

Reference Guide to complying with the Waste Management (Packaging) Regulations 2003

Introduction

The Waste Management (Packaging) Regulations 2003 came into effect on the 1st of March 2003 and superceded the same regulations from 1997. Copies of the Regulations can be purchased directly from Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2, telephone 01-6476000, or by mail order from Government Publications, Postal Trade Section, 4-5 Harcourt Road, Dublin 2.

Objective

The objective of this document is to offer some guide and direction to Repak Members, either Producers or "Major Producers", in order to comply with the requirements of the Regulations. As with most documents of this nature, it is not written with any one sector in mind and acts as a template to assist organisations.

Definition of Packaging

Directive 94/62/EC defines "packaging" as "all materials/products used for the Containment, protection, handling, delivery and presentation of goods from the producer to the end-user and consumer. It includes (i) sales/primary, (ii) grouped/secondary, and (iii) transport/tertiary packaging.

Classification & Obligations

"Producers" of packaging are organisations or individuals who in the course of business supply to others packaging material, packaging or packaged products (shops, fast-food outlets, supermarkets, wholesalers, manufacturers, importers, exporters).

"Major Producers" of packaging are suppliers who annually place more than 25 tonnes of packaging (other than packaging destined for reuse or export) on the Irish market per annum and who have an annual turnover of more than €1m.

For the purpose of determining whether or not a producers is a major producer –

- (1) The turnover of the producer concerned shall be the turnover derived from the producer's activities within the State (including the export of goods and services);
- (2) Account shall be taken of packaging (not being packaging destined for reuse) supplied to consumers in association with goods sold and consumed, or intended for consumption, on a producer's premises
- (3) Account shall be taken of packaging (not being packaging destined for reuse) in the form of multi-unit containers which are used to facilitate the sale and consumption of goods on a producer's premises

Primary Obligations on all Producers

- (1) A Producer shall ensure that specified packaging waste (**aluminium, fibreboard/cardboard, glass, paper, plastic sheeting/shrink/stretchwrap, steel and wood**) arising on the producer's premises (including back-door waste) is separated at source by material type and collected by or on behalf of, the producer, or by a recovery operator (waste contractor) for the purposes of recovery (including recycling)
- (2) A Producer in the case of other packaging waste arising on the producer's premises (including back-door waste) is collected by, or on behalf of, the producer, or by a recovery operator, for the purposes of treatment, recovery or disposal

The requirements of the above shall not apply to specified packaging waste which is contaminated so as to pose a risk to the health of any person

Note: It is an offence to deliberately contaminate specified packaging waste

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

A producer shall ensure that the recovery operator (waste contractor or local authority) holds all necessary licences or permits or is otherwise exempt from the requirement to hold a permit or licence.

In a prosecution for the contravention of the above, it shall be good defence to prove that the producer took all reasonable steps, including the making of reasonable enquiries, in order to establish that the recovery operator held all the necessary licences or permits.

A Producer or Major Producer, who is a Repak member shall fix and maintain in a conspicuous position at or near each entrance to a premises to which members of the public have access and at or from which such major producer supplies packaging material, packaging or packaged products, a notice complying with the requirements.

This notice shall not be less than 40 centimetres in height and 30 centimetres in width (A3), printed on a durable material, so as to be easily visible and must state the following

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

Quick Checklist

Specified Packaging Segregation: If the materials below appear in your waste stream and are not contaminated, they must be segregated and made available for recycling

- | | |
|-------------------------|--------------------------|
| Glass | <input type="checkbox"/> |
| Fibreboard | <input type="checkbox"/> |
| Plastic Sheeting | <input type="checkbox"/> |
| Steel | <input type="checkbox"/> |
| Aluminium | <input type="checkbox"/> |
| Wood | <input type="checkbox"/> |
| Paper | <input type="checkbox"/> |