



WEEE Ireland Submission

Public Consultation on a Waste Action Plan for a Circular Economy

WEEE Ireland on behalf of our 1131 EEE and Battery Producer Members welcomes the opportunity to submit on the Waste Action Policy and Circular Economy development. The Scheme supports ongoing engagement by the Irish DCCAE with a crossbody of PRIs and stakeholders in Ireland when Circular Economy related Waste Legislation is transposed, the final Policy is published, and planning implementation of same into the Irish EPR system.

About WEEE Ireland

WEEE Ireland is a not for profit Scheme owned by its Members – Producers of electrical and electronic equipment (EEE) and batteries. The Scheme has operated under Ministerial approval since 2005 and is currently in its third approval programme 2017-2022. The Scheme works with core indigenous recycling facilities in Ireland as well as specialist downstream processors and supports mandated EN standard through quality recycling to properly manage hazardous waste and recover resources.

The most recent annual report highlights 36,131 tonnes of e-waste collected for recycling along with over 83% WEE material recovery reported by the Scheme during 2018, avoiding the equivalent of 220,000 tonnes of CO₂ emissions¹. The Schemes reported more than 7,000 tonnes of waste batteries collected from the portable, industrial and automotive sectors surpassing the Battery Directive recycling efficiency requirements.

WEEE Ireland has a diverse and effective communication programme supporting campaigns such as *Small Things Matter*, *Recycle for Good* and the *WEEEPledge* for Schools Blue Battery Box Programme, as well as the industry retailer *We'll Take it Back* Programme all of which are detailed on the website www.weeeireland.ie.

Although WEEE Ireland is an Irish company, it works in partnership with a strong network of European associations to provide pan-European compliance to its Members via WEEE Europe and PV Cycle as well as adding to the experience and knowledge held by EUCOBAT and the WEEE Forum centres of excellence².

WEEE Ireland 2020 vision is to continue delivering Market Leading Environmental Compliance services to Producers in Ireland while supporting our stakeholders toward a more circular and resource efficient Economy. The Scheme's objectives come under the following sustainability pillars:

- Cost Effective Management
- Support to Members
- Best In class Compliance
- Service to Business Partners
- Open and Transparent Communications.

WEEE Ireland is certified to both ISO 9001:2015 and ISO 14001:2015 standards.

¹ WEEE Ireland Annual Environmental Report 2018, <http://www.weeeireland.ie/wordpress/wp-content/uploads/2019/06/WEEE-Ireland-environmental-report-2018.pdf>.

² WEEE Europe : <https://www.weee-europe.com/14-1-Home.html/>; PV Cycle : <http://www.pvcycle.org/>; Eucobat : <https://www.eucobat.eu/>; WEEE Forum : <https://weee-forum.org/>.

Extended Producer Responsibility EPR

While the DCCAE consultation document covers a wide range of topics relating to Irish Waste Management and policy transformation, there are core issues relating to Extended Producer Responsibility (EPR) and the Circular Economy Amended Waste Directive transposition which WEEE Ireland would like to specifically comment on. The Scheme understands a European Commission guidance document on EPR is due to be published in the coming weeks. The Scheme would like to note some observations from an Irish and WEEE Ireland context on the topics explored by the consultants Eunomia with stakeholders during 2019 in the preparation of the guidance.

Eco-modulation and fees

WEEE Ireland firmly supports harmonisation of fee modulation across Members States with a practical and timely lead in time for implementation by Systems, Schemes and Producers.

“The criteria underpinning the modulated fees must be harmonised at EU level and applied consistently across the EU in order to secure a smooth functioning of the internal market. A patchwork of different criteria in all the Member States would have no positive impact on products design. On the contrary, they would create administrative burden and costs for producers, and outweigh potential environmental benefits of modulated fees.”³

Please see below the link to the joint industry position paper on this topic for consideration.

Independent or enforcement-based auditing, inspection and data analysis will have to increase across the Irish system to ensure equal treatment of all Producers and that eco modulation becomes an effective environmental improvement tool for the WEEE and Battery Sectors in Ireland.

The option for a visible fee in the Irish WEEE System has provided significant benefits and underpinned a high performing takeback and recycling programme, achieving all targets for B2C WEEE and portable waste batteries to date. The significant contributions by Producers via the Schemes to Retailer and Local Authority Collection Points as well as to consumer awareness, research and EPA enforcement programmes has been supported by the continuation of visible fees since 2014. Removal of the visible fee option in Ireland would be a retrograde step in the opinion of WEEE Ireland. WEEE Ireland would review the potential benefits of a (harmonised) product rating schedule but would not support the removal of a visible fee option.

Batteries

It is important to note that there are several European Schemes already dealing with industrial and automotive batteries including WEEE Ireland. The increase in waste lithium batteries and the high cost to recycle and manage as an island nation must also be noted.

As Members of EUCOBAT, WEEE Ireland supports their position paper on a visible fee option for batteries⁴.

³ “Joint industry comments on modulating producers’ financial contributions for WEEE”
https://weee-forum.org/wp-content/uploads/2019/07/Joint-industry-comments-modulation-of-producers%E2%80%99-financial-contributions-for-WEEE_2019_07_25_final.pdf

⁴ Eucobat Position Paper “Recasting the battery Directive: introduction the visible environmental fee for batteries put on the market” <https://www.eucobat.eu/sites/default/files/2019-01/PP%20Financial%20Responsibilities%20-%20v4.1.pdf>.

WEEE Ireland has already implemented a fee structure based on Battery chemistry and welcomes the extension of this practice to every Member State with detailed reporting on waste battery chemistry types.

Necessary costs

WEEE Ireland welcomes the moderation in relation to description of necessary costs to ensure an adequate and acceptable system is in place and not placing excessive cost burden on Producers. The WEEE and Battery system is performing at high levels in Ireland. Wider costs should only be considered by a stakeholder review if failure to meet targets or achieve environmental aspects. The Business model for the WEEE Ireland scheme is included in the Scheme's original application and subsequent reapplications and widely documented to the DCCA as part of annual reporting. The intricate financial model for the Scheme and direct contracted activity ensures control of necessary costs.

WEEE Ireland on behalf of its members already makes significant contributions Local Authority, Communication, Research & Development and Enforcement programmes. Additional costs on Producers and Schemes should only be considered where breach of approval and targets required under Approval are not met.

B2B Producers supporting costs and target achievement

Despite the high collection rates achieved by WEEE Ireland, as well as recovery and efficiencies target rate achievement, the Scheme is concerned that the national system may not reach targets due in part to the B2B sector. Timely review of national data by all stakeholders and more active participation by the B2B sector in system support and development should be considered when implementing the system design aspects of this guidance.

If B2B compliance is to be supported by PRIs in Ireland there are significant cost challenges relating to historical financial guarantees and historical WEEE management for this sector. There is a limited amount of existing takeback and recycling from this sector in Ireland and a likelihood of under reporting and free riding from the B2B sector.

Competition

Competition in Ireland and unequal implementation of mandatory standards may not support capital cost ventures by Producers/Schemes. For example, ROI does not have a CENELEC quality standard LHA or Fridge Freezer recycling plant as the scale of the market would need whole market support to develop. Without both Schemes and B2B market supply of material, the cost to WEEE Ireland Members alone makes it a challenging prospective despite the recycling, circular economy and resource efficiency benefits it would bring.

WEEE Ireland would welcome a full review of the reasons for EPR competition in a small-scale marketplace in the WEEE and Battery systems only and whether this supports achievement of the objectives set by the Directive and ongoing.

Transparency

Transparency in Communications and reporting is an important part of WEEE Ireland Scheme strategy. Member State enforcement of this transparency to agreed accounting and reporting standards is vital for an equal playing field in Irish EPR. Of the three approved bodies in the WEEE

and Battery system (WEEE Ireland, ERP Ireland and Producer Register Ltd) only WEEE Ireland publishes in a timely fashion an annual report on its website for public view.

Reporting requirements

WEEE Ireland disagrees with the establishment of a De Minimis threshold for registration but would welcome a reduction of the frequency and extent of reporting obligations for small Producers. Minimum Reporting Requirements (Table 5-1) should include weight as well as units for accuracy and data completion to compare to collection and recycling information.

Supporting links

“EU-Wide Uniform Conditions for The Proper Quality Treatment of WEEE: Call for implementing Acts to lay down minimum quality WEEE treatment standards in strict accordance with the European standards”

https://weee-forum.org/wp-content/uploads/2019/12/Joint-industry-comments_EU-wide-uniform-conditions-for-WEEE-quality-treatment_2019-12-12_final.pdf

“Joint industry comments on modulating producers’ financial contributions for WEEE”

https://weee-forum.org/wp-content/uploads/2019/07/Joint-industry-comments-modulation-of-producers%E2%80%99-financial-contributions-for-WEEE_2019_07_25_final.pdf

Free Riders/Distance Sellers – “Successfully countering online free-riders”

https://weee-forum.org/wp-content/uploads/2019/06/countering_online_free-riders_consultation_issue_paper-2.pdf

Eucobat Position Paper “Recasting the battery Directive: introduction the visible environmental fee for batteries put on the market”

<https://www.eucobat.eu/sites/default/files/2019-01/PP%20Financial%20Responsibilities%20-%20v4.1.pdf>

Waste Action Plan Consultation

3.7 Consultation Questions – Municipal Waste

- 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?
- What measures or practices are currently in place that could be improved?

From a WEEE/Waste Batteries perspective:

- Mandatory EN 50625 quality recycling certification for recycling facilities and use of same for all Producers, Schemes and enforcement of same
 - No WEEE or Waste Battery EWC codes on collection or facility permits or licences without confirmed contracts with EN 50625 recyclers or Schemes in place.
 - Mandatory handover of all WEEE from all collection points to Schemes and Producers
- What other new measures or practices could be put in place?
 - Controlled access to CA sites by small retailers and business owners for smaller volumes or specific types of waste including B2C WEEE and waste batteries.
 - What do you see as the barriers/enablers to these measures?
 - Waste dockets or other documented or digital evidence of waste management required
 - 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?
 - DCCAE led review of insurance requirements and cost across the waste sector including liability issues around reuse and preparation for reuse activity, and the opportunity where appropriate for waivers and indemnification.
 - Publication of waste reports for permitted waste operators similar to the transparency and publication of reports in place for licenced operators.

3.8 Consultation Questions – Household Waste

- 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 WEEE Schemes provide €1.2million in annual funding to Local Authorities. In addition WEEE Ireland organises 50+ public collection days in its designated area each year and supports a significant network of retail WEEE and Battery collection points as detailed on <https://www.weeeireland.ie/small-things-matter/map/>
 - WEEE Ireland welcomes publication of recent CA site report that the Scheme submitted feedback into, along with a review of the report findings as part of this Waste Policy consultation.
 - Feedback from WEEE Ireland on CA Sites included consideration of:

- Service level agreements with Local Authorities on CA sites relating to PRI Schemes
- Standardised signage and user-friendly branding across all sites
- Local and national advertisement campaigns
- Community reporting on local CA site achievement
- Access and use by retailers and small businesses
- For reuse opportunities there is a need to consider insurance and security aspects and how to regulate and manage access to reusable material flows.

3.9 Consultation Questions – Commercial Waste

- 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?
- What further incentives could be put in place to encourage business to recycle more?
 - Consideration of waste management hubs for smaller businesses and retailers that generate waste similar in quantity or type to household waste.
 - Controlled access to CA Sites by smaller businesses and retailers.
- 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)?
- 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?

7.7 Consultation Questions – Circular Economy

- What are the areas with greatest potential for transformation in Ireland under the Circular Economy?
 - Public and Private Procurement incorporating Circular Economy criteria
 - Collective and individual consumption and purchase patterns
 - Long Life Lithium Battery use, reuse and management
 - A holistic approach toward a Circular Culture that transcends individual waste streams and looks more at how society buys and operates products, uses services, and throws away waste...or not, and how Producers interact and can positively impact on all of this⁵.
- What measures are required to increase understanding of Circular Economy principles and their uptake by relevant actors?
 - Development of a National Circularity Index used by organisations and individuals to understand national progress toward a circular economy and the role each organisation, waste stream and business plays. This could again be part of required national reporting for each PRI scheme.⁶

⁵ For example, Applia the home appliance trade association's sustainability approach is through promotion of a Circular Culture across all of its Producer Member activities, <https://www.applia-europe.eu/images//slides/APPLiA-Manifesto-2019---Full-brochure.pdf>.

⁶ Ellen MacArthur Foundation, Circulytics tool,

- Reporting on this index similar to national GDP. WEEE Ireland would welcome discussion on a National Circularity Index to incorporate existing waste management reporting as well as more timely and transparent publication of waste related statistics including PRI annual reports and national data, for active review. This can provide more feedstock for these topics in national and social media and public discourse.
- Embedding Circular Practices, 'Circular language' and reporting across society, infrastructure and services e.g. procurement, waste management reporting, retail marketing and joined up educational programmes.
- Financial incentives and ringfenced progressive participation e.g. environmental fees used to support circular activity and infrastructure, hypothecated to the specific sector and environmental purpose.

□ What might be a meaningful national waste reduction target and how could it be achieved?

WEEE Ireland understands the new WFD has no direct waste reduction target, but Member States will submit data and review by 2024.

“By 31 December 2024, the Commission shall examine data on re-use provided by Member States in accordance with Article 37(3) with a view to considering the feasibility of measures to encourage the re-use of products, including the setting of quantitative targets. The Commission shall also examine the feasibility of setting other waste prevention measures, including waste reduction targets.”⁷

Ambitious targets in place include:

- By 2030, the preparing for reuse and the recycling of municipal waste shall be increased to a minimum of 60% by weight;
- By 2030, a minimum of 70% by weight of all packaging waste will be recycled;
- By 2035, the amount of municipal waste landfilled is reduced to 10% or less of the total amount of waste generated in the Union.

While acknowledging waste prevention is the most important aspect of the waste hierarchy that will drive a more Circular Economy, WEEE Ireland supports a New Waste Policy that will effectively and accurately measure what is being currently undertaken across the current material, product, services and waste systems before setting a target.

Current waste reporting is done on singular data entries in many cases e.g. a WEEE collection rate or Municipal Recycling rate and does not allow for or give visibility of wider circular activities across the sectors.

Development of a National Circular Economy metric and reporting system will require large scale efforts to design and implement but provide significant benefits to future target setting, benchmarking and achievements.

It could be pertinent to use the experience of the National Waste Prevention committee and reports to date^{8 9} to determine these targets.

<https://www.ellenmacarthurfoundation.org/resources/apply/circulytics-measuring-circularity>.

⁷ Article 9, WFD as amended by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1582724122113&uri=CELEX:32018L0851>.

⁸ “Towards a Resource Efficient Ireland - A National Strategy to 2020 A National Strategy to 2020” (EPA,2014) <http://www.epa.ie/pubs/reports/waste/prevention/reports/towardsaresourceefficientireland.html>

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?

- A more active national end of waste criteria programme, with clearer guidance and accessible pathways to EOW achievement by quality recovery system operators
- Systematic approaches to engaging with stakeholders and linking collective efforts across national programmes including:
 - Resource Efficiency & Waste Prevention Programme
 - National Hazardous Waste Management Plan
 - Green Business Initiative (where active)
 - Green Public Procurement
- Development of a national circularity index supporting more targeted results and a longer-term waste prevention metric once it is in place.
- Material sourcing; set up or revival of the Rx3 market development programme to review waste flows, by products, sectors or manufacturing needs.

8.7 Consultation Questions – Citizen Engagement

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

- WEEE Ireland has actively engaged with the mywaste.ie team over the last 2 years and has supported much of the WEEE and Waste Battery related material currently on the site including sharing of our 2020 communication planning and campaigns.
- Clear simple practical calls to action are required but the challenge is to coordinate all environmental messages in a systematic way. Communications should be organised under a strategic circular economy and waste communications plan and coordinated by an appointed communication officer in the DCCAE.

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

- Government funded as part of municipal waste responsibility but input from sectors with supporting collateral provided by different stakeholder organisations in a coordinated way.

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

Yes, coordinated information with supporting campaigns via mywaste.ie, continuing the work from Recycling List Ireland.

WEEE Ireland can work with waste companies and continue to work with mywaste.ie on supporting information on what does not go in household rubbish bins e.g. WEEE and Waste batteries.

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?

⁹ "Towards a Resource Efficient Ireland - Ireland's National Waste Prevention Programme Annual Report for 2017"
https://www.epa.ie/pubs/reports/waste/prevention/reports/EPA_NWPP_Ministers%20Report%202017_web.pdf

- Visible fee for WEEE at retailers and takeback and information in store from retailers has proven to be a successful tool for supporting sustainable consumption and encouraging recycling decisions and learning to be made during the buying or browsing phase.
- At individual level, clearer labelling and messages at retail level and takeback solutions as well as waste prevention and repair options should be enabled during the purchase decision stage. In the case of WEEE and Battery Regulations statutory notices have been used to promote takeback messages to customers in store and online. It is important that the information is standardised but the WEEE Ireland experience in the last 15 years is statutory notice requirement may be too inflexible and not in keeping with store advertising or communication aesthetics and therefore not readily supported by retailers. Retail sectors are experts in consumer connection and engagement, and they should be considered and consulted with when building new national communication programmes?
- A practical example of a successful action supported by WEEE Ireland is the voluntary *We'll take it back* programme. Promoted by retailers and supported financially by the visible fees from the WEEE sector (the visible fees themselves are important awareness tools on shelf edge labelling, other instore and online price displays), this shows the value of successful industry led programmes and campaigns that can go beyond statutory requirements.
- The mandatory takeback from retailers on a like for like basis in store has also resulted in high levels of takeback from these collection points. It should be noted that this successful takeback model is not carried through for small appliances and devices often supplied via distance selling and postal or courier delivery. This will need careful review as this online shopping model becomes ever more prevalent in the Irish marketplace.

9.7 Consultation Questions – Construction and Demolition Waste

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

WEEE Ireland would like to encourage collaboration with relevant PRI Schemes by construction and site operators to ensure proper environmental management of WEEE such as waste wiring or lighting equipment arising during retrofitting works.

What existing measures are in place that could be improved?

Mandate supply chain registration for products used in construction that are part of existing EPR systems, and enforcement of same. Examples include new heat pump technologies, PV panels, LED lighting, now commonly used in the fabric of new household and commercial buildings - how are these being procured, are they from PRL registered Producers? Can the planning process support EPR registration in some way?

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

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

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

- 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?
- What are the best approaches to raising awareness and education?
- What are the barriers/enablers to these measures?
- 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?

11.7 Consultation Questions – Waste Management Infrastructure

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

National coordination is important, however WEEE Ireland welcomed the implementation of the 3 Waste Regions and compliments Lead and other Local Authorities in their development of regional awareness, enforcement and other waste programmes during current Waste Policy implementation. Any change again must take into account disruption and the potential to lose momentum under the current 3 waste region system.

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

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

Yes, as part of capacity building, the State should review what waste and resource management facilities are required to support more resource efficiency and circular economy activity in Ireland. While full State support may not be necessary other economic incentives such as favourable loan terms or a grant system could be considered. For example, ROI does not have an EN 50625 certified quality standard LHA or Fridge Freezer recycling plant as the scale of the market would need whole market support to develop. Without both Schemes and B2B market supply of material, the cost to WEEE Ireland Members alone makes it a challenging prospective despite the recycling, circular economy and resource efficiency benefits it could bring.

As a priority there should be consideration of state funding toward more CA sites to improve access per capita in Ireland.

- 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?

12.7 Consultation Questions – By-Products

- How do you think the By-product process could be improved?
- Do you support the introduction of fees to assess by-product notifications?
- 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?

13.6 Consultation Questions – End of Waste

- 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?

Yes, an expert panel should be convened where it will support more active, timely and transparent processing of EOW decisions for applicants in Ireland.

- If yes:
 - o what expertise would be necessary for such a team,

Senior EPA and material/waste scientists

- o who should be represented,

- o are there other materials which you believe are suitable for national end of waste decisions?

- 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?

15 Extended Producer Responsibility (EPR)

15.1 What is it?

EPR is an environmental policy approach in which a producer's responsibility for a product is extended to the post-consumer stage of a product's life cycle. Under an EPR model producers take over the responsibility (financial and/or organisation) for collecting or taking back used goods and for sorting and treating for their eventual recycling.

15.2 State of Play

Ireland uses the EPR model for dealing with a number of waste streams and Producer Responsibility Initiatives have been developed based on the producer pays principle. The main waste streams are Waste Electrical and Electronic Equipment, batteries, packaging, end-of-life vehicles, tyres and farm plastics. To date, these schemes have operated very successfully and have enabled Ireland to reach our domestic and EU recycling targets. A summary of Ireland's current performance and progress towards EU targets is available on the EPA statistics website. They have also successfully contributed to Ireland meeting our overall environmental goals and have diverted substantial amounts of waste from landfill.

15.3 Where We Could do Better

EPR schemes form an essential part of a circular economy and of efficient waste management. The EU has acknowledged that the effectiveness and performance of EPR schemes across the member states differ significantly therefore the amended Waste Framework Directive (WFD) which forms part of the Circular Economy Legislative Package (CELP) introduces minimum requirements. These requirements should improve the governance and transparency of EPR schemes.

The amended WFD contains clear stipulations regarding the financial contributions to be paid by producers. There are new provisions which will harmonise approaches to EPR including clearly defined producer roles and responsibilities, measurable waste management targets, establishing a data collection and reporting system, and providing equal treatment and non-discriminatory services for all participants.

In tandem with other key economic instruments, EPR has the potential to encourage a change in behaviour of all actors involved in the product value chain: product-makers, retailers, consumers-citizens, local authorities, waste management operators, recyclers and social economy actors.

Long Term Target

□ Provide an incentive to producers to design products that contribute to waste prevention and facilitate recycling by taking into account their durability, reparability, re-usability, recyclability and the presence of hazardous substances.

WEEE Ireland supports this long-term goal, providing an incentive to support eco-design in product manufacturing, lifecycle use and end of life environmental management. The Scheme welcomes a harmonised approach with other Member States that avoids distortion to the internal market. The Producer market in Ireland is significantly distributor based; Producers are in the main importers and there is very limited OEM manufacturing of EEE and batteries on the island. The ability to influence eco-design and upstream changes will be limited by Irish Regulators acting in isolation

In order to implement an eco-modulated WEEE and Battery system the requirements of the Eco-design implementing Regulations will need to be in place alongside the supporting standards under development by CENELEC¹⁰. OEMS are working towards the 2021 deadlines and Ireland should at all times harmonise with Europe in this regard.

A representative from the Irish Lighting Sector at the recent WEEE Ireland EPR conference, shone a light on where the industry is going now and into the future; using Schiphol Airport and Philips' collaboration as a case study. In this example, the customer now pays for the light it uses, while Philips retains ownership of the fixtures and installations. *"The 3,700 LED fixtures installed were*

¹⁰ CENELEC, European Committee for Electrotechnical Standardization, <https://www.cenelec.eu/>.

*designed to last 75% longer, and the materials at the end of the contract can be returned for recycling or reuse, adhering to Schiphol's vision of sustainability"*¹¹

The Scheme also notes the Digital Europe position paper with regard to Ecodesign¹²:

"For the future of Ecodesign under the next term, DIGITALEUROPE therefore calls upon European policymakers to:

- *Be forward looking and adopt a system approach*
- *Promote standard-based and coherent material efficiency requirements*
- *Ensure transparency and inclusiveness*
- *Guarantee robust market surveillance*
- *Promote global convergence"*

WEEE Ireland firmly supports harmonisation of fee modulation across Member States with a practical and timely lead in time for implementation by systems, schemes and Producers. Please find here to the joint industry position paper on this topic for consideration¹³.

The option for a visible fee in the Irish WEEE System has provided significant benefits to the system and underpinned a high performing takeback and recycling programme, achieving all targets for B2C WEEE and portable waste batteries to date. The significant contributions by Producers via the Schemes, to Retailers and Local Authority Collection Points as well as to consumer awareness, research and EPA enforcement programmes, has been supported by the continuation of visible fees since 2014. Removal of the visible fee option in Ireland would be a retrograde step in the opinion of WEEE Ireland. The opportunity to utilise the benefits of a visible fee option incorporating eco-modulation should be not lost.

"The concept of a modulated VF, based on harmonised EU eco-design criteria is an interesting option worth exploring. This would make a noticeable and visible differentiator to the consumer."

PANASONIC Marketing Europe GMBH¹⁴

WEEE Ireland acknowledges the challenge in Ireland of ensuring future reporting needs meet eco modulation requirements and eco design aspects for example, but this must be balanced against overburdening very small Producers with significant administrative requirements. Overly complex or costly systems will only support free riding including that by distance sellers.

Moreover, as mentioned in the recent consultation feedback submitted by Applia to the EU Roadmap for a new Circular Economy Action Plan, *"In line with the Better Regulation agenda, product characteristics should only be regulated by law if there is actual evidence of a need for regulation with relevant requirements that can be measured accurately and reliably."*¹⁵

¹¹ Irish Lighting Sector Presentation, Cel O'Reilly, WEEE Ireland EPR conference, October 2019, <https://www.weeeireland.ie/wordpress/wp-content/uploads/2019/10/Cel-OReilly-Lighting-EPR.pdf>.

¹² Digital Europe, "The Future of Ecodesign", <https://www.digitaleurope.org/resources/the-future-of-ecodesign/>.

¹³ "Joint industry comments on modulating producers' financial contributions for WEEE"
https://weee-forum.org/wp-content/uploads/2019/07/Joint-industry-comments-modulation-of-producers%E2%80%99-financial-contributions-for-WEEE_2019_07_25_final.pdf.

¹⁴ Feedback received during discussions with Members as part of the Schemes National Waste Policy consultation process <https://www.linkedin.com/feed/update/urn:li:activity:6633291075308130305>.

¹⁵ Applia, Feedback to the Roadmap for a new Circular Economy Action Plan, January 2020, https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2019-7907872/feedback/F502840_en?p_id=6195437.

- The European Commission has recognised that EPR can act as a major policy tool for accelerating the circular economy, Ireland must achieve as a minimum the EU targets introduced by the CELP and the Single Use Plastics (SUP) Directive.
- Achieve material specific targets for different packaging materials and an all packaging recycling rate of 65% by 2025 and 70% by 2030.
- Under the SUP Directive new EPR schemes will have to be introduced for light weight plastic bags, tobacco products containing plastic filters, balloons, wet wipes and fishing gear.

15.5 Short Term Measures 2020

- Expansion of the tyres and waste tyres scheme to include all categories of tyres (i.e. truck tyres, agricultural and industrial tyres).
- **Address the fastest growing waste stream globally, through the achievement of the ambitious WEEE collection targets of 65% from 2019 onwards.**

WEEE Ireland has delivered targets on behalf of Members, achieving 65% takeback rates on their market share by 2018. The success of the WEEE Ireland EPR model should not be undermined by those parts of the system that are not performing to the same level.

The European Commission WEEE Compliance Promotion Exercise 2018¹⁶ highlighted the positive aspects of the Irish system. The Scheme suggests a national WEEE action plan is developed as per the recommendations of this exercise. Action plan evaluation could be carried out on an annual basis during Q1, as part of an active assessment of the WEEE and Battery systems, alongside target benchmarking and other annual reviews. Auditing of Schemes and Systems was also recommended by this exercise and WEEE Ireland would welcome this across the EPR regime in Ireland, but in particular to support an equal playing field for all Approved Bodies in the national WEEE and Battery system.

WEEE Ireland welcomes the review into WEEE flows that projects such as the EPA Strive EEE2WEEE Research project¹⁷ bring, as it must be acknowledged throughout this consultation that the flow of certain materials such as EEE into waste is not necessarily linear. Capturing all data accurately and pressing in a timely fashion should be a priority to support the development of more circular reporting models. *“WEEE is the last resort in the Circular Economy. If successful, circular economy thinking will actually reduce the amount of WEEE arising, meaning a necessity of rethinking the setting of targets as done today. To understand what is actually happening and how to positively intervene means that there needs to be much more information on the flow of new EEE, used EEE and waste EEE. Only by understanding these flows can intelligent intervention be applied to provide stimulus to help drive greater circularity. This should be the major focus in Ireland to build on what has already been achieved.”* PANASONIC Marketing Europe GMBH¹⁸

Achievement of the 65% national collection target will be difficult and it must be noted in the longer-term, some environmental policy initiatives including eco design will work against a linear 65% takeback target. Examples include increased supply and uptake of ‘product use as a service’, leasing

¹⁶ WEEE compliance promotion exercise, <https://op.europa.eu/en/publication-detail/-/publication/09c7215a-49c5-11e8-be1d-01aa75ed71a1/language-en>.

¹⁷ EEE2WEEE Research project Website, <http://www.eee2weee.ie/>.

¹⁸ Feedback received during discussions with Members as part of the Schemes National Waste Policy consultation process <https://www.linkedin.com/feed/update/urn:li:activity:6633291075308130305>.

models and eco design aspects including durability, longer life span, design for repairability and spare part retention.

Substantiated estimates

The WEEE Directive states “Article 16 (4)...Member states shall collect information, including substantiated estimates, on annual basis, on the quantities and categories of EEE placed on their markets, collected through all routes, prepared for re-use, recycled and recovered within the Member State, and on separately collected WEEE exported by weight.”

In an “open WEEE system” the use of substantiated estimates is a consideration for some Member States being able to achieve their national collection targets. If Ireland is considered a closed WEEE system, then all WEEE should become obligated. If a WEEE system is not completely closed i.e. with mandatory handover of WEEE by all actors, then substantiated estimates could be considered as a legitimate way of reporting WEEE that is correctly recycled outside of the obligated handover system contributing towards the national targets.

It must be noted counting volumes of WEEE processed through general scrap metal activity as substantiated estimates, can challenge the proper environmental management of this waste stream by other stakeholders in Ireland. It undermines the significant investment by Schemes, Producers and Recyclers in quality and EN standard recycling processes. WEEE Ireland notes the recent EERA paper on substantiated estimates in this regard¹⁹. Therefore, substantiated estimates should only be introduced in certain controlled circumstances in order to meet the requirements of quality check reporting required under Commission Implementing Decision 2019/2193. Again, the French system provides precedent in this regard whereby metal recyclers are obliged to contract with WEEE Schemes to coordinate the reporting of WEEE that arises in their operations and handover to Schemes where applicable. The WEEELABEX organisation²⁰ is currently trialling the implementation of a quality standard for handling of WEEE by these operators in France.

See the WEEE Forum “Call for implementing Acts to lay down minimum quality WEEE treatment standards in strict accordance with the European standards” paper on the topic.²¹

Increasing takeback rates will be costly so equal playing field and active and resourced enforcement is paramount for industry, with the capture of data by distance sellers and compliance by non-Irish online sellers particularly challenging.

See the position paper on distance sellers and countering free riders²² published by the WEEE Forum in 2019 as well as their submission on the revision of the ‘Blue Guide’ on the implementation of EU product rules²³.

¹⁹ EERA Paper, “Opposing policies of the WEEE Directive (2012/19/EU) undermine growth in the proper treatment of WEEE in Europe”, <https://www.kmk.ie/custom/public/files/eera-position-paper-substantiated-estimates-november-2019.pdf>.

²⁰ WEEELABEX Website, <https://www.weeelabex.org/>.

²¹ “EU-WIDE UNIFORM CONDITIONS FOR THE PROPER QUALITY TREATMENT OF WEEE: A call for Implementing Acts to lay down minimum quality WEEE treatment standards in strict accordance with the European standards”, https://weee-forum.org/wp-content/uploads/2019/12/Joint-industry-comments_EU-wide-uniform-conditions-for-WEEE-quality-treatment_2019-12-12_final.pdf

²² “Successfully countering online free-riders : Response to the consultation regarding the study to support the preparation of the Commission’s guidance for extended producer responsibility schemes”, https://weee-forum.org/wp-content/uploads/2019/06/countering_online_free-riders_consultation_issue_paper-2.pdf.

²³ “Input on the revision of the ‘Blue Guide’ on the implementation of EU product rules 2016”, <https://weee-forum.org/wp-content/uploads/2020/01/Input-on-the-Blue-Guide-revision-consultation-15-JAN-2020.pdf>

Communication and reporting enforcement

Transparency in Communications and reporting is an important part of WEEE Ireland Scheme strategy. Member State enforcement of this transparency to agreed accounting and reporting standards is vital for an equal playing field in Irish EPR. Of the three approved bodies in the WEEE and Battery system (WEEE Ireland, ERP Ireland and Producer Register Ltd) only WEEE Ireland publishes in a timely fashion an annual report on its website for public view in line with the Scheme approval requirements.

Influence of the B2B sector on target achievement

Despite the high collection rates achieved by WEEE Ireland, as well as recovery and efficiencies target rate achievement, the Scheme is concerned that the national system may not reach targets due in part to the B2B sector. Timely review of national data by all stakeholders and more active participation by the B2B sector in system support and development should be considered when implementing the system design aspects of this guidance.

If B2B compliance is to be supported by PROS in Ireland there are significant cost challenges relating to historical financial guarantees and historical WEEE management for this sector. There is a limited amount of existing takeback and recycling from this sector in Ireland and a likelihood of under reporting and free riding from the B2B sector

Ahead of final guidance on modulated fees from the Commission, due in 2020, further develop Ireland's pilot eco-modulation fees for packaging.

15.6 Other Policy Options and Measures

EPR schemes to modulate, where possible, the financial contributions paid by producers by 2023. Initial focus on the application of eco-modulated fees for packaging, WEEE and batteries waste streams.

EPR schemes should at least ensure the coverage of the full net costs related to the separate collection and treatment of the end-of-life products. The fees paid by a producer to a collective scheme should reflect the true end-of-life management costs of its specific products.

Please refer to our comments on eco modulation in Section 7 - Circular Economy.

15.7 Consultation Questions – Extended Producer Responsibility

□ How is the new EPR infrastructure going to impact on Ireland's existing EPR structures?

- Any revision of EPR structures in Ireland should build on those aspects that are achieving targets, improve transparency and reporting by all stakeholders and tighten up of aspects of Scheme approvals not currently being met.
- WEEE Ireland recommends implement auditing of schemes as recommended under the WEEE Compliance promotion exercise carried out by the Commission in 2017/2018²⁴.
- Resources, time and efforts from EPR Authorities, DCCAE, EPA & LAS will have to increase in order to regulate, review, guide and enforce more. The WEEE Schemes currently provide €250,000 in funding annually to the EPA to support enforcement and research and development in the WEEE Sector. This should be replicated across all EPR systems.

A new EPR structure should combine certain efforts across PROS to minimise administrative burden and cost especially to SMES particularly when implementing new Schemes. It should be acknowledged that some businesses are dealing with multiple Schemes in their EPR compliance efforts as well as Producer Register Ltd registration and, in some cases, Authorised Representative contracts as well as EPA Eden reporting. This requires significant administration, reporting, contract signing and multiple administration fees.

While it is important that all Producers comply with EPR requirements and is parity in compliance requirements between Producers, too many requirements encourage non-compliance and are not in keeping with the EU TOOP principle (The Once Only Principle).

Equal treatment of Producers will have to take into account the significant number of small Producers in Ireland. If we are to increase the amount of reporting and types of reporting e.g. product registration, lifecycle data to achieve bonus discounts for example, equal treatment for SMEs will become even more challenging. Whilst a de minimis threshold is not supported by the Scheme in Ireland, significant reductions in reporting frequency for small Producers would be welcomed.

□ 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?

- National Action Plans for each EPR stream
- Continued consultation through stakeholder platforms with an agreed calendar of meetings publication of minutes and focused sub-committees on problem solving to support decision making
- A cross-body PRI Forum to support efficiencies and cumulative efforts in the national EPR systems and limit duplication where possible.
- Recruitment and Advertising programmes by the Producer Register Ltd to coordinate new sectors into compliance when markets are still in early development. From a WEEE battery context the PV Sector and EV batteries would benefit from a PRL led sector compliance plan.
- Timely review of Scheme approvals; extend the approval lifespan beyond 5 years to support longer term recycling and recovery investment in Ireland
- Continued development by the EPA on clear guidance resources and enforcement of existing Scheme Approvals by the DCCAE.

²⁴ WEEE compliance promotion exercise, <https://op.europa.eu/en/publication-detail/-/publication/09c7215a-49c5-11e8-be1d-01aa75ed71a1/language-en>.

- A Registration fee for B2B WEEE self-compliers and evidence-based reporting of the financial guarantees they are required to have in place when placing product on the market.
- Timely review of national data by all stakeholders and more active participation by the B2B sector in system support and development.
- A timely review of POM data alongside collection and recovery rates would support more informed decisions and actions by stakeholders to continually improve the WEEE and Battery EPR systems.
- A review of the current system to identify areas where cost and administration burden can be reduced for SMES.
- WEEE and Battery cross industry sector representation on the Board of the Producer Register Ltd along with publication of annual reporting by this entity
- A review into the benefits or limitations in the Irish marketplace that multiple approvals for the WEEE and Battery System brings. Will future EPR Schemes be appointed on a single scheme basis?

□ How do EPRs help Ireland achieve our targets? WEEE Ireland has a 15year history of success which is documented across the website www.weeeireland.ie and online annual reports, supporting Producers in their environmental responsibilities to establish a high functioning WEEE and waste battery system in Ireland since 2005.

- WEEE Ireland coordinates activity on behalf of over 1100 Producers with a network of collection points at retailers, CA sites, business and public collection events supporting free takeback of e waste and waste batteries.
 - WEEE Irelands annual collection and recycling activity accounts for over two thirds of the national programme.
 - There are indigenous recycling facilities in Ireland certified to WEEELABEX and CENELEC quality standards supported by the WEEE Ireland programme. Continued support of these operations and their own investment and development programmes requires an equal playing field for Schemes and Producers and enforcement of mandatarly standard implementation.
 - Since 2005 the Scheme has achieved all collection , recovery rate and recycling efficiency targets on behalf of its Members, delivered in detailed reports to the DCCAE and EPA on an annual basis to support national and European report delivery.
 - The Scheme supports pan European compliance for Members with its WEEE Europe affiliation and shared experience and expertise through the WEEE Forum and EUCOBAT Compliance Scheme centres of excellence.
 - WEEE Ireland engages with all stakeholders coordinating the viewpoint of a large and diverse industry, supporting in particular the key trade associations White Goods Association, Technology Ireland and Irish Lighting sector.
 - The establishment of a sustainable finance programme for WEEE through a visible fee programme has contributed significantly to EPA enforcement, research and development programmes and Local Authority CA Site support
 - Provide insights and data missing from current national reports
 - The Scheme has developed successful and effective consumer awareness campaigns now replicated by other Schemes across Europe and other countries including – Retailer takeback, WEEEPledge for Schools, Blue Box Battery programme, Small Things Matter, Recycle for Good
- EPR Schemes provide Risk abatement for DCCAE and individual Producers through collective approach but this must be supported by equalisation through enforcement across the System.

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

Please refer to additional comments of Ecodesign in Section 7 - Circular Economy.

- Ireland must engage with trade associations and EU counterparts; harmonisation is important as design decisions and implementation made outside of Ireland and our market influence is limited by the scale of market here. The European Trade Association Lighting Europe makes some key points on balancing labelling requirements and aligning policy rules in its recent Circular Economy Action plan consultation submission²⁵
- Align with Eco Design Regulation implementation and EN and CEN standard development
- Be realistic on what eco modulation can achieve as discussed during Eunomia/European Commission draft guidance development; prioritise key factors for it to be successful
- Continue to support a visible fee option which incorporates eco modulation to bring wider awareness to the supply chain and end users and incentivises Producers to continue with positive environmental product supply
- Provide support for Irish ‘testbed’ or Circular Economy Laboratory. For example, the newly established CIRCULÉIRE industry platform²⁶ has significant potential in this area.
- Be more open and transparent with national data to support Producer reviews and development studies and take immediate corrective action where needed.

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

- Harmonise at EU level (See section 15.4 and Submission to the Eunomia EPR report above)
- Focus on key principles only
- Consider successful French system which also maintains visible fee

WASHING MACHINE	Availability of spare parts essential for the equipment use during 11 years <u>or</u> Integration of postconsumer recycled plastic (minimum threshold of 10%)	—	CAT 04	14010	€ 6.67
DISHWASHER	Unavailability of spare parts essential for the equipment use during 11 years <u>and</u> no integration of postconsumer recycled plastic (minimum threshold of 10%)	—	CAT 04	14011	€ 8.33

Example of fee modulation from the French Scheme Ecosystem

- Engage with retailers for unified labelling in shops and online selling
- Do not pre-empt EU timelines for EEE and Battery eco modulation implementation although the Scheme will engage fully with the development process in Ireland unless it is on a research or limited trial basis.

□ 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?

From a WEEE and Waste Batteries perspective the following sectors have cross over aspects which would support the existing EPR systems if development and are broadly recognised as areas that require EPR involvement:

- Textiles

²⁵ <https://www.lightingeurope.org/images/publications/position-papers/LE - CE Action Plan - 20200120.pdf>

²⁶ CIRCULÉIRE, <http://circuleire.ie/>.

- Furniture
- C&D waste

□ Is there a role for voluntary agreements with industry?

Yes, but there must be whole sector approach where voluntary agreements are established. Regulators must engage with key players and trade associations and establish clear lines of funding and responsibility as well as checks and balances and transparent reporting systems. To fully answer this question a review of how existing or past voluntary agreements have worked to date in Ireland. would be welcome.

From a WEEE perspective Self Complying B2B Producers are subject to elements of voluntary undertaking outside of Scheme management. WEEE Ireland suggests this programme has not achieved the same levels of financing for end of life, implemented robust takeback solutions or achieved target collection rates compared with Scheme managed EPR in the WEEE Sector.

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

- The 2019 stakeholder waste event hosted by Minister Richard Bruton and DCCAE officers was well executed and a good example of how collaborative thinking could be approached.
- The WEEE & Battery Monitoring group which grew from the stakeholder taskforces supporting implementation of the Directive transpositions have worked well when active.
- The sub committees established during the recast WEEE Directive transposition prior to 2014 also demonstrate active engagement and involvement by all stakeholders on solution driven collaboration.
- WEEE Ireland commends the DCCAE on the current Waste Action Plan National Advisory group initiative and the previous Waste Forum as positive examples of collaboration and stakeholder engagement.
- To support further engagement and progress the Scheme proposes DCCAE led mapping of existing waste responsibility areas, campaigns and programmes to understand gaps, duplication, overlap, and identify areas of success or where improvements are needed.
- There is an opportunity to utilise new media, new technology and new thinking models in problem solving; the role of digitalisation has been highlighted in Europe in building a New Circular Economy²⁷. Ireland is home to leading technology companies and opportunities to involve these companies in sharing solutions should be explored.

□ 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?

WEEE Ireland currently takes back almost 60% of WEEE from Retailers with 80% of this stream coming from a cohort of core electrical retailers. This takeback model is supported by mandatory retail takeback on a like for like basis and required handover of material to Schemes.

WEEE Ireland established a retail takeback programme in 2005 as there was a lack of CA site infrastructure to meet a capacity for a national collection point network. The role of retailers in the success of the Irish WEEE System cannot be underestimated. Equally the support system required for this programme must be recognised:

²⁷ Digital Europe, "Digital as key for a low carbon circular economy", <https://www.digitaleurope.org/resources/digital-as-key-for-a-low-carbon-circular-economy/>.

- There are significant costs involved in mandating space in stores for takeback and waste storage
- A registration programme is required to support waste authorisations for retailers and their delivery agents involve in WEEE takeback
- The voluntary We'll Take it Back programme goes beyond like for like takeback, but retailers need incentives to prioritise this activity
- Not all Retailers are suitable for this type of takeback
- CA sites or similar should be available to smaller retailers and businesses
- New sales models must be considered – distant sales, online platforms, postal and courier deliveries will become more prevalent if online shopping continues to grow

16 Waste Enforcement

16.1 State of Play

Ireland has experienced improvements in waste enforcement in recent years and a corresponding change in the culture of compliance. The Waste Enforcement Regional Lead Authorities have responsibility for co-ordinating waste enforcement actions within regions, including priorities established by the National Waste Enforcement Steering Committee. A new regional enforcement structure has brought greater consistency and coordination which has resulted in the cessation of significant illegal waste activities with corresponding environmental benefits on identified sites across the regions and Industry continues to make a significant investment in driving standards in terms of service provision.

16.2 Where We Need to do Better

While the large-scale illegal dumping of the type that occurred during the late 1990s early 2000s is no longer taking place, unauthorised practices such as ad-hoc fly-tipping, backyard burning and “man in the van” type waste collection services still continue. This is neither fair nor sustainable and enhanced enforcement techniques are now required in order to redress the balance to apply the polluter pays principle, provide a level playing field and increase the value of compliance.

There is a significant criminal element involved in illegal waste activities. A network of regulatory bodies with a link to waste crime is required to combat this threat with a co-ordinated, strategic and effective response.

16.3 Short Term Measures 2020 2020 National Anti-Dumping Initiative

- A further €3 million euro will be allocated to the National Anti-Dumping Initiative in 2020.

Over €6 million has been allocated to the programme since its introduction in 2017 which has supported over 700 anti-dumping programmes nationwide and removed approximately 10,000 tonnes of illegal waste from fly tipping black-spots. Innovation, surveillance using drones, special collections for awkward items like mattresses, spreading awareness and recognising the work of volunteers have all been features of the Anti-Dumping Initiative.

Enhanced Waste Enforcement Regional Lead Authorities

□ The role, capacity and responsibilities of the Waste Enforcement Regional Lead Authorities (WERLAs) will be enhanced in 2020 to position the local authority sector better to respond to emerging and priority enforcement challenges.

Local Authority Enforcement Measures Grant Scheme

□ A new equitable and sustainable funding model for the allocation of the local authority enforcement measures grant scheme which will serve to ensure that dedicated, identifiable resources are placed where they are most required will be introduced in 2020.

Study & Analysis on the Cost of Waste Crime in Ireland

□ In 2020, the EPA will prepare a report on crime in the waste sector in Ireland. This will set out:

- o an overview of the scale, cost and impact of waste crime in Ireland,

- o the factors leading to waste crime,

- o the types of waste crime taking place,

- o recommendations for tackling waste crime and

- o the potential return on investment made in the waste enforcement sector.

□ This report will also include an assessment of illegal dumping in Ireland, identifying the socio-economic and other factors leading to illegal dumping activities and what measures are required to address the problem.

Regional Multi-Agency Forums

□ Regional multi-agency forums will be established in 2020 in all Garda Regions on foot of a request from the Department for a network of contacts with An Garda Síochána to mirror the regional profile of the Waste Enforcement Regional Lead Authorities. These fora will be established in all Garda Regions to ensure a comprehensive and multi-disciplinary approach to a variety of crime including waste crime.

16.4 Other Policy Options and Measures

- In order to strengthen intelligence sharing and engagement to tackle illegal activity measures will be introduced to ensure that data which tracks waste flows is as comprehensive as possible and can be shared by all relevant agencies in a timely manner.
- The Waste Industry will be required to contribute to the costs associated with enforcing the regulatory waste code.
- Waste Enforcement Regional Lead Authorities will be placed on a statutory footing.
- An amendment to the Waste Collection Permits of household waste collectors will be made requiring them to collect the Eircode of their customers to facilitate the efficient enforcement of the Household Waste Management by-laws which require households to be in a position to demonstrate how their waste is being managed.
- Further fixed payment notices will be introduced for appropriate offences under Producer Responsibility Regulations.
- A quality management system to ISO standard for the delivery of its services will be implemented by the Waste Enforcement Regional Lead Authorities.
- A review of the range, level and application of penalties for breaches of waste management legislation will be undertaken.
- An online anti-dumping toolkit will be developed and hosted by the Waste Enforcement Regional Lead Authorities to assist local authorities in tackling the issue.

16.5 Consultation Questions - Waste Enforcement

- 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)

There is no one issue that drives Waste Crime. It is an opportunity driven activity; it includes market forces that allow illegal or unauthorised activity to benefit financially, with limited risk of repercussion or significant consequences.

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

- Where individual EPR streams are not identified as annual enforcement priorities, a national enforcement plan should still be in place and coordinated by EPA and WERLAs with stakeholder collaboration.
- These plans should be an integral part of each National EPR Action plan and reviewed annually
- WEEE Ireland welcomes the involvement of the Irish EPA in cross border initiatives such as the EWEN (European WEEE Enforcement Network)

- A visible enforcement presence is always required so the 'equal playing field' is understood by all economic operators in the waste system. The enforcement authorities must be appropriately resourced to support this.
- From a WEEE and waste battery focus enforcement in the coming year should not only focus on Producer and Retailer compliance. Priority must be given to inspection and enforcement of other stakeholders in the value chain particularly the collection and recycling of ewaste and waste batteries outside the regulated and reported system.
- WEEE Ireland welcomes the multi-agency approach planned alongside the establishment of An Garda Síochána network of contacts. The Metal Theft Forum is a positive example of this working in relation to the metal sector including WEEE:
- *The Metal Theft Forum was established by the Garda National Crime Prevention Unit. The meetings include representatives from ESB Networks, Eir Three & Vodafone, Diaggio, Irish Farmers Association, WERLAs, DCCAE, EPA, WEEE Ireland, Irish Metal Merchants Association. Meeting briefings are held on current issues relevant to Metal Theft, often by the Garda National Drugs & Organised Crime Bureau and have enabled collaboration among the stakeholders to manage and focus on specific areas of metal theft crime.*

An Example of recent communications from the Forum

Diary Notice: Crimestoppers and An Garda Síochána to launch campaign to combat Metal Theft²⁸

*Irish Crimestoppers Trust will hold a briefing on the issue of Metal Theft alongside An Garda Síochána and ESB Networks at **11am Tuesday November 12th** at the **Office of Assistant Commissioner Special Crime Operations at Harcourt Square.***

Speaking on the day will be Irish Crimestoppers Trust Chairman, John Murphy, Assistant Commissioner Special Crime Operations, John O'Driscoll and Executive Director, Network Customer Delivery at ESB Networks, Paul Mulvaney.

Jointly organised by Crimestoppers, an Garda Síochána and ESB Networks, the campaign is calling on members of the public to be vigilant for suspicious activity and come forward with any information they may have on metal theft.

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

Publication of Waste Collection Reports to support industry surveillance and enforcement

We support the establishment of a Garda led Environmental Crime Unit in collaboration with the EPA and WERLAs to address serious and organised crime issues related to illegal and unauthorised waste management, with input from waste sector representatives such as the IWMA.

Are the penalties available under the Waste Management Act appropriate?

²⁸ Crimestoppers and An Garda Síochána, Metal Theft Campaign, <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2019/november/metal-theft-campaign-on-the-12-11-19.html>.

- Yes, in some cases but they need to be consistently applied and enforced.
 - The recent Fixed Penalty Notices implemented in the WEEE System are a positive development²⁹.
- What other penalties could be considered for illegal dumping by households/members of the public
- This is a serious offence and should be prosecuted in the courts.
- Are there examples of existing good practice to prevent illegal dumping?
- *See it Say IT app* – more awareness and exposure
 - The DCCAE and WERLA led Anti Dumping Initiatives
 - Its free to take back WEEE to CA Sites and retailers – this limits the incentives to illegally dump
- What contribution to the cost of the enforcement system should the waste industry make?
- WEEE Ireland is already contributing to EPA enforcement, research and development programmes. All Approved Bodies across EPR systems should be doing the same. This provides a platform for input and shared intelligence by PRI Schemes and the industry.
 - Self-Complying Producers utilising EPA reporting platforms should pay appropriate administration fees.
- Should financial provision be a requirement for permitted waste facilities?

Yes, appropriate to the risk level and management system associated with each facility.

- 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?

17 Waste Data & Waste Flows

17.1 What is it?

The EPA is responsible for compiling a variety of official waste (and other) statistics and compile validated data in line with reporting timelines under EU legislation. Such data is largely historical and is often reported with a time lag of 18 months or later, depending on the reporting requirements. More information is available here.

17.2 State of Play

Collectors of waste, exporters of waste and facilities which accept waste for treatment are required to report data on their activity on at least an annual basis. This data is used to collate statistics which must be validated in accordance with EU reporting procedures.

17.3 Where We Could do Better

Unvalidated 'first look' data collected by the Regional Waste Management Offices and the EPA for quarterly capacity reports on municipal and construction and demolition waste has proven very useful. Following the flow of waste through monitoring data (collection, transport to a facility, transport to export or final destination) would improve waste policy decision making, waste management planning and waste enforcement.

17.4 Longer Term Target

Systems will be put in place to collect data which is accurate, timely, relevant and useful for policy makers and regulators.

²⁹ WEEE Ireland Website, "Introduction of Fixed Payment Notices for Non-Compliance", 5th September 2018, <https://www.weeeireland.ie/2018/09/05/a-weee-update/>.

17.5 Short Term Measures 2020

The NWCPO will examine the feasibility of setting up a system to track C&D waste flows from generation to final management, i.e. a reporting system which tracks the flow of C&D waste from the site on which it arises, the collector/hauler who collects it and its final treatment destination.

17.6 Other Policy Options and Measures

The role of the National Waste Collection Permit Office will be expanded to track different waste stream flows.

The supporting roles of different regulatory bodies in the above process will be agreed.

Any necessary changes to reporting requirements will be made to ensure the further provision of timely, accurate, relevant data which will be used to improve policy decisions making, waste management planning and enforcement.

17.7 Consultation Questions - Waste Data

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

Yes – with digital reporting systems in place by all operators and Schemes, data should be reviewed in a timelier manner with publication of provisional data by authorities.

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

- Administration burden and lead in time to develop
- Expertise in systems – common platforms to enable systems to sync
- Review with industry on best way to do this
- IT consultants are expensive!

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

- EU reporting timeframes have much longer lead in times so early review of data will support this and provisional data can be published at national level subject to annual reconciliation if required.

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

- Ireland should endeavour to map and track waste and resource flows as effectively and efficiently as possible in a timely fashion

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

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

- Standardised reporting systems for PRIs to EPA, DCCA, E, etc.
- Publication of data on a quarterly basis to benchmark POM & takeback
- Annual (early) review with PRIs and other stakeholders on national EPR plans including target achievements, risk areas etc.
- Publication of national data that includes self-complying Producer and other flows where applicable.

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

- Gap analysis and risk assessment toward target achievements

- Support for a wider Circularity index for Ireland?
- Risk alerts in time to do something within a calendar year of operations such as increased collection activity or communication programmes
- Allows stakeholders with knowledge of issues to feed into the planning system

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

Fines, approval breach, public notice that the Scheme has not reported

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

- Yes- and tightening of reporting systems already in place e.g. PRI annual reports. These are supposed to be public and published within a certain timeframe. However, this not in place for all EPR Schemes or Approved Bodies and should be part of the implementation of minimum requirements for EPR systems.

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?

18.6 Consultation Questions - Research & Innovation

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

- Behavioural change
- End markets
- Insurance and warranty issues for reuse and repair programmes

What new research programmes/initiatives do you think could be put in place?

- The opportunity for involvement of Schemes in EPA Strive research programmes in recent years was very welcome and the challenge is to build on that research in a cumulative and results driven programme. While the academic institutions should continue to be involved in these research programmes WEEE Ireland would like to support more industry involvement in Circular Economy research and development.
- The new IMR CIRCULÉIRE platform is a positive development in this regard and WEEE Ireland will engage with this platform as a founding member toward a 3-year transition for the Scheme to scale up and integrate more Circular Economy activity across all of the Schemes operations³⁰.

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

- WEEE Ireland welcomes discussion during this consultation period on how to prioritise, maximise and coordinate R&D efforts across different programmes including EPA Strive, CIRCULÉIRE, Science Foundation Ireland, Rediscovery Centre, as well as utilising European experiences and project findings e.g. WEEE Forum collaborations ORAMA³¹ and PROSUM³².

³⁰ CIRCULÉIRE, <http://circuleire.ie/>.

³¹ ORAMA Project (Optimising quality of information in RAw MAterials data collection across Europe), WEEE Forum, <https://weee-forum.org/projects-campaigns/orama/>.

- Through the IMR CIRCULÉIRE platform, the EPA and DCCAIE as lead partners can support working alongside industry to open Ireland as a Circular Economy 'laboratory' for Producers.
- Continued support for access by industry and SMEs to Horizon 2020 and other EU funding programmes

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

- Yes – include NGOs, applicable industry representatives and local enterprise groups in research programme development to support active dissemination of results .
- Encourage project communication outputs to include social media, websites, press releases during the application stage to include it in the
- Include more local industry partnerships when granting research applications to broaden involvement beyond academic institutes
- Mandate all PRIs to be involved in direct R&D or funding programmes

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

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?

³² ProSUM project (Prospecting Secondary raw materials in the Urban mine and Mining wastes - financed through the EU's Horizon 2020 programme), WEEE Forum, <https://weee-forum.org/projects-campaigns/prosum/>.

20.7 Consultation Questions - Green Public Procurement (GPP)

What are the barriers to public authorities using GPP?

How can business support more widespread use of GPP?

- EPR registration criteria must be in place within GPP programmes
- This is particularly required for new technology areas supporting more environmentally positive transport and energy systems e.g. PV panels, EV and hybrid vehicles, LED lighting, heat pump and battery storage systems, to avoid future waste management issues in these sectors.
- Renewable energy supports and grant funding must have proof of Producer Registered supply chain
- All government procurement should include waste hierarchy principles including reuse, repair, preparation for reuse as well as end of life management recycling and recovery
- This will drive a better market for these aspects in the Producer sector but will also help regulators and authorities better understand the challenges in circular economy development e.g. warranties, insurances etc. and support problem solving in these areas.

What % target should apply to the use of GPP in Ireland?

It must be meaningful target but note that GPP can apply across a range of criteria so clear ranking and scoring systems need to be in place to integrate sustainability across all government, state body and public sector purchasing decisions

- For example, within a Local Authority or Government Department IT Tender how would the following be managed?
 - *is WEEE, Battery and Packaging EPR registration included in the pre-tender screening process?*
 - *Are certified reused options available?*
 - *is the supplier Producer EPR registered or part of a registered supply chain?*
 - *do they take old equipment back?*
 - *If suitable how does old equipment get reused?*
 - *Can employees' avail of reuse option or is there a donation programme?*
 - *are they part of a compliance scheme or have a WMR available on their recycling and recovery rates?*
 - *Is there an extended warranty or repair service available?*
 - *What guidance for extending the life of the newly supplied equipment is available to users?*

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?

21 Household Bulky Waste

21.1 What is it?

Household bulky waste is understood to include discarded household items such as mattresses, furniture or large toys which are too large to be collected at the kerbside.

21.2 Long Term Target

There is currently no EU target relating to the prevention, reuse or recycling of this waste. The European Commission has indicated that it will examine data on reuse provided by MS with a view to considering the feasibility of measures to encourage the reuse of products including the setting of quantitative targets. However, in the interim, Ireland could press ahead with meaningful actions in this area. Good practice would promote reducing unnecessary consumption of these items, then encouraging reuse and finally recycling. Landfill disposal is entirely unsuitable for these items, particularly at a time of reducing landfill capacity.

21.3 State of Play

Local authority and private sector civic amenity sites provide the main reception facilities for waste of this nature. Social enterprises are active in the areas of mattress recycling, furniture reuse and upcycling however the market is not fully mature to allow scaling up for sufficient impact.

21.4 Where We Need to do Better

- Bulky waste is frequently a feature of waste dumped illegally around the countryside.
- Lack of infrastructure (i) reception facilities to keep materials clean and dry and (ii) recycling facilities for large plastic items
- Lack of reuse national policy and target.
- No Producer Responsibility Initiative.

21.5 Short Term Measures 2020

- Ban bulky waste from landfill.

□ Count reuse towards the 1% reduction target for household waste contained in regional waste management plans.

□ **Introduce target to reach 3% reuse for IT and Large Household Appliances per annum**

WEEE Ireland supports developing more Circular Economy activity further up the waste hierarchy for WEEE and Waste Battery management, prioritising waste prevention and repair and developing preparation for reuse and reuse systems as well as continued quality recycling and resource efficient recovery.

The reuse of electrical appliances and electronic devices is a natural economic activity that already takes place within the market. As such setting targets, while well meaning, risk creating economic distortions. WEEE Ireland requests the focus on target setting for reuse is delayed until a comprehensive assessment of the flows of EEE in the market is undertaken, to understand the existing models and data including formal and informal reuse. Action including, if necessary, government intervention should be undertaken in consultation with all WEEE stakeholders to remove barriers and obstacles to further reuse and repair activity. The issues relating to insurance, liability and indemnification of Producers where third part repair or reuse activity is carried out must be addressed. Insurance cost support for repair engineers and an indemnity for Producers where 3rd parties prepare WEEE for reuse should be considered.

If a reuse target is to be established the framework conditions must be in place to foster a sustainable reuse economy in Ireland, supported by all stakeholders. This includes understanding the market and demand for reuse appliances and support of this marketplace through government, state body and local authority procurement criteria incorporating reused products.

"We see reuse as a positive step forward, however we need to consider if we as an industry have the right foundations and structures in place to support a national reuse strategy? Do we have the right skill sets and training programmes in place in Ireland and how do we support a pipeline of new engineers to increase repair and reuse rates into the future?" Whirlpool Ireland Appliances Ltd³³

A regulated preparation for reuse and reuse industry must include technical and testing standards undertaken by authorised engineers to support the safety of operators and end users. WEEE Ireland welcomes the imminent publication of CENELEC Standard *EN 50614: 2020 Requirement for the preparing for reuse of waste electrical and electronic equipment*. There also needs to be understanding that not all appliances and devices are suitable for reuse, for example where water or energy efficiency have improved significantly in newer models. In some instances, the professional or B2B sector flow of WEEE may provide more opportunity for reuse development than the household marketplace; such as office laptops or pcs that are no longer in use due to upgrades but still in working order and of relatively high and recent spec. the IT Asset Recovery system in Ireland already undertakes this activity but it is not recorded as it is outside the current waste reporting system and a system for formally documenting this EEE material flow should be established.

³³ Feedback received during discussions with Members as part of the Schemes National Waste Policy consultation process <https://www.linkedin.com/feed/update/urn:li:activity:6633291075308130305>.

Propose reduction in VAT for repair and reuse.

WEEE Ireland welcomes proposals for reductions in VAT for Circular Economy related activity. Professional and warranted repair is not low cost. Producers have invested in developing manufacturing systems to conform with operating, health, safety and environmental requirements, together with retailers streamlining logistics operations to supply a wide range of products to end users. The repair sector has to manage a very different scenario for the product range currently in circulation including less efficient logistics, single product handling, stocking and storage of spare parts. While remote diagnosis is improving with the development of IOT, along with eco design for repair and modularity in future product ranges, manual diagnosis manual disassembly and reassembly for repair remain the norm. This comes at a cost. If the repair sector is to be encouraged to further support extending the life of products and preventing waste, providing tax breaks for professional repairs would be a positive step incentive in the Irish market.

Require public bodies to incorporate Reuse policies into asset management and procurement including a target for reuse.

Require appropriate reception facilities at civic amenity sites.

Introduce voluntary Producer Responsibility Initiative for mattresses and furniture

21.6 Other Policy Options and Measures

Introduce Producer Responsibility Initiative for mattresses and furniture.

Support development of recycling infrastructure for plastic Bulky Waste.

Promote circular economy design principles in domestic furniture and mattress industry.

Introduce EU/national targets for reuse.

Act on appropriate recommendations in the Civic Amenity site report to inform way forward.

Mattress stakeholder working group to propose further solutions

21.7 Consultation Questions - Household Bulky Waste

What supports do consumers require to prevent bulky waste?

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

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

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?

LINKS

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