



# EPA Comments on Public Consultation Waste Action Plan for a Circular Economy and transposition of the Circular Economy Waste Package

The EPA welcomes the opportunity to input to DCCAE's consultation on the development of the latest National Policy "A Waste Action Plan for a Circular Economy". We have set out detailed responses to the questions raised in the Consultation in the Appendix. For convenience we have also set out below a summary of the key issues in the EPA response.

The comments provided relating to legislative changes should also be considered as the EPA response to the consultation on the transposition of the Circular Economy Waste Package.

## Summary of key issues address in the EPA response

### Institutional arrangements

Current institutional arrangements are not adequately supporting the waste hierarchy and segregation of waste at source. The EPA, noting the Competition and Consumer Protection Commission (CCPC) analysis of the household waste collection market, recommends that the current market structure be reviewed. In addition, capacity remains finely balanced and there is currently inadequate contingent capacity. The EPA believes that this presents significant national risks.

The EPA notes that waste enforcement responsibilities in Ireland are spread over several state bodies. This can result in different enforcement approaches across the country, between sectors and between permitted and licensed sites. It is noted that waste crime remains a concern and strong and coherent inter-agency arrangements are vital to addressing this issue. It is critical that the roles of the various agencies involved in waste enforcement are clear and coherent. The role of NIECE is noted in this regard, which has been instrumental in improving the implementation of environmental legislation through promoting enhanced engagement between public authorities.

The EPA notes the important role played by the National Waste Enforcement Steering Committee (NWESC) in coordinating national waste enforcement priorities and in facilitating collaboration between regulators. The EPA believes there is scope to further enhance the effectiveness with which this group can provide coherent support at the national level to both waste policy development and waste enforcement. The EPA welcomes the proposal to review the operation of the NWESC and, as the body with national responsibility for environmental enforcement, should have a key leadership role in this.

The EPA is supportive of the proposal to establish a regulator subgroup of NWESC to deal specifically with the enforcement of sites of concern. Such a group would 1) allow a more targeted regulatory focus to specific sites and 2) facilitate a more strategic and consistent national approach. The EPA believes that it would be appropriate for this group to be EPA led since the EPA is the body charged with environmental enforcement nationally.

Section 63 of the EPA Act assigns a key responsibility to the EPA for oversight of Local Authority performance. This section of the Act has played an essential role in ensuring that Ireland meets European standards and legislation. Any legislative changes regarding the national enforcement infrastructure would need to be carefully considered in the context of the operation of Section 63.

Systemic change is required to prevent waste and embed the circular economy from product design and manufacturing processes through to consumption patterns to support more sustainable citizen behavioural and lifestyle choices. It is proposed that the National Waste Prevention Programme be re-established as a Circular Economy Programme led by the EPA.

This Programme would provide an oversight and coordinating role for national, regional and local activities to improve coherence and alignment and to ensure maximum impact. It would support public behavioural change campaigns and could respond to new and emerging issues as part of the circular economy.

### Municipal waste

Ireland is missing opportunities to maximise the beneficial and efficient use of waste materials and needs to increase recycling rates. In 2016, each person living in Ireland produced, on average, 580 kg of municipal waste which is above the European average of 487 kg. In addressing this, it is important that waste prevention is not over-looked, and attention is paid to the waste hierarchy when considering the tools and strategies to manage materials within the circular economy. Furthermore, Irish recycling rates have stagnated at 40%, and recent EPA waste characterisation studies have indicated high contamination rates and poor segregation practices in kerb side collections.

To address these issues, the EPA considers that the design of the current charging systems for household and commercial waste collection should be revised to actively incentivise waste prevention as well as recycling. In addition, the co-mingled collection model could be supplemented with deposit and return initiatives, segregated waste collection and designated PET collection receptacles in commercial public spaces.

In terms of recycling, the EPA welcomes the proposal to require the mandatory provision of an organic waste bin for all households as a key step in maximising the value of recyclables and management of food waste. In addition, the proposed expansion of the national standardised list of items acceptable for mixed dry recyclables bins is welcome.

In relation to waste collectors, the proposal to place a requirement on waste collectors to meet municipal waste recycling targets through waste collection permit conditions is supported. Furthermore, the EPA considers that waste collectors should make an annual financial contribution towards waste characterisation studies and national waste awareness campaigns.

The EPA considers that Civic Amenity sites should be provided to align with consumer population. Expansion of kerbside collection services to facilitate intermittent collection of challenging waste types and bulky wastes should be implemented to avoid the lack of transport becoming a barrier for recycling of such materials.

### Food waste

The EPA proposes the development and implementation of a National Food Waste Reduction Roadmap with clear national and sectoral targets for 2025 & 2030 to support the achievement of a clearly articulated national food waste prevention target<sup>1</sup>. This will build on the work of the EPA through the National Waste Prevention Programme and the assets, expertise and existing structures of the consumer focused stopfoodwaste.ie and business focused National Food Waste Charter, Retail Action Group and Food Waste Forum. Activities within the roadmap must include behavioural change and educational initiatives for consumers and businesses, technical support interventions, data gathering research, monitoring and evaluation.

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<sup>1</sup> [50% in certain sectors \(as per UN SDG 12.3\) or total by 50% \(as per Climate Action Plan\)](#)

## Plastic and packaging waste and SUP

The EPA proposes that a 5-year national plastics strategy be developed with annual outcomes and activities similar in structure and ambition to the UK Plastics Pact "A Roadmap to 2025" supported by stakeholders across the production and management cycle.

The EPA supports a range of policy and legislative measures to reduce plastic and packaging waste including single use plastic food containers. These measures include: eco modulation, which should be implemented without delay and be complimented by a review of compliance schemes and associated legislation.

## C&D waste

The management of C&D waste and materials requires institutional structures that allow for end to end material management and waste prevention. This will include provisions that optimise the early-planned management of waste and materials, green public procurement, pre-planning and planning permission requirements and proper on-site management practices, including mandatory construction waste and materials management plans and pre-demolition audits.

## By-products

The provision for regulating by-products under the current Article 27 has led to a number of problems.

In order to properly support the circular economy, through regulating by-product materials in a way that is protective of the environment, the EPA considers that the introduction of fees for by-product notifications would benefit the regime.

In addition, clarification of the regulatory process is required including addressing questions such as: who is entitled to make a notification, when a notification should be made and specific requirements aimed at improving the quality of notifications. The EPA would be happy to work with DCCAE on such clarifications, based on our extensive experience of the Article 27 process.

The EPA proposes an expansion of the role of Local Authorities in relation to responsibility for assessing notifications where local knowledge and presence on the ground would benefit all parties e.g. soil and stone notifications.

## End-of-waste

As it currently stands, the end-of-waste provision set out in Article 28 does not place any obligation on an operator to seek an end-of-waste decision from the EPA. This leads to ambiguity around the classification of certain materials/products on the market and poses challenges for enforcement authorities. It also has the potential effect of undermining the reputation of recycled versus virgin materials, where they should be seen as direct substitutes and incentivised as such. This should be addressed in legislation.

The EPA considers that there is merit in considering the role of Local Authorities in relation to responsibility for making end-of-waste decisions relating to operators regulated at the Local Authority level.

The EPA considers that the introduction of fees for end-of-waste applications would benefit the regime overall.

## Extended Producer Responsibility (EPR)

Understanding and awareness of EPR schemes remains poor and more focus is needed on awareness raising aimed at both the regulated community and the general population. The EPA recommends that any new schemes should be aligned and co-ordinated as much as possible with existing schemes to ensure consistency. The number of compliance schemes should be controlled and there should be an objective of a more 'one-stop-shop' approach to EPR compliance by the regulated community.

Enforcement of EPR rules is critical to the effective operation of the schemes. EPR schemes, therefore, should have a built-in mechanism for sustainable long-term funding of enforcement. This should be separate to the cost of managing waste streams

Considerations should be given to the introduction of national targets for reuse of products included in EPR schemes. Targets have been shown to increase levels of reuse in EU member states. With reuse targets in mind, there should be provision for an enhanced role by community-based social enterprises for resale of used products (i.e. reuse) and preparing-for-reuse (e.g. repair) of end-of-life products.

## Waste Enforcement

The very nature of waste management means that there will inevitably be opportunities for unscrupulous operators and organised criminals to profit from waste crime. These opportunities evolve as the market changes and as criminals actively seek new ways to circumvent regulation. The EPA, therefore, believes it is essential to have the appropriate national and regional structures in place to allow for the sharing of intelligence, to facilitate shared learning and to enable a multi-agency enforcement approach where appropriate.

The EPA would welcome a review of the range, level and application of penalties for breaches of waste management legislation and would welcome the opportunity to participate in such a review. The findings of the forthcoming nature and extent of waste crime report would be one important input into such a review. The EPA believes that the level of fine should generally be proportionate to the environmental impact caused by the breach, and/or the financial gain made by the offender.

Enforcement authorities have a range of penalties available to them from fixed penalty notices, directions at the lower end up to prosecution by the DPP. The EPA recommends that the operation of these need to be kept under review and updated as necessary. In our detailed submission we have pointed out possible areas for improvement such as providing for the option of Fixed Penalty Notices (FPNs) for minor breaches of a waste authorisation.

There are issues with implementation of the current levy regulations particularly vis a vis the definition of recovery and concerns about possible misclassification. Consideration should be given to amending the existing levy arrangements to provide clear binding guidance, preferably in the form of a regulation, as to what constitutes recovery.

## Waste Data & Waste Flows

EPA recognises that balancing the accuracy and timeliness of data depends on the users' needs and what decisions are being made based on the data in question. Eurostat recognises quality as a multi-dimensional concept that encompasses all aspects of how well statistics are fit for their purpose. Accuracy and reliability of statistics are one quality dimension, while other important dimensions are the extent to which the statistics are timely, relevant, coherent, comparable across regions and countries, and readily accessible by users.

The Circular Economy Package gives rise to demands for new types of data and information, including: Placed on the Market data (in particular for single use plastics, packaging and WEEE), re-use data and food waste data. This new information is needed to evaluate progress in reducing waste generation and maximising the reuse of material and will require information from different sources than those traditionally used by the EPA.

The EPA proposes the establishment of an EPA-led national network of authorities involved in waste data to strengthen the national governance arrangements around waste data collection, validation, sharing and integration. The necessary legislative provisions should be implemented to maximise the opportunities for the sharing of waste data and intelligence between waste regulatory bodies and others who hold waste data.

#### Research & Innovation

Circular Economy research should focus on specific sectors: food, construction, fashion, transport, industry, marine agriculture, service sector, pharmaceuticals/chemicals, logistics and artificial intelligence (e.g. machine learning in supply chain management).

The EPA's research programme funds research to provide evidence-based assessments of current environmental status and future trends, including the circular economy to propose integrated solutions for many of the complex environmental challenges facing Ireland to inform policy development and implementation. The EPA's Green Enterprise and Innovation for a Circular Economy programmes provide a vehicle for such applied research as a bridge between academic research and commercialisation.

#### Green Public Procurement (GPP)

The EPA views Green Public Procurement (GPP) as holding significant potential for the public sector to stimulate a critical mass of demand for more sustainable goods and services which otherwise would be difficult to get onto the market. GPP provides an important opportunity for government leadership in responsible sourcing and positive environmental behaviour. It will also stimulate the supply of innovative green goods and services from industry with particular openings for SMEs and local business. For these reasons, the EPA supports the mandatory introduction of green public procurement and considers that the Office of Government Procurement should take a lead role in this regard. The EPA can provide technical support and assistance particularly in the context of a new Circular Economy Programme.

#### Resourcing

The EPA as the national environmental regulator is the appropriate body to take on a number of enhanced and additional functions in the context of the new Waste Policy and legislative change. Such functions would need to be resourced appropriately to ensure full and robust implementation.

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## Link to consultation documents

- [https://www.dccae.gov.ie/en-ie/environment/consultations/Documents/26/consultations/Waste\\_Action\\_Plan\\_for\\_a\\_Circular\\_Economy.pdf](https://www.dccae.gov.ie/en-ie/environment/consultations/Documents/26/consultations/Waste_Action_Plan_for_a_Circular_Economy.pdf)
- [https://www.dccae.gov.ie/en-ie/environment/consultations/Documents/27/consultations/Transposing\\_the\\_Circular\\_Economy\\_Waste\\_Package.pdf](https://www.dccae.gov.ie/en-ie/environment/consultations/Documents/27/consultations/Transposing_the_Circular_Economy_Waste_Package.pdf)
- Question numbers are not included in the consultation document but included within this document for ease of reference and to assist discussion.



# 1 Timeline and roadmap

## 1.1 No questions

# 2 Institutional Arrangements

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

Ireland's waste management practices, infrastructure and regulation have matured significantly since the Waste Management Act (1996) was enacted. This change has been driven by EU and national legislation, national policy and regulation and economic initiatives. Since 2012, there has been a clear government policy focus on waste as a resource and virtual elimination of landfilling.

In 1990 there were 125 operational landfills accepting municipal waste in Ireland almost exclusively managed by local authorities; today there are three operational landfills accepting municipal waste managed exclusively by the private sector.

While the market is currently just about meeting national waste management needs, it presents a significant vulnerability for the State. There is no contingent landfill capacity currently available to the State in the event of a market failure. Indeed, a waste management crisis was only averted in 2016 when licensed landfill capacity had to be temporarily increased by amendments of EPA Licences.

In 2018 the Competition and Consumer Protection Commission (CCPC) carried out an analysis of the household collection market in Ireland and found it is not effectively delivering social, economic and environmental outcomes under the current structure. Among the findings of this review was that *"the Irish household waste collection market is atypical in a European context"*.

- The CCPC commented that the current market structure, in which private operators assume ownership of waste, "has important implications for the State's ability to direct how and when waste should be treated and limits the levers available to influence operators to achieve national environmental goals". The manifestation of this can be seen, for example, in: the high level of autonomy in relation to the roll-out of brown bins, varying approaches in relation to pay-by-use charging and poor domestic waste segregation (the EPA's waste characterisation study has found, for example, that approximately 50% of household organic waste is being disposed of in the "wrong bins" and that 11% of the household waste shouldn't be in the kerbside bins at all.). The EPA recommends that consideration be given to the CCPC recommendations on market structure.
- The CCPC analysis also found that the waste "regulatory regime is fragmented and incomplete". The EPA recommends that the regulatory framework be reviewed with a view to: providing greater role clarity in relation to the individual regulators, deliver greater efficiency and provide for a more coherent and consistent regulatory approach.
- The EPA sees merit in the recommendation by the CCPC to establish an economic regulator for household waste collection. This would assist in addressing the atypical



waste collection market in Ireland and support the State in achieving both current and future national environmental goals.

- Waste crime remains a concern where there are opportunities for unscrupulous operators and organised criminals to profit resulting in potential adverse consequences for public health and the environment as well as inhibiting the development of the circular economy. The report currently being conducted by the EPA into the nature and extent of waste crime in Ireland will be important in framing a comprehensive response on this issue.
- Enforcement responsibilities in relation to waste crime in Ireland is spread over several state actors including the EPA, local authorities, WERLAs, National Transfrontier Shipment Office, National Waste Collection Permit Office as well as An Garda Síochána. The EPA believes that there is scope to further enhance the coordination between these agencies in tackling illegal waste activities. The EPA as the national agency with responsibility for with environmental enforcement plays an important leadership role in this regard.
- The EPA notes the evolving role played by the National Waste Enforcement Steering Committee (NWESC) in coordinating national waste enforcement priorities and in facilitating collaboration between regulators. The EPA believes there is scope to further enhance the effectiveness, with which this group can provide coherent support at the national level to both waste policy development and waste enforcement. The EPA, therefore, recommends that a review of the NWESC structure and terms of reference be undertaken. The EPA is committed to working with DCCAE to deliver such a review.
- In the context of any review of the NWESC, the EPA is supportive of the proposal to establish a regulator subgroup to deal specifically with the enforcement of sites of concern. Such a group would 1) allow a more targeted regulatory focus to specific sites and 2) facilitate a more strategic and consistent national approach. The EPA believes that it would be appropriate for this group to be EPA led since EPA is the body charged with environmental enforcement nationally.
- Waste treatment capacity in the system is under pressure and finely balanced. The aim of waste planning should be to provide sufficient waste management infrastructure within the State to manage municipal waste. While the market is currently just about meeting national waste management needs, it presents a significant vulnerability for the State. There is no contingent landfill capacity currently available to the State in the event of a market failure. The EPA believes that this presents significant national risks.

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

An overarching goal of European waste management is to prevent the occurrence of waste with Member States required to develop “waste prevention programmes” in the Waste Framework Directive to identify waste prevention measures and targets. The EPA recommends setting a clear policy direction and ambition for *Zero Waste Ireland*. This would include a framework for waste prevention and improved recycling. It is essential that the country’s waste management systems, awareness and prevention initiatives are

robust and enabling for business and citizens, while protecting and enhancing our environment.

Ireland's National Waste Prevention Programme (NWPP) was established in 2004 and is led by the EPA. It has been recognised as an exemplary programme in the EU. The programme has been reviewed periodically over the years and most recently in 2018. It currently has an annual budget of ~ €2m. The new programme moves the focus from predominantly demonstration and local scale to national level strategic programmes to prevent waste and drive the circular economy in Ireland. Its aim is to provide tools and information to businesses, individuals and the public sector to influence behavioural change, support sustainable choices and inform policy.

In addition to the National Waste Prevention Programme, Government currently funds waste prevention, behavioural change, waste management awareness campaigns and education initiatives through the National Waste Management Planning Offices, Local Authorities and others.

It is proposed that the National Waste Prevention Programme be re-established as a Circular Economy Programme led by the EPA. With a designated oversight and coordinating role to oversee national, regional and local activities this will improve coherence and alignment of national and local activities to ensure maximum impact.

As part of this programme it is proposed to

- Develop material resource sub-committees for priority waste streams under the Programme. These committees will be solution focused to support specific challenges that relates to the identified waste stream in the context of the circular economy
- Establish a "Leading by Example" team to drive public sector leadership in green public procurement and sustainable consumption for plastic, food and C&D waste in all public buildings, schools, hospitals, events and public-spaces. Extend this to initiatives supported and funded by government e.g. Failte Ireland, Bord Bia etc
- Develop strategic partnerships between the Circular Economy Programme and other Government Agencies and Programmes, Industry Representatives and Funding Bodies to embed circular economy principles e.g. Enterprise Ireland and IDA
- Coordinate and deliver greater impact to the many citizen and social enterprise initiatives currently funded by a number of government programmes (e.g. Plastic Free)
- Provide grant funding via the Circular Economy Programme Green Enterprise Innovation for national scale waste prevention and reuse initiatives
- Deliver sustained and visible evidence led public behavioural change campaigns for priority waste streams under a uniform branding that is informed by evidence, data and behavioural insights to connect with individuals, business and public sector
- Collaborate with professional and industry bodies & Skillsnet Ireland on training and awareness campaigns to improve waste prevention practices and waste management capability in Irish business

### 3 Municipal (Household and Commercial) Waste

Ireland has not yet decoupled economic growth from the generation of waste and greenhouse gases. In 2016, each person living in Ireland produced, on average, 580 kg of municipal waste. This is well above the European average of 487 kg. It is important that waste prevention is therefore not over-looked, and attention paid to the waste hierarchy when considering the tools and strategies to manage materials within circular economy. The proposal to re-establish the National Waste Prevention Programme as a Circular Economy Programme as set out in section 2 will bring coherence and oversight of this message at a national level.

Additionally, Irish recycling rates have stagnated at 40%, as highlighted in the consultation document approximately 50% of household organic waste is still being disposed of in the “wrong bins”, while almost 70% of the content of the non-household residual waste bins could potentially be diverted either to recycling or to brown bins.

Poor waste segregation practices lead to missed opportunities to maximise the beneficial and efficient use of waste materials and result in much lower recycling rates than would otherwise be possible. The EPA considers that improving segregation of waste by households and the commercial sector is an important area for regulatory attention and the waste industry as a whole. The EPA welcomes the proposal to require the mandatory provision of an organic waste bin for all households as a key step in maximising the value of recyclables and management of foodwaste.

The EPA welcomes the proposed expansion of the national standardised list of items acceptable for mixed dry recyclables bins. It is important that Ireland maximises the opportunities for recycling and stakeholders work collaboratively to address difficult to recycle material throughout the lifecycle. The proposal to place a requirement on waste collectors to meet municipal waste recycling targets (i.e. through the conditions attached to their waste collection permit) is positive. The EPA also considers that waste collectors should make an annual financial contribution towards waste characterisation studies.

Consistent, clear and engaging compliance promotion by local authorities supported by visible enforcement activities are needed to reinforce segregation behaviour in all sectors. The data indicates that particularly poor practices within the commercial sector and a sustained messaging campaign targeted at this sector is required to improve the segregation of waste including food waste. The feedback from such activities should be used to inform targeted intervention such as education/awareness campaigns, compliance promotion initiatives, targeted inspections and enforcement actions if necessary.

The EPA welcomes the general statement that additional municipal recycling infrastructure will be developed nationally. The European Environment Agency<sup>2</sup> has highlighted that in the longer-term bans and restrictions on import of waste by China and other countries and a shrinking international market for plastics should also trigger investments in capacities and systems to increase recycling and reuse of plastic waste and increase in material resources for local markets.

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<sup>2</sup> <https://www.eea.europa.eu/highlights/reuse-and-recycling-are-key>

Indigenous recycling infrastructure can provide improved opportunities for increasing recycling rates, it also provides opportunities for local employment and is in keeping with the principles of the circular economy.

### 3.1 Incentivised charging for households and commercial premises

The EPA considers that the design of the current incentivised charging system for household waste collection should be revised. Consideration should be given to implementing a more consistent charging structure and service levels. At present, many waste collectors offer a flat fee for waste collection up to a particular weight with additional charges per KG. The EPA is not aware of any data to demonstrate that these additional charges are resulting in actual incentivisation of waste reduction or improved segregation practices.

A similar review of pricing structures is required for the commercial sector with implementation of pay by weight to incentivise waste prevention and improved segregation and recycling in combination with improved enforcement of three bin systems.

Waste collectors have an important role in driving better waste management practices through the provision of feedback to consumers on the quantity of waste that they are presenting, the relative amounts they present for recycling/composting, or the quality/level of waste segregation. This information service should be mandatory for all collectors.

### 3.2 Civic Amenity Sites

The EPA considers that Civic Amenity sites should be provided to align with consumer population and to facilitate the recycling of waste packaging, plastic, paper, cardboard, metal items, textiles, wood, glass, batteries, WEEE, aerosol cans, food waste and C&D waste. This has the potential to substantially increase Ireland's household recycling rates and reduce fly-tipping. Expansion of kerbside collection services to facilitate intermittent collection of these waste types should also be implemented to avoid the lack of transport becoming a barrier for recycling of such materials.

The mattress and bulky waste amnesties (2017-19) under the Anti-Dumping Initiative indicated the public need for an outlet for difficult to manage municipal wastes. There is also scope for civic amenity sites to support the circular economy as hubs for donation of items that could be reused (paint, furniture, textiles, bicycles), repaired or upcycled by social enterprises.

### 3.3 Recycling (including organic waste) in apartment complexes

In relation to household waste collection at apartment complexes, consideration should be given to the introduction of measures through planning conditions, waste by-laws, or incentives to property management authorities to improve good segregation practices.

Apartment waste must be correctly recorded as household waste by waste collection operators in their annual reporting to NWCPO. Enforcement of the requirement to provide organic bins at apartments and student accommodation would align with household kerbside practices and support increased organic waste recycling.

## 4 Food Waste

The EPA is the national leader on food waste prevention in Ireland since 2009. To date this work has targeted awareness raising and behavioural change initiatives towards individuals, householders and small businesses; through its Stop Food Waste programme and with large food retailers through the Food Waste Charter. This work is carried out as part of the EPA's National Waste Prevention Programme which has identified Food Waste as one of its priority areas.

Food waste is generated all along the supply chain and at consumer level. The causes are varied at different points in the food value chain. For example, at the early stages of agricultural production, crops may be grown which are never harvested, or harvested but wasted due to damage or fluctuations in demand. Retailers may throw away out of date or imperfect stock, and restaurants may prepare too much food and throw away food left on plates by their customers<sup>3</sup>. Householders can throw away food because they buy too much or don't use it on time. Businesses and householders may not be aware of the amount of the food waste they produce and may not see that there is a problem that needs to be dealt with.

Food loss and waste reduction should be integrated as part of circular economy, food and climate action policy strategies and programmes, which are sector and target-focused to prevent food waste across the supply chain and at consumer level.

The EPA supports the need for a clearly articulated national food waste prevention target with interim reporting milestones. In the absence of a specified European baseline year against which to measure its food waste reduction, Ireland must establish a baseline year informed by data availability and aligned to comparator member states<sup>4</sup>.

To support its delivery the EPA proposes the development and implementation of a National Food Waste Reduction Roadmap with clear national and sectoral targets for 2025 & 2030.

It is proposed that the public sector can lead by example in this area and the EPA suggests specific targets to reduce food waste from canteens in Government Departments by 50% by end of 2021 and in Public Sector Healthcare Facilities and 3rd level education facilities by 30% by end of 2022.

The Food Waste Reduction Roadmap should be supported by national initiatives that reflect international best practice and recommendations of the EU Platform on Food Losses and Food Waste, which in an Irish context include;

- The Stop Food Waste Campaign as a single targeted national public/consumer engagement programme to raise awareness and empower behavioural change.
- The Food Waste Charter Version 2.0 (for release in 2020) to be leveraged in a similar way to the UK Courtauld Commitment to deliver national food waste reduction targets through commitment and active engagement from Ireland's food production, retail and services sector. Activities to reduce food waste under the charter will support and strengthen capacity for behavioural change, innovation, circularity and new market opportunities.
  - This will include a cross Sectoral Food Waste Prevention Committee of members and sectoral representatives to deliver actions as set out in the Food Waste Roadmap co-ordinated and overseen by the EPA. These should include:

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<sup>3</sup> [http://www.epa.ie/pubs/reports/research/waste/Research\\_Report\\_282.pdf](http://www.epa.ie/pubs/reports/research/waste/Research_Report_282.pdf)

<sup>4</sup> Scotland adopted 2013 as its baseline year

- Improve industry standards and consumer understanding on the use of date marking
- Standards for measuring, managing and reducing food waste in the food-service sector (hotels; restaurants; fast-food; canteens) and retail sectors
- To meet the new EU common data gathering methodology there is a need to fill the data gaps, improve availability and quality of data on food loss and waste levels and their related impacts (social, economic, environmental)
  - Address the significant gap in relation to data on food losses and food waste from agriculture<sup>5</sup>.
  - Introduce mandatory measurement and reporting of food waste by commercial food and drink companies (above specified thresholds).
  - Gather household food waste prevention data through a combination of waste characterisation, analysis of collector data and behaviour & attitude surveys.
  - Strengthen the data and assumptions underpinning the carbon foot- printing of food waste and losses in Ireland
- Integrate food loss and waste in education and professional training building on existing material produced and funded by the EPA.
- Monitoring, evaluation and knowledge sharing regarding national food waste prevention roadmap to be presented as part of the National Food Waste forum.

## 5 Plastic and Packaging Waste

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

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

It is noted that packaging has an important function in protecting goods & products in transit and storage and so reduces waste associated with spoilage and damage. The key focus for the circular economy therefore is to (a) preclude unnecessary packaging at all stages, and (b) ensure that packaging materials are appropriate for their function and full life-cycle.

Best practice packaging eco-design maximises recyclability, composability and reusability e.g. single type plastic designs, eliminating unnecessary packaging and replacing problematic material e.g. carbon black plastic, expanded polystyrene, PVC packaging. Systemic change is required to prevent waste and embed the circular economy from product design and manufacturing processes through to consumption patterns to support more sustainable citizen behavioural and lifestyle choices. This change can be supported through the following actions;

- The EPA proposes that a 5-year national plastics strategy be developed with annual outcomes and activities similar in structure and ambition to the UK Plastics Pact "A Roadmap to 2025"
- The strategy must be supported by stakeholders across the waste production and management cycle with time bound outcome focused actions and targets assigned to specified stakeholders. It has been found that within the market, and in response to other plastic pacts, product designers have increased their ambition to reduce plastic packaging ahead of the EU timeframes. Ireland should keep pace with this market

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<sup>5</sup> EPA funded research project recent commenced



change when setting plastic reduction targets. This will support packaging design, lifecycle transformation and consumer behavioural change.

- This strategy can be given visibility and leadership at national level by Ireland signing up to the Ellen MacArthur Global Commitment as a country. Participation will demonstrate Ireland's commitment and leadership in terms of waste prevention and recycling.

Key actions for manufacturing and packaging industries within such a roadmap should include:

- Review packaging composition and weights of all products to inform packaging reduction plans with targets and timeframes to reduce packaging weight and plastic content to specify minimum packaging design standards to facilitate a minimum average recyclable content of 30% by 2025.
- Maximise recycled-material content of plastic products placed on the market e.g. average content of 30% of recycled plastic by 2025 and greater where required in specific products. To stimulate the market for recycled product.
- Develop relationships and partnerships with the waste processing sector to create a resilient supply of recycled feedstock, including potential like for like buy back agreements.
- Engage in research and innovation projects e.g. to maximise recycled material content, develop alternative packaging materials and light-weighting approaches.
- Utilise Green Public Procurement to drive prevention of packaging and support business models/social enterprises that are delivering changes to the market.

### 5.3 What is the role of retailers? What is the role of manufacturers?

Packaging reflects the needs of product manufacturers and retailers many of which impact the ability to recycle, reuse or compost. The EPA supports extended producer responsibility, eco-modulation, taxes and levies as policy measures to incentivise improved design requirements. Key actions for product manufacturing & retailers include;

- Reduce contamination and improve waste segregation at retail premises, maximise reusable packaging and reverse-logistics approaches to address single-use 'back-door' packaging e.g. plastic films on clothing delivered to store and direct to customers via online shopping.
- Require product labelling to state the % of recycled materials and % of recyclable content in packaging. Provide declaration on the necessity of product packaging. Provide explicit labelling on recycling options on products.
- Facilitate development, implementation and incentivisation of refill and return initiatives, including deposit & return scheme for PET bottles and where appropriate aluminium cans, glass bottles and coffee cups<sup>6</sup>.
- Support and promote consumer behaviour change on waste prevention, reuse and recycling through, e.g. include point of sale information for consumers on alternatives to buying packaged goods

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<sup>6</sup> IN Sweden in 2017, the return rate was 85.2% of all cans and bottles sold nationwide  
<https://www.endsreport.com/article/1527687/uk-learn-europes-oldest-deposit-return-scheme>



- Use the recently established three-year partnership known as CirculEire between Irish Manufacturing Research, EPA, DCCAE and Climate-KIC to drive innovation within Ireland's manufacturing sector through the National Platform for Circular Economy Manufacturing.

#### 5.4 Assisting Citizens/Consumers

To engage and assist consumers it is essential that messages are communicated clearly, that there is transparency within the circular approach and that individuals can understand and trust the benefits for them and the environment. Fundamental to this is encouraging and facilitating citizens to inform themselves about the issues and to understand consequences of failing to take action on waste. Key actions to engage and assist citizens include;

- National targeted behavioural change campaigns with consistent messaging. This should be overseen by the EPA (with appropriate resources) as part of the previously referenced Circular Economy programme and supported at community level through the Local Authority Prevention Network and Environmental Awareness Officers to disseminate and promote national guidance on managing waste including: the waste management hierarchy, the recycling list Ireland and mywaste.ie.
- Extend the variety of waste types on the recycling list to support greater recycling of valuable materials.
- Provision of segregated on-street waste collection- using a simple; nationwide segregation model with a consistent approach to labelling and segregation of waste collection receptacles at (i) all food and beverage retailers (ii) all public areas and (iii) public events and festivals.
- Maximise and promote the role of civic amenity sites to facilitate collection of clean, single-stream recyclables through provision of increased segregation of waste streams e.g. PET, Card and Paper. 11% of the household waste shouldn't be in the kerbside bins at all. This material is largely made up of Textiles, Glass and Hazardous waste such as paint, WEEE and batteries Civic amenity sites provide a wide range of management solutions for such problem wastes thereby reducing contamination of kerbside bins.

An alternative waste collection service is required for people who do not have access to Civic Amenity sites due for example to lack of transportation.

- Prioritise enforcement of waste presentation bye-laws – ensure segregated collection of waste from commercial premises and apartment complexes to maximise potential for recycling and recovery.

#### 5.5 Waste collectors have a role to play?

Waste Collectors have a role to play in the provision of high quality, consistent and effective collection systems designed to meet the needs of Irish lifestyles and waste management targets. They are an important link in the chain of the circular economy to enable high value recycling, reuse and composting and key stakeholders in the effectiveness of a plastics strategy. Waste collector's roles extend beyond provision of a collection service in isolation.

As stated previously the EPA welcomes the incorporation of recycling targets within waste collection permits. The EPA also considers that an annual financial contribution to waste characterisation assessments should be applied to support monitoring and evaluation of progress towards waste reduction targets.

The EPA considers that key actions for waste collectors include:

- Support the achievement of Ireland's targets and seek outlets for all recyclable waste and extend the variety of waste types on the recycling list.
- Optimise the segregated waste collection service by offering a minimum three/four bin collection to all customers. Separately collected paper & card and food waste would reduce contamination and result in higher-value recyclables.
- Optimise collections of challenging wastes that give rise to high contamination in kerbside collections including household hazardous waste, textiles, batteries, paint to facilitate collection and recovery of such materials that do not belong in the residual or currently in the recycling bin.
- Actively participate in communications and national awareness-raising associated with correct bin usage and reducing contamination. Implement a national set of symbols and/or colours to identify the various waste streams.
- Collaboration on resolving the challenges of the Irish plastic and packaging market.
- Report timely and accurate data for monitoring purposes and publicly report on waste collection and verified recycling rates to provide transparency.

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

Eco-modulation of fees should be implemented without delay and subsidies for recovery of packaging should be phased out. This has been flagged to the market since 2015 when the Circular Economy Package was first announced.

A review of compliance schemes and associated legislation should be undertaken, and consideration given to the following:

- Review the packaging compliance legislation regarding the de minimus level for major producers and the self-complier producer obligations to contribute to efficiencies for local authority enforcement resourcing.
- Require distance sellers that place packaging onto the Irish market (paper/card and plastics) to register as producers (like WEEE legislation).
- Two thirds of plastic that ends up in kerbside bins isn't on the Recycling List for Ireland (mainly soft plastics). Use eco-modulation of fees to make placing of unrecyclable plastics on the market prohibitive for producers alongside alternative collection options for plastics that are recyclable such as soft plastics but where our co-mingled collection system/MRF treatment pathways are the barrier.
- Reuse and other prevention measures should be rewarded. Higher membership fees to apply to producers that place unrecyclable or difficult to recycle materials on the market (e.g. composite materials, mixed plastic materials within one product). Where products end up in litter and street sweepings (typically aluminium cans, plastic bottles, food packaging from take-aways and other), costs towards their management at end of life need to be factored in to fees.

## 6 Single Use Plastic

Often highly durable plastic packaging materials are utilised for products to be used over a relatively short period of time (and often only for a single use). The actions set out in section 5 apply across all packaging types however the following additional measures are specific to the reduction of single use plastic food containers.

The EPA supports the inclusion of a ban on single use plastic lined coffee cups and considers that a national on-request policy for single use food and beverage related items that are not covered by the single use legislation. Extending the ban to other products should be considered following evaluation of the effectiveness of the approach to the items currently proposed (including coffee cups).

The EPA is currently completing a waste characterisation study on litter and street sweepings, the results of which will be available in Q1 2020 and will provide evidence to support consideration of including additional items in the future

Projects funded through the National Waste Prevention Programme's Local Authority Waste Prevention Programme have demonstrated the viability of public water fountains as a means of preventing of plastic bottles<sup>7</sup>. The EPA supports the provision of free drinking water at public locations, public building and public parks.

Building on the experience of green festival projects which have also been funded within the same programme it is recommended that restrictions on the use and management of single use plastic be incorporated into licensing of public events and planning conditions.

Food retailers have a role to play in the adoption of viable reusable food containers for on-the-go consumption and proper segregation of waste arising from their premises more generally, in partnership with the waste industry and packaging manufacturing companies.

With a focus on waste prevention the development of reusable packaging solutions which are optimised with smart logistics and tracking should be incentivised for consumer-level and Business to Business (B2B) packaging. Incentivisation of new entrant enterprises delivering refill and reuse services for targeted food waste streams should also be considered.

In dealing with waste arisings food retailers should implement segregated waste collections from kitchen and public areas e.g. forecourts and front of house to maximise recovery of food waste and reduce contamination of recyclable material. Provide explicit labelling on proper end-of-use management on take-away food containers.

Under the National Food Waste Charter, the food retail industry pledge to characterise, measure, reduce and report on food waste. As part of this pledge businesses should review their approach to packaging, waste management and setting "Use-by & Best Before" dates.

To nudge the industry towards more sustainable packaging choices, the EPA supports a levy on SUP food containers to contribute to the Environment Fund or impose a visible fee (like WEEE). This should be ring fenced for collection, treatment, waste prevention communications and data gathering.

An Extended Producer Responsibility scheme can play a significant role in delivering these targets and should be implemented for single use food and drink service items. A producer responsibility initiative for distance seller producers of packaging should also be implemented with similar obligations to WEEE producers.

Co-mingled collection model can be supplemented with deposit and return initiatives, segregated waste collection and designated PET collection receptacles in commercial public spaces.

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<sup>7</sup> For example, Castlebar Leisure Centre recorded 3,644 refills within the first three weeks of operation, with each refill representing an avoided plastic bottle.

The EPA supports a segregated waste collection of PET Bottles and deposit return initiatives where appropriate.

Consumption reduction of SUP and evaluation of the behavioural change interventions will require a combination of placed on the market data combined with waste characterisation studies and behaviour & attitude surveys. In addition to statutory reporting requirements it will be necessary for this data to be timely and accessible to establish progress against interim milestones.

## 7 Circular Economy:

As stated in the consultation document the EPA led National Waste Prevention Programme has been to the forefront of Ireland's efforts to progress our transition to the circular economy.

The circular economy is a key priority within the European Green Deal, which signals the European Commission's ambition to progress a circular transition and acknowledges the importance of developing markets for climate neutral and circular products. This will be challenging for society and business but also presents significant opportunities for improved quality of life and environment as well as job creation and innovation through provision of new services and industry development.

In this context the programme underwent a review in 2018. It aims to align with circular economy and climate action policies and to support national-level, strategic programmes with high visibility, impact and influence to prevent waste and drive the circular economy in Ireland.

There are six current priority focus-areas that reflect circular economy priorities: plastics; food waste; agriculture; construction & demolition; local waste prevention; and resources & raw materials.

We are working with partners to inspire and deliver our programmes and engaging with industry & enterprise, research & innovation organisations, public sector bodies, product designers, representative bodies and networks.

The programme is delivered under three pillars these are:

- (i) Innovating & demonstrating: through targeted funding programmes such as the Green Enterprise: Innovation for a Circular Economy fund, the Programme supports innovators to develop and demonstrate business-ready solutions in the circular economy for consumers and for commercial clients.
- (ii) Delivering through partnerships: We collaborate with national organisation to deliver programmes and solutions for the circular economy in Ireland. Working with and through others we extend our reach and influence. An example such a partnership is between Irish Manufacturing Research, EPA, DCCAE and Climate-KIC to drive innovation within Ireland's manufacturing sector through the National Platform for Circular Economy Manufacturing.
- (iii) Advocacy and Communication; We are an advocate for waste prevention and the circular economy in Ireland including working with the public on priority topics such as food waste and plastics. We communicate solutions based on behavioural insights that can be scaled up for the greatest impact and gather data and evidence to inform robust policy development and report on progress.

As discussed earlier in the document and in the context of this new national waste policy, it is proposed to re-establish the National Waste Prevention Programme as a Circular Economy Programme led by the EPA. With a designated oversight and coordinating role to oversee national, regional and local activities this will improve coherence and alignment of national and local activities to ensure maximum impact.

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

The EPA recommends a 15% reduction in waste generated (excluding major mineral waste) compared to 2016 baseline by 2030. Scotland aim by 2025 to reduce total waste arising by 15% against 2011 levels. Due to cultural similarities it is considered that this is a reasonable target for Ireland. This indicator aligns with a Eurostat indicator on waste generation. Its achievement would be supported by prevention activities across all sectors particularly in the areas of food waste, single use plastics and packaging and construction and demolition waste.

With regard to municipal waste, a reduction target could be articulated in terms of residual waste per person. This would complement targets on recycling and landfill diversion and drive action to not just direct waste to favoured management option but also measures to reduce waste generation and in turn, to reduce material consumption.

## 8 Citizen Engagement – Awareness & Education

The EPA has set out opportunities for citizen engagement within each of the topic areas within the consultation.

The EPA is experienced in leading national campaigns e.g. StopFoodwaste.ie and provides evidence to inform policy development and implementation through research, studies and surveys. Increasingly behavioural science provides valuable insights in the design, implementation and evaluation of initiatives for effective citizen engagement within the NWPP. This allows for campaigns to be informed by the needs, concerns and interests of target audiences and use of appropriate communication channels rather than indiscriminate messaging. This facilitates measurement of outcomes and improved understanding of the effectiveness of our awareness, education and intervention campaigns.

The proposed structure of a new Circular Economy programme will allow for shared research and evidence led campaigns moving from local to national scale that enable us to measure and demonstrate their effectiveness.

It will allow a timely and co-ordinated response to emerging and priority issues e.g. in 2020 the EPA will produce a baseline report on textile waste in Ireland which will inform our understanding of this area and support awareness, intervention and policy design.

The establishment of a “Leading by Example” team can be a powerful way to mainstream the circular economy and foster citizen engagement through public sector leadership in green public procurement and sustainable consumption for plastic, food and C&D waste in all public buildings, schools, hospitals, events and public-spaces.

Funding of citizen engagement campaigns should arise from across the supply chain. With particular focus on campaigns about the segregation of kerb side waste collections; the waste industry, compliance schemes and government all have a role in funding and engaging through the appropriate channels to reach their target audiences.

## 9 Construction & Demolition Waste

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

- A literature review was undertaken on behalf of the Agency at the end of 2019 to examine the practice in other jurisdictions for the management of materials arising from demolition works. The countries examined included the UK, France, Netherlands, Denmark and Finland. It is clear from the countries examined that materials arising from construction and demolition works is managed as a waste in all cases and this can be achieved by two routes: either by achieving end-of-waste status or by availing of a specific exemption and ensuring compliance with the requirements of the exemption. No examples were found where such material is considered as a by-product rather than a waste. End-of-waste criteria have been established for recycled aggregates in five member states: UK, Netherlands, France, Austria and Belgium. The EPA recommends that the full range of legal tools available for dealing with construction and demolition waste (by-products, end of waste and exemptions) should now be reviewed together. This review should aim to ensure that the appropriate mix of tools is in place, which balance a risk approach to preventing environmental harm with the principles of the circular economy.
- The current regime in place for managing by-product notifications of construction-related materials is unsustainable. The Agency has provided detailed comment in this regard under the heading By-products below.
- It is well recognised that the public sector is a significant client of the construction industry, with the development of state infrastructure such as roads, schools, hospitals and other public building projects. It is therefore essential that the public sector is an effective driver in promoting best practice for the management of waste and materials from construction projects.

### 9.2 What existing measures are in place that could be improved? and

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

- Consideration should be given to providing for a statutory basis for *construction waste and materials environmental management plan* in planning consent process. Such plans should be required for certain large-scale construction/demolition works.
- The construction industry is familiar with the concept of construction waste and environmental management plans and, such plans are often included as requirements set out in conditions for planning permission. It is the view of the Agency that the construction waste and environmental management plan should be broader in scope to include materials other than waste, such as materials that may be the subject of a by-product decision by a person entitled to make such a decision i.e. a construction waste and materials environmental management plan. It is also the view of the Agency that the status of such a plan should be elevated to a statutory level, on a par with construction health and safety plans. For example, in construction projects, a safety and health plan is prepared by the Project Supervisor Design Stage and further developed by the Project



Supervisor Construction Stage<sup>8</sup> and is therefore dynamic in nature. This approach means that all relevant aspects are well thought out in advance and its dynamic nature means that changes can be accommodated as necessary during the lifetime of the project. In addition, relevant parties are signatories to the plan and maintain responsibility at the end of the construction project for all aspects of work completed. Relevant elements of this approach could improve the duty of care for the management of waste and materials arising at construction projects.

- Consideration should be given to the introduction of mandatory requirements regarding pre-demolition audits and de-construction prior to demolition for demolition projects over a certain threshold.

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

- Consideration should be given to the introduction of a levy on the use of virgin aggregates in building projects to incentivise the use of recycled C&D waste that has met a suitable quality standard. Any levy imposed on virgin material would need to be carefully aligned with equivalent recycled material for the specific use. In addition, national-level decisions are needed to ensure realistic alternatives to virgin materials are made available to the sector.

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

9.6 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?

9.7 What are the best approaches to raising awareness and education?

9.8 What are the barriers/enablers to these measures?

9.9 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?

Other policy options to be considered include:

Segregated waste collection	Enforce segregated waste collection from construction and demolition sites
New builds	Require new buildings to have a materials passport detailing the quantities & types of materials involved in its construction.
Existing buildings	For existing structures, a mandatory pre-demolition audit should be required to identify the material likely to arise and require management during deconstruction. Require 'Soft Demolition' within all public-funded demolition projects, removing all materials inside and outside a structure that are not structural in nature. These should be recovered, segregated and managed for maximum value. This will facilitate the removal of hazardous substances and the reduce contamination of recovered materials streams such as concrete.
Crushed concrete	Promote & Facilitate use of crushed concrete, subject to legislative End-of-waste processes and industry standards.

<sup>8</sup> Safety, Health and Welfare at Work (Construction) Regulations 2013 (S.I. No 291 of 2013)



	Usage of this material should be incentivised through public procurement and financial incentives to the private sector.
Landfill levy	Apply further restrictions or levies on landfill use for specific C&D waste streams to incentivise adequate costing of waste management and drive development of products with recycled content and by-product use
Guidance	Develop a new best practice document on sustainable resource use and waste management for construction and deconstruction works (civil and building) and update the 2006 Construction Waste Guidelines to reflect circular economy principles. Work with industry partners to embed knowledge and skills.
Reduced Site Works	The movement of earth prior to construction activity has the potential to give rise to large waste generation. The use of legislative levers e.g. planning regime to discourage the movement of soils off-site should be explored e.g. design to incorporate buildings within the natural topography of the landscape/set a minimum percentage to be incorporated in onsite landscaping.
Research	Incentivise material development & Innovation of new construction materials using less materials and generating less CO2 emissions e.g. reduced VAT rate.
Data	Implement a rigorous, well-enforced scheme of reporting in consultation with industry representatives. Standardise approaches to measurement of baselines and monitoring of trends to improve national reporting on waste arisings.
National Action Plan on C&D	Co-ordinate policies across government to deliver actions relevant to the circular economy and consider material embedded in the existing building stock as well as C&D waste, e.g. consider deep renovate/retrofits before new build.

## 10 Textiles – Waste and Recycling

### 10.1 What measures would best support the successful collection of household textiles? What measures would best support sustainable consumption of textiles by the general public?

The growth of consumption levels and in particular the ‘fast fashion’ sector is leading to significant levels of textiles waste generation – with EEA reporting that Europeans consume on average 26 kg of textiles per person per year. Waste characterisation studies indicate that large amounts of textiles are discarded in the residual waste stream, while data from CRNI indicates that charity shops are also handling large volumes of pre-owned clothing. In order to build an understanding of the national situation, a nature-&-extent paper will be produced, focussing on textile waste

The following measures would support the effective management of this waste stream;

In 2020 the EPA, through the NWPP, will publish a baseline information report on the levels and types of textiles entering the market and being discarded as waste to inform future actions and engagement campaigns. Such targeted campaigns will raise awareness and may include information on importance of not placing textiles in the residual waste bin and supporting charity and bring back schemes.

A campaign to counteract the drive for high-turnover fashion consumption to appeal to target fashion consumers – especially fast-fashion customers. This could include reference to the climate impact; water consumption; or micro-plastic burden associated with new clothes purchases.

Promotion of repair services through national repair directory (repairmystuff.ie) and the elimination of VAT on clothing repairs would encourage consumers to extend the life of currently owned clothing items.

Consideration should be given to the implications of a potential general ban on all textile waste being placed into the general waste bin or going to landfill/incineration with a suitable alternative for heavily soiled material and worn foot wear.

## 11 Waste Management Infrastructure

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

- The national waste management infrastructure in Ireland has evolved considerably in recent years to incorporate the full waste hierarchy including energy recover, recovery, recycling, network of civic amenity centres and waste collection. Waste disposal, for example, is now managed through a small number of large-scale national facilities rather than many small scale local facilities as was previously the case. Given the very significant changes to the national waste management infrastructure and, in particular, the level of interdependence between the different elements of that infrastructure, the EPA supports the idea of a single national waste management plan.

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

- The EPA notes the important role played by the WERLAs in driving national waste objectives at a regional level. The EPA welcomes the enhanced role and capacity of the WERLAs, but equally notes the importance of maintaining a balanced strong national focus on the enforcement of waste regulations as many of the key strategic challenges are national or international by nature. In any expanded role for the WERLA, there needs to be clarity of roles with respect to EPA and other enforcement bodies, including the oversight of environmental enforcement functions currently provided in Section 63. The EPA believes that there is a need to reinforce waste enforcement capacity at both a regional level through the WERLAs and a national level through the EPA. The GENVAL report noted that *“Ireland should keep under review the capacity of the EPA and the NTFSO with regard to the human resources to allow them to continue to fulfil more effectively their tasks regarding the detection and the handling of environmental crime cases”*.
- Waste enforcement responsibilities in Ireland is fragmented with several state actors involved including the EPA, local authorities WERLAs, National Transfrontier Shipment Office, National Waste Collection Permit Office as well as An Garda Síochána. The EPA considers that the precise role of each of the waste regulators should be better defined. It is important, therefore, that any statutory changes being considered be based on a holistic view of the regulatory system to ensure that: the roles and responsibilities of each agency is clear, regulatory gaps are avoided and there is strong coherence between the different elements of the regulatory system.

- Section 63 of the EPA Act has played an important role in ensuring that Local Authority performance meets both national and European requirements. Any new statutory role for the WERLAs in co-ordinating the waste enforcement activities of the Local Authorities is likely to have implications for the EPA's role in supervising the environmental performance of Local Authorities under this section of the act. Any legislative changes would need, therefore, to be carefully considered in the context of the operation of Section 63.
- It is important that any new statutory arrangements provide strong 'role clarity' for all enforcement bodies and address any current areas of enforcement fragmentation. It is important that we use the opportunity of moving to on a statutory basis to ensure that the whole regulatory model is fully optimised.

## 12 By-Products

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

- The by-product provision, as currently set out in Article 27 of the Waste Directive Regulations 2011, has been problematic on a number of fronts, in terms of implementation of the provision in a manner that respects the circular economy ambitions of European and national policy, while also being protective of the environment with appropriate environmental controls.
- Under present domestic legislation, economic operators are obliged to submit a notification to the EPA in relation to the designation of material that they decide are by-products, and the EPA may subsequently determine such materials to be waste. This scenario poses enforcement difficulties for waste regulatory authorities, as the persons handling that material can claim that they are not subject to waste inspections, record keeping, provision of information etc. under the waste legislation, because they have decided that the material is not a waste. This scenario is very unsatisfactory from a waste enforcement perspective and has the potential to be abused by unscrupulous operators.
- The provision is addressed to economic operators, a term which is not defined. Article 27 says that "where an economic operator makes a decision..., he or she shall notify the Agency...". In practice, this has resulted in various players along the chain of handling a material making by-product notifications to the EPA. In many cases, it is difficult to establish if the person making the notification is the person effectively entitled to make the decision that the material is a by-product and not a waste. This makes it very challenging for the EPA to determine if the material is a by-product or a waste; for example, if a haulier has made the notification, it often becomes apparent through consultation that the person responsible for the production of the material is unaware that it is later notified as by-product. Similarly, it is sometimes the case that the owner of the site at the use location is unaware that the material is the subject of a by-product notification. It is the view of the EPA that the only person entitled to make such a decision is the person responsible for the production of the material. i.e. the development company for the excavation works undertaken, or the owner of the site where the excavation works are taking place for example a public sector body developing infrastructure for the State. It is also the view of the EPA that the notification of that decision should only be made by the person responsible for the

production of the material (the material producer), or by a person with the express written consent of the material producer.

- The EPA recommends that consideration should be given to changing the legislation to eliminate or minimise retrospective notifications, which are difficult to enforce. Consideration should be given to requiring notification prior to generation/movement.
- Article 27 in the current Regulations states that “The Agency may determine... should be considered as waste”. This implies that where the Agency makes a determination, then that determination is that the material is considered as waste and not by-product. This further implies that where the by-product as notified is not subsequently considered as waste, then no determination is required to be made by the Agency. Given the numbers of notifications involved, the Agency is not in a position to consider all notifications. This means that a very large proportion of notifications remain on hand, whereby they have either not been considered at all, or are at various stages of the process of consideration. It is clear that the stakeholders, for the most part, wish to have a response from the Agency that provides certainty and clarity around whether they are correct in their decision that the material is a by-product. Any legislative changes that may be introduced should clarify the meaning of a determination.
- In the current regime, the local authorities play an important part in the Agency’s consideration of by-product notifications. All notifications received by the Agency are automatically placed on the Article 27 register, with automated alerts to the local authorities. In many instances, local authorities make unsolicited submissions to the Agency on particular notifications, which are very helpful to our considerations. In addition to that, the Agency consults with the relevant local authorities to clarify specific matters, as provided for in Article 27(3)(a). In the majority of cases, the source and destination of the material is within the same county or in a county immediately adjacent. Much of the control around the lawfulness of the use centres around the planning status at the destination site. In terms of effectively assessing and enforcing such notifications, it is the EPA’s view that there is merit in the local authorities taking the lead on notifications relating to soil and stone, being far more proximate to activity on the ground in real time.
- It has been the experience of the EPA that many notifications received do not sufficiently demonstrate compliance with the four conditions for being a by-product. There is no mechanism by which the EPA can refuse to consider such poor quality notifications. The only option for the EPA in such circumstances is to initiate consultation in accordance with Article 27(3)(a) to clarify matters. This results in an often very protracted exercise, whereby the EPA must follow due process and be fully transparent in its approach to making a determination. It is unsustainable for the EPA to have on hand large numbers of un-determined notifications as a result of poor responses or no responses to consultation. The EPA recommends that consideration be given to amending the legislation to address this problem.
- A significant proportion of by-product notifications submitted to the Agency to date relate to materials from demolition works and other brownfield activity, such as concrete, brick, tiles and other rubble. On the basis of the knowledge gained in assessing end-of-waste applications for such materials, it is evident that these materials are not likely to be entirely benign in the environment and the heterogeneous nature of the material introduces unknown risks that require to be managed. Such material may be classified

as inert in nature; however, inert waste acceptance criteria are based on acceptance at landfill, which has minimum requirements related to protection of soil and water and are therefore not suitably protective for the deposition of such material in an uncontrolled setting where there is no such protection in place. Similarly, any materials with evidence of anthropogenic contamination should be expressly prohibited from notification as by-product. It is the view of the Agency that an express prohibition should be introduced for certain materials.

#### 12.2 Do you support the introduction of fees to assess by-product notifications?

- The introduction of fees to assess by-product notifications should be considered as this would support the polluter pays principle. Fees could also be used to fund improvements to the notification system and to shorten the timeframe for making determinations.

### 13 End of Waste

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

- The success and of end-of-waste and the use of products arising from end-of-waste decisions is largely dependent on compliance with the relevant legislation and standards associated with those products. It is therefore essential that the role of the National Standards Authority of Ireland and other relevant authorities with responsibility for enforcement of product standards and legislation is clarified. Any failure to properly implement and enforce requirements already in place around product standards and legislation would significantly undermine end-of-waste decisions and the reputation of same. The EPA recommends that a group be formed to progress national end-of-waste decisions for appropriate materials with clear terms of reference.

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

- A very small number of applications for national-level end-of-waste decisions have been submitted to the Agency to date. Consideration should be given to measures to incentivise the development of national end of waste decisions for specific construction and demolition waste streams, including crushed concrete, gypsum, tiles, ceramic, woodchip etc. (to specify the criteria and also the scope of use). Individual operators in the waste sector are not incentivised to develop robust end of waste criteria leading to significant delays, therefore national standards are considered more useful. National standards would also allow for greater confidence in the use of recovered materials.
- Once National Standards are set, there is then an opportunity to set levies on the use of virgin material to incentivise the use of recycled materials.
- Consideration should be given to the establishment of general binding rules for certain types of low-risk end-of-waste decisions.
- Consideration should be given to the introduction of bye-laws in relation to the segregation of C&D waste at large scale construction sites (above a certain threshold), similar to those for household waste, and/or the introduction of a levy on mixed C&D waste arising from large scale construction sites would encourage better waste management practices.

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

- The EPA considers that the European Communities (Waste Directive) Regulations 2011 (SI 126 of 2011) should be amended to remove a potential legal loophole in relation to when waste should cease to be regarded as such under the “end of waste” provisions. Although the regulations suggest that end of waste criteria could either be developed at Community or Member State level, the regulations do not require such criteria to be recognised or sanctioned by a competent authority (e.g. the EPA). There is potential therefore, for operators to claim that they are meeting end of waste criteria that have been developed by themselves without any application made to the EPA, and for this scenario to be difficult to enforce.
- The current provision for end-of-waste as set out in Article 28 of the Waste Directive Regulation 2011, mandates the EPA as the body responsible for deciding case-by-case whether certain waste has ceased to be waste. This is regardless of whether the person seeking that decision is regulated by the Agency or the relevant local authority. A very significant proportion of the waste treatment industry operating in Ireland is regulated at the local authority level. It is the view of the Agency that decisions on end-of-waste relating to operations that are regulated at local authority level should be made by the relevant local authority. This is based on the view that the local authority already has a relationship with the applicant-entity and is likely to be knowledgeable on the waste inputs, the waste treatment processes undertaken and the output material. The Agency would then be responsible for all end-of waste case-by-case decisions relating to operations regulated by the Agency, as well as assessment of national-level decisions.
- There is no express obligation set out in Article 28 of the Regulations to seek an end-of-waste decision from the Agency. It is acknowledged that there is a long history in the recycling industry of producing material which can then be marketed for beneficial use. however, the concept of seeking and achieving an end-of-waste decision from the Agency has not played out in all instances. This creates an enforcement challenge for the local authorities and the Agency where authorised waste operators may be despatching a material/product recycled from waste, in the absence of formally agreed end-of-waste criteria. In such circumstances, it is not clear that those operators are producing the material to any documented set of end-of-waste criteria and as such, it may be the case that the material would more appropriately continue to be managed and controlled as waste. The EPA recommends the inclusion of a provision that obligates operators to apply to the EPA or the relevant local authority as the case may be, for a decision on end-of-waste status.
- Reporting of Art 27 and 28 needs to be mandatory and be brought in under the waste reporting regime in order to capture how we are achieving our recycling/recovery targets. If we don't capture how much waste is not being prevented due to by-product notifications, we will underestimate our reporting of our achievements towards meeting our targets as excavated soil and stone is the largest element of C&D waste.
- Article 28 does not specify the information to be provided in support of an end of waste application. It has been the experience of the EPA that many applications received do not sufficiently demonstrate compliance with the four conditions for end-of-waste. This results in a very protracted process of engagement between the Agency and the applicant to gather sufficient information in order to arrive at a recommended decision. In



some circumstances at least, such applications become effectively dormant for the lack of a response from the applicant. The Agency is in the process of developing guidance on end-of-waste applications and a standard application form. The objective of this work is to assist prospective applicants to prepare high quality end-of-waste applications and, which in turn should benefit applicants and the Agency in driving a faster turnaround time for decision making. The EPA recommends that the legislation be amended to place clear obligation on applicants with regard to content and form of applications, compliance with EPA guidance, etc.

- The EPA recommends that consideration be given to the introduction of fees for all applications for end-of-waste status made to the Agency and local authorities, as appropriate.

## 14 Exemptions

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

- The EPA welcomes consideration being given to the possible expansion of the range of "exemptions" being available for the treatment of certain wastes, subject to the scope of such exemptions being limited so as to prevent endangering human health or harming the environment. In view of the likelihood of submissions being received from other stakeholders with suggestions for particular waste types to be considered for exemption, the EPA would welcome representation on any steering group or consultative forum to be set up to consider the merit/implications of such proposed exemptions.
- Based on the classes of activity that are set out as requiring WFP or CoR, it is clear that some level of control is required in certain classes at least, as they are not without some environmental risk. For example, any operator storing, handling or treating end of life vehicles or batteries poses an environmental risk that must be controlled. On the other hand, certain waste activities that pose very limited risk, such as repairing wooden pallets or preparation for reuse of waste electrical and electronic equipment, could perhaps be accommodated by a less burdensome requirement than a WFP. For example, preparing for reuse is a common, low-risk activity in sectors such as pallet repair and refurbishment of electrical equipment etc.
- Consideration should be given to introducing an exemption for salvage yards or similar operations to encourage reuse, the resale, exchange, refurbishment of wastes (or materials that would otherwise become waste and have a value to someone else).
- Consideration should be given to introducing an exemption for disposal of contraband drugs or similar operations to enable the Gardai to deal with this operation. Another issue that arises occasionally relates to the use of the Army bomb-disposal unit to dispose of certain material.
- In relation to the management of canteen food waste arising from business premises, the EPA has received queries from EPA-licence holders with regard to the possibility of composting such waste and managing it within the confines of the company's own property. However, in many cases, the licensed facility does not have any specific regulatory permission under the licence to undertake a waste treatment activity, and so they are reluctant to pursue the idea for fear of falling into non-compliance or requiring a



review of the licence itself. The EPA would welcome an exemption from waste regulation for this type of activity, as it would serve to improve the diversion of organic waste at source, the sustainability of the company's own activities, and improve the general awareness of food waste management at a local level.

- Invasive species have become a significant issue in certain parts of the country. One of the key challenges with invasive species is the risk posed through transportation and transfer of vector material, whereby the problem may be introduced to areas not previously affected. Therefore, it may be appropriate to include a provision to allow for such material to be managed at the site of origin. Careful consideration would need to be given to the control measures that should apply to an exemption in such circumstances.

14.2 In your opinion, what are the dangers/risks or advantages associated with an 'exemption' approach?

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

- The current state of play, whereby exemptions to Article 24 of the Waste Framework Directive is implemented through the provisions for Waste Facility Permits (WFP) and Certificates of Registration (CoR), is not seen in practice as an exemption but as a lower level of authorisation. This is so because, each application for a WFP or CoR is dealt with on its own merits and is seen as a reasonably high bar to achieve, in certain circumstances. It may be appropriate that certain waste handling, treatment and/or use could be facilitated by a more streamlined approach.
- It is important that the details of any exemptions provided for are recorded by the competent authority, to ensure that relevant data can be included in Ireland's metrics for waste generation and recycling. This will facilitate more accurate reporting of waste statistics and help improve the country in meeting certain relevant waste recycling targets.
- Consideration should be given as to the scope of any new exemptions – would they apply to a particular site, a particular operator, or a particular activity? The policy and legislation governing any new exemptions should also clarify the expectations on waste regulatory bodies with regard to whether any routine compliance assessment will be needed on exempted activities, and who is the competent authority for any such compliance regime.
- For the purposes of transparency, it may be appropriate to develop a published register of any exempted activity that has specifically been authorised by the EPA or other competent authorities.
- In view of the limited capacity of Ireland's active municipal waste landfills, the EPA considers that there is merit in considering further exemptions for specific waste types, or in specific circumstances. Similarly, in an emergency situation (e.g. disease outbreak), exemptions may be beneficial to allow the management of wastes locally to minimise the risk of exposure to other persons or environmental receptors.

## 15 Extended Producer Responsibility (EPR)

- 15.1 How is the new EPR infrastructure going to impact on Ireland's existing EPR structures?
- 15.2 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?
- 15.3 How do EPRs help Ireland achieve our targets?

There remains a significant lack of awareness or understanding with regard to the existing EPR structures in Ireland. There is confusion regarding the roles played by the different organisations (e.g. compliance schemes, producer register, EPA etc.). This is particularly the case where there is overlap between EPR schemes e.g. WEEE/batteries and tyres/batteries.

The introduction of new EPR schemes for light weight plastic bags, tobacco products containing plastic filters, balloons, wet wipes and fishing gear under the SUP Directive has the potential to add to the current confusion given this will result in more rules and, potentially, an increase in the number of approved bodies. However, many of these new EPRs can overlap and so should be aligned and co-ordinated as much as possible to ensure consistent rules across the EPRs (i.e. regulations should be identical as much as possible across the EPRs and should avoid unnecessary complexity). The number of compliance schemes should be controlled and there should be an objective of a more 'one-stop-shop' approach to EPR compliance by the regulated community.

In terms of managing waste at end-of-life for products covered by EPR schemes, the schemes should at least ensure the coverage of the full net costs related to the separate collection and treatment of the waste. The fees paid by a producer to a compliance scheme should reflect the true end-of-life management costs of its specific products.

Enforcement of EPR rules on the regulated community is critical to the effective operation of EPRs. If there is to be a much greater emphasis on use of EPR schemes to manage particular waste streams, then there needs to be adequate resourcing of the regulatory authorities charged with their implementation. Each EPR should have built into itself a mechanism for a sustainable long-term source of funding for enforcement by EPA and local authorities. This should be separate to the cost of managing waste streams.

There is also a need for a significant increase in awareness raising measures aimed at both the regulated community and the general population (what they are, why we have them etc.) aimed at increasing acceptance of obligations, improving compliance and boosting collection rates. Such a programme should be Government sponsored to ensure ongoing wide spread coverage and attention. Awareness is critical to full acceptance and participation in the EPR schemes – existing and new.

Where appropriate, introduce national targets for reuse of products included in EPR schemes (e.g. EEE, furniture). Targets have been shown to increase levels of reuse in EU member states.

With reuse targets in mind, there should be provision for an enhanced role by community-based social enterprises for resale of used products (i.e. reuse) and preparing-for-reuse (e.g. repair) of end-of-life products. These include charity shops and enterprises that provide training and employment. There are many such enterprises country-wide and they would provide a solid platform for an increase in reuse and preparing-for-reuse of waste products nationally. They may need financial support and exemption from authorisation.

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

Compliance fees charged to producers should reflect aspects of production such as the level of eco-design, use of sustainable raw materials, use of recycled raw materials, modular repairability and re-usability etc. Any change to the fee system should be underpinned by legislation, should be consistent across EPRs and should be introduced and managed by the DCCAE, compliance schemes and Producer Register Ltd. Consideration should be given to the following specific measures:

- Fee reduction for consistently compliant producers;
- Increased fees for unrecyclable products placed on the market (e.g. certain plastics), or difficult to recycle products at end of life (e.g. soft plastics, composites). This should drive changes in the packaging placed on the market.
- phasing out over time subsidy on recovery as the Circular Economy focus is on prevention and recycling;
- incentivisation of reuse/prevention within eco-modulation of fees.

#### 15.5 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?

Consideration should be given to the development of EPR schemes for household furniture and products used for gardening, cleaning and skin care. Manufacturers should contribute to the collection and management of associated wastes – particularly hazardous ones (either at kerb side or in civic amenity centres). Producers need to contribute to their management and it needs to be easy for the general public to drop these wastes off at a suitable collection centre or indeed to have them collected.

It has recently been argued in ENDS Europe that manufacturers and importers should contribute to the ever-increasing costs of treating domestic waste water to remove certain pollutants resulting from discharges of their products to the municipal waste water treatment system rather than these costs being met by the tax payer and/or the authorities.

#### 15.6 Is there a role for voluntary agreements with industry?

There is scope for voluntary systems as a pre-runner to a full EPR. Voluntary agreements should be designed with effectiveness in mind (i.e. with responsibilities, objectives and targets) and a clear source of funding for activities. Objectives of voluntary agreements should be set as identical to a full blown EPR and where voluntary agreements fail consideration should then automatically switch to the introduction of legal obligations or a full EPR.

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

It is considered that there is a greater role for customs service and port authorities to play in enforcing EPR rules at the port of entry of goods to the country. That will exert some control on supply chain. Customs service, port authorities and regulatory authorities can act collaboratively based on shared intelligence.

#### 15.8 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?

- There may be scope for return of mattresses (i.e. collected when delivering a new one), furniture (ditto for delivery of new products) and even some out-of-date household

cleaning and gardening products although there would be implications due to the storage of waste – some of it hazardous. Retailers would have to be adequately compensated and exempt from authorisation.

- Pharmacies to accept out-of-date and unused medicines/veterinary products.
- In the UK, many retailers accept soft plastic waste (eg Tesco). This provides for a separate collection point for this difficult to recycle waste and having a segregated waste stream may improve its potential to recycle for the waste management industry.

#### 15.9 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?

Consideration should be given to:

- Providing a mechanism for a long-term funding source for tyre producer enforcement by EPA. It could be similar to that used for enforcement of the WEEE and Batteries regulations where an annual contribution is provided by the two compliance schemes from their members.
- Introduction of a fixed payment notice (FPN) for non-registration as a tyre producer and non-registration as a battery producer. Use of FPNs has proven useful for enforcement of the WEEE regulations and would, therefore, be very useful for enforcement of the tyres and batteries regulations.
- Further collaboration with Northern Ireland on tyres. A parallel system would, for example, help significantly in addressing the distorting (and sometimes illegal) effect of the cross-order tyre market on the EPR scheme in Ireland.
- Amending the WEEE, batteries and tyres regulations to facilitate access by EPA and local authority enforcement officers to the secure WEEE Blackbox system to allow checking of put-on-market data reported to the Blackbox by producers. Currently, legislation prevents enforcement officers from accessing the data to validate its accuracy. This would be a critical enforcement tool.
- Amending the tyres and batteries regulations to extend the statute of limitations to double the timeframes currently allowed to commence legal proceedings. It is considered that the current timeframes hamper taking legal action against non-compliant producers.
- Introduction of specific legislative mechanism to facilitate sharing of data for enforcement purposes between EPA and other regulatory bodies e.g. Revenue Commissioners, Gardai, customs service, port authorities etc.

## 16 Waste Enforcement

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

- There have been considerable structural changes over the past 10 – 15 years in both the waste industry and the regulatory infrastructure. These changes include: the reduction in the number of landfills, the establishment of WERLAs, the NWESC, the anti-dumping Initiative, etc. Given these changes the EPA believes that it is now appropriate to reassess the nature and extent of waste crime in Ireland. The EPA commenced such a study in early 2020 and pending the outcome of this work, the EPA does not wish to comment on the current extent of large-scale illegal dumping. Notwithstanding this, the EPA does consider that there is a need for greater waste data and intelligence sharing

amongst the various regulatory authorities – this is discussed further under the “Waste data and waste flows” section of this submission.

- There is a need to improve the sharing of operational waste enforcement intelligence between the various waste enforcement authorities within Ireland. In other jurisdictions, dedicated structures have been set up to gather intelligence and to investigate potentially serious waste crime offences. In the UK for example, a *Joint Unit for Waste Crime* (JUWC) has recently been established to tackle serious and organised waste crime, involving law enforcement agencies, environmental regulators, HMRC and the National Crime Agency. The EPA recommends that the JUWC approach be studied to identify any relevant lessons for Ireland. This could be addressed, for example, in any review of the NWESC.

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

- The EPA welcomes the setting up of regional multi-agency forums by An Garda Síochána in an effort to combat waste crime and will be happy to participate. The EPA recognises the potential of these forums to support the fight against waste crime at a regional level.
- As already noted under section 2 (Institutional arrangements), the EPA recognised the valuable role played by the NWESC in facilitating sharing of intelligence on waste crime between the relevant regulatory bodies at a national level. As discussed above the EPA believe that there is scope to further develop and enhance this role.

#### 16.3 Are the penalties available under the Waste Management Act appropriate?

- The EPA would welcome a review to be undertaken into the range, level and application of penalties for breaches of waste management legislation and would welcome the opportunity to participate in such a review. The findings of the forthcoming nature and extent of waste crime report would be one important input into such a review. Whilst information is available in relation to the number of waste-related convictions secured by EPA/LAs in recent years, data in relation to the number of legal enforcement actions initiated (and their subsequent successful conclusion) would also be of interest in any review.
- In relation to the level of fine sanctions currently imposed by the courts for breaches of the Waste Management Act, the EPA considers that it would be appropriate for the level of those fines to be proportionate to the environmental impact caused by the breach, and/or the financial gain made by the offender. In cases where the offender is a company, the EPA notes that many of the waste companies involved in the sector are currently registered as “unlimited”, so it is difficult for regulators and the courts to establish the level of financial gain accruing from the breach of any licence/permit. The EPA would welcome a change in the legislation to allow regulatory bodies to require financial records relating to a company to be presented for inspection (or to the courts) where a conviction for an offence is secured and the court may wish to impose a fine.
- Apart from the sanctions open to the courts such as imprisonment and fines, other sanctions such as the suspension or revocation of licences and permits can often be an effective and efficient way of bringing about compliance. The EPA notes that the current legal tools available for suspension and revocation can be difficult to implement in practice. The EPA recommends that a review of these tools be undertaken with a view to maximise their potential in achieving effective and timely environmental outcomes.

#### 16.4 What other penalties could be considered for illegal dumping by households/members of the public

- The fines and sanctions in relation to littering also need to be reviewed. According to a study by VOICE, which was based on data provided by local authorities, there is a significant cost to local authorities to enforce the legislation alongside the significant cost to manage litter collection and treatment. The EPA's waste characterisation of litter & street sweepings will provide information and data on the extent of packaging within litter and producers should be required to contribute to litter management as well as traditional waste collection at kerbside and backdoor.
- For a limited number of waste offences, it is currently possible for regulatory authorities to impose a Fixed Penalty Notice as an efficient means to impose a sanction for a breach/offence that has been committed. The EPA considers that it would be very useful to amend existing domestic legislation to provide the option of using Fixed Penalty Notices (FPNs) for minor breaches of a waste authorisation (e.g. waste collection permit, waste permit, EPA licence). The use of FPNs is consistent with the polluter pays principle, it could help raise revenue to cover the costs of undertaking enforcement activities, and in certain circumstances, it may be a more efficient means of imposing a sanction (other than having to initiate a prosecution). Clearly the use of FPNs should not be used by regulators as an alternative to avoid taking legal action for more serious breaches, and this could be clarified further through guidance issued by the Minister, a published environmental enforcement policy (e.g. EPA's enforcement policy: [https://www.epa.ie/pubs/reports/enforcement/EPA\\_ComplianceandEnforcementPolicy.pdf](https://www.epa.ie/pubs/reports/enforcement/EPA_ComplianceandEnforcementPolicy.pdf)), or legislation being amended to specifically define what is meant by "serious" waste crime. Fixed penalty notices could also apply to administrative actions, e.g. failure to submit annual reports on time.

#### 16.5 Are there examples of existing good practice to prevent illegal dumping?

#### 16.6 What contribution to the cost of the enforcement system should the waste industry make?

#### 16.7 Should financial provision be a requirement for permitted waste facilities?

- The EPA notes that domestic legislation does allow for waste permits to include conditions relating to financial provision but is not typically required at LA-permitted waste facilities. Based on its experience in implementing financial provision at licence sites, the EPA considers that financial provision should only be required at facilities that present a significant risk. In recent years there has been a high prevalence of fires at waste transfer stations and the EPA recognises that this is an area where financial provision may be appropriate. The EPA's published guidance "Approach to Environmental Liabilities and Financial Provision" may be a useful input to such considerations

#### 16.8 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 practice.

- There are issues with implementation of the current levy regulations particularly vis a vis the definition of recovery and concerns about possible misclassification. Consideration should be given to amending the existing levy arrangements to provide clear binding guidance, preferably in the form of a regulation, as to what constitutes recovery. The



EPA notes the application of a levy to export of MSW, which is presumably to encompass the export of RDF, should be clarified in the definitions used in any levy regulation.

- Given there are just 3 landfills operational in the State, consideration should be given to having a single competent authority designated for landfill levy implementation/enforcement purposes. Having 3 separate authorities (Meath CC, Wicklow CC and Kildare CC) leads to the potential for inconsistencies.
- It is noted that changes to levies, however small, have the potential to cause unintended consequences. These include: declaration of more material as “non-waste” (either by-product or End of Waste, Art 27 & Art 28), consignment of material to illegal sites or diversion of inappropriate material to lower-risk regulated sites such as soil recovery facilities (be they EPA licensed or LA permitted). These potential impacts need to be carefully considered before introducing changes.
- The EPA believes that the publication of environmental performance information plays an important role in promoting greater transparency on the performance of individual waste operators and supporting public confidence in waste regulation. The EPA would welcome the publication on-line of more information relating to the compliance of LA-waste permitted facilities. This would provide greater transparency regarding Local Authority waste enforcement.
- The EPA understands that many households do not avail of kerbside collection service, and there is a concern that many households may be burning waste or otherwise illegally disposing of it. While this is a matter for the Local Authorities to enforce, it is understood there have been no convictions for that offence. EPA considers that changes to the Waste Management (Prohibition of Waste Disposal by Burning) Regulations 2009 (SI No. 286 of 2009) should be considered to provide clarity on the proofs needed to demonstrate a breach of the regulations, and thereby improve the prospects of any legal action undertaken by the Local Authorities.
- In situations where unauthorised waste has been deposited, both the EPA and Local Authorities have sought to remedy the situation in accordance with the various regulations, guidance and circulars. Collectively, these require the deposited waste to be removed, or following the completion of a risk assessment, the waste to be left in situ and regularisation of illegally deposited waste through a permit or licence (Section 39). In recent years, court decisions have been issued which challenge this approach. Clarification on this policy area is urgently required. The EPA would welcome clarification on the status of WIR 04/05 and WPRR 04/08 in the new waste policy.

## 17 Waste Data & Waste Flows

### 17.1 Do you believe it would be beneficial to have all/most waste data available on at least a quarterly basis? How would you balance the need for validated reporting data for EU reporting against the desire for more up to date statistics?

EPA recognises that balancing the accuracy and timeliness of data depends on the users’ needs and what decisions are being made based on the data in question. Eurostat recognises quality as a multi-dimensional concept that encompasses all aspects of how well statistics are fit for their purpose. Accuracy and reliability of statistics are one quality dimension, while other important dimensions are the extent to which the statistics are timely,



relevant, coherent, comparable across regions and countries, and readily accessible by users.

Annual statutory reporting to Europe necessitates a higher level of accuracy than, for example, quarterly reporting on national waste capacity. The key is ensuring that waste data is fit-for-purpose based on user needs and there is transparency around what is being reported.

The National Waste Statistics web resource, designed to provide more timely indicators of waste generation and management currently includes quarterly figures on municipal waste accepted at Irish landfills and thermal treatment facilities, as well as preliminary annual information on waste accepted at Irish landfills. The EPA will continue to develop this area to include more early waste indicators as data becomes available.

EPA considers that quarterly reporting has a role for simple data that: 1) can be provided by operators easily (for example, single output from weighbridge records), 2) that can be validated (at least to some degree) easily, and 3) that have a clear message and can be interpreted easily.

Data used to satisfy multiple, complex reporting requirements take a long time to collate, validate and synthesise. In our view, this level of reporting is more appropriate at an annual frequency.

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

The timeliness of waste data can be improved by national authorities (EPA, CSO, NWCPO, NTFSO, Repak and others) working more closely together and improving alignment / integration between the organisations' IT systems and databases and the associated validation work carried out by different organisations (thereby avoiding duplication of effort). Much of this work is already underway; EPA is already co-ordinating on data collection and validation and is working towards integrating various data sources and systems to speed up the validation process, as well as reduced reporting burden on waste operators.

The EPA has made significant investments in its people and resources to develop and implement IT solutions to improve and streamline reporting by EPA licensed facilities. In 2018 the EPA launched the first phase of its online Environmental Performance Reporting (EPR) platform that will, become the sole EPA data collection tool for all EPA- licensed facilities, obviating the need for operators to submit multiple annual returns for the same data. As part of the initial phase of the project, the number of data requests to licensees was reduced by combining waste statistics reporting with Pollutant Release and Transfer Register (PRTR) reporting. The EPR on-line will include in-built checks designed to prevent incorrect reporting by waste operators, thereby reducing the time spent by EPA staff on data validation.

Separately, the EPA has also worked closely with the National Waste Collection Permit Office (NWCPO) to harmonise reporting requirements and reduce the reporting burden for Local Authority permit holders. This data integration work continues and will ultimately deliver added benefits to licensees and permit holders as well as improving the quality and timeliness of waste statistics. The EPA proposes the establishment of establishing an EPA-led national network of authorities involved in waste data to strengthen the national governance arrangements around waste data collection, validation, sharing and integration. The necessary legislative provisions should be implemented to maximise the opportunities for the sharing of waste data and intelligence between waste regulatory bodies.

In terms of barriers, even with smarter use of IT systems and strengthened cross-agency cooperation, data validation work is still a resource intensive process, especially for the complex EU reporting requirements. Therefore, as discussed above, this level of validation and reporting is more appropriate at an annual frequency.

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

Yes but on groupings of types of waste rather than at the level of individual LOW.

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

As discussed above, strengthened cross-agency cooperation and smarter use of integrated IT systems will go a considerable distance towards improving reporting. This could be further supported by strengthened legislative provisions requiring waste operators to report accurate and timely data and the introduction of effective penalties (fixed penalty notices) for the non-provision of accurate waste data.

Under the Circular Economy Package, there is a drive to prevent waste from being generated by retaining resources within the system, and this is likely to increase the number of Article 27 by-product declarations being made. It is important to be able to recognise and quantify the extent of waste prevention measures being implemented, and the EPA consider a reporting system relating to Article 27 by-product declarations would be useful. Similarly, where waste is treated to end-of-waste as per an end-of-waste decision, information on the tonnages of material leaving the facility must be reported so as to capture the recycled tonnages for waste statistics purposes.

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

The EPA recognises the need for, and the benefits arising from having more detailed, accurate and timely waste data. In particular such information is needed to inform Ireland's evolving national waste management and prevention policy. Detailed, accurate and timely waste data is needed to provide the evidence base for selecting and prioritising the most effective policy options and measures for Ireland to deliver on the Circular Economy Package objective, and to monitor progress in delivery over time. This will enable more holistic, integrated assessments of the full range of environmental impacts of different waste management options, including the impact of emissions and climate change effects. It could provide for improved monitoring of the effectiveness of waste prevention efforts and identify where waste prevention initiatives could be targeted.

At a more local level, good quality data relating to individual waste collectors and facilities also allows for compliance assessment of those operators, and provides intelligence gathering opportunities for waste regulators in the fight against waste crime. It could also be used to develop a national waste capacity register for the State, accessible online and regularly updated, which would be a valuable national resource.

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

EPA would welcome a strengthening of legislative provisions and tools, including fixed payment notices, to put in place effective penalties for the non-provision of accurate waste data.

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

EPA would support this if it assists waste prevention (food and other) initiatives and similar.

#### New Circular Economy Package data and reporting requirements

The Circular Economy Package gives rise to demands for new types of data and information, including on Placed on the Market data (in particular for single use plastics, packaging and WEEE), re-use data, and food waste data. This new information is needed to evaluate progress in reducing waste generation and maximising the reuse of material and will require information from different sources than those traditionally used by the EPA

Up to now, the EPA has largely sourced its information from waste operators of one form or another. The new requirements will, however, demand information on material that has not yet become waste as well as information directly from households. Acquiring this information will involve a much wider a range of actors and may require a legislative basis.

Section 17 *Waste Data and Waste Flows* of the consultation document does not discuss the significant new reporting rules and obligations facing Ireland, and the associated data requirements. We would welcome consultation and engagement with DCCAE and other relevant parties around how Ireland can best fulfil the new reporting requirements, including what data sources are currently available, where the key data and knowledge gaps are, and the resource implications of any new data gathering/validation/reporting obligations for the authorities involved. Given the possible need for the new data gathering arrangements to be set down in legislation and the proximity of the transposition deadline of 5<sup>th</sup> July 2020, we believe this engagement should commence as a matter of priority and we will be happy to contribute and provide input as necessary.

## 18 Research & Innovation

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

Ireland as a small open economy is highly dependent on imported fossil fuels. Ireland is characterised by a large Foreign Direct Investment (FDI) sector, intensive agriculture sector, a high volume of Small and Medium Enterprise (SME) and a competitive Services sector. Ireland is home to 24 of the 25 largest bio-pharmaceutical companies with the sector producing €39bn in exports. It is suggested that Circular Economy related research and practices must be aligned to Ireland's unique characteristics and relevant to local and national factors driving change in Ireland.

The research areas outlined in the Public Consultation Waste Action Plan for a Circular Economy document are considered relevant. It is suggested to ensure not to restrict or limit Circular Economy research solely to SDG 12 Sustainable Consumption and Production as Circular Economy principles may be applied to at least 8 other SDGs. Demonstration of how Circular Economy principles and practice can be more broadly applied to at least 8 of the SDGs enhances its appeal and chances of success, uptake and buy-in from all relevant stakeholders.

It is suggested that it would be beneficial for Circular Economy research to focus on specific sectors: food, construction, fashion, transport, industry, marine agriculture, service sector, pharmaceuticals/chemicals, logistics and artificial intelligence (e.g. machine learning in

supply chain management). The EPA's Green Enterprise, Innovation for a Circular Economy provides a vehicle for such applied research as bridge between academic research and commercialisation.

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

- More multi-stakeholder funding mechanisms are key to achievement of the circular economy e.g. EPA+DAFM. Also, given the relevance of circular economy to so many sectors/areas in Ireland, perhaps a designated interdepartmental funding mechanism could be explored.
- Fund research to provide robust evidence base to enhance the Bioeconomy Business Support service. It is suggested to align/couple this business support service to a Circular Economy business support service, The National SDGs Stakeholder Forum, the Interdepartmental Working group the Irish Bioeconomy Foundation and the CSR Stakeholder Forum. It is also suggested to invite representation from the research community to facilitate in the implementation of this integrated service/initiative;

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

Barriers to fostering a positive research culture:

- The research community's understanding of Circular Economy will be key. There is a broad scope of definitions under the Circular Economy umbrella. There are several schools of thought in how Circular Economy is defined: to include *inter alia*: 'Cradle to cradle'; 'Industrial Ecology' 'Biomimicry'; 'Laws of Ecology'; 'Performance Ecology'; 'Blue Economy';
- Research community Capacity i.e. soft and hard research infrastructure coupled with appetite within the research community to conduct Circular Economy research;
- Career progression opportunities within the Circular Economy space which is underpinned by the legislative and regulatory frameworks;
- Structure of current business models i.e. there is a need for more Industry Led research in Circular Economy principles and practice;
- Engagement and involvement of relevant industry in research. General acceptance of the concept amongst the Research community;

Enablers to fostering a positive research culture:

- New EU Green Deal and upcoming new EU Circular Economy package (2020);
- Business model innovation that acknowledges and supports Circular Economy principles;
- A robust and transparent Environmental, Social and Governance (ESG) approach to Circular Economy Research;
- Leadership, Action, Collaboration, Commitment; (to include: National Research Coordination Groups: Climate, Water, Sustainability: Link); i
- Evidence based research that promotes the transition towards a circular economy by using procurement policy as a key lever to create demand for more circular products and services. UN Environment is leading this effort.
- [tp://www3.weforum.org/docs/WEF\\_PACE\\_Platform\\_for\\_Accelerating\\_the\\_Circular\\_Economy.pdf](https://www3.weforum.org/docs/WEF_PACE_Platform_for_Accelerating_the_Circular_Economy.pdf)

- A research structure that is supported by a robust legislative and regulatory policy framework;
- A research community that is aligned with Platform for Accelerating the Circular Economy (PACE) 2018- World Economic Forum- a platform for accelerating the Circular Economy- A global public-private collaboration and project accelerator;
- Consider something similar to what the EU did but at national level for the Innovation deal:

[https://ec.europa.eu/info/research-and-innovation/law-and-regulations/innovation-friendly-legislation/identifying-barriers\\_en](https://ec.europa.eu/info/research-and-innovation/law-and-regulations/innovation-friendly-legislation/identifying-barriers_en)

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

It is suggested that it is important to ensure the research findings are impactful and are communicated effectively to broad and diverse target audiences in a way that engages with the audience and thus provokes thoughts that can potentially nudge behaviour change towards more circular practices.

Encourage the translation of research into real world applications through promoting collaboration between research institutions (academia) and industry - through the use of pilots/demonstrations at the model demonstrator facilities (Lisheen site, the Marine Research Cluster in Connemara).

It is suggested to continue to ensure that research funding is underpinned by integrity and is ethically sound, credible and robust. It could be argued that more recently, there is a 'Civic Curiosity' in tandem with a deeper 'Readiness for the message' about the need for balanced development that sees economy, environment and society in harmony. It could be timely to

See DBEI report: <https://dbei.gov.ie/en/Publications/Publication-files/Realising-opportunities-for-enterprise-bioeconomy-and-circular-economy-Ireland.pdf> "Enterprise Ireland, Science Foundation Ireland and IDA Ireland have key roles to play in progressing the bioeconomy and circular economy, in particular in translating research to application." (Page 17) Link with EC initiatives: <https://circulareconomy.europa.eu/platform/en/good-practices>

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

Continue to fund relevant research that identifies gaps, develops solutions and informs Circular Economy policy. Ensure a level playing field most especially in light of Ireland's high volume of SME activity. This will be key, i.e. the more resource conscious Circular Economy model will thrive only if it is seen as a viable alternative to the Business As Usual model.

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

It is suggested that the fundamental question for Ireland to address re: Circular economy is:

How can the Circular Economy as an alternative way of thinking and doing enable Ireland to attain a sustained competitive advantage (SCA), while concurrently addressing the environmental and socio-economic concerns of the 21st century?

Ireland is a small open economy with a large SME sector, intensified agriculture, high imports and highly dependent on imported fossil fuels. CE decision-making remains a highly complex exercise with no 'one-size-fits-all' solution. Circular Economy practices must be aligned to Ireland's unique characteristics and relevant to local and national factors driving change. Circular Economy activity in Ireland can ideally focus on specific sectors: food, construction, fashion, transport, industry, agriculture, service sector- artificial intelligence (AI) and machine learning. Fundamental to CE success in Ireland will be to set realistic Key Performance Indicators and targets for the short and long-term.

#### Future Key Drivers for Ireland:

Regenerative cities will be at the heart of a true circular economy. Ireland is experiencing growth in the construction sector and the associated increase in resource needs. The full life cycle of construction and demolition waste including the handling of hazardous materials will need to be considered. Innovative and creative Circular Economy opportunities exist in research in this area. Allied to this is supporting high quality retrofit programmes and stimulating creativity to value the reuse of materials.

In the context of valorisation i.e. bioeconomy bio waste products can be used for district heating systems or other energy needs. There are also inevitable by-products like nitrogen and phosphorus. In this way Cities can be centres where food by-products can be used as organic fertilizers or biofuels, biomaterials or even chemicals.

The development of new core competencies along the value chain and ultimately superior performance that:

- Cuts costs;
- Improves efficiency;
- Meets advanced government regulations and the expectations of green consumers

There will be opportunities to harness the goodwill of companies successfully embracing circular solutions across industries. There is a need to plan for and where possible pre-empt uncertainty and 'Wild cards'- e.g. implications of Brexit and other Geo Political factors of influence for Ireland.

## 19 Consumer Protection and Market Monitoring

No comments

## 20 Green Public Procurement (GPP)

The EPA views Green Public Procurement (GPP) as holding significant potential for the public sector to stimulate a critical mass of demand for more sustainable goods and services which otherwise would be difficult to get onto the market. It is noted that the Irish Government's annual public sector purchasing accounts for 10% to 12% of Ireland's GDP, a large part of economic activity and demand.<sup>9</sup> In addition, GPP provides an important opportunity for government leadership in responsible sourcing and positive environmental behaviour. It will also stimulate the supply of innovative green goods and services from industry with particular openings for SMEs and local business. For these reasons, the EPA

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<sup>9</sup> <https://www.dccae.gov.ie/en-ie/environment/topics/sustainable-development/green-public-procurement/Pages/default.aspx>



supports the mandatory introduction of green public procurement and considers that the Office of Government Procurement should take a lead role in this regard. The EPA can provide technical support and assistance particularly in the context of the proposed 'Leading by Example' team referenced in section 2 within a new Circular Economy Programme and subject to resourcing. GPP is already underway across other EU countries and the US States and Ireland can learn from developments elsewhere in implementing mandatory green public procurement in Ireland.

It is well recognised that the public sector is a significant client of the construction industry, with the development of state infrastructure such as roads, schools, hospitals and other public building projects. This is particularly so, given the ambitions for Project Ireland 2040. the public sector is an effective driver in promoting best practice for the management of waste and materials from construction projects.

It is noted that [Green Tenders – An Action Plan on Green Public Procurement](#) addresses the Construction Sector as one of the key sectors for green public procurement. However, it does not specifically address how the management of waste and materials generated should be integrated into the tendering process, such that the management of those materials is optimised for the circular economy through specific tender clauses imposed. This could include provisions for the management of excess materials as by-product rather than waste. Additionally, the green public procurement route could be utilised to promote the market for recycled materials that have achieved end-of-waste status, such that the demand for such materials drives good waste management practices.

- Introduce specific provisions through the green public procurement route for the management of construction related waste and materials in a manner that supports the circular economy, including:
  - Specific provisions to ensure that appropriate materials are managed as by-product, thus preventing waste, in accordance with the conditions for being a by-product.
  - Specific provisions to promote the market for end-of-waste materials, for example, through percentage targets for projects over a certain value.

#### 20.1 What are the barriers to public authorities using GPP?

- Lack of knowledge and experience at including environmental considerations into purchasing decisions
- Focus on upfront purchase cost as the key driver for purchasing decisions
- Perception that choosing a green product will require a compromise on quality; functionality of the good/service

#### 20.2 How can business support more widespread use of GPP?

Businesses should be proactive in becoming aware of the opportunities presented by GPP and incorporate GPP into the tendering skill sets and processes to be business ready to participate in GPP aspects of procurement.

Private sector companies can adopt the public sector criteria and approach in their own purchasing as part of burden-sharing for environmental protection.



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

The current GPP Action Plan adopts the EU target of 50% of GPP (with GPP defined as incorporating green criteria into the procurement contract.) This target should be restated with a short-time horizon.

This should be progressively built towards 100% inclusion of green criteria. If for any reason green criteria are not applicable to a particular good or service, then all suppliers will in that case have a level playing field.

## 21 Household Bulky Waste

- Consideration should be given to the provision of additional Civic Waste Facilities around the country to make it easier to dispose of, or recycle, household bulky waste. The range of recycling options provided at the Civic Amenity Facilities should also be expanded to ensure that bulky waste is not automatically disposed of. For example, a recycling receptacle for large items of plastic waste would allow for the recycling of plastic furniture and toys.
- Consideration should be given to require waste collectors to offer an authorised service to collect bulky waste items directly from the householder. This would substantially reduce the likelihood of the waste being disposed of illegally or being given to an unauthorised waste collector (e.g. *man-in-the-van*). In Northern Ireland for example, many Local Authorities offer such a collection service directly to householders either at no charge, or for a small charge per item (e.g. £5-£10). Belfast City Council offers free collection of bulky waste such as sofas, cookers, beds, mattresses and carpet.
- Careful consideration should be given to any proposed ban on bulky waste from going to landfill, as introducing such a ban would require that all such waste is processed through a treatment facility in advance of landfill/incineration/recycling. Consultation should take place with relevant stakeholders to ensure that there is sufficient and suitable treatment capacity available to do this.

## 22 Bioeconomy

Comments incorporated within other sections

## 23 SEA

You should fully consider, as appropriate, the requirements of the SEA Directive (SI 435 of 2004, as amended) and the Habitats Directive, early in the plan-preparation process.

We also refer you to the following EPA report (and the pre-screening check contained within) to assist you in considering whether SEA is required for the Plan.

<http://www.epa.ie/pubs/advice/ea/developmentofseamethodologiesforplansandprogrammesinireland.html>