



Cavan County Council

An introduction to the Waste Management (Packaging) Regulations 2014 and how they apply to your business.

What is packaging and how is it produced?

'**Packaging**' means any material, container or wrapping, used for the containment, transport, handling, protection, promotion, marketing or sales of products (e.g. bottles, cans, boxes, shrink wrap, strapping, pallets, liners, fillers and raw materials such as polystyrene).

'**Producers**' of packaging are people who, in the course of business, sell or otherwise supply to others packaging material, packaging or packed products (e.g. shops, supermarkets, retailers, pubs, manufacturers, importers, fast food outlets etc.).

What does the legislation state?

Under the EU Directive 2004/12/EC, Ireland is required to achieve set EU targets in respect of the recycling and recovery of packaging waste by 2011. The Waste Management (Packaging) Regulations 2014 consolidate the previous Packaging Regulations and bring improved clarity to the packaging waste regulatory regime.

Under the 2014 Regulations, the threshold for Major Producers is 10 tonnes of packaging supplied per annum. This has been done to spread the burden of compliance more equitably across all obligated producers in light of the higher targets that have to be achieved under Directive 2004/12/EC.

What are the obligations for businesses?

Everyone has some degree of responsibility. Whether you are a small or large producer of packaging waste, all producers of packaging are obliged to segregate packaging waste on-site for recycling. The materials that must be recycled are:

Glass - Wood - Cardboard - Paper - Steel – Aluminium - Plastic & Plastic Sheeting

If you are a Major Producer, you have additional obligations. Here is a simple way to find out if you are a Major Producer. Assess your business and ask:

1. Does my business have a turnover of €1 million or more (including exports)?
 2. Does my business supply 10 or more tonnes of packaging per annum onto the Irish market?
- If the answer is 'yes' to both questions, you are a Major Producer and have additional obligations.

Still unsure?

Under the Waste Management (Packaging) Regulations 2014, Cavan County Council may require a Packaging Report from any business to assess Major Producer status. If you are unclear as to the volume of waste packaging your business produces, you may need to contact a packaging consultant to carry out a packaging audit on your business and supply a Packaging Report. An up to date list of consultants can be obtained from Cavan County Council's Waste Management Section. Contact details for the Section are listed below.

What are the compliance options for Major Producers?

A Major Producer has two options when it comes to complying with the new regulations - either join REPAK or Self Comply through registration with Cavan County Council.

1. REPAK Membership

REPAK operates a 'shared compliance scheme'. That means that when you join REPAK you will pay membership fees based on your position in the supply chain and the type and quantity of packaging you supply. Currently REPAK is the only approved body that operates a recovery scheme for major producers of packaging waste.

2. Self Compliance

If you choose not to join REPAK, you must register with Cavan County Council and implement the following steps to fulfil your obligations:

You must:

1. Apply for registration annually, in respect of each premises.
2. Pay an annual fee of €15 per tonne of packaging waste supplied. The fee is subject to the limits of €500 minimum and €15,000 maximum.
3. Provide adequate facilities for the public, free of charge, for acceptance, segregation and storage of packaging waste at your premises.
4. Importers and pack-fillers are obliged to accept/collect and recover specified weights of packaging during each quarter.
5. Submit quarterly reports on packaging received, supplied and recovered.
6. Prepare a plan specifying the steps to be taken to comply with the regulations.
7. Make the above plans/reports available to the public on request.
8. Display a notice at each entrance advertising take-back facilities.
9. Advertise take-back facilities in local papers twice yearly.
10. Arrange for the collection of packaging on request to anyone whom the Major Producer supplies.

What is the Local Authority role?

Each local authority is responsible for the enforcement of these regulations within their functional area. Under the Regulations, Cavan County Council has the general powers to inspect all business premises and to request any relevant documentation or a packaging report.

What happens in the case of non-compliance?

Failure to comply with the regulations as set out in the Waste Management (Packaging) Regulations 2014 can result in a fine and /or prosecution.

A person found guilty of an offence under the Waste Management (Packaging) Regulations 2014 shall be liable to: On summary conviction to a fine not exceeding €3,000 and /or imprisonment up to 12 months; On conviction on indictment to a fine not exceeding €15,000,000 and/or to imprisonment for up to 10 years.

Further Information

For further information please contact:

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Cavan
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www.cavancoco.ie

The information provided herein is an outline of the Regulations. It does not purport to provide a legal interpretation of the Regulations. Please note that an Irish language version of this leaflet is available on request from the Enforcement section.