



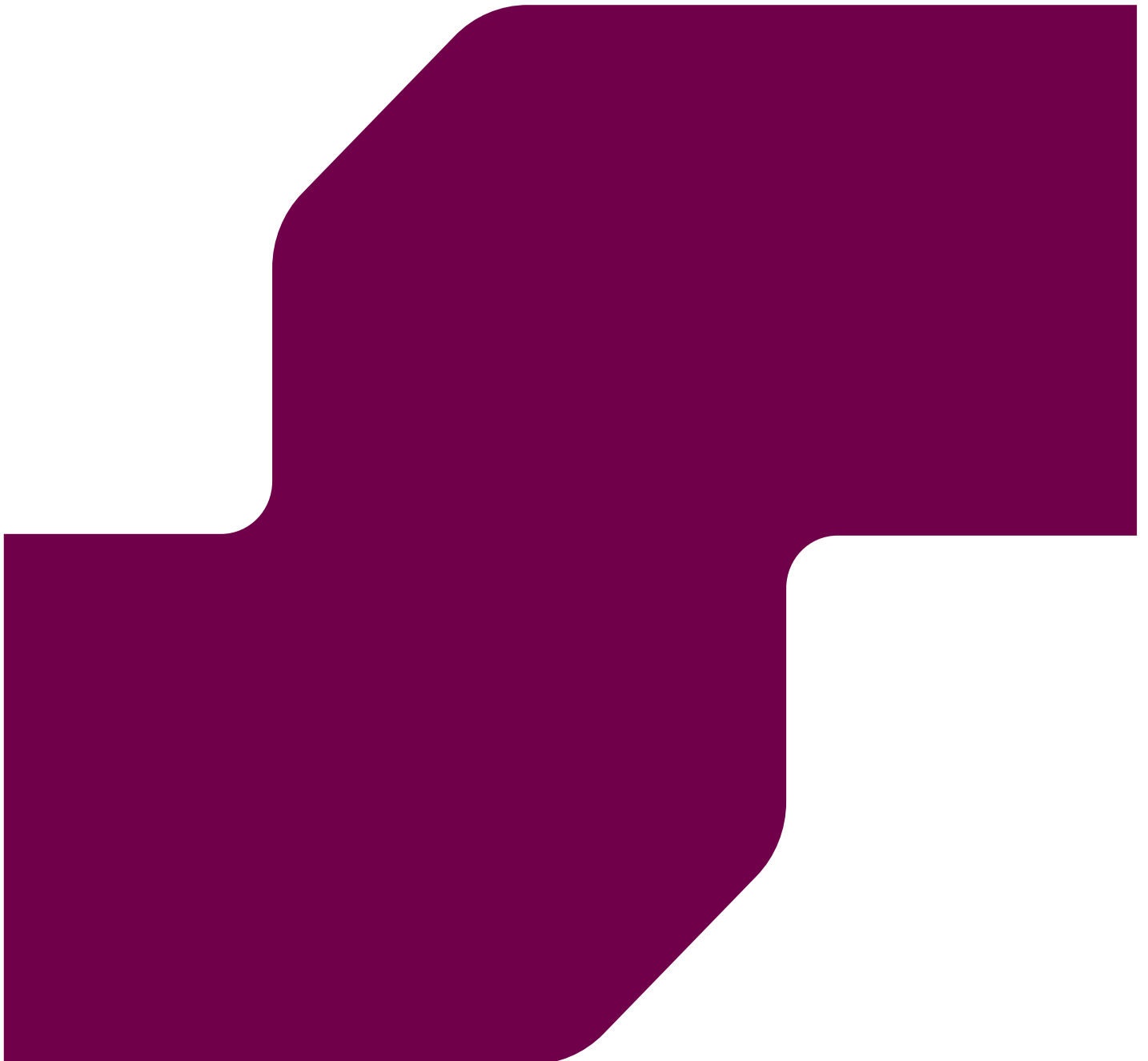
Cumann Lucht Bainistíochta Contae agus Cathrach  
County and City Management Association

**Regional Waste Management Planning Offices/Waste Enforcement Lead  
Authorities/National Waste Collection Permit Office Submission  
on behalf of the County & City Management Association  
to the  
Department of Communications, Climate Action & Environment  
*on the Waste Action Plan for a Circular Economy***

**21<sup>st</sup> February 2020**

# WASTE ACTION PLAN FOR A CIRCULAR ECONOMY

Consultation Response from the Regional Waste Management Planning Offices and Waste Enforcement Regional Lead Authorities



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## SUMMARY OF KEY ACTIONS

In December 2019, the Department of Communications, Climate Action and Environment (DCCAE) published a public consultation document on the development of a new Waste Action Plan for Ireland as part of the move to a more Circular Economy.

This consultation response has been prepared as the combined view of the Eastern-Midlands, Southern and Connaught-Ulster Regional Waste Management Offices (RWMO) and the Waste Enforcement Regional Lead Authorities (WERLA) on behalf of the local authorities. These groups, referred to as the Regional Waste Offices (RWO) throughout this document, have prepared this single written response to the questions raised in the consultation document. The RWO request that DCCAE take the views and recommendations expressed into account in the preparation of the new Waste Action Plan.

A key issue throughout the response relates to fragmentation in the regulation of waste within the State in particular within the areas of enforcement, reporting, behaviour change and awareness/education. The RWO believe that with such fragmentation there is an ongoing risk of a divergent approach or duplication of effort between bodies in these areas. As such, a key requirement of the new Waste Action Plan will be the consolidation of the institutional arrangements to assign clear responsibility to the appropriate regulatory body for each action. In this regard, the RWO believe that the local authorities, represented by RWOs, are ideally positioned to undertake a greater role within these areas and the role of the local authorities should be greatly enhanced in any new Waste Action Plan.

In broader terms, while individual questions are answered in this response, the following question is repeated throughout the DCCAE consultation document:

*Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?*

The RWO stresses that Ireland's transition to a circular economy needs to accelerate to ensure that the State can achieve the mandatory European targets. This journey requires significant decisions to change the current predicted trajectory on a range of waste issues. The following are the key actions which the RWO recommend for inclusion in the future Waste Action Plan. These actions are the outputs from a series of collaborative policy workshops attended by RWO staff. For clarity the actions have been grouped with headline issues strongly recommended for inclusion into the final action plan supported by enabling and intervention actions.

### Headline Issues

- It is recommended that a review of the institutional arrangements relating to the prevention, management and regulation of waste is undertaken to identify and remove inefficient overlap and duplication of responsibilities. A lead authority needs to be identified for specific areas such as waste prevention and waste data with clear responsibilities for delivering actions and targets. The role of the RWO needs to be properly recognised and its objectives, in terms of waste management, better defined.
- The waste prevention targets and objectives, including those of the NWPP, should be fully integrated into the next generation of Waste Plans to highlight the primacy of prevention in the hierarchy and the waste management plans and the National Waste Prevention Programme (NWPP) should be part of the same coordinated strategy. The RWO propose that waste prevention target strategies are incorporated into the new plan for residual waste and municipal waste.
- It is recommended that a single statutory national waste management plan is prepared to replace the three current plans. This plan will contain the statutory requirements and targets for the prevention, reuse, recycling, recovery and disposal of non-hazardous wastes.
- It is recommended that a significantly funded national awareness and behavioural change campaign is developed focusing on supporting the actions required to transition to a circular economy. Such a campaign needs to have a 10-year timeline to 2030 with dedicated annual funding. A future campaign should be multi-faceted consisting of tailor-made programmes for specific sectors/streams such as small business, bulky waste, etc.

- It is recommended that a true incentivised pay by weight charging scheme for householders and commercial sector is introduced to support municipal waste reduction and grow the rate of recycling. It is recommended that measures are introduced to remove flat rate charging (in any form) and modify the monthly weight allowances.
- It is recommended that a review of apartment waste collections is undertaken with the purpose of removing current barriers by the introduction of a minimum three bin, pay by weight system at complexes. Mandatory guidelines for the storage (in apartments and on the grounds of complexes) and management of waste at complexes should be introduced for new developments. Waste Operators should treat the collection of waste from apartments as household waste and not commercial waste collection.
- It is recommended that the rollout of household brown bins is extended to all households in areas of <500 persons with minimum exceptions. Innovative and alternative collections systems are to be introduced to service terraced and multi-storey dwellings.
- It is recommended that the rollout of brown bins to commercial customers is supported by amending the enabling regulations requiring the implementation of pay by weight charging systems and the issuing of fixed penalty notices (FPN) for offences.
- It is recommended that Civic Amenity Sites be developed to facilitate local closed loop systems by accepting bulky, electronic and other materials for the purpose of future refurbishment, repair and reuse. Future activities which enable reuse can be facilitated on or off-site through specific arrangements with local social enterprises, charities or businesses.
- It is recommended that an economic regulator is established to provide a range of oversight and market controls including minimum incentivised charging, levies, competition analysis, consumer rights and data protection.
- It is recommended that the current licensing agreement conditions between the State (DCCAE) and key EPR operators (particularly REPAK, WEEE Ireland & ERP) are amended to require scheme retailers and manufacturers to modify existing practices, facilitate reuse (and preparation for reuse) of products and reduce the quantity of single use/unsustainable packaging waste placed on the market.
- It is recommended that enforcement measures and penalties under the Waste Management Act for waste offences are reviewed, including the expansion of fixed penalty notices (FPN) and adjusted as required to ensure greater clarity on offences and their consequences as well as supporting improved consistency in judgements across the judiciary.

## Important Enablers

- It is recommended that the kerbside bin system is expanded to allow for better segregation of mixed recyclables to improve the quality of materials. The options for consideration should include measures such as a fourth bin, an inner bag/vessel or split bins or any other best practice measure to help segregate these waste streams at source.
- It is recommended that the capacity resourcing of by-products and end of waste are increased significantly to develop the necessary guidance and protocols to remove capacity bottlenecks. These levers have the potential to transition substantial volumes of construction and demolition waste from waste to valuable products.
- It is recommended that a review of the application of Article 24 exemptions in other EU Member States is undertaken to allow for a better understanding of this mechanism and future uses in Ireland.
- It is recommended that the NWCPO data system is developed into the national waste data repository and management system for the collation of waste data from all collectors, facilities and exporters. This move will deliver efficiencies in terms of data sourcing, processing, validations and reporting, including the EPA waste licence data and will require the remit of the NWCPO to be expanded.
- It is recommended that research on the textile sector in Ireland is undertaken to examine waste volumes, reuse activities, indigenous recycling, exports, the potential for a producer responsibility scheme and economic incentives.
- It is recommended that enhanced training, tools and guidance, in the form of off the shelf green procurement criteria, for different sectors and services, are developed to support the delivery of

sustainable products and project outcomes. The public sector needs to be mandated to deliver on green procurement and annual reporting on performance needs to be introduced. There is a need embed conscious consumerism in the public sector with 'do we need to buy it ' and 'do we need to buy new' at the core of procurement policy.

## Interventions

- It is recommended that planning legislation is amended to make the preparation of pre-planning construction and demolition waste plans a mandatory requirement for all development requiring planning consent. Planning consent documentation must similarly contain construction and demolition waste management conditions to ensure the delivery of the plan submitted.
- It is recommended to ban non-reusable single use plastic (SUP) beverage containers and introduce a levy on similar items such as take away containers, plastic bottles and other SUP items.
- It is recommended that a levy on virgin aggregate materials and mixed C& D skips is introduced to support better segregation and prevention of construction and demolition waste.
- It is recommended that mandatory prevention and resource productivity/efficiency targets are introduced for priority waste streams.
- It is recommended that low carbon waste infrastructure development fund is introduced to support the construction and operational costs of indigenous reuse and recycling infrastructure which will support Ireland's transition to a circular economy.
- It is recommended that an accessible circular economy research fund targeted at short-term focused topics is established to support the selection of real-world solutions.

# 1 INTRODUCTION

RPS has been engaged by the combined Eastern-Midlands, Southern and Connaught-Ulster Regional Waste Management Planning Offices (RWMO) and the Waste Enforcement Regional Lead Authorities (WERLA), hereby referred to together as the Regional Waste Office (RWO) on behalf of the Local Authorities, to facilitate the preparation of a response to the Department of Communications, Climate Action and Environment's (DCCAIE) public consultation on the development of a new Waste Action Plan for Ireland as part of the move to a more Circular Economy.

The consultation opened on the 30<sup>th</sup> December 2019 and closes on the 21<sup>st</sup> February 2020 and to aid the consultation, DCCAIE has prepared a consultation document posing a range of questions through 21 separate topics. This consultation response addresses the questions and topics relevant to RWO and provides additional comments as appropriate throughout.

The RWO are available as required to elaborate further on the views expressed within this document and to provide any additional information required by DCCAIE to aid the consultation.



## 2 INSTITUTIONAL ARRANGEMENTS

A review of the existing institutional arrangements should be undertaken to inform the plan on identifying the most effective framework and lead body for the delivery of waste management actions and targets and the key role of the RWO and local authorities.

The waste prevention targets and objectives, including those of the NWPP, should be fully integrated into the next generation of Waste Plans to highlight the primacy of prevention in the hierarchy and the waste management plans and the National Waste Prevention Programme (NWPP) should be part of the same coordinated strategy.

It is recommended that the three Regional Waste Management Plans evolve into a single national plan while retaining the regional implementation infrastructure.

The RWO support the establishment of economic regulator as recommended by Competition and Consumer Protection Commission (CCPC) to support the waste management sector.

### 2.1 Summary of Current Institutional Arrangements

In order to fully present the concerns relating to the current institutional arrangements within the sector, a short outline of the existing arrangements is provided for context. This section outlines the existing roles and responsibilities of the regulatory bodies involved in the delivery of waste management in Ireland. **Figure 2.1** illustrates the national organisational arrangements for the coordination of the implementation of the Regional Waste Management Plans.



**Figure 2-1 National Coordinating Structures**

#### 2.1.1 Department of Communications, Climate Action and Environment

The role of the Department of Communications, Climate Action and Environment (DCCAE) is to provide the policy and legislative framework within which the objectives, policies, actions and targets of the waste action plans can be set. The role of the DCCAE also includes:

- Participate in the National Coordination Committee for Waste Management Planning (NCCWMP);
- Monitor, review and modify legislation as required over the period of the waste action plans;
- Monitor existing compliance schemes and facilitate the development of new schemes as required;
- Advise and guide lead and local authorities with regard to the implementation of the waste action plans;

- Support regional structures for the implementation of the waste action plans;
- Support national, regional and local waste enforcement arrangements as agreed by the County and City Management Association (CCMA) and the regions; and
- Support the operation of local waste infrastructure as operated by individual local authorities.

### **2.1.2 Environmental Protection Agency**

The EPA has a wide range of statutory duties and powers under the Environmental Protection Act 1992, the Waste Management Act 1996 and the Protection of the Environment Act 2003. Responsibilities of the EPA in relation to waste management include:

- Participate in the NCCWMP;
- Formulation of National Waste Prevention Plan (NWPP) and operation of Local Authority Prevention Network (LAPN);
- Formulation of the National Hazardous Waste Management Plan;
- Collation, analysis and reporting of national waste statistics;
- Publication of the National Waste Report;
- Licensing of large waste management facilities;
- Waste enforcement functions;
- Promotion of environmental best practice and circular economy developments;
- Auditing and reporting on the performance of local authorities in respect of their waste management responsibilities; and
- Assistance to local authorities in respect of enforcement.

### **2.1.3 National Waste Collection Permit Office**

The responsibilities of the National Waste Collection Permit Office (NWCPO) include the participation in the NCCWMP and working with the three regions and local authorities within each region to develop standard mandatory conditions and local discretionary conditions.

However, the main role of the NWCPO is to process all new and reviewed Waste Collection Permit (WCP) applications and the annual reporting of waste statistics from waste collections in all regions.

The NWCPO also maintains the national register for Waste Facility Permits (WFP) and Certificates of Registration (CoR) issued by all Local Authorities.

The office also hosts the National Annual Returns database for all WCPs, WFPs and CoRs within the State.

### **2.1.4 Regional Waste Management Offices**

The role of the Regional Waste Management Offices (RWMO) are:

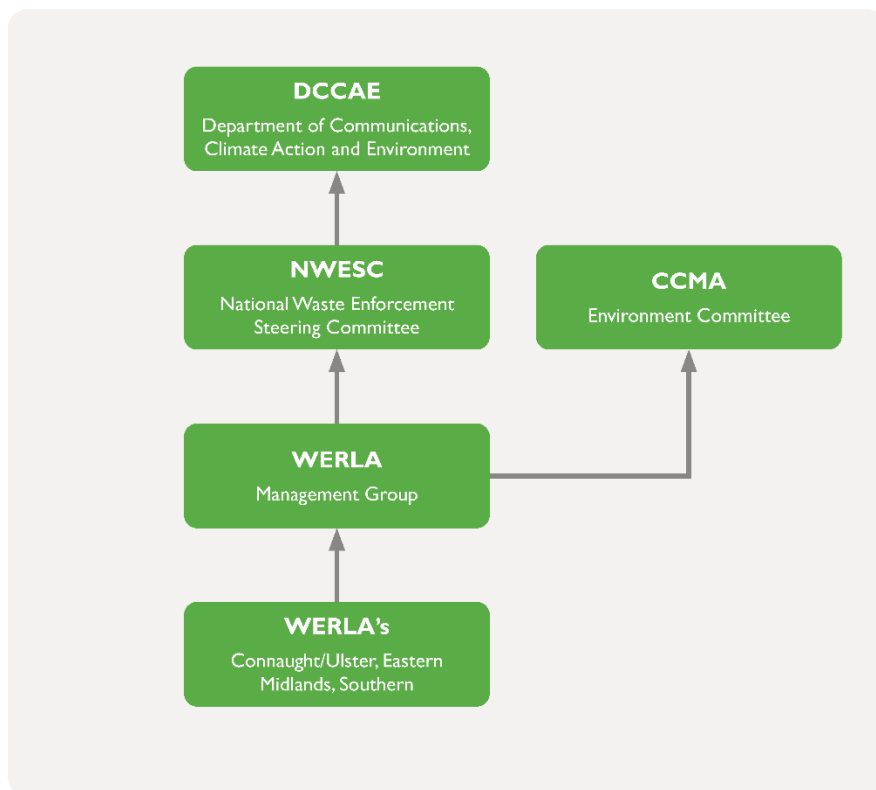
- To facilitate and service the regional waste steering committee in the implementation of the objectives set out in the Waste Management Plan 2015 - 2021. To develop a prioritised programme of objectives, targets and key performance indicators to ensure that the aims of the Plan are delivered;
- To assist, facilitate and coordinate, in partnership with the member local authorities, the implementation of the objectives, policies, actions and targets of the Plan;
- To monitor capacity needs for municipal & C & D waste streams on a quarterly basis;
- To collate waste data statistics and key performance statistics for the Regions;
- To rollout the historic landfills roadmap;
- To prepare annual reports as required for the region, reporting on performance under each of the policy headings contained within the Plan;

- To maintain and establish task groups on specific issues when required;
- To prepare applications for grant assistance for regional projects;
- To identify, coordinate and facilitate the training needs of the region to ensure effective implementation of the Plan;
- To prepare, procure, design and run National Campaigns in conjunction with other stakeholders – funded by DCCAE;
- To proactively promote prevention, minimisation, re-use and recycling of waste in accordance with the waste hierarchy and in association with industries, businesses, other statutory and non-statutory agencies; and
- To foster community awareness of waste management issues in association with the Environmental Awareness Officers in each of the member local authorities.

### 2.1.5 Waste Enforcement Regional Lead Authorities

The Waste Enforcement Regional Lead Authorities (WERLA) have responsibility for coordinating waste enforcement actions within regions, setting priorities and common objectives for waste enforcement, ensuring consistent enforcement of waste legislation across the three existing waste management planning regions while still leaving local authority personnel as first responders on the ground to specific breaches of waste legislation. The WERLAs facilitate more streamlining of the tasks currently undertaken in waste enforcement.

The work of the WERLA is overseen by a National Waste Enforcement Steering Committee (NWESC) chaired by DCCAE which includes other national enforcement authorities. National waste enforcement priorities are set by DCCAE with input from members of the NWESC and drive consistency at a central level. The governance structure of the WERLAs is shown in **Figure 2.2**.



**Figure 2-2 WERLA Governance Structure**

The WERLAs are also members of the Industry Contact Group along with DCCAE and other regulatory authorities

In 2020, the role, capacity and responsibilities of the WERLA will be enhanced to position the local authority sector to better to respond to emerging and priority enforcement challenges.

## **2.1.6 Local Authorities**

Local authorities have an obligation under Section 33 of the Waste Management Act 1996 to collect or to arrange for the collection of household waste within their functional areas. Local authorities continue to provide waste management infrastructure such as bring centres and civic amenity sites (CAS). The role of local authorities has evolved and the principal areas of activity are now regulatory, educational, and enforcement related. The role of local authorities is varied and the main sectoral roles are outlined in the following paragraphs.

### **Waste Planning**

- Participation in the regional waste steering committee for the preparation and implementation of the Waste Management Plan;
- Planning and development of waste infrastructure either directly or indirectly as required by the Waste Management Plan;
- Ensuring through the planning process that appropriate waste systems are incorporated into all developments and that wastes arising from such developments are appropriately managed; and
- Application of the relevant environmental and planning legislation to waste projects which may have a significant impact on European sites in order to protect the environment/human health from the adverse impact of waste generated.

### **Waste Prevention**

- Participation in the Local Authority Prevention Network (LAPN);
- Support business and in particular SMEs in the prevention of waste through specific projects;
- Prevent food waste by working with the Stop Food Waste campaign;
- Work with events and festivals to prevent waste through the 'green your festival' initiative;
- Support communities through Tidy Towns waste prevention initiatives by providing guidance and awareness regarding best practice for prevention and minimisation;
- Support and encourage behavioural change throughout the community to promote resource efficiency;
- Implement green procurement;
- Segregate waste in-house and promote resource efficiency with all staff; and
- Act as resource efficiency exemplar in the business community.

### **Waste Regulation and Enforcement**

The primary objective of local authorities in terms of waste enforcement is to achieve regulatory compliance in relation to waste activities in the local authority's functional area. This covers a wide range of roles but can be grouped into the following categories:

- Regulatory enforcement;
- Addressing unauthorised waste activities;
- Fly-tipping;
- Complaints; and
- Issuing authorisations under the WMA.

### **Waste Data Management**

- Manage, validate and collate the WFP AER data;

- Validate the WCP Annual Environmental Report (AER) data, in conjunction with the RWOs;
- Prepare annual reports for the EPA such as the RMCEI report; and
- Input data regarding authorised sites on relevant databases.

### **Waste Infrastructure**

- Facilitate the provision of waste management infrastructure as required by Waste Management Plan;
- Encourage sustainable waste management infrastructure/technology in keeping with the waste hierarchy and self-sufficiency principle; and
- Encourage and support the provision of waste infrastructure using partnership and social economy models.

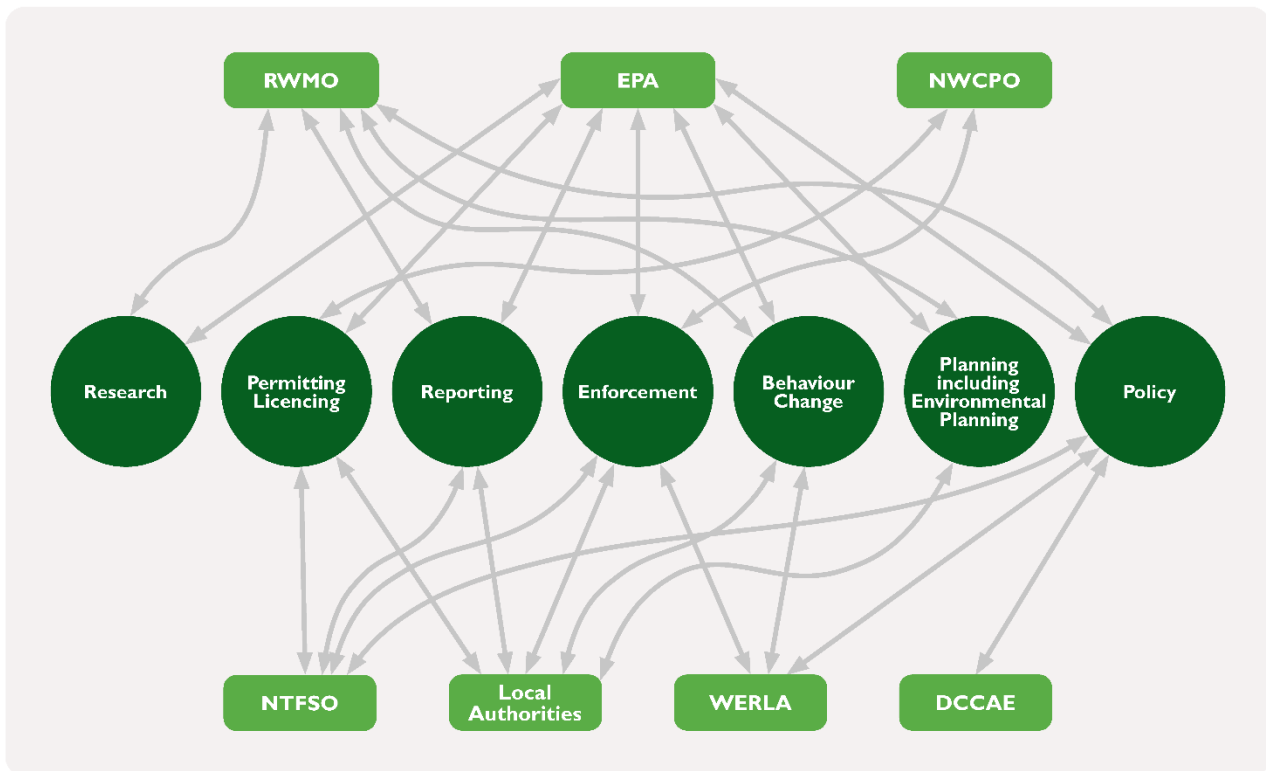
## **2.1.7 National TransFrontier Shipment Office**

The National TransFrontier Shipment Office (NTFSO) is the national competent authority for administering and enforcing the Waste Management (Shipment of Waste) Regulations 2007 (S.I. No 419 of 2007) and Regulation EC 1013/2006 of the European Parliament. The Regulations empower the NTFSO to supervise and monitor the shipment of waste and prevent illegal shipments for the protection of the environment and human health. The role of the NTFSO is to:

- Ensure all waste exports and movement hazardous waste within the state are carried out in accordance with the Regulations;
- To maintain all necessary documentation;
- To liaise with the Regional Waste Management Office (RWMO) and local authorities in relation to any issues arising from the export or import of waste; and
- Participation in the NCCWMP.

## **2.1.8 Current Institutional Overlap**

**Figure 2.3** presents a mapped summary of the overlap between the various institutions engaged under the broader waste management remit within Ireland. The figure illustrates that there are currently a number of bodies operating with a similar remit and while in some cases the delineation of responsibility is clear (e.g. licensing/permitting), for other areas such as reporting and behaviour change, there is less clarity on responsibility and a lack of coordination between the bodies.



**Figure 2-3 Overlap in Primary Responsibilities of the Institutions**

## 2.2 Consultation Questions on the Institutional Arrangements

### 1. How are the current institutional waste prevention and management arrangements working and how could they be improved in your opinion?

The RWO consider that the current institutional waste prevention and management arrangements as outlined can be modified to operate more effectively under the new plan. As shown in **Section 2.1** and illustrated in **Figure 2-3**, there can be a lack of clear separation between the regulatory bodies on a number of related waste activities. As a result, there is a risk that there could be a divergent approach or duplication of effort between bodies and this needs to be resolved under the new plan.

As an example, in relation to waste prevention the National Waste Prevention Programme (NWPP) stands separate to the Regional Waste Plans. This can result in overlap on implementation of waste prevention activities and a lack of certainty over which body has lead responsibilities for prevention activities. This has impacted on the delivery of the national prevention target for household waste which has been in the statutory regional waste plans since 2015. The lack of focus on delivering this statutory target is also an example of disconnect between regulatory bodies on this critical issue. A primary body and mechanism responsible for prevention activities should be established under the new plan.

The RWO believe that a more unified approach is required in order to deliver the statutory Waste Plan targets (which are linked to European targets). A full review of governance structures for waste prevention is recommended to ensure coordination of efforts minimise divergence and duplication of effort. This review is required before DCCAE can move on to the circular economy action plan delivery phase.

The RWO consider that the National Coordination Committee Waste Management Planning (NCCWMP) has been an important enabler of waste plan actions and needs to be retained. Such a group is imperative to the coordination of the various regulatory bodies relevant to the plan.

In a bid to improve better collaboration, the RWO propose a restructuring of the national Waste Plans to incorporate the National Waste Prevention Programme. A National Waste Prevention and Waste Management Plan offers the potential to set out a strong framework which covers every tier of the waste

hierarchy reflecting the direction of travel and all activities underway (regardless of the implementation body). This approach reflects Government's preference for a single strategy approach for many critical issues. As an example, the Climate Action Plan sets the DCCAE as the chair for the implementation and assigns other leads and responsibilities accordingly to different bodies. The new Waste Action Plan in a Circular Economy should be structured similarly with clear responsibility. For example, a Circular Economy Action Group may be established as the chair with a cross cutting function for implementation.

Current arrangements on national waste reporting are not satisfactory and require an urgent review under the plan. This is addressed in greater details in **Section 17**. The RWO recommend the development of enhanced data and intelligence sharing via technological instruments such as the IMPEL 'Lifesmart' project for sharing of timely data and intelligence by all stakeholders to identify areas of concern, close gaps and generate waste crime intelligence.

While the RWO note the existence of the national strategic communication group, where targeted campaigns can be coordinated, this has not been successful, and a review of this arrangement is required. Further details are presented under Citizen Engagement in **Section 8**.

**2. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

The RWO support the establishment of economic regulator as recommended by Competition and Consumer Protection Commission (CCPC) to support the waste management sector, further details are provided in **Section 19**.

### 3 MUNICIPAL (HOUSEHOLD AND COMMERCIAL) WASTE

The key recommendation for the municipal waste sector is for the implementation of a properly incentivised payment scheme for householders and the commercial sector to reduce waste generation and grow recycling. It is also recommended that measures are introduced to remove flat rate charging (in any form) and modify the existing monthly weight allowances.

Other key actions required include:

Implementing a review of apartment waste collections with the purpose of introducing a minimum three bin pay by weight system at complexes.

Extending the roll of household brown bin to all households, including city terraced housing and apartments, with minimum exceptions.

Driving the rollout of the commercial brown by amending the regulations requiring pay by weight system and allowing for the issuing of fixed penalty notices (FPN) for offences.

Expansion of the kerbside collection system to allow for better segregation of mixed recyclables to improve the quality of materials. Options for consideration should include measures such as a fourth bin, an inner bag/vessel or split bins and/or any other best practice measures to help segregate these waste streams at source.

For the new plan to transition fully to a circular economy model, it needs to prioritise prevention and setting national waste prevention (or resource productivity) targets for key waste streams is imperative. The RWO propose that waste prevention target strategies are incorporated into the new plan for residual waste and municipal waste.

#### 3.1 Municipal Waste

Pay by weight bin charges were due to become compulsory in Ireland back in July 2016 – but those changes were suspended for a year after concerns were raised in relation to collectors raising prices. The government agreed to suspend the introduction of pay by weight charging for 12 months until July 2017.

In July 2017 the DCCAE announced that there would be no enforcement of a Pay by Weight system but that (annual) flat rate bin charges would be banned.

As an alternative to the flat rate bin charges, waste collectors devised a range of payment methods such as standing charges, pay per-lift, pay per-kilogramme, pay by weight-bands and weight allowance charges. Standing charges were allowed but the collectors had to incorporate a charge that relates to the volume of waste generated. In reality, there was no significant change to the charging structure and the existing payment schemes are not fit for purpose in incentivising householders to reduce waste volumes.

The RWO note that the implementation of the current model in 2017 was the least disruptive model for the industry which did not result in incentivised charging to prevent waste and promote recycling correctly.

#### **3. What further measures should be put in place by Government, regulatory authorities (EPA, local authorities, etc.) and industry stakeholders in order to promote and incentivise waste prevention and improve proper segregation and recycling of waste by both households and businesses?**

The RWO support the majority of the policy options outlined in Sections 3.5 and 3.6 of the DCCAE consultation document. However, in order to implement the targets that are proposed to be set in Waste Collection Permits, there needs to be absolute clarity as to what constitutes recycling. For example, some operators collect garden (green) waste (separately) while others do not, and these nuances can have a significant impact on recycling rates. Incentives for the management of green waste at source (such as home composting) should be considered.

Mandatory unit-based charging and the removal of flat charging systems is required to improve prevention and recycling. Current incentivised charging structures for households are too varied and subjective.



Structures need to be more streamlined and transparent to allow households to determine clear cost benefits and have clarity with regards to enforcement.

It is considered that the collector's preference would be to retain the existing charging arrangements and there would be limited appetite for changing the existing charging structures. As such, a radical intervention is required that incentivises or directs the collectors to modify the existing charging regimes.

It is recommended that an independent review is undertaken to assess incentivisation and make recommendations. This could be implemented and monitored by a statutory economic regulator if established, refer to **Section 19** for more details.

#### **4. What measures or practices are currently in place that could be improved?**

Note the issues outlined in the previous question with respect to current incentivised charging structures for households. In addition, a price monitoring group should be tasked with make recommendations for best practice in terms of incentivisation and these recommendations overseen by an economic regulator.

Brown bin roll out for household and commercial sectors needs to be improved. Brown bins must be mandatory for all households including apartments with minimum exceptions. Options for servicing terraced housing in cities and urban centres need to be explored such as small bin/caddy collection systems appropriate for households. It is recommended that the commercial food waste regulations be amended to require Pay by Weight to place an onus on the collectors to provide the food waste bins. Consideration to be given to a fixed penalty notice (FPN) where the bin has not been provided by the collector. Similarly, FPNs for commercial businesses generating waste where it is clear there is no segregation taking place.

The RWO recommend that waste collection companies improve the communication methods with customers to encourage segregation and recycling. This messaging needs to be clear and unambiguous for all householders and be led by RWOs.

#### **5. What other new measures or practices could be put in place?**

As per the comments raised by the RWO in the consultation response to the DCCAE on the review of the Environment Fund in December 2019, the RWO recommend that a levy is imposed on residual municipal waste recovery as a mechanism to incentivise households, commercial customers and collectors to greater waste prevention. As part of that consultation response, the RWO proposed that a levy of €5 per tonne is considered appropriate for residual MSW to include both recovery at waste to energy plants, co-incineration at cement plants and waste export.

The RWO recommend that waste collection companies provide standard bins that are suitably sized to incentivise prevention and recycling. These should include small residual bins and larger segregated recycling bins with compartments, etc. in the future. The sizes of bins should be specific to the property-type (house, terraced house, apartment, etc.).

#### **6. What do you see as the barriers/enablers to these measures?**

It is recommended that there are revised Waste Collection Permit (WCP) conditions for collectors designed to meet municipal waste recycling targets. There is a need for a more proactive approach by waste collectors to drive awareness. This can be enforced through the imposition of penalties on customers for poor segregation by the authorised waste collectors or by using the waste management/presentation bye-laws.

#### **7. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

The wider sustainability of the carbon/environmental impact of the green bin collection life cycle needs to be established to better clarify the full implications on the collection system. This includes the carbon impact of transporting the waste as well as the wider social and economic impact at the destination of this waste stream.

For the new plan to fully move to a circular economy model, the plan needs to prioritise prevention and setting a national waste prevention target for key waste streams is imperative. The RWO propose that the following waste prevention target strategies are incorporated into the new plan:

- A residual waste reduction target benchmarked against a given base year; and
- A total municipal waste reduction target benchmarked against a given base year.

## 3.2 Household Waste

### 8. Is incentivised charging working in your opinion? Are households being financially incentivised to prevent waste and recycle correctly through the 3-bin system?

The RWO do not believe incentivised waste charging is currently working in Ireland. There is not a proper incentivised charging structure in Ireland due to the continued use of flat charges coupled with the large waste allowance in place for customers on pay by weight. The existence of the flat annual or monthly charge needs a complete ban to ensure a fully functioning incentivised charging structure is in place. Current incentivised charging structures for households are too varied and subjective and result in flat annual or monthly charges. These structures need to be more streamlined and transparent to allow households to understand the cost benefits and enforcement issues.

The distribution of costs must be clearly stipulated at source in order to ensure that the management costs are fully covered and that they are equitably distributed among users.

It is recommended that an independent review is undertaken to assess the optimum approach for incentivisation in Ireland and make recommendations which could be implemented on a statutory footing and monitored by an economic regulator.

### 9. Would an incentive scheme which compared your performance on how you generate and recycle your household waste with your area / county etc change your waste management behaviour?

Yes, but such an approach would likely result in only marginal gains and may add additional and unnecessary complication to the process. If progressed this would need to present to householders how the desired behaviour (such as recycling more through the kerbside bins) can deliver significant savings on an annual basis.

### 10. What role should Civic Amenity Sites (local recycling centres) play? Should there be a standard service across all Civic Amenity Sites (CAS), such as the waste streams they accept? Should CAS accept general waste or only recyclables? Should CAS be used to provide more reuse opportunities, e.g. areas dedicated to exchange and upcycling? If so, how should this be funded?

The RWO are currently coordinating a review of CAS which will outline recommendations for the future needs and use of CAS in Ireland.

The RWO believe that facilities identified as CAS must operate to a minimum standard of service in terms of materials accepted, accessibility, charging, awareness, cost recovery and supporting a transition to a circular economy. The final report is due to be issued in March 2020 and will set out recommendations in each of these areas.

The RWO believe that CAS play a crucial role in the collection of non-kerbside waste materials such as hazardous waste, bulky waste, etc and that cost recovery levels must improve.

The RWO believe that CAS have a crucial role in enabling greater material reuse through the provision of reuse facilities on-site. A minimum operating standard for future CAS must consider including the provision of handling and storage facilities to encourage reuse and repair either on-site or off-site.

### **11. What can be done to improve recycling (including organic waste) in apartment complexes?**

The RWO state the following can and should be done at apartment complexes to improve recycling in line with the fact that separate collection of organic waste will become mandatory in the EU in the near future:

- Mandated brown bin collection to every apartment complex;
- Ensure correct waste storage infrastructure both inside apartment kitchens and outside at communal bins is addressed at the planning stage to allow for proper segregation for future builds;
- Implement the findings and suitability assessment approach outlined in the EPA funded research Organic Waste Management in Apartments (2008);
- Research how existing apartment complexes can be retrofitted with infrastructure;
- Establish a regional task force to work over a 5-7 year timeline to make apartment management companies compliant;
- Change the classification and management approach to apartment waste to better reflect the household kerbside system. The current approach, which aligns itself to commercial waste, is not serving the residents of apartment complexes well; and
- Incentivised charging for apartments by decoupling waste management costs from general management fees and put in place a system to allow for incentivised segregation. Responsibility for management companies to provide three bin service and penalties for lack of compliance. The use of electronic incentivised waste data systems, such as a swipe card system to access communal waste bins, are common in European and need to be trialled and introduced in Ireland.

### **12. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

The RWOs are in favour of introducing a levy on residual waste (as per the response to **Question 5**) and the introduction of more fixed penalty notices (FPN) for offenders.

There is an opportunity to tie the Waste Action Plan with the National Climate Action Plan and the Local Authority Climate Change Adaptation and Mitigation Plans. The development of a model to calculate carbon footprint of waste through its life cycle should be examined. Carbon footprint labelling on products and packaging could be considered to help reduce the nations consumer driven behaviour.

The RWOs are in favour of waste collection companies providing smaller residual bins and a larger recycling bin for householders.

In addition, the RWOs would also like to see the introduction of rebates for short-term household renters or householders who do not reach annual waste limits thereby making contracts more accessible to these groups.

## **3.3 Commercial Waste**

### **13. How could pricing structures for commercial waste collection be improved to incentivise better segregation and recycling of waste? For example, should pay by weight be introduced for commercial waste?**

RWO recommend that pay by weight (PBW) systems are mandatory for commercial waste to improve awareness and promote segregation and recycling. See response to **Question 3** for further details.

### **14. What further incentives could be put in place to encourage business to recycle more?**

The RWO recommend that an awareness campaign targeted at the business sector is developed and implemented. The initial focus will be to address the poor recycling performance of the sector, help drive

behavioural change leading to less recyclable materials in the residual waste bin. This campaign should be part of a wider circular economy communication and behavioural change campaign. An example of this type of approach was the Small Change Race Against Waste campaign which targeted small businesses as part of the wider national waste awareness campaign (see Section 8 for more details).

The RWO recommends that a dedicated food waste bin is provided for businesses with minimum exemptions. The list of businesses identified in the Commercial Food Waste Regulations needs to be reviewed and expanded as appropriate.

Enforcement powers need to be extended to include fixed penalty notices (FPN) for operators who fail to recycle.

Consideration should be given to awards schemes which may be achieved through corporate social responsibility and good environmental practices such as green hospitality, green festival awards, etc. Good practice examples are available in France where donating leftover food from retail and restaurants is already mandatory. In others, such as in Italy and the Brussels-Capital Region in Belgium, vendors receive financial incentives for donating food that would otherwise go to waste.

**15. Should a certification scheme be introduced for businesses to demonstrate that businesses are managing their municipal waste correctly (e.g. using the mixed dry recycling and organic waste bins properly)?**

Yes, and the RWO are currently researching the offerings available to business. It may be useful to introduce a rating system, similar to the BER system for energy from buildings, which would grade operator performance based on their business sector, turnover and relative proportion of separate waste streams. Such a system would highlight businesses which are failing to properly segregate who would be given a relatively low mark whereas companies which have better segregation would have a higher mark.

**16. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

It is recommended that there is development of national sustainability guidelines for all major events as addressed in the climate action plans.

Penalties and league tables could be used to benchmark success among commercial operators in terms of good waste prevention and segregation practises. .

## 4 FOOD WASTE

The RWO believe that the greatest driver of food waste in Ireland is over-consumption fuelled by a general lack of consumer value on food and food production (not helped by low food pricing). The next generation waste plan needs to develop a clear message to drive recycling in this sector while promoting prevention by addressing the key driver of consumption.

The RWO would like to see a cost benefit analysis on the introduction of an EPR scheme for food waste. This is a particularly suitable sector for Ireland where farming, production, processing, retailing and consumers all generate food waste (as a proportion of municipal waste) through the lifecycle.

### 17. What are the underlying causes of food waste in Ireland?

The RWO considers that over consumption by consumers is the key driver of food waste in Ireland with a number of contributory factors as follows:

- Over production by farmers to meet the demands of retail chains generating excessive food waste at source;
- Retailer restrictions on imperfect farm produce;
- Lack of information to consumers on best before and use by dates leading to safe edible food becoming waste;
- Retailers supporting multibuy purchases resulting in consumers purchasing more food than required; and
- Low cost selling is a major driver in over consumption and generator of food waste in Ireland to an extent that consumers have a lower respect for food than previous generations.

### 18. Should Ireland introduce a national prevention target in advance of a possible EU target?

At present there is confusion on how the volumes of food waste are measured in Ireland and to what extent the commercial sector is accounted for in food waste statistics. This data management and reporting exercise needs to be more transparent before any national prevention targets can be set with any confidence.

It is noted that WRAP in the UK have a measurement mechanism for food waste prevention and this system should be investigated for use in the Irish market.

Once the reporting regime is more established then there are no barriers to a national prevention target that is more ambitious than the EU target of 50% of food waste by 2030. However, intervention will only succeed through a multifaceted approach involving food producers, suppliers, supermarkets, consumers, NGOs and Government agencies.

### 19. How can Ireland become a 'farm to fork' global leader in food waste reduction?

The RWO recommend a number of measures to shift national consumer behaviour on food waste as follows:

- Ireland should promote locally sourced products to consumers and incentivise the local producers of food products;

- While consumers now expect variety of fruit and veg all year round the promotion and incentivisation of seasonal produce will reduce food miles and waste;
- Food labelling to incorporate carbon footprint of food;
- Further promotion/replication of food cloud;
- Promotion of local markets through funding and planning;
- Address packaged food quantities which force consumers to buy more than needed;
- Raise awareness of the financial loss to consumer by generation of food waste; and
- Education at secondary level - including requiring home economics to be mandatory and for the subject to include sustainable living covering prevention of food waste and environmental household management.

**20. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

As noted above in **Question 17**, lack of information to consumers on best-before and use-by dates leading to safe, edible food becoming waste is an underlying causes of food waste. The RWO note the current good practice undertaken by 40 food producers in France, including Nestlé, Danone, Carrefour, and Intermarché. This group recently committed to collectively reduce 'best before' and 'use by' date confusion on food packets<sup>1</sup>.

Furthermore, the RWO note that while Food Cloud exists for retailers it is considered that such an instrument largely absolves retailers from the responsibility of contributing to over supply of food into the market. The use of the French legislative requirement above should be considered for Ireland.

Creating incentives to link composting and food production (either urban gardening or peri-urban farms), e.g. via tax reduction for farmers who collect/ store bio-waste for composting.

Organising activities in cooperation with producers and retailers to showcase good practices in food re-use and optimisation.

Review the Renewable Energy Feed-in Tariff (REFIT) to make it economically viable to develop indigenous anaerobic treatment.

Create incentives to link composting and food production (either urban gardening or peri-urban farms), e.g. via tax reduction for farmers who collect/ store bio-waste for composting.

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<sup>1</sup> <https://www.foodnavigator.com/Article/2020/02/04/Nestle-signs-food-waste-pact-targeting-consumption-dates-on-pack>

## 5 PLASTIC AND PACKAGING WASTE

The RWO view is that REPAK has a significant influence on the packaging sector and is in a position to drive greater change in the industry. It is recommended that key incremental changes to the licensing agreements between REPAK and DCCAE are applied to apply greater requirements to retailers and manufacturers to modify existing practices.

The RWO also suggest that there is a need for greater detail in the REPAK reporting and data to provide a more robust understanding on the process of funding initiatives and decision making in REPAK.

### 21. How can we make it easier for citizens to play a role in delivering on our targets?

The RWO recommend that a number of behaviour change measures are required to make it easier for citizens to play a role in delivering on our targets as follows:

- Greater promotion of the *mywaste.ie* campaign;
- Raise consumer awareness on the beneficial use of reusable materials (coffee cups, water bottles, etc.);
- Ongoing raising of awareness around the national recycling list and information campaigns for citizens on what can or cannot be accepted. Labelling on packaging should be relevant to national recycling list and should be presented similar to the 'Guideline Daily Amounts' and/or colour coded for ease of reference for consumers;
- Development of tools to assist citizen in choosing what bin to use (e.g. phone app); and
- Increase consumer awareness on end destinations for waste (e.g. Asia) and global impact of poor waste management including climate change impacts.

### 22. Do waste collectors have a role to play?

As above, the use of clear unambiguous labelling on green bins to allow consumers to clearly identify what materials may be recycled and reduce contamination of the green bins. The key messaging needs to hammer home the message on clean loose and dry which will also reduce contamination. This may be supported with customer charters dictated by the collectors to make customers aware of what can be recycled and the destination of wastes.

The use of consistent bin colours for residual, recycling and organic waste would facilitate consistent (and nationwide) messaging to customers.

The imposition of greater responsibility on collectors (through permits) such as consumer communication to improve segregation and lower contamination at source. This would require a greater enforcement (e.g. random sampling) effort by regulators and the imposition of penalties on collectors who fail to meet the requirements of the permit.

### 23. What is the role of retailers?

The RWO contend that retailers have a major role to play:

- In the prevention and management of plastic and packaging waste as these retailers have significant control on how products are prepared, packaged and delivered to their stores and how these are prepared for sale (e.g. loose products versus packaged); and

- In implementing in-store packaging collection systems, deposit refund schemes (DRS), product refills, etc.

The RWO acknowledge the good practices implemented by certain retailers in recent years who have made the effort to remove plastics and other composite packaging from products increasing the potential for recycling. This highlights the positive gains that can be made in the area when retailers are pro-active in pushing these incentives.

But typically, retailers only act to modify packaging where there is consumer sentiment pushing such action as there is limited external pressure for action.

Consequently, the RWO recommend that increased producer responsibility is used to push for greater prevention and management by retailers. Such measures may be regulatory, EPR or fiscal, but retailers need a reasonable timeframe for such action to allow for turnaround of modified packaging through the supply chain.

#### **24. What is the role of manufacturers?**

The RWO consider that smaller manufacturers typically have a lower influence on packaging waste as retailers decide the design, the material used and the recyclability of the packaging. As such, retailers and big brand manufacturers have a dominant position that allows them to dictate packaging requirements to smaller manufacturers who have limited control. In addition, there are typically intermediary packaging suppliers who are important as they are mandated to design and prepare packaging to retailers.

The funding (by the State or retailers) and participation of research around packaging innovation in line with eco fee modulation would be welcomed to provide greater retailer and manufacturer awareness on options and responsibilities.

The European Union (Packaging Regulations) 2014 under Part VI Regulation 28(1) states that a producer shall not supply packaging or packaged products unless the packaging complies with Schedule 4 of the Regulations. Schedule 4 requires that packaging shall be manufactured so that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packaged product to the customer. Further consideration should be given to the enforcement of this requirement on products to prevent the oversupply of plastic and packaging waste to the market. An oversight regulatory body determining minimum and maximum requirements of plastic and packaging on products should be considered.

#### **25. Is there a role for voluntary measures (individual or by sector) and if so, what might they be?**

The RWO believe that there is limited potential for voluntary measures in this sector. However, the RWO do note the recent manufacturer led agreement to change packaging undertaken by 40 food players in France who agreed to reduce 'best before' and 'use by' date confusion on-pack<sup>2</sup>.

Nevertheless, the RWO consider there is a broader role for tidy towns and community champions to promote anti-littering and recycling programmes. Tidy Towns, IBAL (Irish Business against Littering) and Pride of Place competitions should include credits for introducing methods for the recovery and recycling of dry recyclable packaging. Through the circular economy package, EPR schemes will be required to contribute towards litter management and some of this funding may be diverted to groups such as tidy towns.

#### **26. Are there targets other than EU that we should be striving towards?**

It is recommended that there is a target on reducing the quantity of difficult to recycle packaging, such as those with multiple materials, or those which have limited recycling possibilities (e.g. plastic packaging can be recycled only 7-10 times versus glass and aluminium which can be recycled practically infinitely), where elimination of the packaging is not possible.

#### **27. Is the introduction of eco modulated EPR fees sufficient to eliminate excessive or difficult to recycle plastic packaging? If not, what other measures are necessary?**

<sup>2</sup> <https://www.foodnavigator.com/Article/2020/02/04/Nestle-signs-food-waste-pact-targeting-consumption-dates-on-pack>



Yes, further details are presented in relation to Producer Responsibility Initiatives in **Section 15** and in relation to levies in **Section 23**.

**28. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

The RWO would welcome further collaboration with REPAK and consider that such multi party collaboration is critical to any future gains in plastic and packaging wastes.

The RWO view is that REPAK has a significant influence on the packaging sector and is in a position to drive greater change in the industry. It is recommended that that key incremental changes to the licensing agreements between REPAK and DCCAE are applied to enable greater pressure to retailers and manufacturers to modify existing practices.

The RWO also suggest that there is a need for greater details in the REPAK reporting and data to provide a more robust understanding on the process of funding initiatives and decision making in REPAK.

As part of the survey on Deposit Return Schemes (DRS) within Ireland the RWO concluded that while DRS may have a function in driving materials into existing collection systems, it should be considered as complementary, and targeted, to existing arrangements rather than potentially undermining the viability of the existing kerbside collection systems and CAS.

Support the establishment of Irish based processing facilities where viable.

## 6 SINGLE USE PLASTIC

The RWO fully support a ban on non-reusable single use plastic (SUP) beverage containers and a levy on similar items such as take away containers, plastic bottles and other SUP items.

In June 2019, the EU Commission published a Directive which aims to deal with single used plastic items that have been revealed to cause 70% of marine and beach litter. Directive (EU) 2019/904, commonly referred to as the Single Use Plastics Directive (SUP), will be transposed into Irish law by the 3<sup>rd</sup> July 2021 and will introduce the following measures to deal with SUP:

- A ban on selected single-use products made of plastic from 2021 for which alternatives exist on the market: cotton bud sticks, cutlery, plates, straws, stirrers, sticks for balloons, as well as cups, food and beverage containers made of expanded polystyrene and on all products made of oxo-degradable plastic;
- Changes to beverage containers design requirements from 2024 to ensure those that have plastic lids or caps will only be placed on the market if their lids or caps remain attached to the container during its usage period;
- Markings on tampons, wet wipes, sanitary towels and domestic wipes products explaining appropriate waste handling options. For example, wet wipes packaging must inform consumers of the presence of plastic in the wipes and the damage caused to the environment if they are not disposed of in the correct manner;
- Introduction of an ERP scheme by December 2024, to cover the cost of collection, transport, treatment and clean-up of waste from products such as tobacco filters, lightweight plastic carrier bags, wrappers and fishing gear; and
- Introduction of a 90% collection and recycling target for plastic bottles by 2029 (77% by 2025) and the introduction of design requirement targets to incorporate 25% of recycled plastic in PET bottles from 2025 and 30% in all plastic bottles as from 2030.

### **29. What measures could be considered to reduce the amount of single use food containers we use, taking the provisions of the Packaging Directive into account? Should a ban on non-reusable cups be explored?**

An outright ban on single use cups is supported by the RWO. The RWO have previously stated in the consultation on the review of the environmental fund and the introduction of new environmental levies (December 2019) that the group supports the introduction of a coffee cup levy as the first step to reduce the consumption of these cups and the imposition of a levy of at least 30 cent per cup should be imposed.

The RWO also support the wider application of such a levy to other single use plastics, such as plastic bottles and other beverage containers, to accelerate performance on waste prevention. This, however, needs to be considered in parallel/association with the packaging EPR to avoid duplication. These levies should be supported with suitable enforcement to help drive the effectiveness of the levies.

### **30. Are there measures already in place that could be strengthened by legislation – for example, obligating retailers to give a reduction to consumers who use re-useable ware?**

In the interim for any ban on single use cups or any other single use containers, the imposition of levies as outlined above is supported. Extension of these levies to all packaging on food from bakeries, supermarkets, etc. should be explored.

Retailers should use financial incentives and discounts to promote the use of reusable containers and refills for food products, toiletries, etc such as current practice in zero waste shops. This may extend to the exploration of financial incentives for the voluntary return of different types of packaging for retailers.

**31. Do retailers have role to play in exploring viable reusable food containers for on the go consumption?**

It is recommended that retailers consider the options for deposit return schemes (DRS) or similar measures to that used for reusable drinks containers at outdoor events (concerts, sporting events, etc.) and this should be included as a stipulation in all licensing and event management plans.

**32. Are there additional products that are suitable for consumption reduction?**

It is recommended that the information gathered through the waste characterisation surveys are employed to identify suitable other streams for consideration. Key streams, such as take away meal containers, may be identified and assessed for targeted consumption reduction.

**33. What data is necessary for measuring consumption reduction of these specific products and any new products suggested?**

Manufacturing and retail data on the supply of these waste streams into the market is required to track baseline consumption levels and any subsequent reduction in consumption.

**34. The role of levies in reducing our consumption is well documented. However, in the case of plastic bags the levy was applied to a commodity which had previously been available for free. Given the range of prices involved for commodities sold in SUP food containers and beverage cups, do you believe a levy would affect behavioural change?**

The RWO are in favour of the introducing a levy on SUP which will assist in prevention through discouraging users. The response to **Question 29** outlines the position of the RWO on the imposition of levies and the quantum of levy for single use coffee cups.

Any levy imposed on other SUP needs to be imposed at a quantum that allows for meaningful behaviour change among consumers. In addition, any levy imposed needs to be reinforced through awareness programmes and to be clearly itemised similar to other environmental levies at the point of sale to inform consumers of the levy. Such a levy also needs to consider burden on businesses and be applicable to online sales.

**35. Are there other SUP items that cause litter and for which there are sustainable alternatives available, which Ireland should consider banning?**

Approximately 15,000 tonnes of PET (Polyethylene terephthalate) is lost through littering annually in Ireland. Re-useable bottles or aluminium cans are more sustainable alternatives that would facilitate the ban on PET. Similarly, the plastic ring binders for aluminium beverage cans may be easily replaced by cardboard as currently demonstrated by some manufacturers. Balloons should be replaced by other alternative reusable decorations.

**36. What are the challenges faced by industry in ensuring caps are tethered on all beverage containers by 3 July 2024?**

No comment.

**37. What are manufacturers doing now to ensure all beverage bottles contain 30% recycled content?**

- **What, if any, are the obstacles to achieving this?**
- **Is there sufficient supply of recycled plastic content to achieve this ambition?**
- **To what extent is price a factor?**
- **Is there scope for Ireland to be more ambitious and go beyond 30%**

No comment.

**38. Can our current co-mingled collection model be enhanced in order to deliver a collection rate of 90% for PET beverage containers?**

Yes, see response to **Question 39** on the use of additional separate bins in homes and public areas to promote the segregation and collection of this stream.

**39. Would you use a segregated bin just for the responsible disposal of single use PET containers?**

The provision of a multi bin kerbside system is supported. The expansion of the current 3 bin system should be considered as an appropriate option to support better segregation and recycling. The current kerbside comingled approach (to dry recyclables) is leading to high levels of contamination in certain areas. A review of the dry recyclable materials collected needs to be undertaken to identify changes to segregation of the current materials into a new bin/bin-insert. This may improve segregation and the recycling rate. Separation of PET containers, along with other similar recyclable materials, should be included as part of this review. This review also needs to take account of the public's desire appetite for additional kerbside recycling bins

The RWO support better on-the-go bins for the collection of recyclable materials (including PET). Target areas include shopping streets, schools, shopping centres and other high footfall public areas to ensure a consistent message when it comes to source segregation of waste among the public.

**40. What role can an Extended Producer Responsibility Scheme play in delivering on these targets?**

Refer to the EPR responses in **Section 15**.

**41. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

Furthermore, it is recommended that all takeaway containers are made from a one type of material to help ensure ease of recycling.

## 7 CIRCULAR ECONOMY

The RWO state that for Ireland to successfully transition towards a circular economy, the State will need to develop and implement a circular economy roadmap. The roadmap would link waste management, climate action, biodiversity and restorative processes together, reveal knowledge gaps and would present a clear strategic plan, define objectives and steps to be met for each relevant stakeholder. The RWO note the existence of several circular economy roadmaps detailing strategies and actions required exist in other European Countries. Examples are shown for Finland (Figure 7.1) and Scotland (Figure 7.2).

It is recommended that the State introduces a substantially funded national awareness and behavioural change campaign focused on supporting the actions required to transition to a circular economy. Such a campaign needs to have a 10-year timeline to 2030 with dedicated annual funding. The campaign can be multi-faceted with tailor made programmes for specific sectors/streams such as small business, bulky waste, etc.;

The opportunities for economic growth and employment associated with the circular economy should be clearly outlined and promoted in the new plan to highlight the opportunities for the industry.

### 42. What are the areas with greatest potential for transformation in Ireland under the Circular Economy?

The RWO consider that there is an over focus on MSW with respect to the circular economy and believe that the focus should be on priority waste and sectors agreed by a coordinated stakeholder strategy under the plan. The areas with the greatest potential for transformation include:

- Green procurement practices including leasing and hiring of equipment;
- Energy use, biogas generated from park waste or food waste for example for national grid and transport;
- R&D manufacturing practices - products made to last including aftercare service;
- Construction and demolition waste management;
- Food waste management - food prevention and food cloud initiatives;
- Maximise the proper use of Articles 27 and 28, explore exemption options in Article 24;
- PRIs for various waste streams - packaging, tyres, farm plastics, etc.;
- Indigenous infrastructure;
- Waste preventions - RWO waste prevention and resource efficiency officers; and
- Sustainable communities programme through competitions such as tidy towns.



Figure 7-1 Circular Economy Roadmap for Finland<sup>3</sup>



Figure 7-2 Circular Economy Roadmap for Scotland<sup>4</sup>

<sup>3</sup> <https://circulareconomy.europa.eu/platform/sites/default/files/selvityksia121.pdf>

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<sup>4</sup> <https://www.gov.scot/publications/making-things-last-circular-economy-strategy-scotland/pages/17/>



#### **43. . What measures are required to increase understanding of Circular Economy principles and their uptake by relevant actors?**

The RWO propose that the following measures are required:

- An agreed national awareness and behavioural change campaign involving all relevant stakeholders to ensure maximum penetration of the Circular Economy message. This needs to be well funded (annual budget >€1m), consistent, and be in place annually until 2030. The RWO note that the circular economy message should be tied in with the Climate Policy Agenda and Action Plan as well as the biodiversity policy agenda to coordinate messaging to stakeholders;
- Awareness programmes across all sectors including targeted awareness campaigns; linked to a wider national campaign as identified in the previous bullet;
- Continue and grow the work being carried out at a regional planning level by waste prevention officers and resource efficiency officers;
- The Circular Economy message should focus on the waste prevention (waste reduction/resource productivity) targets to be set out in the new waste plan with a focus on decoupling economic growth from waste generation through a greater emphasis on consumption, resource use and reuse; and
- Use of KPIs such as a Resource Productivity Index for manufacturers and retailers to allow consumers to effect better choices on product purchases.

#### **44. What might be a meaningful national waste reduction target and how could it be achieved?**

The current Regional Waste Plans include a Household Waste Prevention target (1% per annum). Achieving this target has been extremely challenging set against a backdrop of a growing economy leading to increased waste volumes. To decouple, reduce and prevent waste will require every available regulatory and economic instrument coordinated and enabled.

At EU level there is no prevention target, although some Member States have targets in place to varying degrees of success. A national waste reduction/prevention target should be considered at policy level and if agreed and mandated, such a target should be devised and tracked by an expert group such as a Circular Economy Action Group. In designing the target good practises from other Member States should be examined. The RWO recommend that targets are specific to each waste streams reflecting the current situation, growth profile, and instrument available to reduce future forecasts.

The following targets are proposed for municipal waste (similar targets need to be developed for other waste streams):

- A residual waste reduction target benchmarked against a given base year; and
- A total municipal waste reduction target benchmarked against a given base year.

#### **45. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

The RWO advise there are a range of current waste management issues that need to be fully resolved as a precursor to developing a more detailed circular economy agenda.

Small to medium enterprises with innovative solutions which prevent waste and facilitate a move to circular economy should be supported.

Support/funding mechanisms should be built into programmes such as the next Rural Development Programme.

The RWO considers that the word 'Waste' should be redefined to 'Material Resource' or another similar term, so that any connotations from using the word 'Waste' doesn't deter from its circular economy potential.

As an example of innovative EU practice, in January 2020 the French government approved new broad circular economy legislation<sup>5</sup> with over 100 new sustainability-centric provisions, such as the systematic phasing out of automatic paper receipts and single use plastic in fast food restaurants and outright ban on all single-use plastics by 2040. In addition, the new legislation places a ban on retailers managing unsold or returned designer clothes and other luxury goods as waste. A review of this legislation is recommended to assess the potential for application of the various provisions within an Irish context.

The circular economy also has the potential for economic growth and employment through the green economy. In 2018, the Commission published a report on the '*Impacts of circular economy policies on the labour market*'<sup>6</sup> that concluded that by moving towards a more circular economy, GDP in the EU increases by almost 0.5% by 2030 compared to the baseline case. The net increase in employment is predicted to be approximately 700,000 compared to the baseline through additional labour demand from recycling plants and repair services. These economic benefits associated with the move to the circular economy should be clearly outlined and promoted in the new plan to highlight the opportunities for the industry.

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<sup>5</sup> Projet de loi relatif à la lutte contre le gaspillage et à l'économie circulaire, [http://www.assemblee-nationale.fr/dyn/15/dossiers/lutte\\_gaspillage\\_economie\\_circulaire](http://www.assemblee-nationale.fr/dyn/15/dossiers/lutte_gaspillage_economie_circulaire)

<sup>6</sup> [https://circulareconomy.europa.eu/platform/sites/default/files/ec\\_2018\\_-\\_impacts\\_of\\_circular\\_economy\\_policies\\_on\\_the\\_labour\\_market.pdf](https://circulareconomy.europa.eu/platform/sites/default/files/ec_2018_-_impacts_of_circular_economy_policies_on_the_labour_market.pdf)

## 8 CITIZEN ENGAGEMENT – AWARENESS & EDUCATION

The RWO recommend that the State introduces a substantially funded national awareness and behavioural change campaign focused on supporting the actions required to transition to a circular economy. Such a campaign needs to have a 10-year timeline to 2030 with dedicated annual funding. The campaign can be multi-faceted with tailor made programmes for specific sectors/streams such as small business, bulky waste, etc.

### 46. What campaigns would better assist householders and businesses in preventing and segregating waste properly?

The RWO believe that there should be a single strategy/campaign coordinated between all the relevant stakeholders using one logo and message maintained over a multi-annual period with a focus on the waste hierarchy and a drive to prevention. In addition, as part of this coordinated campaign an annual national communication and behavioural change plan should be put in place where information campaigns on key topics can be targeted for seasonal waste streams or hot topics. The RWO believe that the consolidation of campaigns coordinated together would give direction, avoid conflicting messaging and would improve funding through consolidation of campaign funds. In addition, coordinated campaigns would highlight that progress in being made which could be used to further engagement by the wider public. The RWO further recommend that the content of the plans should focus on reducing consumption and reusing materials and products in line with the waste hierarchy.

### 47. Should this be funded by Government or should the sector play a role in funding campaigns?

The RWO note that funding should be provided by the government but that this funding should be set out over a defined commitment period to allow all stakeholders to plan and resource multi annual campaigns effectively. As outlined in the previous question, a coordinated approach would provide better consistency to campaigns and the overall funding provided by the government.

Consideration should also be given to a sector-based fund where all stakeholders would contribute such as producers through EPR schemes and waste industry (mandated through the collection permit or facility licence or permit – charges for funding may be through a levy assigned to the permit). The RWO believe that industry are central to funding such schemes given the role and commercial interests of these groups in the sector.

### 48. Waste Collectors have a condition in their permits to maintain on-going communication with their customers in accordance with their customer charter. Do you agree that collectors are giving sufficient information to their customers in relation to separating waste into the 3 bins?

No - the RWO do not believe that the waste collectors communicate well with customers and a significant improvement in communication would be welcome. More collectors should have accessible applications (Smart Phone Apps) to highlight householder performance and track savings including carbon footprint.

### 49. Do you think information stickers for bins showing what's accepted in each bin should be rolled out to all households?

The RWO are currently trialling stickers on bins on certain areas. However, it is noted that segregation is undertaken well before consumers get to the green/brown/black bin. Internal source segregated kitchen bins would also require these stickers for true source segregation to be effective. It is considered that stickers are a basic element of the overall communication regime required between collectors and customers.

**50. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

The RWO have cited the 'Heathy Ireland' campaign as a well-resourced and multi-faceted example of a government-led initiative aimed at behaviour change on a key community issue. The recommended single strategy/campaign for the circular economy should be similarly resourced and funded to achieve real behaviour change.

## 9 CONSTRUCTION & DEMOLITION WASTE

The RWO recommends the introduction of a levy on virgin aggregate materials and mixed skips to support better segregation and prevention of construction and demolition waste. This may be supported with complimentary measures such as the use of VAT reductions on recycled materials

### 51. What other measures need to be put in place to encourage all players to prevent and recycle waste from construction?

Segregation of construction and demolition wastes on site needs to improve to retain the inherent value in recyclable secondary materials. Woods, metals, flat glass and gypsum are common materials which are separated but the application on sites is inconsistent. Smaller scale sites in particular, rely on mixed skips with segregation reliant on processing at facilities which varied outcomes. This approach lends itself to significant levels of cross contamination. The current management approach needs to be addressed and options include:

- A mixed skip levy to incentivise better segregation of materials;
- Specific condition in the planning consent requiring a minimum level of segregation of construction and demolition waste on-site;
- Obliging contractors to appoint a designated person under the mandatory C & D Waste Plan who is responsible for waste management on site. Such a person will be trained to a competent standard set out in the legislation and be legally responsible for the management of waste on any site; and
- DCCAE to provide for a regulatory change to support enforcement measures such as fixed penalty notices (FPN) for any breaches of the C & D Waste Plan.

The RWO recommend that as a means of encouraging greater prevention and recycling within the construction sector, regulatory instruments such as by-products (Article 27), end of waste (Article 28) and Article 24 exemptions need to be fully promoted so their application becomes part of normal practice. These instruments are powerful levers which can have a significant impact in preventing waste. There is the opportunity to market these to industry bodies, clients, designers and contractors and demonstrate their financial and environmental benefits. This approach will work to educate stakeholders to examine these options for their projects and in doing so led to greater waste prevention.

In relation to procurement, it is considered that the true cost to dispose of material from a construction site should be more accurately reflected in a contractors' tenders through improvement in tender practice and policy. Such costs are typically underestimated within construction projects resulting in potential mismanagement of waste at construction stage. The implementation of a more rigorous procurement system would prevent contractors from undercutting. This would allow the industry to distinguish between the cost of legitimate tenders which would present information reflecting the correct cost to dispose of material correctly.

The RWO recommend a review of the legislation to consider the use of a limited exemption, to be approved by local authority, with agreed criteria for small builders yards to store and segregate waste, especially from small construction projects where space otherwise would be prohibitive. This might also encourage the beneficial reuse of materials, e.g. reuse of waste timber for shuttering, by having it available in the builders yard for reuse. This could operate similar to the exemption for vehicles carrying waste incidental to their business.

**52. What existing measures are in place that could be improved?**

Discussed in **Section 12** (By-Products), **Section 13** (End of Waste) and **Section 14** (Exemptions).

**53. What changes could be made to environmental and/or planning legislation to facilitate more recycling of construction waste?**

Planning legislation can be improved to ensure that construction and demolition waste plans are mandated as part of future applications for consent. This must apply to all infrastructure, residential and commercial developments (requiring planning) with minimum exemptions. Currently, in Ireland, some authorities condition C & D plans while others do not, resulting in an inconsistent approach on site between authorities.

A good practice example is Belgium, where all construction projects are required to develop a mandatory deconstruction inventory for all construction projects.

To ensure the approach planned is effective planning consent must include conditions which requires that the proposed construction and demolition waste management be translated to next development stages (procurement and construction). These requirements help to ensure that the management of wastes is not forgotten about until generation on site.

**54. What incentives could be introduced to increase the use of recycled materials?**

The RWO are in favour of the introduction of levies or economic incentives being applied to the use of virgin material where the same material from recovered secondary resources is available. This incentive can be in the form of a virgin material levy or a lower VAT charge to the recovered material. The application of levies or incentives are equally appropriate and a broader recommendation on the imposition of waste levies is presented in **Section 23**.

In addition, it is recommended that at procurement stage, public sector construction projects incorporate green criteria and material specifications which require a minimum level of recycled materials for use on projects.

This approach is currently not translating into the delivery of projects and there is a need to raise awareness of the potential to use procurement to drive more sustainable outcomes. Clients, their representatives and contractors need to collaborate, identify issues to be addressed so a more sustainable circular approach can be delivered. The OGP and Government Public Works Contract need to embrace this change and ensure guidance on green criteria are available and conditions in public works contract are driving sustainable delivery solutions.

**55. Should levies be applied to the use of virgin material where a recycled material is available as an alternative?**

Yes, the RWO are in favour of levies being applied to the use of virgin material in circumstances where a recycled alternative exists.

In the Netherlands there is a good practice circular economy scheme for sheet glass whereby an operator has set up a network of over 400 collection points where all sheet glass waste (with the exception of car windscreens, special types of heat resistant glass and ceramic glass) can be left for recycling. The Dutch government supports the scheme by permitting the levy of a recycling fee on glass and the collection and recycling costs are covered by this recycling fee. Should a scheme should be considered for application in Ireland.

**56. How can site managers be encouraged to ensure more on-site segregation? What financial incentives / penalties could be introduced to encourage better waste management practices?**

The key driver for contractor behaviour on construction sites relates to operating costs. As such, the RWO are in favour of appropriate levies and/or fixed penalty notices (FPN) being applied to mixed

municipal skips on construction sites as a method of inducing behaviour change through greater source segregation.

The contractor should be obliged to appoint a designated person under the mandatory C & D Waste Plan who is responsible for waste management on site and such person will be trained to competent standard set out in the legislation.

DCCAE to provide for a regulatory change to support enforcement measures such as fixed penalty notices (FPN) for any breaches of the C & D Waste Plan.

#### **57. What are the best approaches to raising awareness and education?**

The RWO recommend that case studies and fact sheets which demonstrate the clear benefits (economic, environmental, social, etc.) of resource focused approach are developed, circulated and championed. Such case studies show the 'win-win' for clients and contractors in terms of resource management and cost. These practical examples along with training, studies and guidance are effective measures to raise awareness and education in the sector.

A specific construction waste focused programme as part of a national circular economy communication and behavioural change campaign should be implemented.

It is imperative that any training undertaken should include the entire construction value chain from urban planners and designers to waste managers. For example, the training carried out under the Local Authority Prevention Network (LAPN) funding for designing out waste and resource efficient procurement for personnel in local authorities involved in construction and demolition projects in four local authorities. This training should be provided to all local authorities and potentially also to the construction sector.

The Guidelines for C & D Waste Management Plans currently under revision by the EPA must retain a focus on waste prevention (designing out waste, etc.) and utilise the opportunity to provide awareness to contractors through case studies as above.

#### **58. What are the barriers/enablers to these measures?**

The RWO recommend that the State authority leading in the areas of C & D waste is clearly identified and cuts across all aspects of the supply chain and implementation measures. For End of Waste and By-products the competent authority is the EPA. It is recommended that the EPA is adequately resourced to fulfil this role or consideration of other bodies acting as the competent authority for specific end of waste material decisions should be considered.

#### **59. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

Extending Articles 24(a) and (b) of the Waste Framework Directive 2008 into Irish legislation should be given due consideration. Such a review may allow for the use of crushed concrete, bricks and tiles on the lands on which these materials are generated without the need for a waste licence, permit or End of Life status. This is addressed in greater detail in **Section 14**.

## 10 TEXTILES – WASTE AND RECYCLING

The RWO believes that there is a current lack of knowledge on the extent, volumes and destinations of waste textiles in the Irish market. As such, the RWO recommends research on the textile sector in Ireland examining waste volumes, reuse activities, indigenous recycling, exports, the potential for a producer responsibility scheme and economic incentives. When this is completed a more informed view on the appropriate actions for this sector can be established.

### 60. What measures would best support the successful collection of household textiles?

The RWO recommend that the current collection method of textiles in Ireland through the use of bring banks and the charity sector should be continued and promoted. Statistics from Irish Charity Shops Association (ICSA) on textiles show that ICSA charity shop members processed 23,000 tonnes, all of which was diverted from landfill or incineration. Of the 23,000 tonnes, 12,000 were sold to customers and were reused while the remaining 11,000 tonnes was sent to textile recyclers (some of this may go for rag recycling).

However, while these statistics are noteworthy to improve collection rates and implement measures that may support better collection in the future, the RWO notes that overall there is a lack of data on the current state of the textile sector in Ireland. Consequently, there is a need to commence research on the scale of waste volumes, the types collected (i.e. valuable/reusable textiles or not), reuse activities, indigenous recycling and the extent of exports to overseas destinations. This research scope can include the potential for a producer responsibility scheme of the collection of textiles. The need for this research is timely with the introduction of the EU textile collection policy in 2025 where such information will be required. Therefore, any review on the textile sector should be done in consultation with this requirement.

Regardless of the research required, the RWO note the significant amount of textile material entering Irish household bins. Therefore, to address this issue, the RWO are in favour of imposing a measure that will ban the disposal of textiles in kerbside collection bins. A potential for periodic collection (e.g. every 6 months) of kerbside collection for segregated textiles may be considered.

### 61. What measures would best support sustainable consumption of textiles by the general public?

The RWO contends that the underlining issue for sustainable consumption of textiles is fast fashion/cheap clothes. To this effect, the RWO are in favour of introducing a financial instrument such as textile levy or green tax on such items. The design of such a measure needs to be part of a broad package of instruments ensuring all actors on the supply chain are financially accountable.

There are potential additional measures that may be implemented such as:

- Developing GPP criteria for inclusion in future procurement of uniforms and other textiles by public sector bodies;
- VAT modulation on clothing certified as sustainably sourced by the retailer;
- VAT modulation could also be considered for repair outlets and retailers reselling used footwear and clothing; and
- Take back schemes for retailers.



However, without current accurate data on the state of the textile sector in Ireland, it is difficult to make conclusive recommendations which would best support sustainable consumption of textiles at this time.

**62. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

No additional comments.

## 11 WASTE MANAGEMENT INFRASTRUCTURE

It is recommended that the three Regional Waste Management Plans are evolved into a single national plan while retaining the regional implementation structure.

In terms of funding infrastructure, the RWO believe that financing the development of indigenous waste recycling facilities is not appropriate. The private waste market is fractured which can impact on the supply of materials to new facilities. The RWO believe there are better ways to fund/facilitate a more collective approach than through direct funding. It is recommended that the State introduce a low carbon waste infrastructure development fund to support indigenous recycling infrastructure rather than through a direct funding mechanism.

### 63. Should one national waste management plan be produced in place of the 3 current plans?

The RWO are in favour of one statutory national waste management plan to be produced to replace the three current plans. This is the appropriate evolution of the current plans which are already aligned in terms of strategic objectives, policies, and actions. The RWO have already proposed one national plan to the CCMA retaining the three regional offices and associated governance structures including steering and operations committees and task groups.

### 64. Should the regional offices be set up on a statutory basis?

The sector does not have a position on this yet, but will consider the proposal to set up the regional offices for both enforcement and planning on a statutory basis.

### 65. Should the State assist in funding the development of indigenous waste recycling facilities? If so, how should this be funded?

The RWO consider that direct State funding is not appropriate as this may be considered as a market intervention and/or uncompetitive state aid. The RWO note that rather than the State directly funding such developments it may be more appropriate to set-up a low carbon waste infrastructure development fund made available through a public/private partnership approach. The fund would be available to industry or new market entrants who are seeking to develop circular economy infrastructure and would provide fiscal support to help establish facilities and operate them (for a period).

A study on the direct funding of a national paper mill has been undertaken in the past and concluded that the Irish market was not big enough to sustain such a facility. This recent example would suggest that there may be limited potential in such an investment.

### 66. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?

The RWO would like to see the retention of the National Coordination Committee Waste Management Planning (NCCWMP). The RWO recognises that the State requires dedicated residual waste contingency infrastructure in the Irish market. This is being progressed by the local authorities with long term funding to be provided centrally and from industry through a levy on residual waste.

## 12 BY-PRODUCTS

The RWO contend that by-products have the potential to transition substantial volumes of construction and demolition waste (CDW) and other waste streams to valuable products in line with the circular economy principles.

Resourcing the regulation of by-products needs to increase significantly to remove capacity bottlenecks and develop the necessary guidance and protocols. The RWO suggest that the role of the EPA as competent authority for this mechanism is reviewed is the current resource and technical capacity issues remain.

### 67. How do you think the By-product process could be improved?

It is considered that the Article 27 By-product process for soil and stone is generally working well since the introduction of the new EPA guidance in 2019. The requirements and associated timelines for this process are transparent and recent experience indicates that early planning will support a successful outcome for these declarations.

It is noted that the new EPA guidance has not been issued under Section 76 and 77 of the Environmental Protection Act, 1992 (as amended). As such, this guidance is not legally binding and it is recommended that the soil and stone guidelines (and any subsequent guidelines) are issued under this provision to ensure where these are received in evidence it is without the need for further proof. This will ensure that any such guidance is more protected in the event of any future legal challenge.

However, the timelines and processes for by-product declarations for other waste streams (non-soil and stone) are much less clear and there is no stated guidance, templates, timeframe or support available for operators seeking declarations on these streams. This gap is impacting on project developers and contractors to prevent waste. Easy wins are being missed.

A number of recommendations are applicable for the process as follows:

- The RWO support preventing operators moving potential by-product material before a declaration is agreed by the EPA. This will ensure the need for subsequent remedial action of the material is classified as waste. This applies to both soil and stone and other materials and it is recommended the legislation is revised to reflect this action;
- The by-product process has the potential to be a strong lever in moving material away from waste classification support circular economy transition. The RWO recommend it should be promoted to focus more on the benefits of by-products rather than the negatives. This may be through awareness and training for planning departments, contractors, etc. in the area of resource efficiency, waste prevention, by products and end of waste;
- As the process matures, the RWO recommends consideration of an early declaration screening stage to validate information and to reject invalid applications where sufficient information is not supplied (e.g. planning consents);
- It is recommended that greater guidance is provided for other materials similar to soil and stone and this should be supported via case studies and fact sheets or other communication methods to illustrate the value of this process in the waste hierarchy;
- There is a need to improve for a consistent decision-making process in terms of transparency and processing times. This will require additional resources for the EPA (or other regulator) and the throughput of determinations needs to be monitored and actioned if delays become regular. The

RWO support the introduction of a by-product fee to provide financial support towards the administration and assessment of notifications;

- It is recommended to provide the EPA (or other regulator) with the necessary resources to undertake the necessary research (directly or indirectly through contracted expertise) to develop capability and guidance to support non soil and stone by-product applications;
- The EPA should issue their guidance on by-products under the EPA Act so that the guidance is strengthened and accepted.
- Introduce a more specific legislative framework with more defined boundaries on the process to include such measures as defined timelines and a requirement that material shall not be moved until approval is granted otherwise a significant penalty will be imposed; and
- Consult and decide if the decision-making process is best positioned with the EPA and not with, for example, local authorities, a waste diversion group or a certification group such as the NSAI.

**68. Do you support the introduction of fees to assess by-product notifications?**

Yes, as outlined above, the RWO support the introduction of fees to assess by-product notifications. The fees may be used to provide the necessary resources required to the EPA or any other regulator with responsibility for the process. The level of fee should be reflective of the resource requirement to process and assess such declarations.

**69. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

The RWO recommend that the term 'Construction Waste Management Plan' is changed so it encompasses material resource management which will allow for Article 27 material and other similar material to be included.

Proposed title is *Material Resources and Construction Waste Management Plan*

## 13 END OF WASTE

As with by-products, the RWO contend that end of waste has the potential to transition substantial volumes of waste to valuable products in line with the circular economy principles.

However, resourcing of the regulation of end of waste also needs to increase significantly to remove capacity bottlenecks and develop the necessary guidance and protocols. The RWO suggest that the role of the EPA as competent authority for this mechanism is reviewed as the current resource and technical capacity issues remain. As an alternate, the NSAI may be better placed to regulate this area given their knowledge of product quality management systems and standards.

### **70. Should the Government seek to establish a group to apply for national End of Waste decisions for appropriate products e.g. Aggregates, Incinerator Bottom Ash?**

The RWO support the suggestion to establish a group for national End of Waste Decisions. In addition, the RWO consider that this group should also incorporate respective decisions for by-products and exemptions and should have an executive function.

### **71. If yes:**

- **what expertise would be necessary for such a team,**
- **who should be represented,**
- **are there other materials which you believe are suitable for national end of waste decisions?**

The RWO believe end of waste can be a powerful lever supporting the production of new products from secondary recovered waste. It can be a practical and visible demonstration of waste prevention and circular economy transition. This needs to be promoted and funding provided to regulatory bodies to ensure its potential is achieved. It is an area which may benefit from international case study/benchmarking research which should be focused on providing clear findings in short timelines (3-6 month maximum). Establishing the mechanisms will help alleviate capacity issues as well as providing certainty for investors.

This is in the national interest to identify candidate wastes streams, develop consistency and certainty in the process, address bottlenecks, and support marketing of End of Waste products. It is recommended that the team would require a range of expertise and representation to include environment/waste policy, waste legislation, planning and the technical requirements of the material considered.

Such a team may be supported by independent experts such as academics or those with a specific expertise working with a waste stream. The make of the group should have permanent members (e.g. EPA, NSAI, DCCA, RWOs/LAs, CIF, Tii, Irish Water) and supplemented by industry or material specialists as needed.

Currently there is no national framework for such decisions and decisions to date are industry led individuals or groups. However, it is not considered appropriate that an industry group would be appointed to apply for national End of Waste decisions given the commercial interests of such groups.

In terms of other materials suitable for end of waste there are several materials currently under consideration but with no clear pathway for Article 28 decisions. These include road planings but tyres may also be considered in this process.

As with Article 27 (refer **Section 12**), consideration should be given to who the appropriate regulator for Article 28 End of Waste decisions. Currently the EPA is the regulator but given the many functions of the EPA and its limited resources, consideration should be given to the EPA's future role in End of Waste decisions. It may be appropriate for other bodies, e.g. NSAI who are currently within the Article 28 process, to act as the regulator if the EPA do not have the necessary resources.

The EPA (or other regulator) should provide clear guidance on Article 28 applications for various waste streams. The guidance should include clear timelines and the issues are to be dealt with as a matter of urgency.

The RWO identifies that there should also be a streamlined approach for small amounts of waste so that these amounts could easier utilised by bodies into the circular economy.

**72. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

No additional comments.

## 14 EXEMPTIONS

The RWO recommend that a review of possible Article 24 exemptions is undertaken in other EU Member States to allow for a consideration of potential application in Ireland. Such exemptions should be considered and actively promoted in line with the circular economy principles.

### **73. Are there particular waste streams which you think might be suitable to the 'exemption' approach described above, for example, the on-site controlled incineration or deep burial of Invasive Alien Plant Species? Which other waste streams could or should be considered in the context of an 'exemption' approach?**

The RWO cite the following waste streams could or should be considered in the context of an 'exemption' approach:

- Road planings – specifically storage and processing of secondary planings which have been recovered during upgrading/rehabilitation works;
- Dredging non-hazardous spoil from port areas and recovery of such materials in reclamation activities at other locations site;
- Land reclamation activities at brownfield sites in urban areas where non-hazardous soils are processed and placed *in-situ*; and
- A limited exemption to be approved by local authorities with agreed criteria for storage of relatively small quantities of C & D waste at a builders yard, which is incidental to their operations, to facilitate segregation and reuse of C & D waste.

It is recommended that a review of Article 24 exemptions is undertaken in other EU Member States to allow for a consideration of potential exemptions (including the above) that may be applied in Ireland. If the industry is to embrace the potential of Article 24 exemptions, the waste framework regulations need to be reviewed to remove the requirement for a waste authorisation.

### **74. In your opinion, what are the dangers/risks or advantages associated with an 'exemption' approach?**

The dangers/risks would be that a light touch regulation regime is an unintended consequence, so the challenge is to ensure this outcome is avoided. The lack of a waste authorisation cannot mean a lack of controls which ensure adverse impacts to the environment and human health are minimised. An Article 24 exemption will require the applicant to provide details of the proposed solution, controls, the outcome and why the approach is favoured. Decisions will need to be transparent with monitoring and controls in place.

The potential for abuse of the system needs to be identified and the risk prevented. The system cannot be an easy-out to managing waste. The reasoning for its use must be clear, environmentally, socially and economically sound. Confidence in the system will need to be shared by operators who hold waste authorisations and operate in the same space. The RWO believe the implementation of a suitably resourced enforcement regime with proper checks and balances would ensure that this risk would be suitably managed. This would also require the imposition of significant penalties for any operator found to abuse the system.

An exemption regime applied in Ireland would need to be undertaken in a controlled manner with a register of exemptions and certificate of exemption issued for the specific activity/stream for full transparency.

**75. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

In other Member States an operator is not required to have a waste authorisation in place to seek an exemption. However, in Ireland an operator is required to have a waste authorisation in place before an Article 24 exemption to be requested. In this regard, a review of the legislation should be undertaken to align Irish legislation with the EU Directive.



## 15 EXTENDED PRODUCER RESPONSIBILITY (EPR)

The RWO believes that there is currently a lack of transparency on the obligations of the members of the schemes under licence from the DCCAE. As a consequence, the RWO recommend the implementation of a number of changes to the licensing agreement between EPR Operators (in particular REPAK, WEEE Ireland and ERP) and DCCAE requiring retailers and manufacturers to modify existing practices and minimise the quantity of packaging waste placed on the market.

### **76. How is the new EPR infrastructure going to impact on Ireland's existing EPR structures?**

The new EPR infrastructure will strengthen the existing scheme in place, allowing for greater accountability through enhanced data collection systems. This will promote the sustainability and the circular economy agenda and will require additional resources and funding to support enforcement and awareness structures.

### **77. How do we ensure Ireland's existing producer responsibility initiatives are in a position to adapt in response to the EU legislative changes for EPR models?**

Through the continued support provided by the WERLA's Producer Responsibility Officers (PRO) through the local authority enforcement network. In addition, there is a requirement for sufficient contingency funding within the EPR schemes to allow for adequate transition time in response to EU legislative changes. Further collaboration and data sharing between WERLAs, NWCPO and PROs would help Ireland to adapt to the EU legislative changes for EPR models.

### **78. How do EPRs help Ireland achieve our targets?**

The PROs provide a service that enables producers to comply with environmental obligations for a fee based on producer contributions to the waste stream measured by weight and satisfactory participation in the compliance scheme. The structure allows for traceability and minimises illegal activity and implements the producer pays principle. EPRs allow the effective measurement of products placed and removed from the market. The application of metrics within EPR scheme allows the state to accurately assess progress towards National and European targets.

The RWO acknowledge that the PROs (and their members) have been a key element in Ireland achieving its recycling targets.

### **79. How do we influence decisions made at the product design stage to ensure circular design principles are put in place?**

Promotion through awareness for designers and producers such as through green funded R&D. The use of economic drivers like fee modulation based on eco product design principles could influence manufactures at design stage.

The RWO recommend the implementation of an oversight regulatory body determining minimum and maximum design criteria for products to enable reuse or recovery including recycling.

DCCAE should also consider introducing reuse targets in PROs agreement for certain waste streams (e.g. WEEE).

### **80. How could modulated fees be best introduced to drive change and transform our approach to waste in line with modern, circular economy principles?**

Modulated fees should be introduced across the board and the fees paid should reflect the true environmental impacts of products (including end of life management cost).

**81. Primary focus is on introducing the new EPR schemes as outlined in the SUP Directive but are there other waste streams that would fit with the EPR model?**

The RWO would like to see a cost benefit analysis about the introduction of an EPR scheme for food waste. This is a particularly suitable sector for Ireland where farming, production, processing, retailing and consumers all generate food waste (as a proportion of municipal waste) through the lifecycle.

In addition, due consideration should be given to the introduction of an EPR scheme for the textile sector due to its impact both in terms of waste and carbon.

Waste bulky goods such as mattresses present a challenge for the householder and local authorities when these products reach end-of-life. The introduction of an EPR scheme or similar voluntary system for this waste stream would minimise dumping and further develop the recycling and recovery of these waste streams within the State.

Schemes that might fit an EPR model include mattresses, paints, aerosols, pallets, waste oil, paper and card, medicines, medical waste, photo chemicals & chemicals, refrigerants, pesticides and herbicides. However, when considering any new waste streams for implementation in a new EPR scheme, due consideration should be given to a take-back obligation on all retailers as a first step.

**82. Is there a role for voluntary agreements with industry?**

The RWO do not believe there is a role for voluntary agreements with industry. As a real-world example, the voluntary agreement imposed for the tyre and construction industries were not a success.

**83. What mechanisms will bring the entire supply chain and waste management systems together to share solutions?**

It is important to assign clear and target to the most relevant member of the supply chain.

A greater emphasis on data collection and transparent data sharing between relevant stakeholders coupled with regulatory change to incentivise/penalise as appropriate.

**84. Looking at the example of WEEE, retailers now play an increased role in collection, is this approach suitable for other potential EPR waste? If so, what areas?**

Yes, and a wider assessment of potential waste streams should be undertaken but as a minimum the following streams should be considered - pallets, mattresses, suites of furniture, paints, aerosols, plastic bottles, cans and textiles.

**85. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

The RWO recommend that a review of the membership obligations of EPR schemes.

## 16 WASTE ENFORCEMENT

The RWO believes that the penalty provisions of the WMA are sufficient for enforcement efforts and this need to be reviewed to support future legal actions. Further there is an urgent need for improved consistency across the judiciary in implementing penalties to improve enforcement and tackle waste crime.

### 86. What, in your view, are the factors leading to waste crime (please tick one box)

Ineffective enforcement by the authorities	
Ineffective penalties	√
Waste Market Factors	√
Lack of awareness	√
Other (please specify)	

### 87. What measures are required to respond to the links between waste crime and other forms of serious criminal offences, such as organised crime?

Within the existing agencies, the effective use of waste data and the analytic tools that could be developed based on this data, would have serious potential to counteract waste crime activity. The close liaison, sharing of data and data analytics intelligence within a multi-agency forum of all waste stakeholders.

The existing WERLA structure and governance will be enhanced with a number of measures which will assist in the enforcement regime as follows:

- Sites/Operators of interest will be referred through WERLA Governance structures to WERLA; and

### 88. What changes could make the regulatory or industry response to serious and organised waste crime more effective?

RWO contends that an improved consistency across judiciary in implementing penalties under the WMA would be effective in tackling waste crime. At the core are the following principles which need to be implemented and enforced:

- Polluters Pay Principle;
- Compliance is not negotiable;
- There must be consequences of non-compliance;

- Escalating Cost of Failure;
- Culture of Certainty in Enforcement;
- Ensure integrated quality data and analytical tools to inform policy and enforcement strategies; and
- Implement the recommendations of the Genval report on environmental crime<sup>7</sup>.

In addition, the penalties for serious breaches of waste legislation (with potential for significant monetary gains) should have penalties that are reflective of the seriousness of the breaches and sufficient to prohibit the breaches. In such cases, the movement of enforcement to the higher courts should be promoted.

**89. Are the penalties available under the Waste Management Act appropriate?**

Yes, in terms of penalties, but no in terms of the regulator being able to suspend authorisation where there is known illegality/non-conformance with an authorisation – such as a closure order. However, inconsistency across the judiciary in implementing penalties in WMA is an issue.

Penalties for serious breaches are not sufficient (see **Question 88**).

**90. What other penalties could be considered for illegal dumping by households/members of the public.**

The use of community services targeted at environmental issues for appropriate cases.

**91. Are there examples of existing good practice to prevent illegal dumping?**

The RWO believe that examples of existing good practice are as follows:

- Enforcement through existing waste byelaws;
- Use of CCTV;
- Disposal of wastes at CAS;
- Use of authorised waste collectors; and
- Resource and information sharing between regulatory and enforcement bodies to move towards a predictive approach, spotting newly emerging trends quickly and assessing what are likely to be the emerging opportunities for future waste crime.

**92. What contribution to the cost of the enforcement system should the waste industry make?**

There are over 2000 waste collection permits and over 900 WFP. There are thousands of operators requiring enforcement through PRI schemes. In order to maintain an effective regulatory and enforcement system, there needs to be consideration given to the industry contributing to enforcement. Any such proposal should be subject to a cost benefit analysis.

**93. Should financial provision be a requirement for permitted waste facilities?**

Yes, the RWO believes that financial provision should be a requirement for all permitted waste facilities to insure the taxpayer from unsatisfactory waste operators leaving significant closure liability. This needs to be consistent through the waste facility permit conditions and risk rated using the EPAs environmental liabilities risk rating tool or similar. Consideration should also be given to the industry being levied for a contingency fund towards some of the cost of remediating unauthorised facilities.

<sup>7</sup> <https://data.consilium.europa.eu/doc/document/ST-14065-2019-INIT/en/pdf>

In terms of an example, the RWO note how financial provision for permitted waste facilities are implemented in Scotland where a financial provision is required at application stage and is based on unit per tonne of waste stream to be managed ('Financial Provision for Non-Landfill Waste Management Activities'<sup>8</sup>). The financial provision is then set aside in a bond and used to deal with non-compliances. Furthermore, the RWO notes that in the United States collected financial provision are put into a centralised fund and is used to deal with all non-compliances not just an individual operator. Therefore, RWO considers that should such a method be reviewed for implementation in Ireland that a standardised collection system be put in place across for local authorities and that this may be a role for the economic regulator.

**94. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

No additional comments.

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<sup>8</sup> <https://www.sepa.org.uk/media/219299/wst-g-031-financial-provision-for-non-landfill-waste-management.pdf>

## 17 WASTE DATA & WASTE FLOWS

The RWO suggest that the centralised online system managed by the National Waste Collection Permit Office (NWCPO) is expanded and used as the primary waste data repository source for compilation and validation of waste collectors and facility operators (including licensed facilities). The current use of multiple system across different regulatory bodies (in particular the NWCPO and the EPA) is time consuming, inefficient and not benefiting the industry. Expanding the remit of the NWCPO will require adequate resourcing and funding to allow for this reporting to be undertaken in the timeframes required.

### 95. Do you believe it would be beneficial to have all/most waste data available on at least a quarterly basis?

RWO see it as a necessary requirement for quality waste data to allow for tracking of the specific trends in the use of brown bins to inform the subsequent enforcement efforts.

However, the RWO state that all data made available has to be fully validated and penalties be made available for non-submissions, late submission or inaccurate data. Serious infringements should be considered as commercial fraud. In addition, the RWO consider that current waste data reporting in Ireland is too slow and that data from the previous year should be published in the 3<sup>rd</sup> quarter each year.

The introduction of a mandatory live e-docket system for waste collectors and authorised facilities to run on smart phones or tablets may make tracking much easier for all concerned parties and the relevant FPNs should be introduced in association with this system.

### 96. What resources are needed to validate this data more quickly and what are the barriers?

The RWO suggest that the centralised online system managed by the National Waste Collection Permit Office (NWCPO) is expanded and used as the primary data source for data validation and reporting tool for all collectors and facility operators (including licensed operators). The current use of multiple systems across different regulatory bodies (in particular the NWCPO and the EPA) is time consuming, inefficient and not benefiting the industry. Expanding the remit of the NWCPO will require adequate resourcing and funding to allow for this reporting to be undertaken in the timeframes required.

If NWCPO is expanded as suggested, its responsibilities are to include issuing guidance documents to all users on the requirements for data management, validation and reporting to standardise the approach adopted across all operators.

A number of EU countries have implemented live reporting systems and others are exploring this option. A working group should be put in place to examine these systems and the feasibility of implementing similar systems in Ireland.

Requirements on waste operators in terms of the quality of data need to reviewed and improved. It is suggested that the IWMA take a lead role in ensuring that operators are suitably trained and experienced to carry out the required level of data validation and reporting.

Every effort should be made to enable the operators to provide valid and timely data. If poor compliance, regulation measures should be available and imposed on operators who provide false or misleading information. Currently, there are no penalties for inaccurate data reporting and a consideration of fixed penalty notices (FPN) or more onerous enforcement action should be examined for false or misleading data/documentation.

**97. How would you balance the need for validated reporting data for EU reporting against the desire for more up to date statistics?**

The RWO suggest that in addition to achieving quicker validation and producing more up to date statistics, there is also a need to develop systems which can carry out automatic validation (using artificial intelligence software etc). This will allow for the extraction of data in the format required to allow for early warning systems of significant issues such as critical infrastructure failures, etc.

**98. Do you believe that all waste should and could be tracked from site of creation to final destination?**

The RWOs believe that it would be beneficial to track all waste from site of creation to final destination. Ireland needs to examine best practice in other EU countries to develop an Irish based tracking system.

**99. Are there confidentiality or other issues for industry in reporting on waste flows?**

There is no confidentiality issue on the licensing side as all documents are available and likewise on the collection side provided that no individual data for an individual collector is issued. Any issues should be explored in the interest of transparency considering any decisions made by the Office of the Commission of Environmental Information.

**100. What changes need to be put in place to facilitate better reporting?**

The current reporting systems are flawed through a lack of transparency, ease of manipulation of data and system fragmentation with a significant time lag with the data. These issues may be rectified with an online live system whereby all stakeholders must meet specific requirements feeding into a national office for data control.

**101. What uses can be made of having more detailed, accurate, timely data?**

The RWO note the following advantages of having this data:

- Identify anomalies;
- Predictions for capacity requirements;
- Identify sites which are operating in exceedance of their permitted capacity;
- Facilitate the monitoring and investigation of potential illegal activity at an early stage to allow for better enforcement; and
- Up to date national statistics.

It is noted that authorities in a number of EU jurisdictions (e.g. the Basque country in Spain and the UK) have successfully adopted live waste tracking systems. It is recommended that a review of such systems is undertaken to assess for the applicability to the Irish market.

**102. What penalties should be in place for the non-provision of data?**

RWO note that there should be stronger penalties, such as fixed penalty notices (FPN), for inadequate or incomplete data. Where this is not provided it is suggested that the REPAK subsidy is withheld until rectified by the operator.

**103. Should there be voluntary reporting on particular waste streams and its treatment destination prior to legislative changes being put in place?**

No - there should be no voluntary reporting on particular waste streams as it has been proven to be ineffective and inconsistent. However, voluntary reporting may be beneficial for reuse data such as for charity shops.

**104. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

No additional comments.



## 18 RESEARCH & INNOVATION

The RWO believe that the current research structure in Ireland is limited with slow reporting timeframes and poor dissemination of findings. The RWO recommend the establishment of an accessible circular economy research fund targeted at short-term focused topics to support the delivery of policy action through real-world innovative solutions.

### **105. What are the research areas you would consider to be important in developing a circular economy?**

The RWO consider the need for shorter timeframes on circular economy research focusing on priority waste streams and specific outcomes compared to longer academic studies. Longer academic studies may facilitate these shorter studies by publishing information on a phased basis. This is to ensure that a clearer understanding of potential changes/pressures and markets can be considered in full. For example, the RWO notes the recent negative price change of soft paper and cites that short timeframe research on specific waste paper fractions could outline the market issues and the most appropriate environmental and economic options to address these challenges.

### **106. What new research programmes/initiatives do you think could be put in place?**

The RWO recommend the need for greater access to funding to conduct research on priority areas. The RWO recommend funding will be available for short and precise research projects and not designed in a way to exclude the professional industry, thereby relying on academics with minimum consultant or industry input. The existing financial structure in the EPA research funding limits the input of circular economy and waste consultants/professionals in the research area.

The RWO consider that setting up a circular economy/activation fund for such research and innovation projects is needed. This could be managed by the EPA or any state enterprise body informed by consultation from key stakeholders.

### **107. What do you see as the main barriers/enablers to fostering a positive research culture around the circular economy?**

The RWO believe that a lack of joined up thinking regarding research topics and sharing of said research between relevant stakeholders is currently a barrier to fostering a positive research culture. Furthermore, the lack of available funding for research surveys/topics is currently limiting access and inputs to the research body.

### **108. Do you think research on waste, resource efficiency and the circular economy could be better publicised and more readily accessible? How?**

Yes, the RWO note that there is not a full picture of the research that has been undertaken to date or the research that needs to be undertaken in the future due to a lack of sharing/publication of the research programme, updates and outputs.

The RWO recommends that better sharing of research projects and programmes between relevant stakeholders is required to help shape the nature and scope of the research undertaken to real world scenarios.

Additionally, to make research more readily accessible, the RWO believe that all relevant bodies/stakeholders should agree on key common national priorities to be included within research topics, increased collaboration so that the benefit of the research results cuts across as many sectors/actors as possible.

**109. What further incentives could be put in place to encourage research?**

The RWO believe that Ireland and relevant stakeholders are not capitalising on available European funding such as LIFE and Horizon research calls. The RWO notes there is an opportunity for such funding if all relevant stakeholders were suitably coordinated. For this come to fruition partnerships will need to be developed with regulators, academics and industry. DCCAE are best placed to lead the coordination of future circular economy international research projects.

**110. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

No additional comments.

## 19 CONSUMER PROTECTION & MARKET MONITORING

The RWO supports the establishment of economic regulator as recommended by Competition and Consumer Protection Commission (CCPC) to support the waste management sector. This economic regulator will have full market oversight and regulatory controls on pricing structures, setting levies, consumer protection, data protection and competition. The RWO support the consumer focus remit of the regulator (both households and commercial) with the legal powers to intervene and direct customer related activities of waste collectors.

### 111. The CCPC recommended the establishment of an economic regulator for household waste collection.

- **In your opinion, should an economic regulator be established? In considering your reply it is recommended you consider the detailed rationale set out in the CCPC report.**

Yes, the RWO believe that economic regulator should be established for market oversight and economic regulation.

- **If a regulator was to be introduced what powers should the office have? Should they be confined to economic powers?**

The RWO believe powers the office should have are the following:

- Forensic data analysis on how the market is operating;
  - Oversight of charging structure (levies, VAT charging, green fees, etc.) and penalties;
  - Implementing competition for the market in areas/regions where it has been demonstrated that competition is not working. The regulators roles in this instance would include oversight on service provision frameworks and market design;
  - Management of consumer rights and complaints relating to the sector; and
  - Data protection.
- **Should a new office be set up or should the powers of existing regulator be broadened?**

Yes, a new independent body is the preferred option.

- **What alternatives are there to setting up a regulator, for example, improved regulatory oversight for customer's complaints?**

There is no feasible alternative to an economic regulator.

### 112. Do you believe the information currently available on kerbside waste collection pricing could be improved, and if yes, how?

Yes, the current information is overly complicated and prevents customers from understanding waste segregation and the associated cost savings with better separation of materials.

**113. Do you believe that the information prepared by the Price Monitoring Group is useful? If No, what changes would you like to see?**

The RWO believe that information prepared by the Price Monitoring Group is useful but is limited in scope as it only looks at new customers into the market and not changes in existing structures. This group should be merged with the economic regulator if established and, if not, the group should be expanded beyond oversight of the market to examine whether fair and transparent pricing is consistent in the market and how is it disclosed to customers. This area may need regulation as the State is not meeting the EU targets particularly for municipal waste.

**114. Given that the last time flat rates fees were identified was July 2018, do you believe the work of the Group should continue?**

Yes, the work should continue to monitor complicated pricing structures; this role should pass to the economic regulator when established.

**115. Would you support the Group undertaking whole of market monitoring including publishing prices for household waste collection for all collectors in all areas?**

Yes, as this would provide transparency to the householder and should be the role of the economic regulator if established.

**116. Do you believe there needs to be further oversight of the waste sector from a consumer rights perspective?**

Yes, the RWO recommend the establishment of a waste regulator as currently there is no forum for consumer issues to be resolved. Should an economic regulator be established the Price Monitoring Group activities will absorb into it.

**117. Do you believe that a consumer complaints body should be out in place?**

Yes, the RWO believe consumer complaints body should be implemented and this is a role for the economic regulator as currently there is nowhere to go with such complaints.

**118. If yes, what powers would such a body have?**

The consumer complaints body would have the power to assign responsibility for action and to chase up the relevant actors.

**119. Should it be included within an existing body e.g. CCPC or the National Waste Collection Permit Office?**

No – This should be the role of the economic regulator or expand the PMG.

**120. Is further regulation from a consumer perspective of the sector needed?**

Yes, see above.

**121. If yes, what measures do you see as necessary for further regulation or what legislation needs to be strengthened?**

No comment.

## 20 GREEN PUBLIC PROCUREMENT (GPP)

The RWO recommends that there is need for a complete review of the GPP practices within the State including the following:

Generation of updated GPP guidance documents for public authorities with a central focus on circular economy principles and developed in line with EU best practice.

Development of procurement templates for the public sector with key requirements and award criteria for GPP developed for a range of relevant products (furniture, textiles, food, energy, etc.).

Funding and presentation of pilot activities that can serve as experimentation and demonstration on the value of GPP.

Enhanced training for the delivery of GPP across the public sector who must take a lead role in its implementation.

Setting relevant GPP targets for implementation.

Establishment of monitoring and reporting criteria for GPP to track implementation.

### 122. What are the barriers to public authorities using GPP?

The RWO note that the main barrier to public authorities using GPP is that its requirements are not widely understood and that relevant departments are not taking the lead to ensure its correct incorporation into projects. Since the publication of the EPA Guidance on Green Public Procurement, there has been limited support provided by the Office of Government Procurement (OGP) to local and public authorities.

Additionally, the RWO note that as green procurement practices have to be researched and developed, there is an initial cost to projects that are including green criteria. This should be overcome by the provision of funding for research and demonstration projects with clear knowledge sharing objectives.<sup>9</sup>

Costs involved in researching and designing GPP into projects also provides a barrier to widespread use. This may be overcome through development of more practical guidance and templates for use in real world procurement that are readily accessible to contracting authorities.

In general, the following reasons frequently hinder the uptake of GPP:

- Purchasing departments' lack of knowledge about the need to transition towards circular economy, often due to the lack of clear political priority given to resource efficiency and circular economy;
- Lack of knowledge about the options available to include circularity as a criterion in tenders, often due to a lack of communication between the purchasing department and the department in charge of circular economy;
- Overemphasis on price compared to other criteria in the tendering process, often due to a lack of understanding of lifecycle costing and of knowledge about how to assess the offers on the basis of green criteria; and

<sup>9</sup> The design of the Rediscovery Centre in Ballymun is an exemplar of such project. Further information to be found at <http://www.rediscoverycentre.ie/>

- Lack of dialogue between public authorities and businesses, which would facilitate public authorities' understanding of what is available/possible through market supply chains. Better dialogue would also help to signal to the market forthcoming changes to support business to adjust and propose more innovative and circular solutions.

### **123. How can business support more widespread use of GPP?**

Green Procurement is led by the public sector who should send clear signals to businesses they intend to buy greener product products and services. Proactive businesses will develop their products and services in response to this signal. These signals can be delivered through early market engagement, the provisions of specific tender clauses, minimum requirements and award clauses and conditions of contracts.

In addition there is a need for:

- Clear messages and consistent approach from public authorities/purchasing departments;
- Early and regular dialogue with the business sector;
- Pilot activities that can serve as experimentation and demonstration (for both public and private stakeholders); and
- The right to fail/improve: a certain degree of flexibility in tenders in order to allow progressive improvement of the situation, for instance using timing modulation or positive incentives in case better solutions are identified during the implementation of the contract.

### **124. What % target should apply to the use of GPP in Ireland?**

In 2012 Ireland adopted its GPP action plan entitled Green Tenders. This set targets for 50% of all procurement in eight product and service groups to be green. To date it is unclear what level of GPP has been achieved.

In the past, most GPP criteria focused on energy and, in the case of catering, organic food. Since the understanding of GPP has evolved, a bigger emphasis on resource efficiency and circular economy should be ensured in the national GPP strategy. A specific % target of circular procurement should be defined at the national level and public authorities should adopt a clear approach to monitoring (e.g. as part of a larger initiative on circular procurement). Specific examples of criteria related to product re-use or purchasing of products, including a minimum percentage of recycled content would be advantageous.

### **125. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our green public procurement practices?**

With the current high public capital expenditure on infrastructure on water, transport, education and health, there is an opportunity to use green public procurement to a greater extent. There are also significant opportunities to use GPP on operational expenditure (food, energy services, textiles, etc.). These GPP requirements should be made mandatory which would help Ireland in meeting its climate change and waste targets.

Any review of the GPP guidelines and approaches adopted in Ireland should be fully cognisant of the best practice available across the EU. There are significant GPP resources available on the Circular Europe Network website<sup>10</sup>, the REBus website<sup>11</sup>; the European Commission website<sup>12</sup>. In addition, European best practice in states like the Netherlands and its 2013 'Green Deal Circular Procurement' should be consulted.

In terms of specific procurement needs, a distinction should be made between the following;

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<sup>10</sup> <https://www.circular-europe-network.eu/>

<sup>11</sup> <http://www.rebus.eu.com/wp-content/uploads/2017/12/REBus-project-Moving-to-a-circular-economy.pdf>

<sup>12</sup> [https://ec.europa.eu/environment/gpp/index\\_en.htm](https://ec.europa.eu/environment/gpp/index_en.htm)

- Items that can be easily green sourced (e.g. furniture, food, and paper) – since the impact of green procurement of these goods is easily demonstrable, it is easier to engage public and private entities in GPP; and
- Items that are more complex and require more time and budget (e.g. construction materials, textiles or Information Communications Technology (ICT) products).

A mix of both should be included in the overall strategy, leaving public authorities the ability to choose, but, at the same time, encouraging them to focus on priority sectors that would be defined at the national level. A useful reference could also be the ProCirc project<sup>13</sup> which aims to develop tools and guidance, as well as pilots, focusing on construction, furniture and ICT.

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<sup>13</sup> <https://northsearegion.eu/procirc/>

## 21 HOUSEHOLD BULKY WASTE

The RWO recommend rather than a PRI scheme for bulky waste an obligatory take back scheme for suppliers of key bulky wastes (furniture, beds, mattresses) should be imposed on suppliers. Such a scheme may require the introduction of a charge reflecting end of life costs. The responsibility of setting such costs could be for a future economic regulator.

### 126. What supports do consumers require to prevent bulky waste?

The RWO believes the main consumer supports to prevent bulky wastes such as carpets, beds, furniture and toys are the following:

- Online reuse platforms (such as [www.FreeTradeIreland.ie](http://www.FreeTradeIreland.ie));
- The charity sector;
- Obligatory take back schemes from providers and retailers of bulky waste;
- Encourage upcycling and repair services in line with NWPP; and
- Better production methods for longer life products.

Better coordination of these groups in awareness raising would help to inform consumers of the management options open for these difficult waste streams. With the options above open to consumers, these bulky items should be banned from landfills.

It is also important for greater engagement with the charity sector to ensure that reuse through this sector is better captured and reported. Such engagement may be incentivised through subsidies or other measures to resource the reporting requirements.

### 127. Are consumers willing to pay more to ensure appropriate end-of-life disposal for these products?

Yes, but awareness and education need to reinforce this concept. This should not be in the form of an PRI which would be too onerous for such stream, but simply an additional service and charge that retailers must offer to provide the consumer with the option to take back the waste bulky item (e.g. Ikea provide such a take back scheme for customers). The charge imposed should be standardised based on the waste management cost of the item and would be set by the economic regulator.

### 128. Should Government support investment in the recycling of large plastic items that are not suitable for domestic recycle collection?

Yes, the RWO believes the Government should support funding in the recycling of large plastic items, see response to **Question 65**.

### 129. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?

The RWO note that the mattress amnesty run through the anti-dumping initiative (ADI) programme was hugely successful and identified a clear market demand for a collection service. The RWO note each local authority should provide a bulky collection service which should be a priority within the waste action plan.

The State should develop a harmonised definition of bulky waste in order to clearly distinguish it from other streams like construction and demolition waste and inert waste.



## 22 BIOECONOMY

The RWO see clear overlap between the two policy areas of Bioeconomy and Circular Economy and highlights the need for coordinated implementation of policies at national, regional and local level in order to transition towards common goals and make full use of resource synergies.

The overlap between the concepts of Bioeconomy and Circular Economy is best illustrated in **Figure 22.1** which has been sourced from the Ellen MacArthur Foundation<sup>14</sup>. However, in Ireland, the RWO considers that the key circular stakeholders (from both sides of the bio and circular economy) are not fully integrated at present. The implementation of Bioeconomy Strategy is underway and there is a lack of participation from actors on the technical (material) side of the circular economy who are not being consulted on policies and actions. Therefore, the RWO identify that better integration between the two sides of the bio/circular economy needs to be established to ensure resource flows and synergies are harnessed (and not missed due to a lack of communication and coordination). There is a clear need for an action in the forthcoming plan to ensure this coordination is embedded.

### OUTLINE OF A CIRCULAR ECONOMY

#### PRINCIPLE

# 1

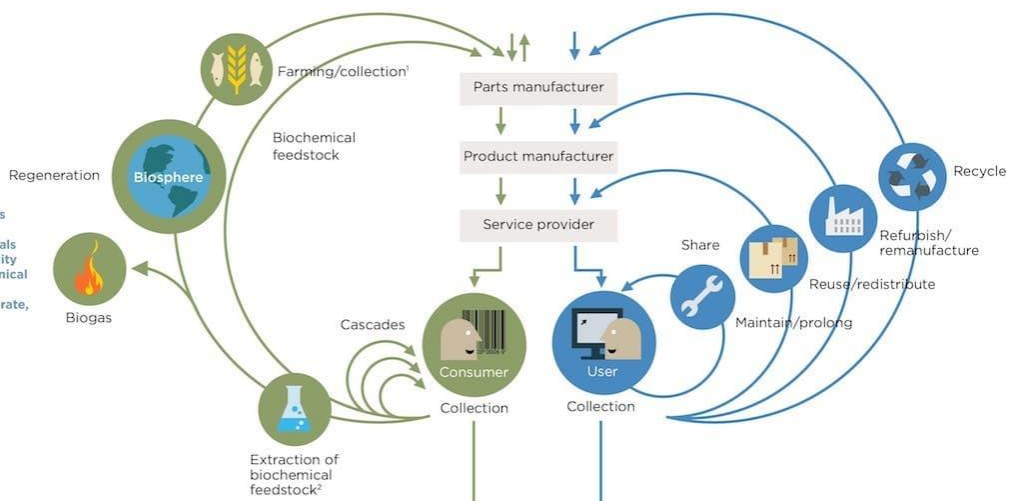
Preserve and enhance natural capital by controlling finite stocks and balancing renewable resource flows  
ReSOLVE levers: regenerate, virtualise, exchange



#### PRINCIPLE

# 2

Optimise resource yields by circulating products, components and materials in use at the highest utility at all times in both technical and biological cycles  
ReSOLVE levers: regenerate, share, optimise, loop



#### PRINCIPLE

# 3

Foster system effectiveness by revealing and designing out negative externalities  
All ReSOLVE levers



1. Hunting and fishing  
2. Can take both post-harvest and post-consumer waste as an input  
Source: Ellen MacArthur Foundation, SUN, and McKinsey Center for Business and Environment; Drawing from Braungart & McDonough, Cradle to Cradle (C2C).

**Figure 22-1 Diagram of Bio and Circular Economy (Source: Ellen MacArthur Foundation)**

<sup>14</sup> <https://www.ellenmacarthurfoundation.org/>

**130. What kinds of activities to increase the financial support for bioeconomy development in Ireland?**

In consideration of this question it is important to have a systemic approach in order to develop a sound circular bioeconomy strategy. An analysis of the territorial metabolism is therefore needed at the regional level in order to highlight the local strengths and potential synergies, especially regarding the interactions between urban and peri-urban areas.

In addition to the systemic approach, a sector-based approach, in particular on food, should be developed. In this particular sector, the focus should remain on waste prevention and a strict application of the food use hierarchy, with top priorities being human food (including re-use) and animal feed; return to soil; biomaterials and bioenergy.

Another strategic stream is wood from construction and demolition and bulky waste, as well as from industrial wood processing. When re-use is not possible, a cascading process should be considered in order to stimulate the development of new products using this material.

**131. Are current policy options in relation to innovation & enterprise policy instruments suitable or sufficient to address the development of systemic and cross-cutting bioeconomy approaches, business models and new value chains?**

There needs to be a clear national policy in this regard to provide certainty in gaining financial supports from financial institutions. This will also provide certainty to funding bodies who provide financial support to new start up enterprises. There is also a need for greater clarity regarding the definition of waste / by-product /co-product in order to limit the legal barriers to innovation.

**132. How best to develop a value chain approach to link bio-based actors, value chains and territories?**

Typically, regional strategies relating to specific industrial sectors are developed either by regional authorities or by regional business organisations. Such strategies are also often linked to the requirements of EU regional development funding, which ask for the elaboration of Smart Specialisation Strategies for Regional Innovation. National strategies often have a broader set of objectives, such as priorities for national science and technology investment and hence involve a wider set of public actors.

Existing bioeconomy clusters in various parts of Europe (e.g. in the Netherlands) have demonstrated their efficiency. A penta-helix approach (public authorities, private sector, academic experts, NGOs/communities, financial sector) is desirable to ensure that such clusters represent various interests and stakeholders.

It is essential that, within public authorities, departments related to agriculture cooperate with departments related to circular economy and waste/resource management, for instance via cross-cutting thematic meetings or the establishment of formal or informal groups on circular bioeconomy. Aside from these actors, involving private actors like big food waste producers is essential.

**133. Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

The RWO consider that the bioeconomy strategy and the circular economy strategy will naturally dovetail and overlap. However, the RWO note there is a lack of clarity on the actions to integrate the plans. The RWO believe that their needs to be strategic actions (to deliver integration) which should be embedded in the waste action plan where both regional and local bodies are obliged to consider these issues at planning stage.

Participatory governance is essential and should be reflected in both the strategies and the institutions planning and implementing circular bio-economy.

## **23 OTHER RELEVANT COMMENTS**

Following on from a review of the Environment Fund and as a discrete part of a broader consultation process on the development of a Circular Economy Strategy, the Department of Communications, Climate Action and Environment recently sought views in relation to the proposed introduction of a range of environmental levies. Proposals included a coffee cup levy, a waste recovery levy and increases to the existing plastic bag and landfill levies. That public consultation closed on Friday 20th December 2019.

The RWO provided a detailed response to this consultation and this response can be made available on request. The views expressed in that consultation response are also valid for this consultation on the Waste Action Plan.

The measures arising from the levy consultation process will be progressed in the context of the new Waste Action Plan.



**NWCPO Submission**

**For**

**DCCAIE Public Consultation**

**Waste Action Plan for a Circular Economy**

**February 2020**



## **Foreword**

The NWCPO welcomes the opportunity to make a submission on the Department of Community, Climate Change and Environment, public consultation “Waste Action Plan for a Circular Economy”.

Significant progress has been made since the publication of “A Resource Opportunity” in 2012, both in the regulation and operation of the waste market. The NWCPO has played a key role in the implementation of this waste policy and has put a platform in place for the implementation and ongoing development of waste regulation and the development of systems for waste data management.

The following comments from the NWCPO, on the questions raised in the consultation document, aim to identify where NWCPO can best serve the implementation of waste policy. A number of other matters for consideration have also been included to assist the consultation process.

## **Section 1 – Timeline and Roadmap**

The NWCPO welcomes the establishment of the Advisory Group and will assist the group as may be necessary.

## **Section 2 – Institutional Arrangements**

The enhancement of local authority enforcement with the introduction of the WERLA has been a positive development. The WERLA have enhanced the coordination and communication of enforcement activities which has complemented the work of existing regulatory bodies.

There is a risk that where aspects of waste policy traverse regulatory functions responsibility is not defined and as such the funding and resources may not be adequately assigned. A specific body could be assigned responsibility by thematic area of any new waste policy.

## **Section 3 – Municipal (Household and Commercial) Waste**

### **Municipal Waste**

The NWCPO welcomes that household and commercial waste management will be an enforcement priority. Commercial waste in particular has been identified in EPA waste characterisation studies as having a high level of contamination and poor segregation.

#### *Metrics to measure impact of enforcement and awareness actions*

To assist the monitoring of service provision, awareness, education campaigns, and enforcement, specific performance indicators/metrics should be developed for each of

these aspects of municipal waste management. Such indicators/metrics could guide policy through multi-facet approach to municipal waste regulation. For example, the presentation of brown bins in a specific demographic area and tonnage collected, could be compared to the number of inspections, number of local awareness measures, and charging mechanisms.

#### *Waste Collection Permit condition requiring waste collectors to meet targets*

Should waste collectors be required by a condition to meet recycling targets, the measurement calculation used and methodology used would need to be specific and comparable across all relevant collectors. Consideration should be given to such calculations being undertaken by an independent third party or to a robust auditing process by the regulatory authorities.

#### *Mandatory provision of a waste collection service*

The mandatory provision of a waste collection service to all households and commercial premises within a specified area serviced by a waste collector should be considered (possibly using a Municipal District as a unit area). Some waste collectors currently do not collect from specific households that are off the main transport route. It is acknowledged that a minority of roads are inaccessible by refuse collection vehicles however this should be the exception to the rule.

## **Household Waste**

#### *Charging mechanisms*

The NWCPO has commenced gathering details of incentivised charging systems though the permit review process and initial findings show a significant variation in charging mechanisms. The number of charging systems available to customers also serves to complicate the issue. A number of collectors have in excess of 100 charging mechanisms. While some effort is being made to reduce these, there is no mandatory requirement.

In general pay-by-lift or pay-by-tag charging is not encouraging waste segregation as there is an incentive to ensure that a bin is full when presented.

Due to the subjective nature of incentivised charging it is difficult to determine if a particular charging system will incentivise an individual or demographic. A full review of existing incentivised charging systems should be undertaken to clarify what is or isn't an appropriate charging system with a view to standardising these systems. The role of the existing Price Monitoring Group could be examined in this regard.

## **Commercial Waste**

Pay by weight should be mandatory for commercial kerbside waste collections.

Businesses should be required to publically display certification from their waste collector to demonstrate that they are dealing with their waste in a responsible manner. This should include each waste type, recycling target achieved by the collector for each waste type and have an expiry date. Collectors should be prohibited from issuing such certificates where poor segregation is evident.

#### **Section 4 – Food Waste**

We refer to comments above in section 3 – Municipal (Household and Commercial) Waste

#### **Section 5 – Plastic and Packaging Waste**

Should commercial pay-by-weight be introduced, waste collectors must be required to have charging systems that reward the presentation of clean, segregated, packaging waste and penalise poor behaviour.

#### **Section 6 – Single Use Plastic**

Waste collectors are reliant on the users of their service, emptying/cleaning and placing PET in the correct bin in order for it to be segregated at sorting facilities. It is unlikely that a segregated bin for PET would significantly enhance the collection rate. Awareness measures relating to the emptying/cleaning of PET and placement in the recycling bin should be implemented in the first instance.

PET removal from public bins and bins in commercial outlets could increase our collection rate. A deposit refund scheme in this context may be appropriate, however the NWCPO acknowledges that the recommendations of a national report for this purpose are under consideration.

#### **Section 7 – Circular Economy**

The development of social and cottage enterprises for preparation of waste for reuse and upcycling, should be regularised through a simplified authorisation process. This will give waste producers the confidence to legally transfer their waste to such operators. These operators could also be required to provide data in relation to their activities to assist in Ireland achieving its targets.

#### **Section 8 – Citizen Engagement – Awareness & Education**

The waste industry should be required to play a greater role in awareness and education. The experience of the NWCPO to date has found that the level and quality of customer engagement varies significantly between collectors. Some waste collectors do not wish to inconvenience their customers for fear of losing them to a competitor, therefore mandatory requirements are more likely to be implemented. Where engagement has been observed it has been primarily through direct contact via text message, phone call or written warnings in response to poor recycling or contamination by a customer.

Most waste collectors do however have ongoing awareness campaigns such as leaflets, websites, social media, local radio etc. These are often focused on generating sales rather than implementing national waste policy.

The NWCPO would recommend that waste collectors are required to contribute to a central awareness and education fund. The existing awareness work being undertaken by the Regional Waste Management Offices (RWMO) should be enhanced, standardised and made mandatory on waste collectors through permit conditions. National and regional media campaigns could also be provided from the fund. The level of contribution to the fund could be calculated based on the number of customers served.

With regard to bin stickers; while bin stickers for wheelie bins would be beneficial, most segregation takes place within the house, bin stickers for internal bins may work in some cases and should be considered as part of an awareness programme.

A series of behavioural and attitude studies should be undertaken at regular intervals to measure the impact of policy measures on waste producers and the general public. Such studies can enhance awareness and enforcement campaigns.

## **Section 9 – Construction & Demolition Waste**

The NWCPO has commenced scoping a system to track Construction and Demolition Waste flows in conjunction with work ongoing in the RWMO. Discussed further in Section 17.

Construction waste management plans should be a statutory requirement in a planning application. The applicant should be required to specify how waste targets will be achieved for each level of the waste hierarchy. Applicants should also be required to identify the destinations that will be used for soil and stone waste arising.

## **Section 10 – Textiles – Waste and Recycling**

The collection of clothes and textiles would benefit from clarification in legislation or regulations. Various interpretations exist as to when clothes and textiles become waste and when they are for reuse and when they are being prepared for reuse. Such ambiguity can inhibit the regulation, enforcement and development of this sector. As stated previously, the development of social and cottage enterprises for preparation of waste for reuse and upcycling, should be regularised through a simplified authorisation process.

There are sufficient collection systems currently in place for the collection of clothes and textiles, however further regulation in this area should be considered.

A ban on textiles from the general waste bin would likely assist the removal of this fraction from the waste bin however such a ban is only likely to work if implemented in conjunction with an awareness programme for householders. Clothes and textiles are generally contained within black bags in the bin and thus not easily detected.



## **Section 11 – Waste Management Infrastructure**

It would be of benefit to the regulation of the sector if the Regional Waste Management Offices (RWMO) were set up on a statutory basis. As previously stated, regulatory bodies could be assigned thematic areas of the waste plan i.e. Waste Management Infrastructure, and provide the oversight required with regard to waste capacities and the direction of waste. Any decisions on the direction of waste should however be based on the national context and not regional.

## **Section 12 – By-Products**

Should local authorities play a role in terms of assessing particular by-product notifications (e.g. soil and stone), then any assessment process should be standardised and recorded centrally.

## **Section 13 – End of Waste**

It would be of great benefit if the Government were to establish a group to apply for national End of Waste decisions. Establishing national End of Waste criteria will be vital to the development of a circular economy. The role and experience of the RWMO to date should also be considered.

Such applications are likely to require the coordination of different parties depending on the application being submitted. A national project management role under a new statutory basis for the RWMO may be worth considering.

## **Section 14 – Exemptions**

The conditions of any exemption needs to ensure that records are maintained and data is reported to the relevant regulatory authority.

## **Section 15 – Extended Producer Responsibility (EPR)**

Exemptions need to be provided in regulations for the take back of waste at retailers i.e. waste packaging being returned on site to the retailer after purchasing products.

## **Section 16 – Waste Enforcement**

The NWCPO welcomes the enhancement of the WERLA and the consistency and developments in enforcement since their inception.

The availability of waste data to track waste data flows will be dependent on the systems for waste data validation, in particular secondary movements of waste from waste facilities. This is discussed further in Section 17.

Waste collection permit holder databases and systems have evolved over the last number of years and should now be in a position to gather and store details of customer Eircodes. Quality control systems will also be required where absent, to ensure the accuracy of customer details within these databases. Where customers sign up to a service (in particular online), measures are required to ensure that the details entered are complete and accurate.

As previously stated in Section 3, specific performance indicators should be developed for service provision, awareness and education campaigns, and enforcement. Such indicators should be monitored in tandem to manage a multi-facet approach to waste management.

## **Section 17 – Waste Data & Waste Flows**

The NWCPO has commenced scoping a system to track Construction and Demolition Waste flows in conjunction with work ongoing in the RWMO. Such a system will be required to monitor capacity issues, waste flows for enforcement purposes and provide data for statutory reporting.

With developments in technology and software, systems currently exist and are being used by waste collectors, where clients request visibility and traceability of their waste. Consideration should be given to making this a requirement of large scale (or all) construction projects and granting Local Authorities tailored access to data and waste movements. Similar tracking systems which are in place for household kerbside waste collection have raised the standard of record keeping, reporting and general operations management, across that sector.

The National Waste Collection Permit Office adopts an ethos of continuous development and improvement. Data gathering systems are improved year on year and we will continue to enhance our systems to meet the needs of the sector. NWCPO Data is shared with the EPA where permissible, in order to minimise duplicate reporting and create a platform for tracking waste flows.

The NWCPO is currently funded by waste collection permit application fees and a contribution from Local Authorities. Should significant additional resources be required, in particular in relation to ICT system development and data management, this funding model may need to be amended accordingly.

The NWCPO currently gathers annual waste data from c.2000 waste collectors and c.900 waste facilities. To request all/most of this data at quarterly intervals where it is unclear

where it would be utilised may be an unreasonable administrative burden on the sector and the regulatory bodies receiving the data.

Where there are specific issues arising e.g. the collection and processing of commercial food waste, then quarterly reporting can be justified and systems and resources put in place accordingly. A business case should be proven for any additional reporting requirements.

Waste data validation is an ongoing challenge. The NWCPO has developed systems to lessen the burden on local authorities however waste data validation finds it difficult to compete with waste enforcement workload and priorities.

A working group has been approved by the CCMA to examine the issues surrounding waste data validation. This working group will commence meeting in February 2020 and should be provided the opportunity to examine the issues surrounding waste data validation to assist in the development of policy measures.

The systems for gathering data for EU reporting are well established and continuously improving. Data is gathered on an annual basis and validated by local authorities, regional offices and the EPA.

Statistics for enforcement and other indicators can be made available from datasets that have not been validated. Due to the nature of the waste sector in Ireland, a single waste collectors report, or lack thereof, can skew an indicator report significantly. If appropriate margins of error are applied and/or preliminary validation is undertaken when interpreting waste data (that has not been validated), then such indicators would have merit.

The tracking of waste from site of creation to final destination will only be possible for specific waste types i.e. it will be more difficult where mixed loads enter a facility and its components separated and moved to a number of different final destination facilities. These are generally moved onwards under different waste codes.

Where the waste does not change then it should be possible to track the waste. This is dependent however on the quality of reporting and validation at each stage in the transport process.

The experience of the NWCPO has been that the systems operated by waste collectors do not currently provide for the efficient reporting of data to regulatory bodies. The software systems do not have the necessary reporting tools and significant quality control of data is required before reporting. This area needs to be addressed by the sector.

## **Section 18 – Research & Innovation**

Further research is required into the development of alternative packaging and packaging systems to replace the reliance on plastic packaging. The removal of composite packaging should be prioritised.

## **Section 19 – Consumer Protection & Market Monitoring**

### *Economic Regulator*

While the NWPCO accepts that there may be merit in the development of an economic regulator, the functions and tools of an economic regulator as recommended in the 2018 CCPC report included many functions that already exist in the current regime e.g. *“The power to grant an exclusive licence or licences in specified geographic areas.”* Waste Collection Permits are already issued by geographical area. The NWPCO has recommended that the Municipal District unit is worth considering as a smaller geographical area to better identify service provision and competition.

The report recommends that a regulator should have *“the power to design and allocate routes where the evidence suggests it would yield effective and appropriate outcomes.”* The design of routes is better placed with the waste collectors. There is a significant risk that efficiencies in route design would be lost by being overly prescriptive. The use of routes to define a market area, particularly in rural areas, is likely to be problematic as many rural dwellings are not on main routes and thus not provided with a waste collection service. The allocation of waste collection service would be best achieved by geographical area, requiring all households within that area to be serviced. This could be achieved by minor amendments to existing legislation.

There is currently no requirement by law for a waste collector to provide a service in the entire “area” that they are collecting in. This allows for “cherry-picking” the most lucrative areas. Placing a legal requirement on a waste collector to provide the service to all households within a specific area (unless it can be demonstrated that a household refused the service or is being refused a service for justifiable reasons), would possibly address the issues in the existing market design. Again Municipal Districts should be considered as an appropriate size of area.

The report recommends that the regulator should have *“The power to set price controls where appropriate. There may be circumstances where it is appropriate to introduce price controls for a period of time, for example, in a situation where there is a monopoly provider, with considerable market power.”* Price controls overlap with the requirement to regulate incentivised charging systems. Maximum price limits should be examined in areas where competition does not exist.

The current waste collection review process and data gathering systems address other issues that are raised in the CCPC report.

### *Kerbside Waste Collection Pricing*

The NWCPO has commenced gathering data on charging mechanisms from waste collectors. This data is maintained as commercially sensitive data and is not shared. As discussed in Section 3, the number and variety of charging mechanisms (some collectors having in excess of 100 different charging mechanisms) would make it difficult to present this data in a meaningful format to the public.

In the future, charging mechanisms (if streamlined) could be presented to public, by the NWCPO gathering the data through current systems and providing it to the mywaste.ie website.

As previously stated, a full review of existing incentivised charging systems should be undertaken to clarify what is or isn't an appropriate charging system with a view to standardising these systems. The role of the existing Price Monitoring Group could be examined in this regard.

### *Customer Complaints*

The NWCPO currently receives complaints from customers of household kerbside waste collectors and these complaints are processed in accordance with standard protocols. Waste collectors are required to demonstrate that complaints have been addressed and are incorporated into the audit for a waste collection permit review. This audit examines the complaints system that is in place and the procedures for addressing these complaints. While the NWCPO has the potential to develop its role into this area, existing data management systems would need to be enhanced and additional administrative resources would be required.

Any complaints system should require that complaints are referred to the waste operator in the first instance and to involve the complaints body is considered an escalation of the complaint.

A clear distinction would need to be made between complaints where there is an environmental risk and breach of a permit condition, which may need to be investigated by a local authority, and complaints from a consumer rights perspective.

The functions of an economic regulator, in an already complex regulatory system need due consideration to avoid unintended consequences on existing regulatory functions.

## **Section 20 – Green Public Procurement (GPP)**

For the purposes of any GPP project, a recognised calculator for the social and environmental value of the products or services being purchased would be beneficial to demonstrate the true value for money of a project.

## **Section 21 – Household Bulky Waste**

Household bulky waste is ideal for the development of social enterprise and is a problem waste type. The government should support investment in the recycling of all bulky waste. This can also be an investment in social and cottage enterprises.