

# **S.I. No. 664/2007 — Waste Management (Tyres and Waste Tyres) Regulations 2007**

S.I. No. 664 of 2007

## WASTE MANAGEMENT (TYRES AND WASTE TYRES) REGULATIONS 2007

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S.I. No. 664 of 2007

WASTE MANAGEMENT (TYRES AND WASTE TYRES) REGULATIONS 2007

*Notice of the making of this Statutory Instrument was published in*

*“Iris Oifigiúil” of 5th October, 2007.*

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 7, 18, 19, 27, 28, 29, 32, 34, 36 and 39 of the Waste Management Acts 1996 to 2007 hereby makes the following Regulations—

## PART I PRELIMINARY AND GENERAL

### *Citation and commencement*

1. (1) These Regulations may be cited as the Waste Management (Tyres and Waste Tyres) Regulations 2007.

(2) These Regulations shall come into operation on 1 January 2008.

### *Interpretation*

2. (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 Acts 1996 to 2007;

“the Waste Management Acts 1996 to 2007” mean the Waste Management Act 1996 (No. 10 of 1996) as amended by the Waste Management (Amendment) Act 2001 (No. 36 of 2001), Part 3 of the Protection of the Environment Act 2003 (No. 27 of 2003), Part 2 of the Waste Management (Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 290 of 2005) and the Waste Management (Environment Levy) (Plastic Bag) Order 2007 ( S.I. No. 62 of 2007 );

“waste tyre” means a tyre which is waste in accordance with the meaning of section 4(1)(a) of the Act;

“the Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Acts 1992 and 2003;

“approved body” means a body corporate approved by the Minister in accordance with the provisions of Part VII of these Regulations;

“the Companies Acts” means the Companies Acts 1963 to 2001 and every other enactment which is to be read together with any of those Acts;

“the Environmental Protection Agency Acts 1992 and 2003” means the Environmental Protection Agency Act 1992 (No. 7 of 1992) as amended by Part 2 of the Protection of the Environment Act 2003 (No. 27 of 2003);

“authorised waste collector” means a holder of a waste collection permit that is in force and which allows for the collection of waste tyres;

“CN code” means that code number in the integrated tariff of the European Communities (TARIC), as amended from time to time, which said tariff is based on the codes of the combined nomenclature in Annex I of Council Regulation (EEC) No. 2658/87<sup>1</sup> of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff as amended or replaced by any subsequent regulations or decisions of an institution of the European Communities;

“Certificate of Registration” and “Certificate of Renewal of Registration” means a certificate issued for the purposes of these Regulations and which does not provide any exemption from the provisions of other regulations made under the Act, unless specifically provided for in these Regulations;

“environmentally sound management of waste tyres” means the collection, storage, treatment and recovery or, as appropriate, disposal of waste tyres in a manner which would not endanger human health or harm the environment, and in particular would not

- (i) create a risk to waters, the atmosphere, land, soil, plants or animals,
- (ii) adversely affect the visual impact on the landscape,
- (iii) pose a fire risk by virtue of the manner in which the waste tyres are being stored or, as appropriate,
- (iv) be mixed with other waste streams when stored;

“the Minister” means the Minister for the Environment, Heritage and Local Government;

“farmer” means a person who derives his livelihood from the pursuit of agriculture;

“premises” includes any messuage, building, vessel, structure or land (whether or not there are any structures on the land and whether or not the land is covered with water), and any plant or vehicles on such land, or any hereditament or any tenure, together with any out-buildings and curtilage;

“producer” means any person who, irrespective of the selling technique used, including by means of distance communication—

- (i) manufactures and sells tyres under his or her own brand,
- (ii) resells tyres produced by other suppliers under his or her own brand,
- (iii) retreads or remoulds tyres,
- (iv) imports tyres on a professional basis into the State,
- (v) exports waste tyres for the purposes of recovery, including reuse or, as appropriate,
- (vi) any person or persons who distributes from a producer who is deemed not to be registered under the provisions of article 4(2)(b), tyres to suppliers or any other person;

“quarterly period” means each period of three months beginning on the first day of January, April, July and October;

“recovery operator” means a person engaged in waste recovery or waste collection for the purposes of recovery including reuse, subject to that person having obtained all necessary licences or permits required under sections 34(1), 39(1) or 39(4) of the Act or, as appropriate, under section 82(2) of the Environmental Protection Agency Acts 1992 and 2003;

“relevant period” means the preceding calendar year or, in the case of a first application for renewal of registration under articles 5, 9 and 14 and, as appropriate, a first report under articles 7, 11 and 16, the period since the initial application for registration was made by the producer or supplier as appropriate;

“retailer” means a person who for the purpose of trade or otherwise in the course of business sells or otherwise supplies tyres to other persons;

“reuse” means the use of a waste tyre, either for the same purpose or, as appropriate, a different purpose without the need for reprocessing;

“silage pit” means a pit currently utilised for the storage of silage, and where appropriate, has been constructed in accordance with any guidance or, as appropriate, any regulations in force at the time of its construction and maintained in accordance with the provisions of any guidance issued or, as appropriate, regulations currently in force with particular regard to farm building (AES) specifications, health and safety, planning and development, and as appropriate, pollution control;

“supplier” means a person who, for the purpose of trade or otherwise in the course of business as a manufacturer, wholesaler, supplier, trader, or retailer, sells or otherwise supplies tyres or, as appropriate, waste tyres to other persons;

“supply” includes the supply of tyres or, as appropriate, waste tyres for the purpose of trade or otherwise in the course of business, providing in exchange for any consideration other than money or giving as a prize or otherwise making a gift.

### *Scope*

3. (1) These Regulations, save where the context otherwise requires, shall apply to tyres designed for, fitted to or, as appropriate, removed from any mechanically propelled vehicle or vehicles and any trailer attached thereto as set out in the *First Schedule* and falling within headings 4011 and 4012 of the CN code and in any guidance which the Minister may issue from time to time.

(2) Without prejudice to sub-article (1), these Regulations shall not apply to tyres falling within subheadings 40113000, 40113010, 40113090, 40115000, 40121300, 40121310 and 40121390 of the CN code.

## PART II PRODUCER RESPONSIBILITY OBLIGATIONS

### *Registration and certification of producers*

4. (1) Subject to the provisions of article 5, a producer shall apply for—

(a) registration to each local authority in whose functional area the producer supplies or intends to supply tyres, not later than 1 February 2008 or the date of commencement of business, whichever is the later, and

(b) renewal of registration to each local authority, not later than 31 January in each year following initial registration, save only that a producer shall not be required to make such application within six months of initial registration.

(2) A producer—

(a) who makes an application under sub-article (1) to a local authority shall be registered by that authority provided that the requirements of article 5 are complied with, and

(b) shall not be deemed to—

(i) be registered until a Certificate of Registration has issued by the local authority to which an application for registration was submitted or, as appropriate,

(ii) have renewed his or her registration in respect of a specified period until a Certificate of Renewal of Registration has issued by the local authority to which an application for renewal of registration was submitted.

*Application for registration or renewal of registration by producers*

5. (1) An application for—

(a) registration in accordance with the provisions of article 4 shall be made in writing in such form as may be specified by the relevant local authority, shall contain at least the information set out in Part 1 of the *Second Schedule* and shall be accompanied by a copy of the plan required to be prepared under article 7(1).

(b) renewal of registration in accordance with the provisions of article 4 shall be made in writing, in such form as may be specified by the relevant local authority, shall contain at least the information set out in Part 2 of the *Second Schedule* in respect of the relevant period and shall be accompanied by a copy of the plan required to be prepared under article 7(1) and the report required to be prepared under article 7(2).

(2) An application for registration in accordance with the provisions of sub-article (1) (a), or for renewal of registration under sub-article (1)(b), shall be accompanied by a—

(a) fee equivalent to €25 per tonne of tyres which in the case of—

(i) an initial registration, where business has been carried on by the applicant in the functional area of the local authority for a period of twelve months or more immediately prior to application, was supplied by the applicant in the twelve month period prior to the date of registration,

(ii) an initial registration, where business has not been carried on by the applicant in the functional area of the local authority for a period of twelve months or more immediately prior to application, is likely to be supplied by the applicant in the twelve month period subsequent to the date of application for registration,

(iii) a renewal of registration, was supplied by the applicant in the functional area of the local authority in the period since initial registration or last preceding renewal of registration as the case may be,

save that the amount of the fee shall not be less than €750, and

(b) a certificate from an independent person who is qualified at the time of the application for registration or for renewal of registration to be appointed, or continue to be, the auditor of the producer if that producer is a company, or if the producer is not a company, would be qualified to be auditor if the producer were a company, confirming the quantities of tyres supplied by the producer in the preceding twelve month period, or as the case may be, if the producer is a new entrant to the market then the projected quantities of tyres to be supplied for the first twelve months of that producer's activities in the functional area of the local authority concerned.

(3) The Minister may, no earlier than 1 January 2009, from time to time review and make an order, amending sub-article (2) by substituting for the amounts standing specified in that sub-article for the time being greater amounts.

(4) A 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.

#### *Producers' records and information*

6. (1) On and from 1 January 2008, or the date of commencement of business, whichever is the later, a producer shall, within ten days of the end of each quarterly period, compile and submit to each local authority in whose functional area tyres are supplied to suppliers the information set out in any guidance which the Minister may issue from time to time.

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

(3) Notwithstanding sub-article (2), a producer shall, by 28 February of each year, in respect of the previous calendar year ending 31 December, compile and submit to the Agency the information set out in Part 3 of the *Second Schedule*.

#### *Producers' waste management plans and reports*

7. (1) A producer shall not later than the date on which application for—

(a) registration or renewal of registration is made in accordance with the provisions of article 4—

(i) prepare a plan in accordance with Part 4 of the *Second Schedule*, specifying the steps to be undertaken by the said producer in order to comply with the

requirements of these Regulations, and

(ii) fix and maintain, in a conspicuous position at or within one metre of each entrance to each of his or her premises a notice complying with the requirements specified in Part 1 of the *Third Schedule*.

(b) renewal of registration is made in accordance with the provisions of article 4

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

(ii) fix and maintain, in a conspicuous position at or within one metre of each entrance to each of his or her premises a notice complying with the requirements specified in Part 2 of the *Third Schedule*.

(2) A report under sub-article (1)(b) shall contain at least the information set out in Part 5 of the *Second Schedule*.

(3) A copy of a plan or report prepared for the purpose of this article shall—

(a) not later than the date on which application for registration or, as appropriate, renewal of registration in accordance with the provisions of article 5 is made, be sent to the persons specified in Part 6 of the *Second Schedule*, and

(b) be made available, free of charge, by the producer concerned to any person who so requests.

(4) For the purpose of this article, “made available” includes sending the plan or report, as the case may be, by post, fax or electronic mail to a person who so requests.

### PART III SUPPLIER RESPONSIBILITY OBLIGATIONS

#### *Registration and certification of suppliers*

8. (1) Subject to the provisions of article 9, a supplier shall, in respect of each premises from which he or she, supplies tyres, or, as appropriate, uses for the storage of tyres prior to their distribution apply for—

(a) registration to each local authority in whose functional area the supplier supplies or intends to supply tyres, not later than 1 February 2008 or the date of commencement of business, whichever is the later, and

(b) renewal of registration to each such local authority, not later than 31 January in each year following initial registration, save only that a supplier shall not be required to make such application within six months of initial registration.

(2) A supplier—

(a) who makes an application under sub-article (1) to a local authority shall be registered by that authority provided that the requirements of article 9 are complied with, and

(b) shall not be deemed to—

(i) be registered until a Certificate of Registration has issued by the local authority to which an application for registration was submitted or, as appropriate,

(ii) have renewed his or her registration in respect of a specified period until a Certificate of Renewal of Registration has issued by the local authority to which an application for renewal of registration was submitted.

*Application for registration or renewal of registration by suppliers*

9. (1) An application for—

(a) registration in accordance with the provisions of article 8 shall be made in writing in such form as may be specified by the relevant local authority, shall contain at least the information set out in Part 1 of the *Fourth Schedule* and shall be accompanied by a copy of the plan required to be prepared under article 11(1),

(b) renewal of registration in accordance with the provisions of article 8 shall be made in writing, in such form as may be specified by the relevant local authority, shall contain at least the information set out in Part 2 of the *Fourth Schedule* in respect of the relevant period and shall be accompanied by a copy of the plan required to be prepared under article 11(1) and the report required to be prepared under article 11(2).

(2) An application for registration under sub-article (1)(a), or for renewal of registration under sub-article (1)(b), shall be accompanied by a—

(a) fee of €100, and

(b) a certificate from an independent person who is qualified at the time of the application for registration or for renewal of registration to be appointed, or continue to be, the auditor of the supplier if that supplier is a company, or if the supplier is not a company, would be qualified to be auditor if the supplier were a company, confirming the quantities of tyres supplied by the supplier from the premises concerned in the preceding twelve month period, or as the case may be, if the supplier is a new entrant to the market then the projected quantities of tyres to be supplied from the premises concerned for the first twelve months of that supplier's activities.

(3) The Minister may, no earlier than 1 January 2009, from time to time review and make an order, amending sub-article (2) by substituting for the amount standing specified in that sub-article for the time being a greater amount.

(4) A supplier 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.

#### *Suppliers' records and information*

10. (1) On and from 1 January 2008, or the date of commencement of business, whichever is the later, a supplier shall, within ten days of the end of each quarterly period, compile and submit to each local authority in whose functional area tyres are supplied the information set out in any guidance which the Minister may issue from time to time.

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

(3) Notwithstanding sub-article (2), a supplier shall, by 28 February of each year, in respect of the previous calendar year ending 31 December, compile and submit to the Agency the information set out in Part 3 of the *Fourth Schedule*.

#### *Suppliers' waste management plans and reports*

11. (1) A supplier shall, not later than the date on which application for—

(a) registration or renewal of registration is made in accordance with the provisions of article 9, prepare a plan in accordance with Part 4 of the *Fourth Schedule*, specifying the steps to be undertaken by the said supplier in order to comply with the requirements of these Regulations, and

(b) renewal of registration is made in accordance with the provisions of article 9, prepare a report specifying the steps taken by the said supplier in order to comply with the requirements of these Regulations in the relevant period, and the results of those steps.

(2) A report under sub-article (1)(b) shall contain at least the information set out in Part 5 of the *Fourth Schedule*.

(3) A copy of a plan or report prepared for the purpose of this article shall not later than the date on which application for registration or, as appropriate, renewal of registration in accordance with the provisions of article 9 is made, be sent to the persons specified in Part 6 of the *Fourth Schedule*.

#### *Management of waste tyres by suppliers*

12. (1) On and from the commencement date of these Regulations, each supplier—

(a) who retains waste tyres following the supply of replacement tyres shall be prohibited from supplying such waste tyres to any person or persons other than an authorised waste collector who is—

(i) registered with a local authority in accordance with the provisions of Part IV of these Regulations or, as appropriate,

(ii) acting on behalf of, or participating in a satisfactory manner in an approved body established in accordance with the provisions of Part VII of these Regulations or its representative,

(b) who, following the supply of replacement tyres, does not take back waste tyres from customers shall—

(i) fix and maintain outside any premises concerned, in a conspicuous position at or within one metre of each entrance to each of his or her premises a notice complying with the requirements specified in Part 3 of the *Third Schedule*, and

(ii) inform any potential customer, both orally and in writing, prior to the acceptance of an order to supply replacement tyres that waste tyres are not accepted and that “the registered owner of the vehicle from which waste tyres arise is responsible for their disposal in an environmentally sound manner”, that “waste tyres can only be transferred to an authorised waste collector or recovery operator”, and that “the dumping and burning of tyres is an offence” or, as appropriate,

(c) who, in the course of the supply of replacement tyres, does not take back waste tyres from customers, or has a customer who chooses to retain waste tyres shall—

(i) provide each customer concerned with details of each authorised waste collector or recovery operator, in the functional area of the local authority where the supplier’s premises is situated, and

(ii) record in respect of each customer concerned the information set out in any guidance which the Minister may issue from time to time a copy of which shall, in accordance with the provisions of article 10(1), be submitted to the local authority in whose functional area the replacement tyres are supplied within ten days of the end of the quarterly period in which the replacement tyres concerned were supplied.

(2) Notwithstanding sub-articles (1)(b) and (1)(c), on and from the commencement date of these Regulations any person retaining waste tyres following the supply of replacement tyres shall be prohibited from supplying waste tyres to any person or persons other than—

(a) an authorised waste collector or recovery operator or, as appropriate,

(b) a local authority providing a service for the collection and, as appropriate, environmentally sound management of waste tyres.

#### PART IV WASTE COLLECTOR RESPONSIBILITY OBLIGATIONS

##### *Registration and certification of waste collectors*

13. (1) Subject to the provisions of article 14, an authorised waste collector shall, in respect of his or her place of business, and as appropriate, each premises which he or she uses for the storage of waste tyres, apply for—

(a) registration to each local authority in whose functional area the authorised waste collector collects or intends to collect waste tyres, not later than 1 February 2008 or the date of commencement of business, whichever is the later, and

(b) renewal of registration to each such local authority, not later than 31 January in each year following initial registration, save only that an authorised waste collector shall not be required to make such application within six months of initial registration.

(2) An authorised waste collector—

(a) who makes an application under sub-article (1) to a local authority shall be registered by that authority provided that the requirements of article 14 are complied with, and

(b) shall not be deemed to—

(i) be registered until a Certificate of Registration has issued by the local authority to which an application for registration was submitted or, as appropriate,

(ii) have renewed his or her registration in respect of a specified period until a Certificate of Renewal of Registration has issued by the local authority to which an application for renewal of registration was submitted.

##### *Application for registration or renewal of registration by waste collectors*

14. (1) An application for—

(a) registration in accordance with the provisions of article 13 shall be made in writing in such form as may be specified by the relevant local authority, shall contain at least the information set out in Part 1 of the *Fifth Schedule* and shall be accompanied by a copy of the plan required to be prepared under article 16(1),

(b) renewal of registration in accordance with the provisions of article 13 shall be made in writing, in such form as may be specified by the relevant local authority,

shall contain at least the information set out in Part 2 of the *Fifth Schedule* in respect of the relevant period and shall be accompanied by a copy of the plan required to be prepared under article 16(1) and the report required to be prepared under article 16(2).

(2) An application for registration under sub-article (1)(a), or for renewal of registration under sub-article (1)(b) shall be accompanied by a—

(a) fee of €100, and

(b) a certificate from an independent person who is qualified at the time of the application for registration or for renewal of registration to be appointed, or continue to be, the auditor of the authorised waste collector if that authorised waste collector is a company, or if the authorised waste collector is not a company, would be qualified to be auditor if the authorised waste collector were a company, confirming the quantities of tyres collected by the authorised waste collector in the preceding twelve month period, or as the case may be, if the authorised waste collector is a new entrant to the market then the projected quantities of tyres to be collected for the first twelve months of that authorised waste collector's activities.

(3) The Minister may, no earlier than 1 January 2009, from time to time review and make an order, amending sub-article (2) by substituting for the amount standing specified in that sub-article for the time being a greater amount.

(4) An authorised waste collector 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.

#### *Waste collectors' records and information*

15. (1) On and from 1 January 2008, or the date of commencement of business, whichever is the later, an authorised waste collector shall, within ten days of the end of each quarterly period compile and submit to each local authority in whose functional area tyres are collected the information set out in any guidance which the Minister may issue from time to time.

(2) It shall be the responsibility of the relevant authorised waste collector to retain, for a period of seven years after the end of the period in question, such records as are necessary to verify the accuracy of information compiled and submitted in accordance with sub-article (1).

#### *Waste collectors' waste management plans and reports*

16. (1) An authorised waste collector shall not later than the date on which application for—

(a) registration or renewal of registration is made in accordance with the

provisions of article 13—

(i) prepare a plan in accordance with Part 3 of the *Fifth Schedule*, specifying the steps to be undertaken by the said authorised waste collector in order to comply with the requirements of these Regulations, and

(ii) fix and maintain, in a conspicuous position at or within one metre of each entrance to each of his or her premises a notice complying with the requirements specified in Part 4 of the *Third Schedule*,

(b) renewal of registration is made in accordance with the provisions of article 13

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

(ii) fix and maintain, in a conspicuous position at or within one metre of each entrance to each of his or her premises a notice complying with the requirements specified in Part 5 of the *Third Schedule*.

(2) A report under sub-article (1)(b) shall contain at least the information set out in Part 4 of the *Fifth Schedule*.

(3) A copy of a plan or report prepared for the purpose of this article shall—

(a) not later than the date on which application for registration or, as appropriate, renewal of registration in accordance with the provisions of article 5 is made, be sent to the persons specified in Part 5 of the *Fifth Schedule*, and

(b) be made available, free of charge, by the authorised waste collector concerned to any person who so requests.

(4) For the purpose of this article, “made available” includes sending the plan or report, as the case may be, by post, fax or electronic mail to a person who so requests.

#### *Management of waste tyres by authorised waste collectors*

17. (1) On and from the commencement date of these Regulations, or the date of commencement of business, whichever is the later, an authorised waste collector, shall be prohibited from supplying waste tyres to any person or persons other than—

(a) an authorised waste collector who is—

(i) registered with a local authority in accordance with the provisions of Part IV, or

(ii) a member of an approved body established in accordance with the provisions of Part VII

of these Regulations or, as appropriate,

(b) a recovery operator.

(2) Notwithstanding sub-article (1), an authorised waste collector may supply waste tyres to—

(a) a farmer subject to the provisions of Part VI of these Regulations or, as appropriate,

(b) any person, subject to the approval of the local authority in whose functional area the person concerned intends to use the waste tyres and provided that it can be demonstrated to the satisfaction of the local authority concerned that such waste tyres will be—

(i) utilised for genuine reuse,

(ii) stored in accordance with regulations made under the provisions of section 39 of the Act, and

(iii) managed in an environmentally sound manner.

(3) An authorised waste collector, who supplies, or who intends to supply waste tyres to a farmer shall be prohibited from supplying any number of waste tyres that will cause the quantity specified in article 23(1)(a) to be exceeded.

(4) Without prejudice to sub-article (3), each time an authorised waste collector intends to supply a consignment of waste tyres under sub-article (2)(a), he or she shall satisfy himself or herself that the number of waste tyres currently in the possession of the farmer concerned together with the quantity it is intended to supply does not exceed the quantity stated in article 23(1)(a).

*Record keeping in relation to the recovery of waste tyres*

18. (1) On and from the commencement date of these Regulations, or the date of commencement of business, whichever is the later, an authorised waste collector who deposits waste tyres with a recovery operator, shall obtain from the recovery operator concerned a Certificate of Recovery.

(2) Records obtained pursuant to sub-article (1) shall be—

(a) retained at an address in the State by the authorised waste collector concerned for a period of at least seven years, starting from the end of the year in which they

were drawn up, and

(b) made available to the Agency, a local authority or, as appropriate, an appropriate agency on request within a specified period or by a specified date.

(3) Notwithstanding sub-article (2), an authorised waste collector shall, by 28 February of each year, in respect of the previous calendar year ending 31 December, compile and submit to the Agency the information set out in Part 6 of the *Fifth Schedule*.

## PART V RECOVERY OPERATOR OBLIGATIONS

### *Recovery operators' records and information*

19. (1) On and from the commencement date of these Regulations, or the date of commencement of business, whichever is the later, a recovery operator shall—

(a) retain at an address in the State for a period of at least seven years, starting from the end of the year in which they were drawn up, all records relating to the deposit, reuse, recovery or, as appropriate, recycling of waste tyres, and

(b) provide—

(i) a Certificate of Recovery, as set out in any guidance which the Minister may issue from time to time, to any person depositing waste tyres at his or her premises, and

(ii) by 28 February of each year, in respect of the previous calendar year ending 31 December, compile and submit to the Agency the information set out in the *Sixth Schedule*.

(2) Notwithstanding sub-article (1), all—

(a) records maintained in accordance with the provisions of sub-article (1)(a) shall be based on the completion in each quarterly period of at least one verifiable characterisation study undertaken by the recovery operator concerned or by a third party acting on his or her behalf as set out in any guidance which the Minister may issue from time to time, and

(b) information provided to authorised waste collectors shall be based on the latest characterisation study referred to in paragraph (a).

(3) Without prejudice to sub-article (2), a characterisation study need not be undertaken by a recovery operator who does not recover separate materials from waste tyres.

## PART VI FARMER RESPONSIBILITY OBLIGATIONS

*Prohibition on the storage of waste tyres by farmers*

20. (1) On and from the commencement date of these Regulations, a farmer shall be prohibited from storing waste tyres, other than the temporary storage of waste tyres provided that such waste tyres are incidental to the business activities of the farmer concerned and are commensurate in quantity and type with the tyres in possession of the farmer on any—

- (a) mechanically propelled vehicle or vehicles,
- (b) trailer or trailers or, as appropriate,
- (c) machinery,

in possession of the farmer concerned.

(2) Notwithstanding sub-article (1), on and from the commencement date of these Regulations, a farmer who is the owner or person in charge of a—

- (a) herd, to whom a herd number or, as appropriate,
- (b) flock, to whom a flock number,

is for the time being allocated by an officer of the Minister for Agriculture, Fisheries and Food, may, subject to the provisions of article 23, store and use waste tyres for the purposes of anchoring silage covering.

(3) Notwithstanding sub-article (2), any farmer who uses or intends to store and use waste tyres for the purposes of anchoring silage covering shall be required to be registered with a local authority in accordance with the provisions of article 21, or an approved body established in accordance with the provisions of Part VII of these Regulations.

*Registration and certification of farmers*

21. (1) Subject to the provisions of sub-article (2), any farmer, who uses or intends to store and use waste tyres supplied to him or her by any person or persons, other than an authorised waste collector who is a member of an approved body established in accordance with the provisions of Part VII, for the purposes of anchoring silage covering, shall apply for—

- (a) registration to each local authority in whose functional area the farmer concerned uses or intends to store and use waste tyres for the purposes of anchoring silage covering, not later than 1 February 2008 or the date of commencement of business, whichever is the later, and

(b) renewal of registration to each such local authority, not later than 31 January in each year following initial registration, save only that a farmer shall not be required to make such application within six months of initial registration.

(2) A farmer—

(a) who makes an application under sub-article (1) to a local authority shall be registered by that authority provided that the requirements of article 22 are complied with, and

(b) shall not be deemed to—

(i) be registered until a Certificate of Registration has issued by the local authority to which an application for registration was submitted or, as appropriate,

(ii) have renewed his or her registration in respect of a specified period until a Certificate of Renewal of Registration has issued by the local authority to which an application for renewal of registration was submitted.

(3) Without prejudice to sub-article (1), a farmer whose farm is in the functional area of more than one local authority, shall be obliged to register only with the local authority in whose functional area the larger or largest part of his farm is situated in.

(4) Without prejudice to sub-articles (1) and (2) an application for registration or renewal of registration in accordance with the provisions of this article may be submitted by the authorised waste collector who supplies or intends to supply the farmer concerned with waste tyres for the purposes of anchoring silage covering.

#### *Application for registration or renewal of registration of farmers*

22. (1) An application for registration or renewal of registration in accordance with the provisions of article 21 shall be made in writing in such form as may be specified by the relevant local authority.

(2) An application for registration or for renewal of registration under sub-article (1) shall be accompanied by a fee of €20.

(3) The Minister may, no earlier than 1 January 2009, from time to time review and make an order, amending sub-article (2) by substituting for the amount standing specified in that sub-article for the time being a greater amount.

(4) A farmer 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.

#### *Management of waste tyres by farmers*

23. (1) On and from the commencement date of these Regulations, or the date of commencement of business, whichever is the later, a farmer—

(a) who is the owner or person in charge of a herd or, as appropriate, a flock to whom a herd number or, as appropriate, a flock number is for the time being allocated by an officer of the Minister for Agriculture, Fisheries and Food, and who is registered with a local authority in accordance with the provisions of this Part, may store waste tyres in categories 1 to 5 of the *First Schedule* for the purpose of anchoring silage covering subject to a maximum of eight tyres per square metre of any silage pit's floor area or, as appropriate,

(b) shall, be prohibited from supplying waste tyres to any person or persons other than—

(i) an authorised waste collector or recovery operator or, as appropriate,

(ii) a local authority providing a service for the collection or, as appropriate, environmentally sound management of waste tyres.

(2) Notwithstanding sub-article (1), any farmer in possession of waste tyres in excess of the quantity specified in article 20(1) or any farmer who is the owner or person in charge of a herd or, as appropriate, a flock to whom a herd number or, as appropriate, a flock number is for the time being allocated by an officer of the Minister for Agriculture, Fisheries and Food, in possession of waste tyres in excess of the quantity specified in sub-article (1)(a) shall, within twelve calendar months of the date—

(a) of commencement of these Regulations or, as appropriate,

(b) a silage pit ceases to be utilised that results in him or her being in possession of waste tyres in excess of the quantity specified in sub-article (1)(a)

arrange for an authorised waste collector to collect any tyres in excess of the quantity specified in article 20(1) or, as appropriate, sub-article (1)(a).

#### *Management of historic waste tyres by farmers*

24. (1) Articles 20 to 23 inclusive, shall not apply in respect of any farmer who is the owner or person in charge of a herd or, as appropriate, a flock to whom a herd number or, as appropriate, a flock number is for the time being allocated by an officer of the Minister for Agriculture, Fisheries and Food, until the first movement of waste tyres onto or from the premises of the farmer concerned following the commencement date of these Regulations.

(2) Notwithstanding sub-article (1), the farmer concerned shall be obliged to ensure waste tyres on his or her premises are stored in an environmentally sound manner including any manner which would not endanger human health or harm the

environment, and in particular would not—

- (a) create a risk to waters, the atmosphere, land, soil, plants or animals,
- (b) adversely affect the visual impact on the landscape,
- (c) pose a fire risk by virtue of the manner in which the waste tyres are being stored or, as appropriate,
- (d) be mixed with other waste streams when stored

## PART VII APPROVED BODIES

### *Exemption from certain requirements*

25. (1) Any producer, supplier, or authorised waste collector who holds a valid certificate granted to him or her by an approved body stating that such producer, supplier or, as appropriate, authorised waste collector is participating, in a satisfactory manner, in a scheme for the environmentally sound management of waste tyres shall—

- (a) be exempt from the requirements of articles 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16 and 18 unless and until such certification is revoked by the approved body concerned or otherwise ceases to have effect, or approval granted by the Minister to the body concerned is revoked in accordance with the provisions of article 28, and
- (b) fix and maintain, in a conspicuous position at or within one metre of each entrance to each of his or her premises a notice complying with the requirements specified in Part 6 of the *Third Schedule*.

(2) Any farmer who is the owner or person in charge of a—

- (a) herd, to whom a herd number or, as appropriate,
- (b) flock, to whom a flock number,

is for the time being allocated by an officer of the Minister for Agriculture, Fisheries and Food, who is supplied waste tyres by an authorised waste collector who holds a valid certificate granted to him or her by an approved body stating that such authorised waste collector is participating, in a satisfactory manner, in a scheme for the environmentally sound management of waste tyres shall be exempt from the requirements of articles 21 and 22.

### *Application to the Minister for approval*

26. (1) A body corporate may apply to the Minister for approval for the purposes of

this Part.

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

- (a) a copy of the articles of association of the body corporate,
- (b) the appropriate certificate issued by the Companies Registration Office,
- (c) proposals relating to corporate governance,
- (d) proposals for representation of small and medium enterprises on the board of the approved body together with the names and addresses in the State of the officers of the body corporate and its board of directors,
- (e) a business plan in relation to the proposed scheme,
- (f) proposals for a contingency reserve,
- (g) proposals relating to co-operation with other approved bodies and individual producers, suppliers or, as appropriate, authorised waste collectors who are not eligible for the exemptions provided for in article 25 including proposals in relation to the environmentally sound management of waste tyres arising in the appropriate functional areas of all local authorities,
- (h) proposals for a scheme to be undertaken by the body corporate for the environmentally sound management of waste tyres including proposals for a Code of Practice for members participating in the scheme,
- (i) proposals for the setting and achievement of targets for the environmentally sound management of waste tyres under the proposed scheme,
- (j) proposals for determining and verifying the level of the environmentally sound management of waste tyres under the proposed scheme,
- (k) proposals for reconciliation and audit of information supplied by members,
- (l) proposals for obtaining information from local authorities—
  - (i) accepting waste tyres at civic amenity facilities or, as appropriate,
  - (ii) utilising waste tyres in engineering or public works,
- (m) proposals for submitting information to local authorities or, as appropriate, the Agency,
- (n) a copy of the rules of membership of the body corporate together with details of the membership fee structure,

(o) a—

(i) declaration that no producer, supplier or authorised waste collector applying for membership will be discriminated against on the grounds—

(A) of the quantity or, as appropriate, type of tyres that he or she places on the market or, as appropriate,

(B) that the body concerned is only catering for or will only cater for—

(I) a maximum pre-determined share of waste arisings from tyres or, as appropriate,

(II) waste arising from tyres from a particular geographical location or locations,

in the State, and

(ii) list of applications for membership—

(A) received,

(B) accepted, and

(C) rejected together with the grounds for rejection,

(p) proposals for the certification of producers, suppliers or, as appropriate, authorised waste collectors for the purposes of article 21,

(q) proposals for the registration of farmers including the—

(i) reassignment of a farmer to another authorised waste collector or, as appropriate,

(ii) registration of a farmer with a local authority,

in the event of the revocation of a certificate granted for the purposes of article 25 to an authorised waste collector who deposited or removed waste tyres from the property of the farmer concerned,

(r) proposals relating to green procurement,

(s) proposals relating to the dissemination of information to the public regarding the environmentally sound management of waste tyres,

(t) proposals detailing 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 or, as appropriate,

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

*Grant or refusal of approval*

27. (1) Subject to sub-article (3), the Minister may, by notice in writing, grant approval to a body corporate for the purposes of this Part, or may refuse to grant such approval.

(2) Subject to article 28, an approval granted by the Minister under this article shall be for a period of not less than five years and not more than 10 years.

(3) An approval in accordance with the provisions of sub-article (1) may be subject to such conditions as the Minister may specify, including conditions relating to—

(a) the articles of association of the body corporate,

(b) the appropriate certificate issued by the Companies Registration Office,

(c) corporate governance,

(d) the representation of small and medium enterprises on the board of the approved body together with the names and addresses in the State of the officers of the body corporate and its board of directors,

(e) the business plan,

(f) a contingency reserve,

(g) co-operation with other approved bodies and individual producers, suppliers or, as appropriate, authorised waste collectors who are not eligible for the exemptions provided for in article 25 including proposals in relation to the environmentally sound management of waste tyres arising in the appropriate functional areas of all local authorities,

(h) any aspects of the scheme to be undertaken by the body corporate for the environmentally sound management of waste tyres including proposals for a Code of Practice for members participating in the scheme,

(i) the setting and achievement of targets for the environmentally sound management of waste tyres under the proposed scheme,

(j) the determination and verification of the effects of measures to be undertaken with regard to the environmentally sound management of waste tyres,

(k) the reconciliation and audit of information supplied by members,

(l) obtaining information from local authorities—

(i) accepting waste tyres at civic amenity facilities or, as appropriate,

(ii) utilising waste tyres in engineering or public works,

(m) submitting information to local authorities or, as appropriate, the Agency,

(n) the rules of membership of the body corporate and the membership fee structure,

(o) non-discrimination against any producer on the grounds—

(i) of the quantity or, as appropriate, type of tyres that he or she places on the market or, as appropriate,

(ii) that the body concerned is only catering for or will only cater for—

(A) a maximum pre-determined share of waste arising from tyres or, as appropriate,

(B) waste arising from tyres from a particular geographical location or locations, in the State,

(p) certification of producers, suppliers or, as appropriate, authorised waste collectors for the purposes of article 25,

(q) the registration of farmers including the—

(i) reassignment of a farmer to another authorised waste collector or, as appropriate,

(ii) registration of a farmer with a local authority,

in the event of the revocation of a certificate granted for the purposes of article 25 to an authorised waste collector who deposited or removed waste tyres from the property of the farmer concerned,

(r) green procurement,

(s) measures to be undertaken by the body concerned relating to the dissemination of information to the public regarding the environmentally sound management of waste tyres,

(t) 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 or, as appropriate,

(u) any other matters the Minister may consider appropriate.

(4) Without prejudice to sub-article (3), in the event that an approved body—

(a) has its approval revoked in accordance with the provisions of article 28,

(b) goes into liquidation, examination or, receivership or, as appropriate,

(c) enters into a scheme of arrangement or compromise in accordance with the provisions of section 201 of the Companies Acts,

the contingency reserve provided for in sub-article (3)(f), shall not be used by any person or persons, including the liquidator, examiner, receiver or, as appropriate, administrator concerned for any purpose, including the discharge of liabilities to creditors, whether secured creditors, preferential creditors, creditors claiming under retention of title, creditors with claims supported by guarantees or indemnities, ordinary creditors or, as appropriate, subordinated creditors, other than for fulfilling the obligations of the producer, supplier or, as appropriate, authorised waste collector concerned as laid down in these Regulations.

(5) The Minister may, by notice in writing, from time to time vary any existing condition attached to an approval granted in accordance with the provisions of this article or add any new condition.

#### *Review and revocation of approval*

28. (1) Subject to sub-article (2), where it appears to the Minister that—

(a) new targets for the environmentally sound management of waste tyres need to be set,

(b) it is necessary to ensure equitable distribution of producer, supplier or, as appropriate, authorised waste collector responsibility obligations, or

(c) for some other reason it is necessary in the interests of the environmentally sound management of waste tyres,

he or she may review an approval granted in accordance with the provisions of article 27, or require the approved body to make a new application in accordance with the provisions of article 26 for a renewal of an approval.

(2) Where the Minister proposes to review an approval granted in accordance with the provisions of article 27, or require the making of a new application in accordance with the provisions of article 26, the Minister shall—

(a) give notice in writing to the approved body of the proposal and the reasons therefor,

(b) specify a period of not less than four weeks within which the approved body may make a submission to the Minister in relation to a review, or make a new application in accordance with the provisions of article 26, as the case may be, and

(c) consider any submission, or application so made.

(3) Following the consideration of any submission or application in accordance with sub-article (2), the Minister may issue a revised approval, varying any condition attaching to the approval or attach any additional conditions which he or she considers appropriate, or grant a new approval in accordance with the provisions of article 27, as the case may be.

(4) Where an approval granted in accordance with the provisions of article 27 is due to expire, the approved body concerned shall—

(a) not later than six months before the expiry of the approval, notify the Minister whether or not it intends to continue or cease operating as an approved body, or

(b) if intending to continue to operate as an approved body, shall not later than two months before the expiry of the approval, make an application to the Minister in accordance with the provisions of said article 26.

(5) Subject to sub-article (6), where it appears to the Minister that an approved body is not complying with conditions attached to such approval, or that relevant targets for the environmentally sound management of waste tyres have not been or are not being met, the Minister may review or, as appropriate, revoke an approval granted in accordance with article 27.

(6) Where the Minister proposes to revoke an approval granted in accordance with the provisions of article 27, the Minister shall—

(a) give notice in writing to the approved body of the proposed decision and the reasons therefor,

(b) specify a period of not less than four weeks 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.

(7) Where the Minister revokes an approval granted in accordance with the provisions of article 27, the approved body concerned shall transfer the registration of all farmers to—

(i) another body corporate granted an approval in accordance with the provisions of article 27, or in the event of no approval issuing to another body corporate,

(ii) the local authorities in whose functional areas each farmer concerned stores and uses waste tyres for the purposes of anchoring silage covering.

*Use of logo adopted by an approved body*

29. No person shall, other 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 members certified by that approved body for the purposes of article 25.

*Notifications to local authorities*

30. An approved body shall, not later than the seventh day of each month,—

(a) notify each local authority of any producer, supplier or, as appropriate, authorised waste collector in respect of which a certificate for the purposes of article 25 has been granted or revoked within the preceding calendar month,

(b) notify the local authority concerned of any farmer who has been reassigned to another authorised waste collector in the event of the revocation of a certificate granted for the purposes of article 25 to an authorised waste collector who deposited or removed waste tyres from the property of the farmer concerned or, as appropriate,

(c) transfer the registration of a farmer who has not been reassigned to an alternative authorised waste collector in accordance with the provisions of paragraph (b) to the local authority in whose functional area the farmer concerned stores and uses waste tyres for the purposes of anchoring silage covering.

## PART VIII FUNCTIONS OF LOCAL AUTHORITIES

*Enforcement*

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

*Registration of producers, suppliers, authorised waste collectors and farmers*

32. (1) On and from the commencement date of these Regulations, each local authority shall cause to be established and maintained a register (hereafter in this Part referred to as ‘the register’) of producers, suppliers, authorised waste collectors, and as appropriate, farmers within its functional area,

(2) Each local authority shall be required to provide for the maintenance of the register, and the inspection of each premises registered therein.

## PART IX MISCELLANEOUS

### *Non-application of section 39(1) of the Act*

33. (1) On and from the commencement date of these Regulations, section 39(1) of the Act shall not apply in respect of the temporary storage of waste tyres at a place where tyres are supplied and where the quantities of waste tyres being stored at any one time does not exceed 180 cubic metres of waste tyres, provided they were replaced on a one-for-one basis by tyres of equivalent type or which fulfilled the same functions as the replacement tyres supplied to the customer, and—

(a) that such a place is registered and inspected in accordance with the provisions of article 32 or, as appropriate,

(b) the supplier is participating in a satisfactory manner in an approved body established in accordance with the provisions of Part VII of these Regulations.

(2) Notwithstanding sub-article (1), the supplier concerned shall be obliged to ensure waste tyres on his or her premises are stored in an environmentally sound manner including any manner which would not endanger human health or harm the environment, and in particular would not—

(a) create a risk to waters, the atmosphere, land, soil, plants or animals,

(b) adversely affect the visual impact on the landscape,

(c) pose a fire risk by virtue of the manner in which waste tyres are being stored or, as appropriate,

(d) be mixed with other waste streams when stored.

## FIRST SCHEDULE CATEGORIES OF TYRES

1. Pneumatic tyres of rubber, of a kind used on motor cars (including station wagons and racing cars) other than tyres placed on the market as tyres in category 6.

2. Pneumatic tyres of rubber, of a kind used on buses or lorries other than tyres placed on the market as tyres in category 6.

3. Pneumatic tyres of rubber, of a kind used on motorcycles other than tyres placed on the market as tyres in category 6.

4. Pneumatic tyres of rubber, having a 'herring-bone' or similar tread other than

tyres placed on the market as tyres in category 6.

5. Other pneumatic tyres of rubber, (Nes) other than tyres placed on the market as tyres in category 6.

6. Retreaded or used pneumatic tyres of rubber; solid or cushion tyres.

7. Tyres other than in categories 1 to 6.

SECOND SCHEDULE INFORMATION TO BE COMPILED AND PROVIDED BY  
PRODUCERS WHEN COMPLYING WITH THE PROVISIONS OF PART II OF  
THESE REGULATIONS

*PART 1* Information to be provided by producers for the purpose of registration

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres are or will be supplied by the producer.

3. The quantities by weight and by number of units of tyres that were placed on the market in the calendar year prior to the date of application and substantiated estimates of the projected average life of the tyres concerned in each of the categories specified in the *First Schedule*.

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

*PART 2* Information to be provided by producers for the purpose of renewal of  
registration

1. Name, address(es), telephone, electronic mail address and fax number of the

registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres are supplied by the producer.

3. The quantities by weight and by number of units of tyres that were placed on the market in the calendar year prior to the date of application for renewal and substantiated estimates of the projected average life of the tyres concerned in each of the categories specified in the *First Schedule*.

*PART 3* Information to be provided in a report in accordance with the provisions of article 6(3)

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres were supplied by the

producer.

3. The quantities by weight and by number of units of tyres supplied by the producer in the relevant period in each of the categories specified in the *First Schedule*.

4. The quantities by weight and by number of units of waste tyres arising from tyres supplied by the producer in the relevant period in each of the categories specified in the *First Schedule*.

5. The quantities by weight and by number of units of waste tyres arising from tyres supplied by the producer that were reused, recovered or, as appropriate, recycled in the relevant period, in each of the categories specified in the *First Schedule*.

6. The quantities by weight and by number of units of waste tyres arising from tyres supplied by the producer disposed of or consigned for disposal in each of the categories specified in the *First Schedule* during the relevant period, and the nature of the disposal operations involved.

*PART 4* Information to be provided in a plan in accordance with the provisions of article 7(1)

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres are or will be supplied by the producer.

3. The quantities by weight and by number of units of tyres that were supplied by the producer in the calendar year prior to the date of application and substantiated estimates of the projected average life of the tyres concerned in each of the categories specified in the *First Schedule*.

4. The projected weight of waste tyres that will arise from tyres supplied by the producer in the relevant period in each of the categories specified in the *First Schedule*.

5. The projected quantities by weight and by number of units of waste tyres arising from tyres supplied by the producer that will be reused, recovered or, as appropriate, recycled in the relevant period, in each of the categories specified in the *First Schedule*.

6. The projected quantities by weight and by number of units of waste tyres arising from tyres supplied by the producer that will be disposed of or consigned for disposal in each of the categories specified in the *First Schedule* during the relevant period, and the proposed nature of the disposal operations involved.

*PART 5* Information to be provided in a report in accordance with the provisions of article 7(2)

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres were supplied by the producer.

3. The quantities by weight and by number of units of tyres supplied by the producer in the relevant period in each of the categories specified in the *First Schedule*.

4. The quantities by weight and by number of units of waste tyres arising from tyres supplied by the producer in the relevant period in each of the categories specified in the *First Schedule*.

5. The quantities by weight and by number of units of waste tyres arising from tyres supplied by the producer that were reused, recovered or, as appropriate, recycled in the relevant period, in each of the categories specified in the *First*

*Schedule.*

6. The quantities by weight and by number of units of waste tyres arising from tyres supplied by the producer that were disposed of or consigned for disposal in each of the categories specified in the *First Schedule* during the relevant period, and the nature of the disposal operations involved.

*PART 6* Persons to be provided with a copy of any plan prepared in accordance with the provisions of article 7(1) and 11(1) or, as appropriate, any report prepared in accordance with the provisions of article 7(2) and 11(2)

1. Each local authority.
2. Any approved body established in accordance with the provisions of Part VII of these Regulations.
3. Any person or persons the Minister may direct from time to time.

THIRD SCHEDULE REQUIREMENTS REGARDING NOTICES IN ACCORDANCE WITH ARTICLES 7(1), 12(1)(b), 16(1) and 25(1)(b).

*PART 1* Requirements regarding a notice in accordance with the provisions of article 7(1)(a).

A notice for the purpose of article 7(1)(a) shall—

(a) be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,

(b) be so printed in black indelible ink with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,

(c) not be obscured or concealed at any time, and

(d) state the following—

“ WASTE MANAGEMENT ACT 1996

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

and

(e) be affixed until the preparation of a subsequent report in accordance with the provisions of article 7(1)(b).

*PART 2* Requirements regarding a notice in accordance with the provisions of article 7(1)(b).

A notice for the purpose of article 7(1)(b) shall—

(a) be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,

(b) be so printed in black indelible ink with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,

(c) not be obscured or concealed at any time, and

(d) state the following—

“ WASTE MANAGEMENT ACT 1996

A report specifying the steps taken by [name of producer] for the purpose of recovering waste tyres is available at these premises or, if so requested, will be sent by post, fax or electronic mail. ”

*PART 3* Requirements regarding a notice in accordance with the provisions of article 12(1)(b)(i).

A notice for the purpose of article 12(1)(b)(i) shall—

(a) be not less in dimension than 120 centimetres in height and 90 centimetres in width or 90 centimetres in height and 120 centimetres in width,

(b) be so printed in black indelible ink with a times new roman font size of at least 96 or equivalent and line space of at least 1.5 lines on a yellow background and affixed, on a durable material, so as to be easily visible and legible,

(c) not be obscured or concealed at any time, and

(d) state the following—

“ WASTE MANAGEMENT ACT 1996

[Name of supplier] does not take back waste tyres when supplying replacements. Therefore the registered owner of the vehicle from which waste tyres arise is responsible for their disposal in an environmentally sound manner.

Dumping and burning of tyres is an offence.”

*PART 4* Requirements regarding a notice in accordance with the provisions of article 16(1)(a).

A notice for the purpose of article 16(1)(a) shall—

(a) be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,

(b) be so printed in black indelible ink with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,

(c) not be obscured or concealed at any time, and

(d) state the following—

“ WASTE MANAGEMENT ACT 1996

A plan specifying the steps to be taken by [name of authorised waste collector] for the purpose of recovering waste tyres is available at these premises or, if so requested, will be sent by post, fax or electronic mail.”

and

(e) be affixed until the preparation of a subsequent report in accordance with the provisions of article 16(1)(b).

*PART 5* Requirements regarding a notice in accordance with the provisions of article 16(1)(b).

A notice for the purpose of article 16(1)(b) shall—

(a) be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,

(b) be so printed in black indelible ink with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,

(c) not be obscured or concealed at any time, and

(d) state the following—

“ WASTE MANAGEMENT ACT 1996

A report specifying the steps taken by [name of authorised waste collector] for the purpose of recovering waste tyres is available at these premises or, if so requested, will be sent by post, fax or electronic mail. ”

*PART 6* Requirements regarding a notice in accordance with the provisions of article 25(1)(b).

A notice for the purpose of article 25(1)(b) shall—

(a) be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,

(b) be so printed in black indelible ink with a times new roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,

(c) not be obscured or concealed at any time, and

(d) state the following—

“ WASTE MANAGEMENT ACT 1996

[Name of producer, supplier or, as appropriate, authorised waste collector] participates in a scheme operated by [name of approved body] which is an approved body for the scheme for the environmentally sound management of waste tyres and therefore accepts waste tyres on these premises. ”

#### FOURTH SCHEDULE INFORMATION TO BE COMPILED AND PROVIDED BY SUPPLIERS WHEN COMPLYING WITH THE PROVISIONS OF PART III OF THESE REGULATIONS

*PART I* Information to be provided by suppliers for the purpose of registration.

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the supplier where that supplier is a company registered under the Companies Acts, or, the principal place of business of the supplier where that supplier is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres are or will be supplied by the supplier.

3. The quantities by weight or, as appropriate, by number of units of tyres that were supplied in the calendar year prior to the date of application and substantiated estimates of the projected average life of the tyres concerned in each of the categories specified in the *First Schedule*.

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

*PART 2* Information to be provided by suppliers for the purpose of renewal of registration.

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the supplier where that supplier is a company registered under the Companies Acts, or, the principal place of business of the supplier where that supplier is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres are supplied by the supplier.

3. The quantities by weight or, as appropriate, by number of units of tyres that were placed on the market in the calendar year prior to the date of application for renewal and substantiated estimates of the projected average life of the tyres concerned in each of the categories specified in the *First Schedule*.

4. The quantities by weight or, as appropriate, by number of units of waste tyres that were taken back in each of the categories specified in the *First Schedule*.

*PART 3* Information to be provided in a report in accordance with the provisions of article 10(3).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the supplier where that supplier is a company registered under the Companies Acts, or, the principal place of business of the supplier where that supplier is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres were supplied by the supplier.

3. The quantities by weight or, as appropriate, by number of units of tyres supplied by the supplier in the relevant period in each of the categories specified in the *First Schedule*.

4. The quantities by weight or, as appropriate, by number of units of waste tyres arising from tyres supplied by the supplier in the relevant period in each of the categories specified in the *First Schedule*.

5. The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recovery operators used for the treatment of waste tyres during the relevant period.

6. The quantities by weight or, as appropriate, by number of units of waste tyres—

(a) recovered by or on behalf of the supplier, and

(b) accepted by recovery operators,

in the relevant period, in each of the categories specified in the *First Schedule*.

7. The quantities by weight or, as appropriate, by number of units of waste tyres disposed of or consigned for disposal by the supplier in each of the categories specified in the *First Schedule* during the relevant period, and the nature of the disposal operations involved.

*PART 4* Information to be provided in a plan in accordance with the provisions of article 11(1).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the supplier where that supplier is a company registered under the Companies Acts, or, the principal place of business of the supplier where that supplier is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres are or will be supplied by the supplier.

3. The quantities by weight or, as appropriate, by number of units of tyres that were supplied in the calendar year prior to the date of application and substantiated estimates of the projected average life of the tyres concerned in each of the categories specified in the *First Schedule*.

4. The projected quantities by weight or, as appropriate, by number of units of waste tyres that will arise from tyres supplied by the supplier in the relevant period in each of the categories specified in the *First Schedule*.

5. The names, addresses and permit numbers of proposed authorised waste collectors or, as appropriate, recovery operators to be used for the treatment of waste tyres during the relevant period.

6. The projected quantities by weight or, as appropriate, by number of units of

waste tyres that will be—

(a) recovered by or on behalf of the supplier, and

(b) accepted by recovery operators,

in the relevant period, in each of the categories specified in the *First Schedule*.

7. The projected quantities by weight or, as appropriate, by number of units of waste tyres that will be disposed of or consigned for disposal by the supplier in each of the categories specified in the *First Schedule* during the relevant period, and the proposed nature of the disposal operations involved.

*PART 5* Information to be provided in a report in accordance with the provisions of article 11(2).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the supplier where that supplier is a company registered under the Companies Acts, or, the principal place of business of the supplier where that supplier is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at or from which tyres were supplied by the supplier.

3. The quantities by weight or, as appropriate, by number of units of tyres supplied by the supplier in the relevant period in each of the categories specified in the *First Schedule*.

4. The quantities by weight or, as appropriate, by number of units of waste tyres arising from tyres supplied by the supplier in the relevant period in each of the categories specified in the *First Schedule*.

5. The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recovery operators used for the treatment of waste tyres during the

relevant period.

6. The quantities by weight or, as appropriate, by number of units of waste tyres—

(a) recovered by or on behalf of the supplier, and

(b) accepted by recovery operators,

in the relevant period, in each of the categories specified in the *First Schedule*.

7. The quantities by weight or, as appropriate, by number of units of waste tyres disposed of or consigned for disposal by the supplier in each of the categories specified in the *First Schedule* during the relevant period, and the nature of the disposal operations involved.

*PART 6* Persons to be provided with a copy of any plan prepared in accordance with the provisions of article 11(1) or, as appropriate, any report prepared in accordance with the provisions of article 11(2).

1. Each local authority.

2. Any approved body established in accordance the provisions of Part VII of these Regulations.

3. Any person or persons the Minister may direct from time to time.

FIFTH SCHEDULE INFORMATION TO BE COMPILED AND PROVIDED BY  
AUTHORISED WASTE COLLECTORS WHEN COMPLYING WITH THE  
PROVISIONS OF PART IV OF THESE REGULATIONS

*PART 1* Information to be provided by authorised waste collectors for the purpose of registration.

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the authorised waste collector where that authorised waste collector is a company registered under the Companies Acts, or, the principal place of business of the authorised waste collector where that authorised waste collector is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at which waste tyres will be stored by the authorised waste collector or on his or her behalf.

3. The quantities by weight or, as appropriate, by number of units of waste tyres that were collected in the calendar year prior to the date of application in each of the categories specified in the *First Schedule*.

4. A copy or, as appropriate, copies of all valid permits issued in accordance with the provisions of regulations under sections 34(1) or, as appropriate, 39(1) or, as appropriate, 39(4) of the Act.

5. A copy or, as appropriate, copies of all notices issued in the calendar year prior to the date of application in accordance with the provisions of regulations under section 55 of the Act.

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

*PART 2* Information to be provided by authorised waste collectors for the purpose of renewal of registration.

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the authorised waste collector where that authorised waste collector is a company registered under the Companies Acts, or, the principal place of business of the authorised waste collector where that authorised waste collector is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at which waste tyres are stored by the authorised waste collector or on his or her behalf.

3. The quantities by weight or, as appropriate, by number of units of waste tyres that were collected in the calendar year prior to the date of application for renewal in each of the categories specified in the *First Schedule*.

4. A copy or, as appropriate, copies of all valid permits issued in accordance with the provisions of regulations under sections 34(1) or, as appropriate, 39(1) or, as appropriate 39(4) of the Act.

5. A copy or, as appropriate, copies of all notices issued in the calendar year prior to the date of application for renewal in accordance with the provisions of regulations under section 55 of the Act.

*PART 3* Information to be provided in a plan in accordance with the provisions of article 16(1).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the authorised waste collector where that authorised waste collector is a company registered under the Companies Acts, or, the principal place of business of the authorised waste collector where that authorised waste collector is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at which waste tyres are or will be stored by the authorised waste collector.

3. The quantities by weight or, as appropriate, by number of units of waste tyres that were collected in the calendar year prior to the date of application together with details of the reuse, recovery, recycling or, as appropriate, disposal of the tyres concerned in each of the categories specified in the *First Schedule*.

4. The names, addresses and permit numbers of proposed recovery operators to be used for the treatment of waste tyres during the relevant period.

5. The projected quantities by weight or, as appropriate, by number of units of waste tyres that will be accepted by each of the recovery operators concerned, in the relevant period, in each of the categories specified in the *First Schedule*.

6. The projected quantities by weight or, as appropriate, by number of units of waste tyres that will be disposed of or consigned for disposal by the authorised waste collector in each of the categories specified in the *First Schedule* during the relevant period, and the proposed nature of the disposal operations involved.

*PART 4* Information to be provided in a report in accordance with the provisions of article 16(2).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the authorised waste collector where that authorised waste collector is a company registered under the Companies Acts, or, the principal place of business of the authorised waste collector where that authorised waste collector is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at which waste tyres were stored by the authorised waste collector.

3. The quantities by weight or, as appropriate, by number of units of waste tyres collected by the authorised waste collector in the relevant period in each of the categories specified in the *First Schedule*.

4. The names, addresses and permit numbers of the recovery operators used for the treatment of waste tyres during the relevant period.

5. The quantities by weight or, as appropriate, by number of units of waste tyres accepted by recovery operators, together with details on the reuse, recovery or, as appropriate, recycling of the tyres concerned in the relevant period, in each of the categories specified in the *First Schedule*

6. The quantities by weight or, as appropriate, by number of units of waste tyres disposed of or consigned for disposal by the authorised waste collector in each of the categories specified in the *First Schedule* during the relevant period, and the nature of the disposal operations involved.

*PART 5* Persons to be provided with a copy of any plan prepared in accordance with the provisions of article 16(1) or, as appropriate, any report prepared in accordance with the

provisions of article 16(2).

1. Each local authority.
2. Any approved body established in accordance the provisions of Part VII of these Regulations.
3. Any person or persons the Minister may direct from time to time.

*PART 6* Information to be provided in a report in accordance with the provisions of article 18(3).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the authorised waste collector where that authorised waste collector is a company registered under the Companies Acts, or, the principal place of business of the authorised waste collector where that authorised waste collector is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at which waste tyres were stored by the supplier.
3. The quantities by weight or, as appropriate, by number of units of waste tyres collected by the authorised waste collector in the relevant period in each of the categories specified in the *First Schedule*.
4. The names, addresses and permit numbers of the recovery operators used for the treatment of waste tyres during the relevant period.
5. The quantities by weight or, as appropriate, by number of units of waste tyres accepted by recovery operators, together with details on the reuse, recovery or, as appropriate, recycling of the tyres concerned in the relevant period, in each of the categories specified in the *First Schedule*.
6. The quantities by weight or, as appropriate, by number of units of waste tyres disposed of or consigned for disposal by the authorised waste collector in each

of the categories specified in the *First Schedule* during the relevant period, and the nature of the disposal operations involved, in any format as may be determined by the Agency.

SIXTH SCHEDULE INFORMATION TO BE COMPILED AND PROVIDED BY  
RECOVERY OPERATORS WHEN COMPLYING WITH THE PROVISIONS OF  
PART V OF THESE REGULATIONS

Information to be provided in a report in accordance with the provisions of article 19(1)(b).

1. Name, address(es), telephone, electronic mail address and fax number of the registered office of the recovery operator where that recovery operator is a company registered under the Companies Acts, or, the principal place of business of the recovery operator where that recovery operator is any other body corporate or unincorporated body.

Name:

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

2. Location(s) of premises at which waste tyres were received, stored and reused, recovered or, as appropriate, recycled by the recovery operator.

3. The quantities by weight and by number of units of waste tyres received, stored and reused, recovered or, as appropriate, recycled by the recovery operator in the relevant period in each of the categories specified in the *First Schedule* and the nature of any disposal operations involved, in any format as may be determined by the Agency.

4. Any other information in relation to the sources of waste tyres, the management of waste tyres at authorised premises operated by the recovery operator, and the onward destination of any waste tyres removed from the authorised premises, including the name and address of any such destination whether in the State, another member state of the European Union or a third country, that the Agency may from time to time request.

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

SEVENTH SCHEDULE INFORMATION TO BE COMPILED AND PROVIDED BY

FARMERS WHEN COMPLYING WITH THE PROVISIONS OF PART VI OF  
THESE REGULATIONS

*PART 1* Information to be provided by farmers for the purpose of the registration.

1. Name, address(es), telephone, electronic mail address and fax number of the farmer.

Name:

Address:

Telephone No.:

Fax No.:

E-mail:

Herd or, as appropriate, flock No:

2. Location(s) of premises at which waste tyres will be stored by the farmer.

3. The total floor area in square metres of the silage pit or pits currently being utilised on the holding of the farmer concerned.

4. The maximum quantities by number of units of tyres that will be stored during the period of registration in categories 1 to 5 of the *First Schedule*.

5. An undertaking from the farmer concerned that the quantities to be stored shall not exceed the—

(a) maximum quantities advised in accordance with paragraph 4 and, as appropriate,

(b) quantities specified in article 23(1)(a).

*PART 2* Information to be provided by farmers for the purpose of the renewal of registration.

1. Name, address(es), telephone, electronic mail address and fax number of the farmer.

Name:

Address:

Telephone No.:

Fax No.:

E-mail:

Herd or, as appropriate, flock No:

2. Location(s) of premises at which waste tyres will be stored by the farmer.

3. The total floor area in square metres of the silage pit or pits currently being utilised on the holding of the farmer concerned.

4. The maximum quantities by number of units of tyres that will be stored during the period of registration in categories 1 to 5 of the *First Schedule*.

5. An undertaking from the farmer concerned that the quantities to be stored shall not exceed the—

(a) maximum quantities advised in accordance with paragraph 4, and as appropriate,

(b) quantities specified in article 23(1)(a).



GIVEN under my Official Seal,

27 September 2007

JOHN GORMLEY.

Minister for the Environment, Heritage and Local Government.

## EXPLANATORY NOTE

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

The Regulations impose obligations on persons who supply tyres to the Irish market, whether as retailers, importers or manufacturers and on persons who manage waste tyres. These Regulations are designed to maximise the reuse, recycling and recovery of waste tyres.

1 O.J. No. L256, 07.09.1978, p. 1

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