

# ZERO WASTE ALLIANCE IRELAND

*Towards Sustainable Resource Management*

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## **Submission to the Department of Environment, Climate and Communications on the Legislative Framework and Scope of a Deposit Return Scheme in Ireland**

**07 May 2021**

**Zero Waste Alliance Ireland is a member of**



and



**An Tinteán Nua, Ballymanus, Castlepollard, County Westmeath, Ireland  
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An Tinteán Nua,  
Ballymanus,  
Castlepollard,  
County Westmeath  
07 May 2021

Deposit Return Scheme Consultation,  
Department of Environment,  
Climate and Communications,  
29-31 Adelaide Road,  
Dublin D02 X285.

**BY EMAIL TO:**  
Wastecomments@DCCAIE.gov.ie

Dear Sir / Madam,

## **Observations on the Legislative Framework and Scope of a Deposit Return Scheme in Ireland**

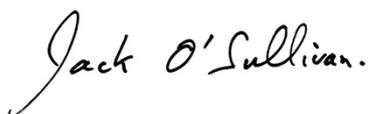
### ***Submission by Zero Waste Alliance Ireland to the Department of Environment, Climate and Communications***

On behalf of Zero Waste Alliance Ireland (ZWAI), we attach our observations in response to the Public Consultation issued by the Department of Environment, Climate and Communications on the legislative framework and scope of a Deposit and Return Scheme in Ireland. As stated in the Consultation document dated 01 April 2021, this public consultation is intended to obtain views of stakeholders and members of the public on design options for the proposed DRS.

Our submission provides observations on potential DRS models that could be appropriate for Ireland, while at the same time we set out our views on Deposit and Return Schemes generally. We paid particular attention to the role of such schemes in assisting Ireland's transition to a more resource efficient "Circular Economy", and eventually to achieving the target of "Zero Waste", within the over-arching aim of becoming fully "climate neutral".

We hope that the attached submission will help the Department of Communications, Climate Action and Environment to implement without further delay a suitable Deposit and Return Scheme. In expressing this hope, ZWAI is conscious that if any further delays are contemplated by the Department, Ireland could be one of the last EU Member States to introduce a DRS.

Yours sincerely,



Jack O'Sullivan

**On behalf of Zero Waste Alliance Ireland**

# ZERO WASTE ALLIANCE IRELAND

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### Submission to the Department of Environment, Climate and Communications on the legislative framework and scope of a Deposit Return Scheme in Ireland

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### **Submission to the Department of Environment, Climate and Communications on the legislative framework and scope of a Deposit Return Scheme in Ireland**

**07 May 2021**

## **1. INTRODUCTION**

On 01 April 2021, the Department of Environment, Climate and Communications issued a public consultation on the preferred model and legislative framework for a Deposit and Return Scheme (DRS). This is the second consultation on DRS ZWAI has responded to, the first being on 02 October 2020, on potential models for a DRS.

The Department's consultation paper asked respondents to consider the issues highlighted within the paper; and, in response, we have outlined our concerns and made recommendations where appropriate. As well as commenting on the highlighted issues, we have discussed other issues which we consider to be important and relevant.

## **2. ZERO WASTE ALLIANCE IRELAND (ZWAI)**

At this point we consider that it is appropriate to mention the background to our submission, especially the policy and strategy of ZWAI.

### **2.1 Origin and Early Activities of ZWAI**

Zero Waste Alliance Ireland (ZWAI), established in 1999, is a Non-Government Environmental Organisation (eNGO). ZWAI has prepared and submitted to the Irish Government and to State Agencies many policy documents on waste management, and continues to lobby Government on the issue of using resources more sustainably, and on the implementation of the Circular Economy.

Our principal objectives are:

- i) sharing information, ideas and contacts,

- ii) finding and recommending environmentally sustainable and practical solutions for domestic, municipal, industrial and agricultural waste management in Ireland;
- iii) lobbying Government and local authorities to implement environmentally sustainable waste management practices, including clean production, elimination of toxic substances from products, re-use, recycling, segregation of discarded materials at source, and other beneficial practices;
- iv) lobbying Government to follow the best international practice and EU recommendations by introducing fiscal and economic measures designed to penalise the manufacturers of products which cannot be re-used, recycled or composted at the end of their useful lives, and to financially support companies making products which can be re-used, recycled or are made from recycled materials;
- v) raising public awareness about the long-term damaging human and animal health and economic consequences of landfilling and of the destruction of potentially recyclable or re-usable materials by incineration; and,
- vi) maintaining contact and exchanging information with similar national networks in other countries, and with international zero waste organisations.

## **2.2 Our Basic Principles**

Human communities must behave like natural ones, living comfortably within the natural flow of energy from the sun and plants, producing no wastes which cannot be recycled back into the earth's systems, and guided by new economic values which are in harmony with personal and ecological values.

In nature, the waste products of every living organism serve as raw materials to be transformed by other living creatures, or benefit the planet in other ways. Instead of organising systems that efficiently dispose of or recycle our waste, we need to design systems of production that have little or no waste to begin with.

There are no technical barriers to achieving a “zero waste society”, only our habits, our greed as a society, and the current economic structures and policies which have led to the present environmental, social and economic difficulties.

“Zero Waste” is a realistic whole-system approach to addressing the problem of society's unsustainable resource flows – it encompasses waste elimination at source through product design and producer responsibility, together with waste reduction strategies further down the supply chain, such as cleaner production, product repairing, dismantling, recycling, re-use and composting.

ZWAI strongly believes that Ireland should have a policy of not sending to other countries our discarded materials for further treatment or recycling, particularly to developing countries where local populations are being exposed to dioxins and other very toxic POPs. Relying on other countries' infrastructure to achieve our "recycling" targets is not acceptable from a global ecological and societal perspective.

## **2.3 What We are Doing**

Zero Waste Alliance Ireland has prepared many policy documents on waste management, we continue to lobby the Government of Ireland on the issue of sustainable resource management, and to express our concern at the failure to address Ireland's waste problems at a fundamental level.

In recent decades, as many older landfills were closed or became better managed (primarily as a consequence of the implementation of European Directives, Irish legislation transposing these Directives, the development of a waste licensing regime by the Environmental Protection Agency, and the establishment of the Office of Environmental Enforcement in 2003), concern about the public health effects of landfills decreased considerably.

ZWAI therefore concentrated more on the objectives of ensuring that Ireland's government agencies, local authorities and other organisations will develop and implement environmentally sustainable resources and waste management policies, especially resource efficiency, waste reduction and elimination, the promotion of re-use, repair and recycling, and the development and implementation of the Circular Economy.

As an environmental NGO, and a not-for-profit company with charitable status since 2005, ZWAI also campaigns for the implementation of the UN Sustainable Development Goals, including (but not limited to) Goal 12, Responsible Consumption and Production, and Goal 6, Clean Water and Sanitation (having particular regard to the need to avoid wasting water).

In addition to responding to many public consultations, members of ZWAI have given presentations on how the European Union has addressed the problem of plastic waste (March 2019), on single-use plastic packaging by the food industry (November 2019), and other relevant topics.

It will be clear that ZWAI is primarily concerned with the very serious issue of discarded substances, materials and goods, whether from domestic, commercial or industrial sources, how these become "waste", and how such "waste" may be prevented by re-design along ecological principles. These same ecological principles can be applied to the many ways in which we abstract and use water as a resource, and to the equivalent volumes of wastewater produced as a consequence of these uses.

**ZWAI** is represented on the Irish Government's Waste Forum and Water Forum (An Fóram Uisce), is a member of the Irish Environmental Network and the Environmental Pillar, and is funded by the Department of Communications, Climate Action and the Environment through the **Irish Environmental Network**.

In 2019 ZWAI became a full member of the **European Environment Bureau** (EEB); and we participate in the development of European Union policy on waste and the Circular Economy.

**ZWAI** continues to maintain working relationships with Zero Waste Scotland, with the Grass Roots Recycling Network in the United States, with the Global Anti-Incinerator Alliance (Global Alliance for Incinerator Alternatives -- GAIA), and other similar international environmental organisations.

Other ZWAI activities include an active web page (<http://zerowasteireland.com/>), a Twitter account (<https://twitter.com/zerowaster>), a much-visited Facebook page (<https://www.facebook.com/ZeroWasteAllianceIreland/>), and a Linked-In page (<https://www.linkedin.com/company/zero-waste-alliance-ireland/>) for the purpose of raising public awareness of the Zero Waste approach, providing Zero Waste news and activities, and reaching out to supporters and members of the public.

### **3. SCOPE OF THE DRS**

#### **3.1 Time Frame**

The time-scale envisaged by the Department proposes the introduction of the DRS during the third quarter of 2022. By any standards, that is an extraordinarily long time to consider and implement the proposed DRS; even when considering the time needed to raise awareness, train people, install RVMs and ensure that the necessary infrastructure is available.

Ireland is already far behind many European countries in the implementation of a DRS, such as the following: Iceland (1989), Netherlands (1991), Sweden (1994), Finland (1996), Denmark (2000), Germany (2003), Estonia (2005), Lithuania (2016). Lithuania not only set up a DRS within a year, but in the second year of operation this small country had exceeded the 90% return rate required by the EU Single Use Plastics Directive. This is extremely impressive, as other countries such as Iceland and Sweden which have been operating a DRS for a significantly longer period of time have not yet met this target. This provides confirmation that such a system can be executed on a much shorter time frame than that suggested by the Department.

#### **3.2 Beverage Packaging**

ZWAI strongly suggests, as in our previous submission on DRS, that glass should be included in the accepted materials of the scheme. However, we believe there should be a distinction between one-way containers and reusable containers. Glass beverage

containers do not need to be reprocessed as they are easily cleaned and reusable and therefore, are much simpler to put back on the market compared to their single use counter parts.

We recommend a system similar to that which Denmark has implemented, where importers and producers of refillable glass beverage containers are obliged to operate a deposit return system. We propose that these containers should be part of the scheme in the same way that one-use beverage containers are, with the exception that instead of the systems operator being responsible for them, producers should be responsible for their own containers. This would give the DRS system operator the responsibility for most of the management while obliging beverage producers to accept back their own containers for reuse.

Ireland used to operate a similar system for the collection of milk bottles and other glass containers, therefore, it should be relatively straightforward to reintroduce. A report by ReLoop revealed that 89% of countries/regions worldwide which have implemented DRS accept glass in their scheme and we believe there is no good reason why Ireland should be a minority.

We also think it is paramount that the DRS includes alcoholic beverage containers. A DRS survey in Germany disclosed that more than half the collected material were alcoholic beverage containers, 34% being from beer alone. An Irish national litter survey prepared for the Department of Communications, Climate and Environment in 2019, disclosed that out of all the beverage cans recorded as litter, 40.9% were classified as alcoholic. Given the drinking culture in Ireland we think it would be a huge mistake to exclude this category of beverage packaging.

### **3.3 DRS System Operator**

The Department suggested that the system operator will comprise both beverage producers and retailer representatives. We recommend Sweden's approach of ensuring that the retailer representatives are equally shared between large and small/individual retailers. This will ensure that small retailers also have a voice, as the retailer obligations are likely to be more difficult for them than for larger retailers to execute.

The system operator should be chosen wisely and preference should be given to those whose suggested plan prioritises the environmental benefits of the scheme and those who can ensure complete transparency and accountability throughout the scheme. Financial considerations should not be the sole arbiter of the choice.

Once an operator is chosen they should be enrolled on a contract basis that is subject to renewal. Denmark's DRS renews the operators contract every six years. Denmark also performs audits on the system operator every three years and runs regular public consultations to ensure the system is:

- 1) Cost effective;

- 2) Environmentally effective; and,
- 3) Ensuring stakeholder satisfaction.

Regular public consultations will be necessary to allow the public to express their concerns and allows interested parties to submit proposals on alternative more effective schemes. We strongly encourage Ireland to follow this procedure as the system operator should be regularly scrutinised to ensure the system is running as intended. This procedure also allows for a change in system operator if the current one is not performing as intended. We recommend that the system operator should be selected on the basis of a five-year contract.

The Department also stated that the system operator should promote the scheme and should fund education and awareness campaigns. This is a vital component of the operators' responsibilities, as public awareness is crucial to the success of the scheme. It is not only important for the public to be aware that the deposit is not a product price increase, but they should also be aware of the environmental benefits of the scheme. We hope that this will provide an extra incentive to participate in the scheme alongside the deposit refund. The refund should provide a significant incentive to return the beverage containers particularly amongst lower income individuals.

However, there needs to be a strong awareness campaign about the environmental benefits to provide an extra incentive to those earning a high income who might not bother returning the containers simply for the monetary gain. Therefore, we recommend making a certain percentage of the scheme's revenue dedicated solely to awareness/education campaigns. This suggestion is based on Lithuania's DRS which has mandated that 1% of the scheme's revenue is used for such campaigns. We believe a similar figure would be appropriate for Ireland.

### **3.4 Retailer Obligations**

As the Department suggested, all retailers selling beverages in the packaging included in the schemes will be obliged to participate. However, we think it is important to clarify that this category should include, if they are not already included, online retailers and the hospitality industry such as hotels, restaurants, bars and cafes. Online retailers that offer delivery services such as Tesco should be obliged to accept returned packaging upon deliveries. This makes the scheme available to disabled and elderly consumers that rely on food deliveries and do not have the means to return the packaging to a collection point.

The hospitality industry, particularly hotels, are known for their high consumption of single use plastics; and therefore it is essential that this industry is included in the scheme. However, Scotland which is in the process of implementing a DRS, has made a distinction within the hospitality sector between beverages intended for on-site consumption and those intended for take-away consumption. The hospitality sector will be mandated to charge deposits for take-away beverages, however, the business

owners can choose if they would like to charge a deposit for on-site consumption beverages, as the packaging is not expected to leave the premises. This option is particularly convenient for businesses which may frequently experience a rush of customers such as busy restaurants and bars. We suggest allowing this option in Ireland as we believe it would allow the DRS to be more readily adopted by the hospitality industry.

As previously mentioned, smaller retailers will find it more difficult to operate collection points given their restrictions on floor space and staff. Small retailers in Lithuania particularly in rural areas often collaborate and can request assistance from the system operator to provide Reverse Vending Machines (RVMs) in a kiosk usually on the street. Given the large portion of the Irish population that live in rural areas we strongly encourage that this solution is available to Irish retailers.

Lithuania has also made it obligatory for any retailers participating in the scheme to provide written information about the DRS on a minimum A3 size poster and to display it in a visible location within their store. That is an excellent way to inform members of the public, and we recommend that Irish retailers should also be obliged to provide this resource as they will be the forefront of the DRS for consumers.

### 3.5 The Deposit

ZWAI strongly disagrees with the Department's decision to have increasing deposit values with increasing volume of product. As previously mentioned, one of the main objectives of the DRS should be to reduce the amount of polyethylene terephthalate (PET), aluminium and glass beverage containers littering the environment. The deposit value should **not** be based on encouraging overconsumption and the purchasing of greater quantities of packaged goods as the Department has suggested.

The aim of the DRS should be to collect as much packaging as possible by encouraging consumers to dispose of their waste responsibly and **not** by encouraging them to buy more which would increase the amount of packaging going through the system. The Department's preferred approach unfortunately suggests that the intention of the scheme is to simply capture as much packaging as possible in order to meet the single use plastics directive targets rather than offering a workable solution to a pressing environmental and social issue. This is particularly distressing considering one of the objectives of Ireland's national "**Waste Action Plan for a Circular Economy**", quoting minister Eamon Ryan is to '*prevent waste arising in the first place*'.

The waste action plan for a circular economy also reveals that Ireland generates more plastic packaging per capita than all other EU member states. Therefore, it is critical that the Department adjusts the priorities and agenda of the DRS. Following the waste action plans intentions to set waste reduction targets, consumers **should be** encouraged to purchase products in bulk rather than repetitively repurchasing smaller quantities that require more packaging. Therefore, we strongly urge the Department

to reconsider their decision and to alternatively introduce, either a flat rate deposit or a variable deposit that decreases in value as the volume of product increases.

### 3.6 Pick-up Locations

As well as retailers offering collection points, we believe that other public spaces such as music venues, transport hubs and universities should also be considered as suitable collection points. The Department has stated that it will be the responsibility of the system operator to choose suitable locations, but we feel it is important that members of the public should also be able to propose and make recommendations for collection points and pick-up locations.

A reverse vending machine along with a 'return and reward' scheme for PET beverage packaging has already been piloted in Carrickmacross, County Monaghan. This was a hugely successful project accomplished by volunteers from the Carrickmacross Tidy Towns Committee.

This scheme should be viewed as a precursor for the proposed nationwide DRS as many useful lessons can be learned from their success. Several members of the Tidy Towns Committee suggested to us that, based on their observations of public members using the RVM, not only is the geographic location of a RVM important, but the placement within a retailer is also crucial.

They suggested that the RVMs should be placed in an open space such as a foyer and at the front of the store where possible. They also recommended placing the RVM close to a stairs or elevator in retailers with more than one floor. They highlighted the importance of accessibility and convenience to the consumers as they observed consumers approaching the machine with bags of packaging.

We therefore recommend that the Irish DRS should introduce mandatory convenience regulations such as the one which Lithuania has implemented; ensuring that collection points are no further than 150 metres from the retailer. It is critical that basic convenience standards are met so consumers are not discouraged from returning their packaging.

Sweden and Denmark have introduced a smart solution that both reduces the level of DRS packaging in public mixed waste bins and aids bottle collectors. Sweden has attached a 'holding tube' to public mixed waste bins and Denmark have attached a 'Deposit shelf'. Both designs act as holding areas for DRS packaging, this encourages "on-the-go" consumers who would not go out of their way to access a collection point, to still separate the DRS packaging rather than discarding it into a mixed waste bin.

The packaging in the holding areas is **not** collected by the system operator; and, as the tube or shelf remains open, the discarded packaging is easily accessible to bottle collectors who wish to return the packaging to redeem the deposit for themselves. The holding area does not need to be large as demonstrated by Sweden and Denmark, as the bottles do not remain in the holding areas for long. This solution is effective at

securing higher return rates and encourages those who are willing, to return DRS packaging on behalf of those who are not. This is a clever addition to a DRS and we recommend that Ireland seriously considers implementing a similar system.

Sweden also provides mobile collection points for special events such as festivals and funfairs as well as encouraging community groups such as scouts, sports clubs and charities to arrange collection events of DRS packaging, who can use the refunds to finance their activities. This would work well in an Irish context and expand the collection scope of the scheme.

### **3.7 Collection and Recycling**

ZWAI strongly urges that the beverage containers in the scheme are collected and sorted by the system operator and should be genuinely recycled within Ireland, and not exported to Asian countries, or fragmented for incorporation into Refuse Derived Fuel.

In most EU Member States the collection of discarded materials or waste is the responsibility of local governments, municipalities or a publicly owned company; while in Ireland the collection and further use or disposal of discarded materials or waste has been handed over to privately owned firms. Therefore, it is the case that the Irish Government has handed control of all our discarded materials to the “waste industry”, with the result that the State has lost control over waste, as pointed out in the recent report by the Competition and Consumer Protection Commission (CCPC).

This has resulted in the management of our waste becoming a profit-driven industry, with multiple companies “competing” against each other, though there is no real competition, as pointed out by the CCPC. We question whether the intentions of these individual companies are to efficiently and sustainably manage waste or to yield the highest profit margin possible – and in our experience, the latter is most likely. Therefore, to ensure transparency and remove the possibility of corruption we advise that the system operator should handle the collection and sorting of the material, as although it will be privately owned it will not be driven by profit.

We also advise that the collected DRS material should follow the proximity principle and be recycled within Ireland. Ireland relies too heavily on the exportation of waste rather than local management; for example, it was estimated in the Waste Action Plan for a Circular Economy that 9.5 million tonnes of Irish waste was exported in 2020. This is not an ethical solution as control over exported waste is lost and unfortunately as highlighted by the waste action plan most of it is *‘lost overseas or dumped in third countries with less robust social or environmental protections in place’*. It is neither a sustainable or a reliable solution as the waste action plan also admits it *‘leaves the state potentially exposed if there are external shocks to the export market beyond our control’*.

The Government argues in the waste action plan that Ireland *‘does not produce enough material to support a viable recycling industry’*. However, if we consider a

report produced by Eunomia in 2019, the final destination of PET beverage bottles and aluminium beverage cans that are placed on the Irish market annually are revealed:

	PET Beverage Bottles	Aluminium Beverage Cans
Energy Recovery	49%	25.9%
Landfill	5%	3%
Recycled	43.9%	69.4%
Littered	1.6%	1.6%
Loss of material at re-processors	0.5%	0.1%

Surprisingly, more PET beverage bottles were incinerated than recycled, this is a very disappointing statistic considering PET plastic is the most widely recyclable plastic in the world. The same can be said for aluminium, although the incineration figures are lower, they are still quite disheartening as aluminium metal can be endlessly reprocessed and reformed.

Perhaps Ireland would be able to ‘support a viable recycling industry’ if it stopped incinerating recyclable material and re-processed it instead. As the DRS will significantly increase separation, cleanliness and littering of PET beverage bottles and aluminium beverage cans there is expected to be more than enough material available to justify their re-processing within Ireland.

In an interview with Shabra Recycling in County Monaghan, a representative of this company regretfully admitted that within the recyclable material they receive from the Irish waste industry only about 40-60% is useable. This is due to poor separation and high contamination levels. On the other hand, Shabra Recycling was able to successfully reprocess the PET beverage containers collected from the Carrickmacross RVM, where 100% of the material is usable.

Shabra Recycling also sells 95% of the reprocessed PET back into the Irish market, where it is used by another company to make plastic trays for meat products. Those trays are then sold to one or more of several meat packing companies, with the result that some of the PET arrives back on a supermarket shelf in Carrickmacross – truly an example of real recycling and the Circular Economy, confirming that a DRS in Ireland should significantly decrease the percentage of potentially recyclable material that is lost to contamination and poor sorting.

As ‘supporting the development of indigenous treatment capacity’ and ‘national economic recovery’ is part of the 2020 waste action plan for a circular economy, we suggest allowing Shabra recycling to reprocess the PET beverage containers collected from the scheme. They are the only Irish company to recycle PET and have confirmed they will have the capacity to handle the expected volumes.

Regarding aluminium, we encourage the development of an aluminium recycling plant within Ireland. As previously mentioned, the amount of available material will significantly increase following the implementation of the DRS and given the high value and endless reprocessing properties of aluminium, we believe this to be a viable option. This will not only ‘support the development of indigenous treatment capacity’ it will create new employment opportunities in Ireland in a time where they are so desperately needed.

To summarise, we would like to stress that the collected packaging should be recycled and resold within Ireland, promoting a local or national circular economy. We propose mandating a fixed percent of the reprocessed material to be sold internally in the Irish market to ensure this is accomplished. We stress the importance of full transparency throughout every step of the DRS. It is time Ireland started fulfilling its commitments laid out in the waste action plan, and began investing into developing better recycling facilities.

### **3.8 Supervision**

The Department has not clarified the level of supervision that will be maintained over the system operator’s activities. As the system operator will be privately owned and industry led, we believe it is extremely important that an appropriately high level of supervision and monitoring is put in place. It is understood that the Department of the Environment, Climate & Communications will be the responsible authority for determining regulations regarding the DRS, and that the EPA will be the supervisory authority ensuring compliance with regulations.

However, we strongly suggest an extra level of supervision such as that which Estonia has in place. Estonia has a specific packaging committee which acts as an advisory board to the responsible minister. The committee is made up of representatives from local government, the consumer protection board, **environmental organisations** [our emphasis], the tax and customs board, professional associations of waste handlers and the EPA. The committee reviews the written reports, data and the activities surrounding the DRS on a yearly basis and submits their opinions and concerns to the minister. We strongly believe such a committee would be useful in an Irish context to ensure that the objectives of the scheme are met and that the system operator is held accountable.

### **3.9 All-Ireland Approach**

ZWAI strongly recommends an all-Ireland approach for the DRS; including the North of Ireland in the scheme. As the island of Ireland is classified as one customs area within the European Union Single Market, and the activities of production, distributing and consumption are integrated between the North of Ireland and the Republic of Ireland, it would be extremely complicated to have separate schemes. Furthermore, having two separate schemes would frustrate the purpose of the scheme.

If a DRS were to be implemented only in the Republic of Ireland it would be difficult to prevent fraud and free riders from crossing the border to obtain a refund on a beverage container on which they did not pay a deposit. This could significantly affect the funding of the scheme as the deposit return loop will be broken.

It is therefore strongly recommended that a single All-Ireland approach and policy is needed to ensure an efficient system of collection, processing and fraud prevention. Labelling must be similar North and South, while RVMs in both parts of the country should be programmed to recognise containers from either jurisdiction.

## **4. LEGISLATIVE FRAMEWORK**

### **4.1 Preliminary and General**

The scope of the items and materials included in the scheme need to be clearly defined in the legislation; and, in the case of plastic bottles, perhaps maximum measurements of the bottles as well as their capacity should also be specified (e.g. Max 30cm tall), this will avoid confusion for vendors providing the machines. The same should be done for other items/materials included in the scheme.

Also if certain types of containers/materials that could fit in these categories are to be excluded then these would need to be listed as well. Also for excluded items/materials; the exact criteria for the excluded items needs to be detailed in the legislation to provide clarity to those taking part in the scheme.

There should be a power conferred on the Minister to vary these lists and definitions via means of a statutory instrument (in case the list or definitions need to be changed quickly).

### **4.2 Producers Responsibility**

There would need to be a maintained list of such producers to ensure compliance with the scheme. Ideally this list would be published annually like the list of charities are published.

A minimum threshold of turnover could be used to determine who are obliged to apply for the scheme. This threshold should be alterable via statutory instrument.

There should also be a nominal annual fee for participation in the scheme, and failure to pay this fee annually should prompt a review of the producer's membership of the scheme.

### **4.3 Approved Body**

If a single central approved body is to be used then their approval should be on a time limited basis so that there is scope to change or alter the terms after 5 years.

The prospective operators plans should be openly published before they are allowed to operate the scheme by the Minister.

Strict rules should be placed in the legislation of how the recovered material is dealt with (i.e. is it properly recycled).

When approval is granted; the Minister should have the power to add conditions and these should be published online (similar to an environmental license) for transparency.

The Environmental Protection Agency should also have the power to suspend or revoke approval of an operator.

### **4.4 Functions and Powers of the Approved Body (System Operator)**

The EPA should have the power to override any decisions or extra obligations that are enacted by the approved body.

The operator should provide an online tool for registering for the scheme and the list of registered producers and retailers should be available online to the public.

The membership of the scheme should be reviewed on a regular basis by the operator (possibly every 4 to 5 years).

### **4.5 Retailer Obligations**

A minimum sales threshold and sales area size should be used to determine if a retailer is obliged to apply for the scheme whether by getting a Reverse Vending machine or other methods (a minimum size of 200m<sup>2</sup> was used in Croatia).

### **4.6 Deposit**

The total amount paid out should be published annually, preferably with a breakdown of locations.

Also a breakdown of the materials recycled should be published, preferably with a breakdown of locations.

## 4.7 Enforcement

The Environmental Protection Agency should have the power to conduct prosecutions or impose fines on producers, operators and retailers who breach the rules of the scheme.

Local authorities and the EPA should have the power to conduct inspections of the operator's premises and data.

A list of producers who are breach of the rules should be published (similar to how the tax defaulters list is published by Revenue). Producers placed on this list should face a lot more scrutiny going forward.

## 4.8 Miscellaneous

The Environmental Protection Agency should have the power to bring prosecutions to higher courts than the district courts (due to the likely large size of the operator).

Since producers are likely to be large entities; fines or sanctions should scale based on their size (in order to be an effective penalty and discourage unwanted behaviour).

Suspension or revocation of approval should also be a possible sanction.

Rather than having different prospective operators submit proposals perhaps they could also run separate pilot projects in separate towns across the country to demonstrate the viability of their proposals.

This submission was prepared by **Zero Waste Alliance Ireland** researcher Myrtille Coutin Fitzsimons, with additional material by members Owen Wynne and Jack O'Sullivan.

07 May 2021