), a producer shall not supply packaging or packaged products to other persons within the State unless the packaging concerned complies with the requirements of the Third Schedule.

(2) Packaging shall be deemed to comply with the requirements of the Third Schedule if it complies with a European standard adopted, or a standard prescribed under section 29 (4) of the Act, in relation to the requirements of the Third Schedule.

(3) Sub-article (1) shall not apply —

(a) in respect of packaging which was used for a given product prior to the 31st day of December, 1994,

(b) on or before the 31st day of December, 1999 in respect of packaging manufactured on or before the 31st day of December, 1994."; and

(d) the addition of the following Schedule after the Second Schedule

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## THIRD SCHEDULE

### ESSENTIAL REQUIREMENTS ON THE COMPOSITION AND THE REUSABLE AND RECOVERABLE, INCLUDING RECYCLABLE, NATURE OF PACKAGING

#### 1. Requirements specific to the manufacturing and composition of packaging

Packaging shall be so manufactured that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer.

Packaging shall be designed, produced and commercialised in such a way as to permit its reuse or recovery, including recycling, and to minimize its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of. Packaging shall be so manufactured that the presence of noxious and other hazardous substances and materials as constituents of the packaging material or of any of the packaging components is minimized with regard to their presence in emissions, ash or leachate when packaging or residues from management operations or packaging waste are incinerated or landfilled.

#### 2. Requirements specific to the reusable nature of packaging

The following requirements must be simultaneously satisfied:

- the physical properties and characteristics of the packaging shall enable number of trips or rotations in normally predictable conditions of use,
- possibility of processing the used packaging in order to meet health and safety requirements for the workforce,
- fulfil the requirements specific to recoverable packaging when the packaging is no longer used and thus becomes waste.

#### 3. Requirements specific to the recoverable nature of packaging

##### (a) Packaging recoverable in the form of material recycling

Packaging must be manufactured in such a way as to enable the recycling of a certain percentage by weight of the materials used into the manufacture of marketable products, in compliance with current standards in the Community. The establishment of this percentage may vary, depending on the type of material of which the packaging is composed.

##### (b) Packaging recoverable in the form of energy recovery

Packaging waste processed for the purpose of energy recovery shall have a minimum inferior calorific value to allow optimization of energy recovery.

##### (c) Packaging recoverable in the form of composting

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it should not hinder the separate collection and the composting process or activity into which it is introduced.

##### (d) Biodegradable packaging

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately

decomposes into carbon dioxide, biomass and water."

Dated this 8th day of October, 1998

Minister of State at the Department of the Environment and Local  
Government

#### EXPLANATORY NOTE

These Regulations amend the Waste Management (Packaging) Regulations, 1997 for the purpose of implementing article 9 of European Parliament and Council Directive 94/62/EC of 20 December, 1994 on packaging and packaging waste. The 1997 Regulations, as amended, provide that a person may not supply packaging or packaged products to the Irish market unless the packaging concerned complies with essential requirements as to its nature and composition.