



Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government

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# Environmental Services Training Group

LOCAL AUTHORITY ENVIRONMENT CONFERENCE  
2017

## Protecting the Environment for Future Generations

Minella Hotel, Clonmel Wednesday 24<sup>th</sup> May 2017.

# Protecting the Environment for Future Generations

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## Pilot on Packaging Enforcement

**Seán Scott, Regional Coordinator  
CU WERLA**



Comhshaol, Pobal agus Rialtas Áitiúil  
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# Why is Management of Packaging important

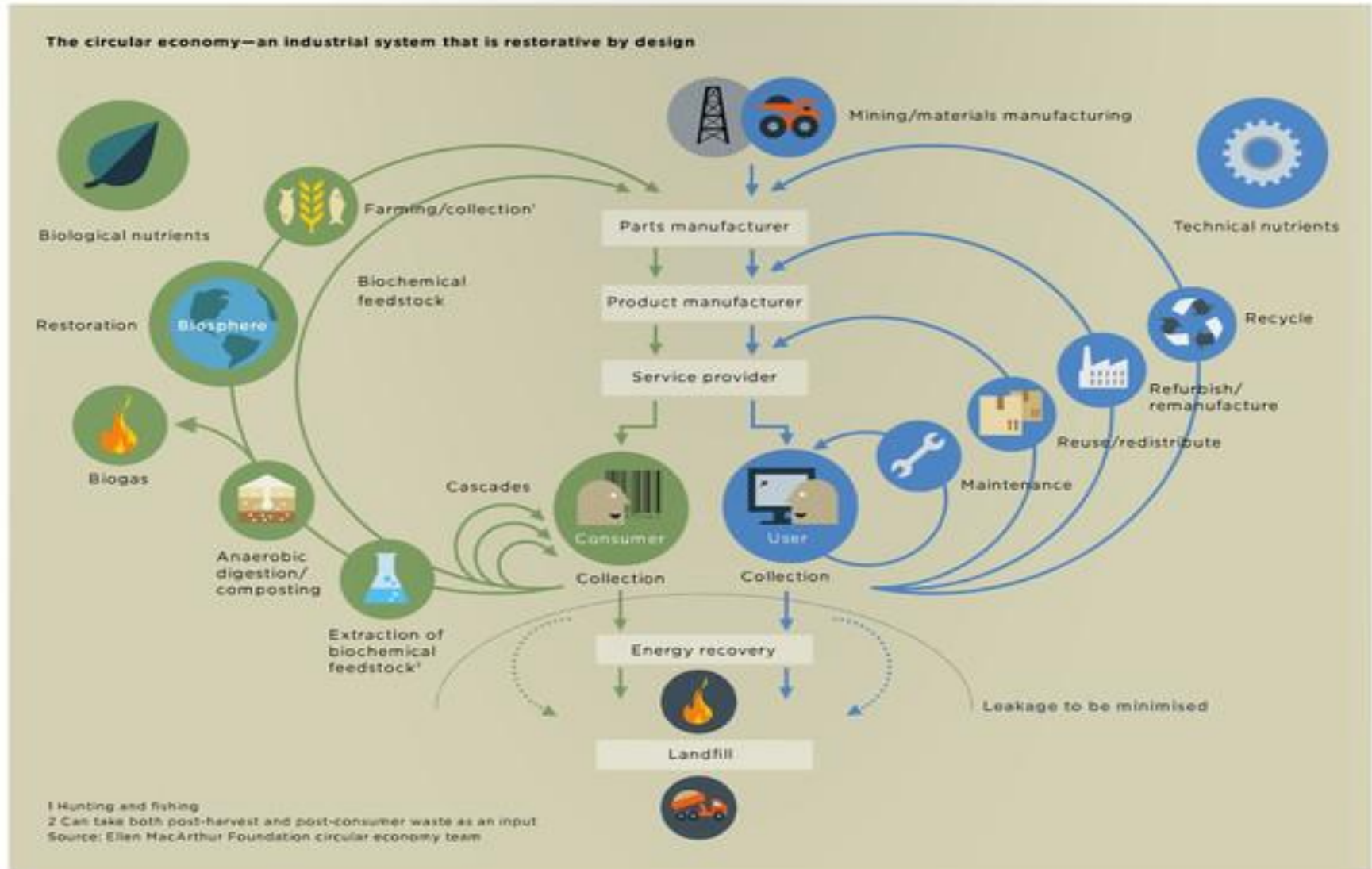
- ❑ Loss of secondary raw materials
- ❑ In 2013, total waste generation in the EU amounted to approximately 2.5 billion tons of which 1.6 billion tons were not reused or recycled and therefore lost for the European economy.
- ❑ It is estimated that an additional 600 million tons could be recycled or reused.
- ❑ The Union thus misses out on significant opportunities to improve resource efficiency and create a more circular economy.
- ❑ Turning waste into a resource is an essential part of increasing resource efficiency and closing the loop in a circular economy
- ❑ *"Resource Efficiency means using the earths limited resources in a sustainable manner while minimising impacts on the environment" –European Commission- 2017*
- ❑ Resource Efficiency can bring major economic benefits
- ❑ 311 M Tonnes Plastic Packaging in 2014
- ❑ 1200 M Tonnes Plastic Packaging by 2050
- ❑ 400 M Tonnes CO2 emissions 2012
- ❑ 13 million tonnes of plastic end up in the environment (Oceans – microplastics)

# What is a Circular Economy

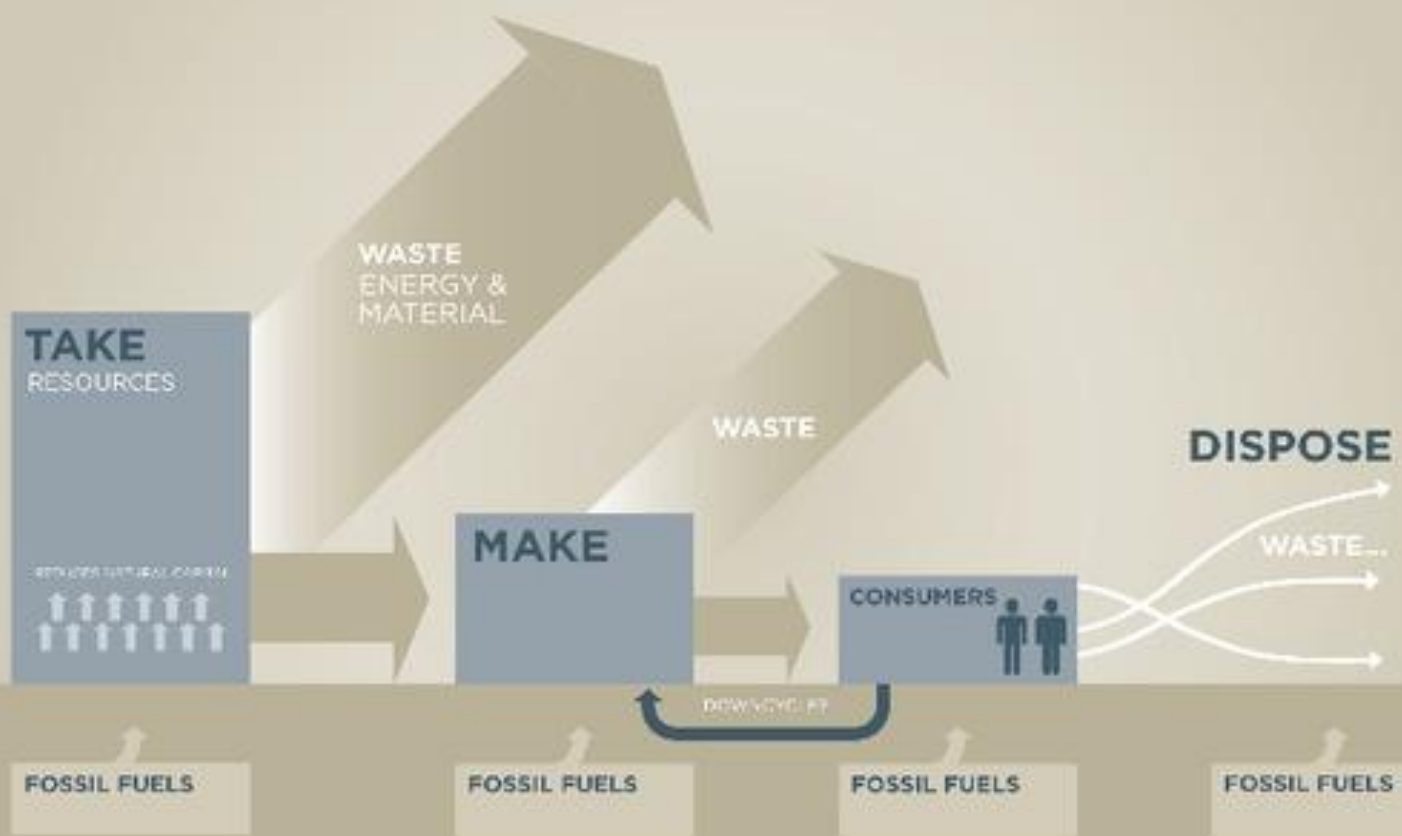
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- ❑ A circular economy seeks to rebuild capital, whether this is financial, manufactured, human, social or natural. This ensures enhanced flows of goods and services.
- ❑ As opposed to the Linear economy “Take, Make and Dispose”.
- ❑ Note – the achievement of a circular economy will also aid in achieving a low carbon environment - See road map for moving to a low carbon economy in 2050
- ❑ [http://ec.europa.eu/clima/policies/roadmap/index\\_en.htm](http://ec.europa.eu/clima/policies/roadmap/index_en.htm)

The system diagram illustrates the continuous flow of technical and biological materials through the 'value circle'.



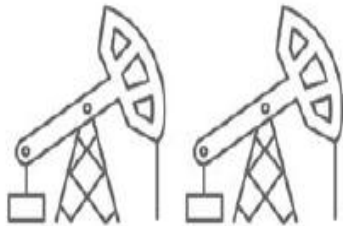
# LINEAR ECONOMY



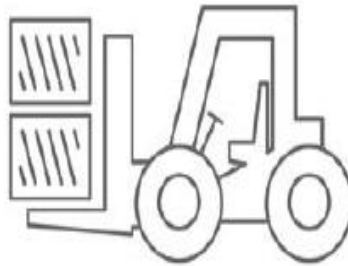
# Why do we need to Act

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**Demand on  
limited resources**



**Higher raw  
material prices**



**EU economy  
forecast to grow**



**15.5%**

**between 2010 - 2020**

# Benefits of a Circular Economy

- €110 bn European Trade Balance Increase



- €400 bn cost savings



- 160,000 jobs created

- 500MT CO2 eq GHG emissions reduced



Saving in Ecological Footprint the size of France





# Why do we need to act?

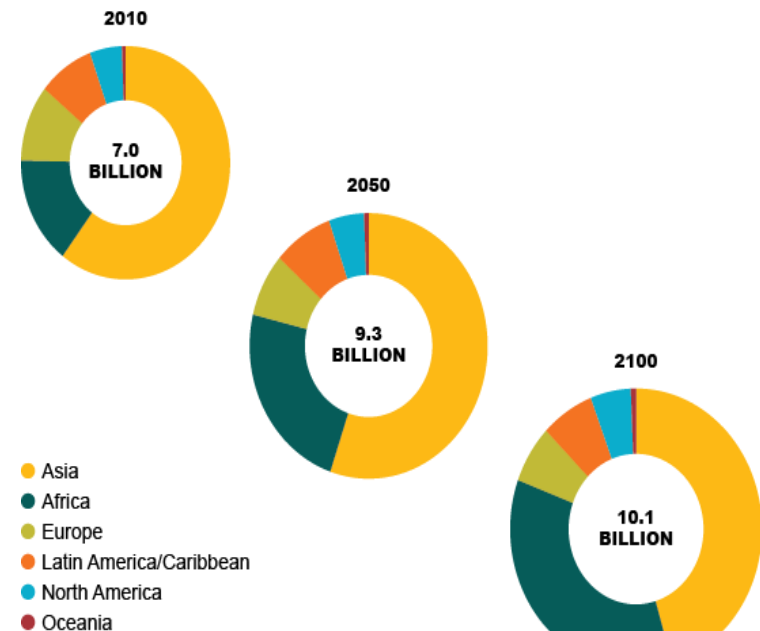


EU Population expected to grow by 3% 2010 to 2020

EU - 501 million to 514 million by 2020

World Pop – 7billion to 10-11bn in 2100

Projected change in world population, 2010-2100



# Progress towards targets

EPA's National Statistics - Progress towards EU waste recycling, recovery and diversion targets. Updated January 2017.

Directive	Title	Article	Targets		Current progress to target in Ireland	Indicator	
			Target date	Specifics			
94/62/EC as amended	Packaging Directive <sup>1</sup>	6(1)	31-12-2011	60% as a minimum by weight of packaging waste will be recovered or incinerated at waste incineration plants with energy recovery.	88%	Achieved	
				55% as a minimum by weight of packaging waste will be recycled.	70%	Achieved	
				No later than 31 <sup>st</sup> December 2011 the following minimum recycling targets for materials contained in packaging waste will be attained:			
				(i) 60% by weight for glass;	80%	Achieved	
				(ii) 60% by weight for paper and board;	79%	Achieved	
				(iii) 50% by weight for metals;	79%	Achieved	
				(iv) 22.5% by weight for plastics, counting exclusively material that is recycled back into plastics;	40%	Achieved	
(v) 15% by weight for wood.	82%	Achieved					

# New targets - Challenging

## Targets Current & Future

### Aggregate Targets %

	Current EU Targets	DECLG Targets 2015 (Approval Feb '15)	EU CEP Proposal re Targets, 2 Dec 15		Amended Proposal, Nov 16	
			2025	2030	2025	2030
Recovery	60	75 (by 2014)	Nil	Nil	Nil	Nil
Recycling	55	65 (by 2016)	65	75	70	80

### Material Specific Recycling Targets (and prepared for reuse from 2025)

Materials	Current EU Targets	DECLG Targets 2015 (Approval Feb '15)	EU CEP Proposal re Targets, 2 Dec 15		Amended Proposal, Nov 16	
			2025	2030	2025	2030
Glass	60	75 (2016)	75	85	80	90
Paper & Cardboard	60	80 (2016)	75	85	90	?
Metal	50	65 (2016)	75	85	80	90
Plastic	22.5	40 (2016)	55	To be reviewed	60	To be reviewed
Wood	15	85 (2016)	60	75	65	80

# Waste Hierarchy

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# Packaging Regulations

- The [European Union \(Packaging\) Regulations 2014](#) and [2015](#) require that suppliers/producers of packaging and packaged products have a responsibility to fund the recovery of their used packaging.
- **'Packaging'** means any material, container or wrapping, used for the containment, transport, handling, protection, promotion, marketing or sales of products (e.g. bottles, cans, boxes, shrink wrap, strapping, pallets, liners, fillers and raw materials such as polystyrene).
- All Producers supplying packaging on the market must segregate the packaging waste arising on their own premises including back-door packaging waste into specified waste streams, i.e. glass, paper, aluminium, steel, fibreboard, wood and plastic sheeting and have it collected by authorised operators for recycling or recovery.

# Pilot on Packaging Enforcement

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- ❑ Targeted approach to the Enforcement of Packaging.
- ❑ List of 100 Operators that are potential major producers
- ❑ List spread across the country
- ❑ Create awareness, sense of level playing field
- ❑ List provided identifies companies suspected of producing > 20 Tonnes Packaging and €2 million turnover.
- ❑ Possible template for enforcement of other PRIs

# Packaging Regs Enforcement

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## **What is a Producer?**

A person who, for the purposes of trade or otherwise in the course of business, sells or otherwise supplies to other persons packaging, packaging material or packaged products.

A major producer is defined as one with a total annual turnover of €1 million or more and which places 10 tonnes or more of packaging and packaged products onto the Irish market.

Major producers include manufacturers, distributors, packaging manufacturers and convertors, brandholders, importers, retailers and the hospitality sector.

# Packaging Reg's Enforcement

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- ❑ Producers who meet those thresholds specified in the Regulations can either self-comply or join Repak.
- ❑ Repak is a business led compliance scheme licensed by the Irish government to collectively fund recovery and recycling of packaging on behalf of Irish producers.
- ❑ By joining and maintaining membership with Repak, a producer is considered compliant with the legislation and is therefore not required to carry out the activities of a self-complier.



# Compliance Options

Compliance Option	Repak Member	Self-Compliance
Registration fee for Producer	No registration fee	Registration fee of min €500 per premises up to 15000
Annual Fee	Fixed fee for small producers, €400 & €980 respectively. Variable fee for large producers based on tonnes of packaging placed on the market	€15 per tonne
Data Reporting requirements	Bi-annual reporting.	Quarterly reporting
Annual waste management plan	Required and produced by Repak	Required
3 Year Plan	Not Required	Required
Packaging take back	Not Required	Take back from public and customers of any packaging similar to that supplied
Provision of onsite facilities general public usage	Not Required	Access and on-site facility required to take back waste packaging from the general public
Advertising of take back facility	Not Required	Bi-annual in local newspaper
Provision of signage advertising take back facilities	Not Required	Required
Collection from customers	Not Required	Collection from customers of any packaging similar to that supplied within one week of request
Recovery min 60% of packaging placed on the market	Repak delivers recycling and recovery targets collectively for its members	Required to ensure that 60% of packaging recovered each quarter (importers & pack/fillers)
Green Dot Fee	Not required	Required if supply packaging marked with Green Dot in Ireland

# Self Complier Requirements

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## **SELF COMPLIANCE**

- ❑ Opting for **Self Compliance**, a major producer has a legal responsibility to:-
  - ❑ Apply for **registration** to the [Insert **Local Authority Name**] in whose functional area the premises is located [**Art 14(1) and Art 14(2) for renewal of registration**];
  - ❑ **Display notices** [**Arts. 10(1) (a) and 15(1)(b)**] located in a conspicuous position, and in such manner as to be clearly visible to members of the public, at or near each entrance to each premises **Art. 10(2)**).
  - ❑ Provide **adequate facilities** for the acceptance, segregation and storage of packaging waste at each premises [**Arts. 10(1)b, 10(1)c 10(1)d**].
  - ❑ Compile and **submit quarterly reports** to the [Insert **Local Authority Name**] and retain records to verify accuracy of information for a period of three years [**Art. 15(7), 15(8)**].
  - ❑ Meet the recovery and recycling targets set out in Article 11(2) of the Regulations for importers and pack fillers.

# Self Complier Requirements

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A Major Producer applying for registration should note the following:-

An application is required in respect of each supplying premises. *Multiple branch self – compliers must designate it's main branch or a nominated branch as having responsibility for registering / renewal of registration of all obligated premises.*

The application form must be completed in full in order to comply with **Art. 14(1)** regarding the provision of the minimum required information for purposes of registration as set out in **Part 1 of the Third Schedule.**

Meet the recovery and recycling targets set out in Article 11(2) of the Regulations for importers and pack fillers.

Under **Art. 14(5)(c)** an application must be accompanied by a fee equivalent to **€15 per tonne** of packaging supplied annually from the relevant premises, subject to a minimum of €500 and a maximum of €15,000.

# Self Complier Requirements

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**NEWSPAPER ADVERTISEMENTS:** Please take note that **under Article 10(5)** of the aforementioned regulations that self-compliers are obliged to advertise take back of packaging waste. Self-compliers must place notices in local newspapers during the months of March and September each year. Self-compliers are required to submit copies of such advertisements copies of such notices must be provided within **10 days of publication. [Art. 10(5)].**

Prescribed wording for such notices is provided in part 5 of the Second Schedule.

Local authorities will advertise self-compliers at least once a year in local newspapers.

In accordance with **Article 13(1)(a) or 13 (2)** each application or renewal must be accompanied by **a 3 year Plan** prepared under **Art. 15(1)(a) or for revision Art. 15(2)(b)** and shall contain at least the information set out in Part 3 of the Third Schedule. A set format exists for this three year plan.

In accordance with the Regulations, without prejudice to commercial and industrial confidentiality all **information received as part of an application for registration is available for public inspection** at the [insert Local Authority name] offices. Also, a self complying major producer must make a copy of their implementation plan and Annual report available for inspection to any person who so requests.

# Challenge

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In 2016, Repak members placed circa 580,000 tonnes of packaging on the market whilst funding the recovery of circa 805,000 tonnes.

The funding of the recovery of 225,000 tonnes in excess of the tonnes placed on the market is inequitable and unsustainable to Repak members.

Estimated 3000 free riders not contributing to the management of packaging.

Increased volumes of Packaging on the market in particular plastics.

# Packaging Enforcement Guidance from WERLAs

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## **Information for Suspected Major Producers (SMP)**

- ❑ Letter requesting inspection date to be issued to suspected major producers including:
  - ❑ Information leaflet - Packaging Regulations – Your obligations
  - ❑ Guidelines for the European Union (packaging) Regulations 2014
  - ❑ 10 points on the European Union (Packaging) Regulations 2014
  - ❑ Sample Inspection report

## **Information for Waste Environment officers**

- ❑ Sample Inspection Report
  - ❑ Packaging work flow chart
  - ❑ Overview for a packaging inspection on a suspected Major producer
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- ❑ Support from PRI Compliance Officer in each WERLA

# 10 points on S.I. No. 282 European Union (Packaging) Regulations 2014

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- ❑ The S.I. No. 282 European Union (Packaging) Regulations 2014 promote the recovery of specified packaging waste and the reduction in packaging supplied.
- ❑ These regulations impose obligations on all producers such as manufacturers, importers, distributors, wholesalers and retailers, who supply packaging to the Irish market.
- ❑ A producer is a person who in the course of business supplies packaging material to the Irish market. A producer who supplies aluminium, fibreboard, glass, paper, plastic sheeting, steel and wood is required to segregate waste on-site for recycling / recovery purposes.
- ❑ If your company's turnover exceeds €1 million and you supply more than 10 tonnes of packaging on the Irish market, your company is obligated as a major producer.
- ❑ A major producer must either self comply with or join the approved compliance scheme Repak.

## 10 points on S.I. No. 282 European Union (Packaging) Regulations 2014

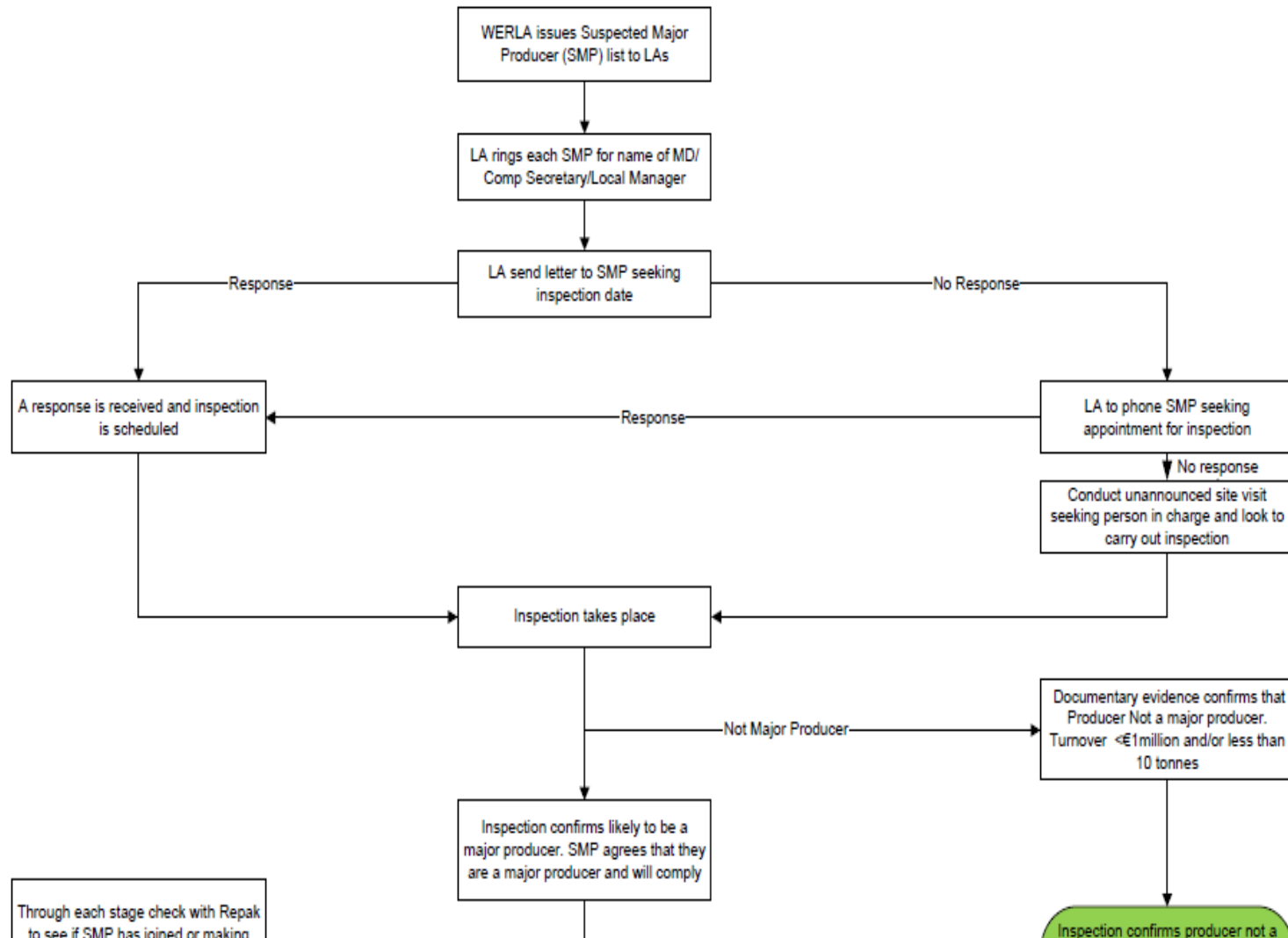
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- ❑ A major producer choosing self compliance must register with [Local Authority], annually, make quarterly returns, pay a levy on packaging supplied of between €500 and €15,000 per annum. If your company imports or is a pack filler, take back obligations apply.
- ❑ A major producer joining Repak pays an annual fee and may have to pay back fees but will not have to take back packaging waste. Reporting requirements are not as onerous. For more information, see [www.repak.ie](http://www.repak.ie)
- ❑ All producers must not supply packaging unless the packaging complies with the requirements of the "Essential Requirements". See the Fourth Schedule of the regulations for more information on the essential requirements.
- ❑ [Local Authority] is responsible for enforcing the legislation within its functional area. It has powers of entry in accordance with Regulation 35 of these regulations to inspect all business premises and may request any relevant documentation or a Packaging Report.
- ❑ Failure to comply is an offence and can result in a fine and / or prosecution.

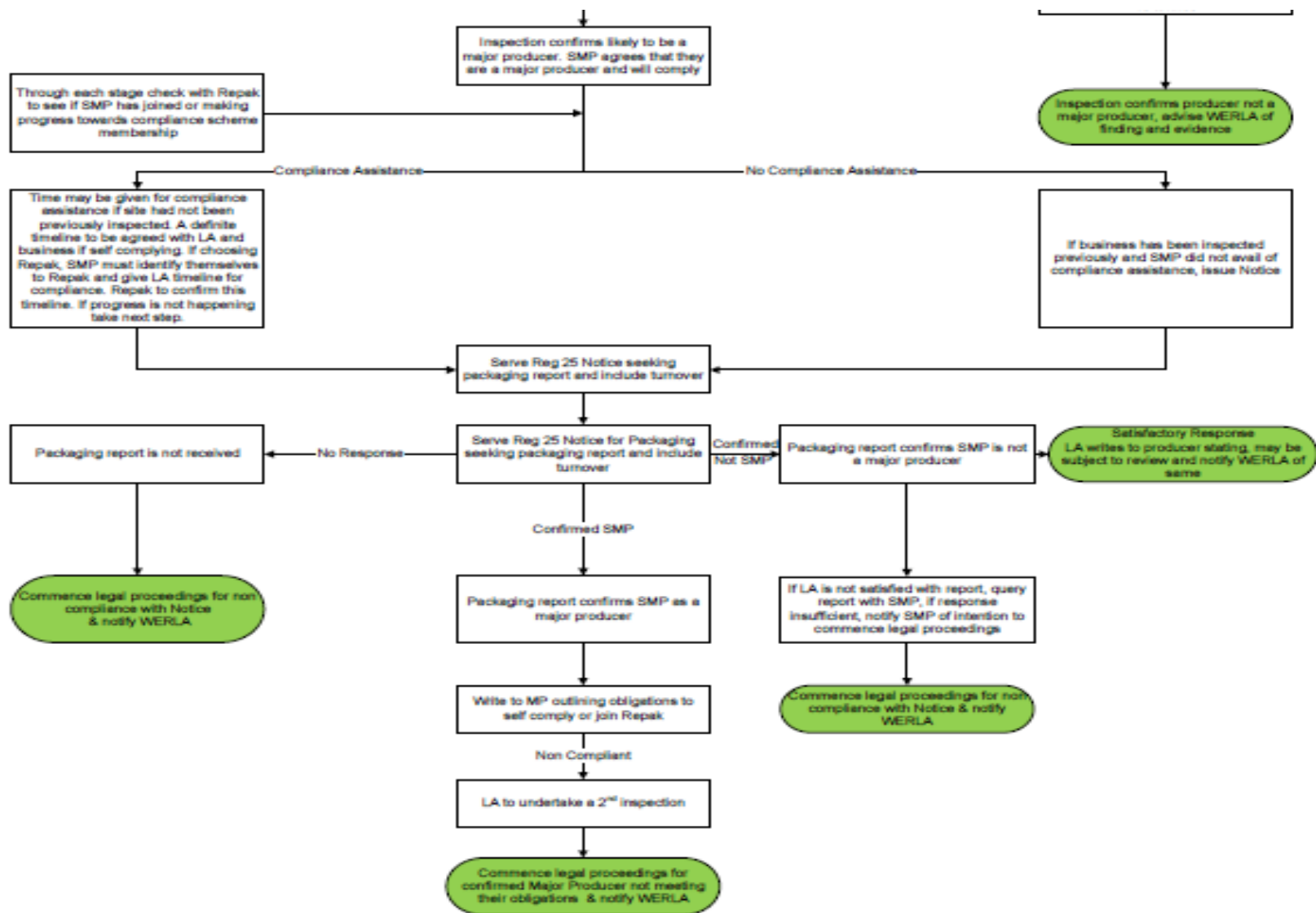


# Pilot Packaging Work Flow Diagram

11/04/2017



Through each stage check with Repak to see if SMP has joined or making



# WERLA Staffing Structure

Region	Regional Coordinator	Technical Officer	Other Staff
CU WERLA	Seán Scott	Dearn McClintock	Annette McCormack
Southern WERLA	Nick Bond	Colman Kelly	Richard Walsh
EMR	Brian White	Maria Douglas	Sinead Hourihane/ Simon Clarke



# Enforcement - Key Principles

1. Protection of the Environment
2. Depletion of Scarce Resources & Stop Food Waste
3. Waste Framework Directive & RWMP
4. Polluters Pay Principle, PBW & Brown B
5. Compliance is not negotiable
6. Consequences of non-compliance.
7. Escalating Cost of Failure
8. Culture of Certainty in Enforcement



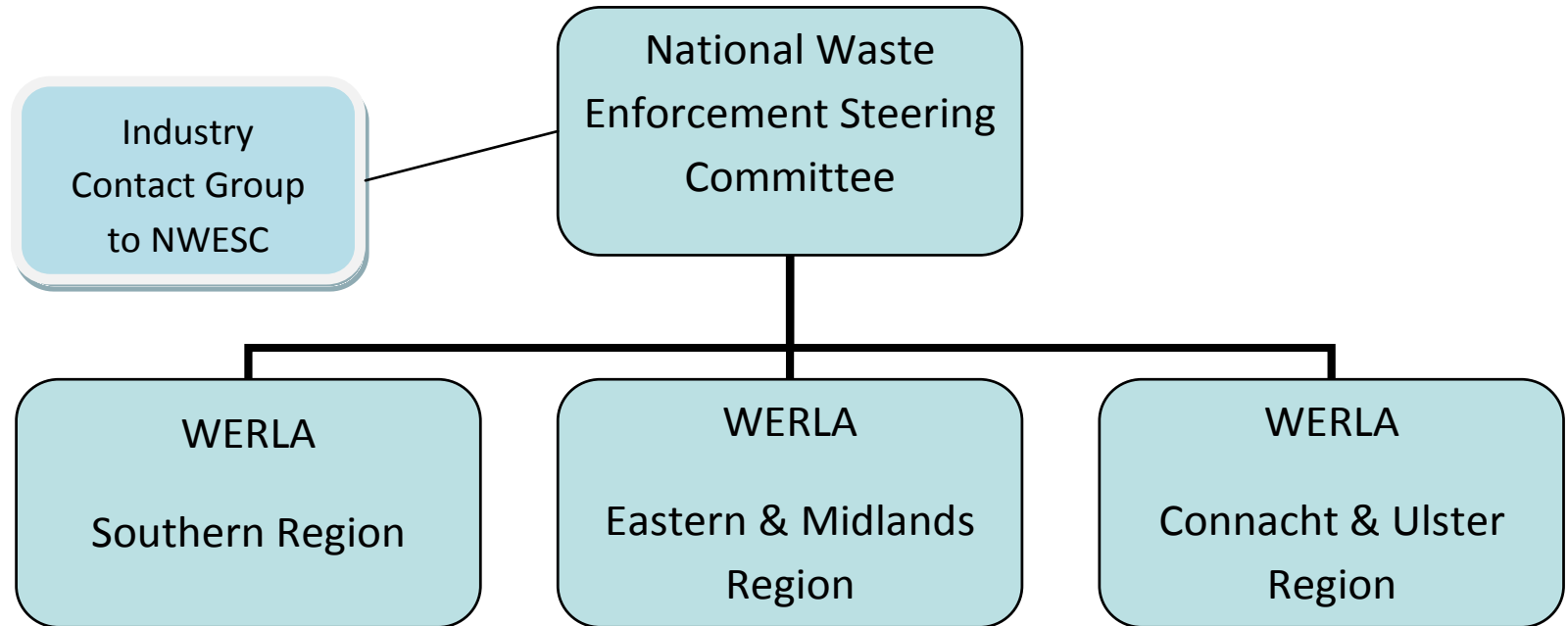
# Role of the WERLAs

- To deliver an **integrated approach** to waste enforcement which will drive consistent enforcement of legislation across the regions;
- To provide **enhanced enforcement of waste legislation** in a manner which supports **economic growth**;
- **To identify**, assess, respond to and address **serious infraction** of waste law through coordinated enforcement actions and **targeted deployment of resources**;
- To develop a **strong regional enforcement** network which shares intelligence and expertise across local authority boundaries as required;
- To deal with **strategic national waste enforcement priorities** and **serious criminal offenders** such as cross border diesel laundering activity or major illegal dumping in the State through intelligence led and coordinated multi-agency enforcement actions;
- To act **as contact point with the EPA** in terms of taking national priorities and implementing them regionally;
- **To drive improved levels of compliance** with waste obligations from business, industry, the public and by targeting operators functioning outside the framework of current waste legislation.
- To ensure a **Consistent, Transparent, Targeted** and **Proportional** response to waste enforcement where the **Polluters Pay Principle** is enforced.

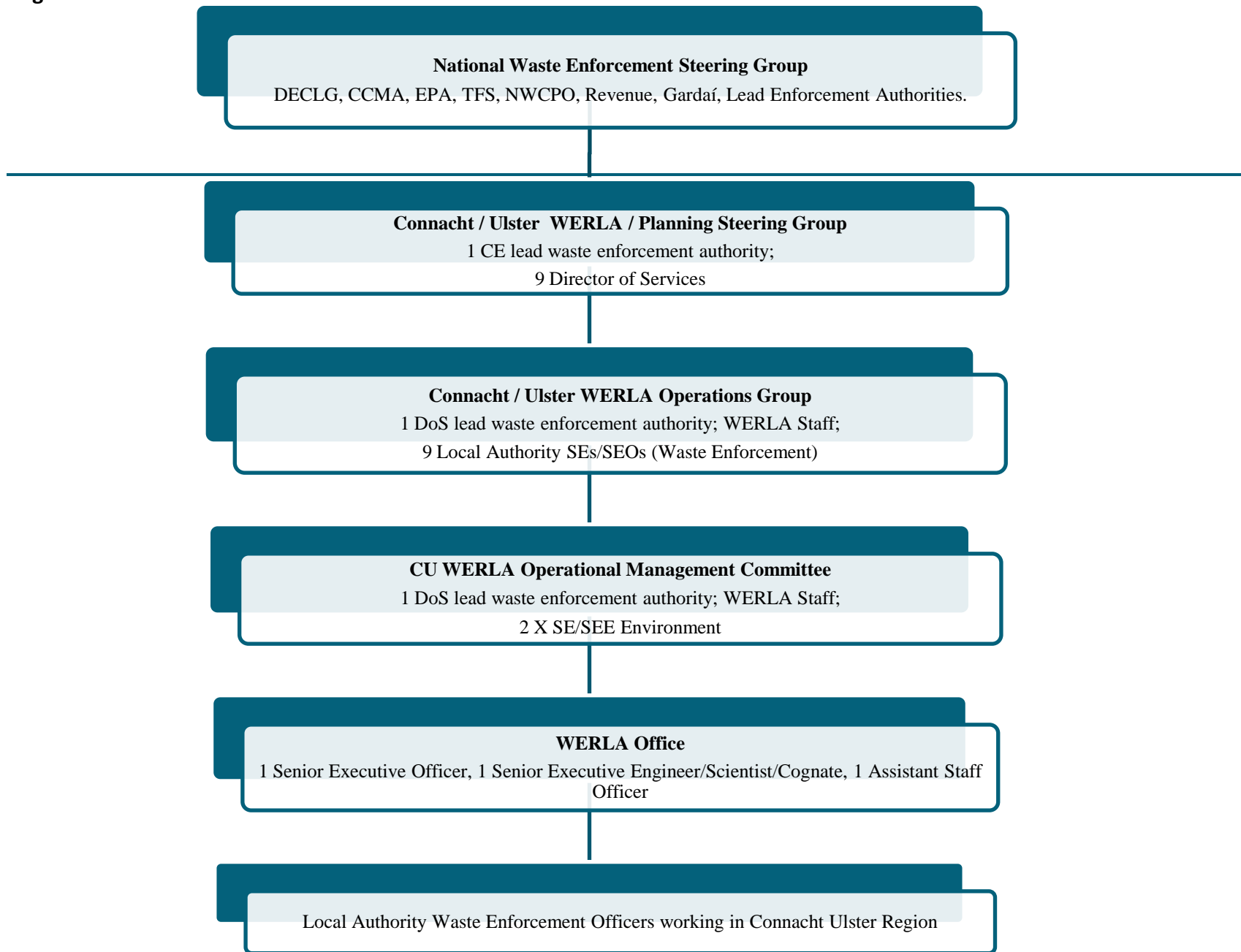


# Structure

The work of the WERLAs will be overseen by a National Steering Committee which will be chaired by the DECLG.



**Figure 1 National Waste Enforcement Governance Structure**



# WERLAs

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***No enforcement powers are being taken away or transferred from local authorities to the WERLAs and the current waste enforcement network will be maintained.***



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council



**Comhairle Chontae Liatroma**  
**Leitrim County Council**



**Coordinate**

**Support**

**Develop  
strategic  
responses to  
issues**

**Consistency**

**Enforcement  
proceedings**

**Implement  
priorities**

**Address  
training  
deficits**

**Collaborate**

**Greater  
cooperation  
between  
enforcement  
authorities**

**Increased  
peer-to-  
peer  
learning**

**Visible  
presence  
in the field**

# How – 2016/17

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As set out in the Business Plan WERLA's to provide for a consistent approach to Waste Enforcement Nationally

1. Technical assistance through

- Guidance notes
- Enforcement Manual
- Training
- Improved Reporting Systems
- Alignment of plans

2. Tactical assistance though

- Joint Operations with and between Client Local Authorities
- Supporting Criminal Investigations.
- Multi-Agency networks

# Communication

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- Connacht Ulster (CU) Planning & WERLA Steering Group
- National Waste Enforcement Steering Committee
- CU Operations Group
- Regional Waste Planning Office/s
- CU WERLA Consortium Operations Group (Donegal and Leitrim)
- CU Waste Enforcement Officers network
- Other WERLAs
- EPA, NWCPO and NTFSO
- County Councils,
- Strategic Policy Committees
- Senior Management Teams
- LA Env Teams
- PRI schemes/Industry Groups
- Key Agencies e.g. Irish Water, ESB etc
- Multi Agency Networks

# 2017 Waste Enforcement Priorities

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- ❑ Outcome of the WERLA 2017 Priorities Pareto Analysis provided to DCCAE to inform their decision making.
- ❑ NWESC and DCCAE WP 08/16 introduced the 2017 National Priorities
  - Illegal Dumping including C&D Waste,
  - Household Waste Management Compliance including Brown Bins,
  - ELV's,
  - ELT.

# National Priorities

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## □ **Pilot Packaging Project**

- Targeted Enforcement
- Intelligence from Compliance Scheme
  - Free Riders
- Turnover > €2 million
- Packaging > 20 tonnes

# WERLA Work Plan

Objectives	Policies	Actions	Sub actions
Implement EU and National legislation and policy to ensure a consistent approach to enforcement	1	5	48
Identify and manage national waste enforcement issues through a clearly defined strategy	3	7	9
Communicate and coordinate waste enforcement strategies and work with relevant stakeholders to drive improved levels of compliance	4	7	18
Drive Improved performance and consistency of waste enforcement through clearly defined structures and procedures	3	4	9
Work with Local Authorities and other stakeholders to deal with serious environmental crime	2	5	9
	<b>13</b>	<b>28</b>	<b>93</b>

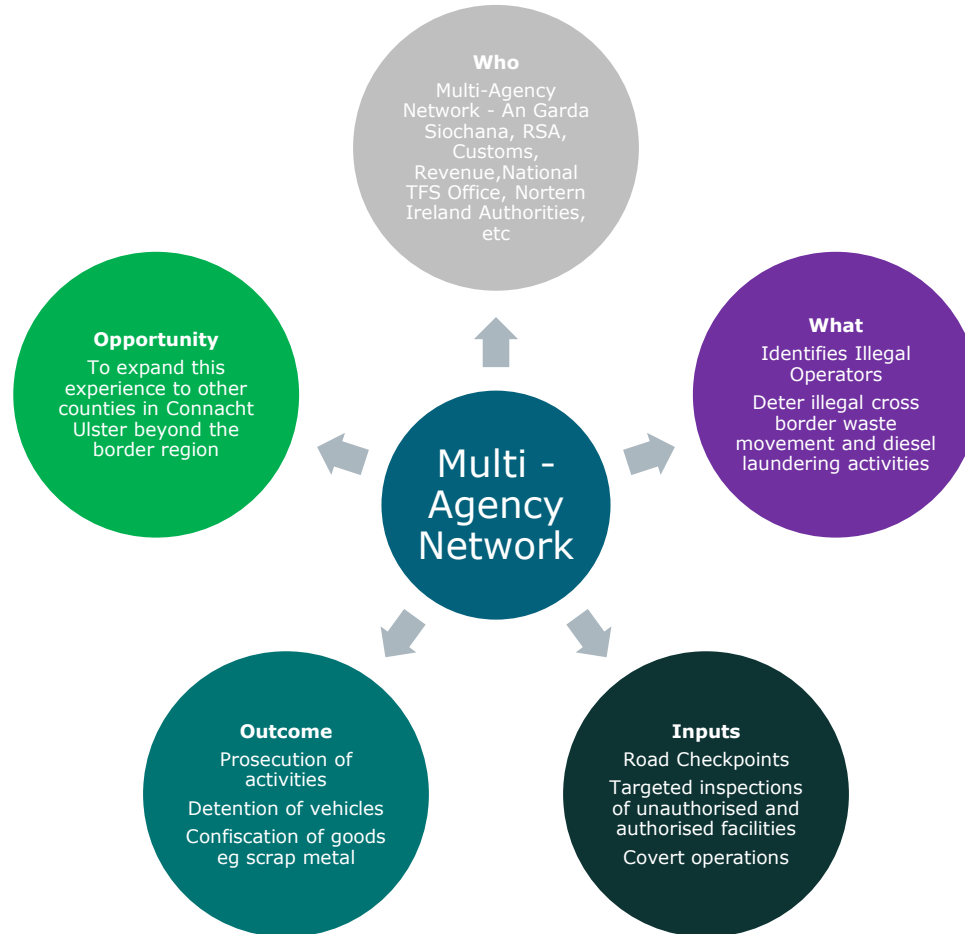
# Major Investigations

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- ❑ Limitations on what can be reported.
- ❑ All three WERLA's have been involved in joint inspections with Constituent LA's and/or other agencies.
- ❑ Key Role in the WERLA's Business Plan.



# Multi-agency Cooperation

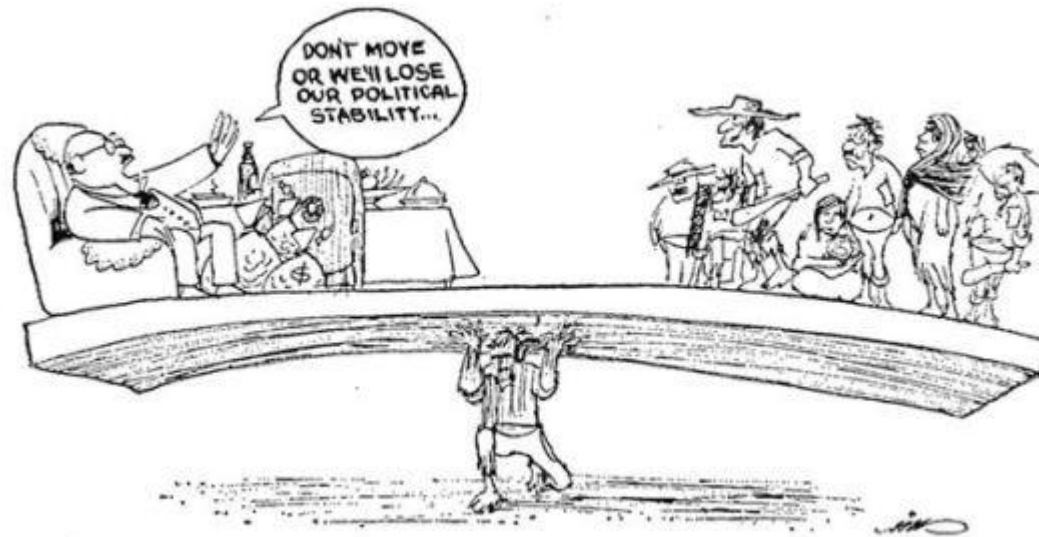




# Change Management – Waste Enforcement and Planning

- New Technology/Systems
- Data Systems
- Three Split
- New technology
- Innovative circular
- New

- Waste Collection Permit Regulations
- PRT schemes



Source: Rius-Siempre, Mexico.

- WERLAs
- Dealing with issues of increased criminality with regard to waste crime
- Coordinated and integrated enforcement approach
- National Priorities

- Rationalisation of Waste Regions from 10 to 3
- NWCPO
- NTFSO
- Direct working relationship with CURWMPO

# Controlling Risks National

- 60,678 complaints investigated in 2015 nat
- Waste
  - 6105 Enforcement Actions Initiated



FIRST RESPONDERS

stories  
about  
being on  
the front  
lines



# Controlling Risks National

- 1035 Permits/CORs
- 2536 Authorised Waste Collectors
- PRIs



# Complaints CU WERLA Region 2016

- Waste and Litter Related Complaints and Enforcement Actions CU Region 2016-

<b>2016 Total Complaints Waste &amp; Litter</b>	<b>6816</b>
<b>2016 Total Waste Enforcement Actions arising as a Result</b>	<b>1038</b>
<b>2016 Total Fixed Payment Notices Litter Pollution Act (Fines)</b>	<b>1156</b>
<b>2016 Total Cases before the Courts</b>	<b>61</b>

# Complaints CU WERLA Region Q1 2017

- Waste and Litter Related Complaints and Enforcement Actions CU Region Year to April 2017

<b>2017 Total Complaints Waste &amp; Litter</b>	<b>2846</b>
<b>2017 Total Waste Enforcement Actions arising as a Result</b>	<b>372</b>
<b>2017 Total Fixed Payment Notices Litter Pollution Act (Fines)</b>	<b>357</b>
<b>2017 Total Cases before the Courts</b>	<b>57</b>



# Training

<b>Training Course</b>	<b>Date</b>
Policy & Legislation	July & 18 <sup>th</sup> and 19 <sup>th</sup> October 2016
Regulation	November 2016 (Roscrea and Castlebar)
Contaminated Land Training	9 <sup>th</sup> December, 26 <sup>th</sup> January
Environmental Liabilities Regulations	27 <sup>th</sup> January
Waste Enforcement Skills Training	Q1/2 2017
Managing Difficult and Aggressive Behaviour	15 <sup>th</sup> March – Regional Training Centre Castlebar to confirm)



# Training

<b>Training Course</b>	<b>Date</b>
Level 1 Interviewing with An Garda Siochana	Week Beginning 3 <sup>rd</sup> April 2017 (5 per WERLA)
Level 2 Interviewing with An Garda Siochana	May 2017
Site Visit to ATF site (CU WERLA)	24th March 2017
Management of Construction Waste	TBC
CCTV and Powers of Authorised Persons	13 <sup>th</sup> March Ballinasloe
Anaerobic Digestion Visit	20 <sup>th</sup> March (No's limited to 8/9)
Waste Enforcement Skills Training	24 <sup>th</sup> and 25 <sup>th</sup> April



*That's all Folks!*