Rialtas na hÉireann
Government of Ireland

Consultation on the Transposition of the Circular Economy Waste Package

2019

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1 Overview

Consultation on the transposition of the Circular Economy Waste Package including:

- The Waste Framework Directive;
- The Landfill Directive;
- The Packaging Directive;
- Directives on end-of-life vehicles, batteries and accumulators, and waste electrical and electronic equipment.

1.1 Introduction

On 2 December 2015, as part of a number of proposals to accelerate transition towards a circular economy, the European Commission presented four linked legislative proposals.

These proposals, which amend existing legislation, increase current waste-management targets and introduce some new targets. The proposals also sought to strengthen provisions on waste prevention and extended producer responsibility, and streamline definitions, reporting obligations and calculation methods for targets.

After completion of the legislative negotiations between the EU institutions, the final acts were signed on 30 May 2018. These new directives are:

- Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste
- Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste
- Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste
- Directive (EU) 2018/849 of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment

It is noted that further requirements are being set by a variety of Commission implementing acts which set out, inter alia, additional reporting requirements and guidance.

Member States, including Ireland, are required to transpose the four directives into national law by 5 July 2020. The Department of Communications, Climate Action and the Environment are now seeking observations from stakeholders on this transposition process.

The Single Use Plastic Directive (EU 2019/904) is to be transposed into national law by 5 July 2021. This Directive contains enhanced provisions to those contained in the Waste Framework Directive and in the Packaging Directive. Given these links, views are also sought on elements of the transposition of the SUP Directive.

1.2 Main Revisions to Waste Framework Directive

The main features include:

- modifying the targets for municipal waste reuse and recycling (60 % by 2030 and increasing this to 65 % by 2035);
- strengthening the implementation of the waste hierarchy, for instance by broadening the scope of measures required from Member States on waste prevention, including on food waste; by introducing provisions to avoid the contamination of secondary raw materials;
- strengthening requirements related to separate waste collection, in particular by specifying exemptions to the rule; by requiring separate collection for biowaste by 2023 and for textiles and hazardous waste from households by 2025;
- requiring the Commission, to examine, by end-2023, the possibility of introducing an EU food waste reduction target to be met by 2030; by end-2024, the possibility of introducing targets for product reuse and waste reduction as well as reuse and recycling targets for specific waste streams; by end-2028, the possibility of reviewing the 2035 reuse and recycling target for municipal waste.

introducing minimum requirements for Extended Producer Responsibility schemes; including clearly defined producer roles and responsibilities, measureable waste management targets, establishing a data collection and reporting system, and providing equal treatment and non-discriminatory services for all participants. Clear stipulations regarding the financial contributions to be paid by producers and bringing in eco modulation in the case of collective fulfilment.

1.3 Main Revisions to the Landfill Directive

The main features of the Landfill proposal include:

- a ban on the landfilling of separately collected waste;
- reducing the share of municipal waste landfilled to 10% by 2035

- requiring the Commission to consider, by end-2024, setting a quantitative per capita target on landfilling.

1.4 Main Revisions to the Packaging Directive

The main features include:

- modifying the targets for the recycling of all packaging waste (70 % by 2030) as well as the material-specific targets while introducing the possibility of derogations for Member States in certain circumstances;
- making extended producer responsibility schemes mandatory for all packaging by end-2024;
- requiring the Commission to consider, by end-2020, strengthening essential requirements (with a view to improving design for re-use and high quality recycling); and by end-2024, setting quantitative targets on packaging reuse and reviewing targets for packaging waste recycling.

1.5 Main Revisions to the End-of-life Vehicles (ELVs), Batteries and Accumulators, and Waste Electrical and Electronic Equipment Directives

Primarily sets out obligations on the Commission to introduce implementing acts around reporting requirements and methodology with implications for national reporting requirements.

- Requiring the Commission to review the end-of-life vehicles Directive by end 2020 and the WEEE reporting data after the first reporting of the data.
- Linkages between the revised Waste Framework Directive, Packaging Directive and the Single Use Plastics Directive

Extended Producer Responsibility

In June 2019 the Commission published Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment. The Directive aims to deal with the top ten single use plastics items that cause 70% of marine litter.

The proposal includes (a) a ban on certain plastic products, (b) obligations to reduce the use of certain plastics and (c) obligations for producers to cover the costs of waste management and clean up.

This Directive, inter alia, obliges Member States to introduce new Extended Producer Responsibility Schemes for Tobacco products containing plastic filters, plastic bags, wet wipes, balloons and fishing gear. This Directive adds to the enhanced provisions for Extended Producer Responsibility contained in the Waste Framework Directive and the obligation for all producers of packaging to be subject to EPR as contained in the Packaging Directive, In addition to the provisions contained in both these Directives, the SUP Directive obliges producers to bear the costs of litter clean up and treatment.

Packaging Targets

The SUP Directive obliges Member States to achieve a minimum of recycled content in PET Plastic Bottles up to 3 litres in capacity by 2025 and in all plastic bottles of the same capacity by 2030. In addition, we must achieve a separate collection rate of 77% of all beverage bottles up to 3 litres in capacity by 2025 and 90% by 2029.

2 Information on Consultation Process

2.1 Submissions

The Department invites general submissions on the transposition of these Directives into Irish law. The Department also includes a number of questions on specific issues under Section C of this document.

Respondents may not have views on all of the Directives and therefore there is no requirement to respond to each question. Respondents may also raise issues or comment on additional matters related to the transposition of the directives.

Respondents are requested to make their submissions in writing (clearly identifying the consultation paper number) and, where possible, by email to wppr@dccae.gov.ie.

Alternatively, submissions to this consultation may be posted to:

Circular Economy Transposition,

Waste Policy and Resource Efficiency,

Department of Communications, Climate Action & Environment,

Newtown Road,

Wexford,

Y35 AP90

The closing date for submissions is **5pm, Friday 21, February, 2020**. Any questions regarding the consultation can be emailed to wppr@dccae.gov.ie.

Confidentiality of Submissions

Contributors are requested to note that it is the Department's policy to treat all submissions received as being in the public domain unless confidentiality is specifically requested. Respondents are, therefore, requested to clearly identify material they consider to be confidential and to place same in a separate annex to their response, labelled "confidential".

Where responses are submitted by email, and those emails include automatically generated notices stating that the content of same should be treated as confidential, contributors should clarify in the body of their emails as to whether their comments are to be treated as confidential.

Relevant provisions of the Freedom of Information Act 2014

Respondents' attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Acts. Therefore, should you consider that any information you provide is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with any potentially affected respondent regarding information identified as sensitive before deciding on any Freedom of Information request.

General Data Protection Regulation (GDPR)

The General Data Protection Regulation ('GDPR') entered into force in Ireland on 25th May 2018 and is intended to give individuals more control over their personal data. The key principles under the Regulation are as follows:

- Lawfulness, fairness and transparency;
- Purpose Limitation;
- Data minimisation;
- Accuracy;
- Storage Limitation;
- Integrity and confidentiality, and
- Accountability.

The Department of Communications, Climate Action and Environment is subject to the provisions of the Regulation in relation to personal data collected by it from date of entry into force.

Any personal information volunteered as part of this consultation will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 to 2018.

2.2 Consultation on a new Waste Action Plan for a Circular Economy

The Department of Communications, Climate Action and Environment is also seeking views on the development of a Circular Economy Strategy in the broader context of a revised Waste Policy.

The Government's current Waste Policy document 'A Resource Opportunity - Waste Management Policy in Ireland' covered the period from 2012 to 2020 and work is commencing on the development of a successor plan.

The consultation process on a Waste Action Plan for a Circular Economy will cover a range of issues relevant to the development of a Circular Economy Strategy. This will include exploring measures on achieving our future EU targets, while developing a more resource efficient economy.

More information on the consultation can be found on the Department's website.

The closing date for submissions is 5pm, Friday 21, February, 2020, which is the same time frame applicable to the consultation on transposition of the Circular Economy Waste Package.

Respondents should be aware of linkages between the two public consultations. The focus of the consultation on transposition is on the legal obligations which Ireland must transpose and deliver by June 2020.

The consultation on a future waste action plan is better placed to consider the policies which should be put in place to achieve compliance with the targets established.

3 Questions

3.1 General

1. Name (and contact details if you wish)

2. If you are providing a submission on behalf of an organisation, who does your organisation represent?

3.2 Transposition Options

3. Does the envisaged legislation impact or place new obligations on you/your organisation directly?

4. In relation to existing reporting requirements within your EPR / PRI scheme (if relevant) how can these be strengthened or improved on, will the existing data capture need to be built on and how? Are there barriers to this?

5. Do you have general views on how the EU legislation should be transposed into Irish law? (Primary legislation, Statutory Instruments)

3.3 Waste Framework Directive

6. Do you have views on how Ireland should transpose the Waste Framework Directive with particular regards to the options for:

- introducing separate collection of biowaste from 2023?
- introducing separate collection of textiles and hazardous waste from 2025?
- consideration of future targets by the European Commission on food waste, reuse, recycling etc.?
- further obligations being placed on producers under the SUP Directive such as extended producer obligations outlined above?

3.4 Landfill Directive Transposition

7. Do you have views on how Ireland should transpose the Landfill Directive with particular regards to the options for:

- Establishing an effective system of quality control and traceability of municipal waste landfilled?

3.5 Packaging Directive Transposition

8. Do you have views on how Ireland should transpose the Packaging Directive with particular regards to the options for:

- Extended producer responsibility obligations, extension of existing schemes?
- including SUP targets (or other interim targets) in transposition to boost target attainment?