

**Environment Section  
Limerick County Council  
County Hall  
Dooradoyle  
Limerick**



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## ***GUIDANCE NOTES***

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**SELF-COMPLIER APPLICATION FORM**

**Waste Management (Packaging) Regulations 2007**

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## **ITEMS TO BE ENCLOSED WITH APPLICATION:**

- 1. Appropriate Fee**
- 2. Copy of Three-Year Implementation Plan (Article 15 Plan)**
- 3. Copy of Notices prepared and displayed as per Article 10(1), 10(2) and 15(1)**
- 4. Completed Application Form**

### **1. Appropriate Fee**

The fee enclosed should be €15 per tonne of packaging supplied in the previous year. The minimum fee is €500 and the maximum is €5,000.

### **2. Copy of Article 15 Plan**

This three-year plan should specify the steps to be taken by your company to meet the requirements of the Packaging regulations and should detail the steps your company intends to take to prevent or minimise packaging waste.

Appropriate items to include in your plan:

- Plans to reduce the quantity of waste created onsite and measures to be introduced to increase recycling
- Plans to reduce the quantity of packaging associated with products supplied and deliveries. Plans to use more recyclable packaging or reusable containers
- Steps to be taken to ensure that your company meets its 55% take back obligation
- Steps to be taken to increase take back from customers

The plan should detail specific targets and progress towards these targets should be measurable.

### **3. Copy of Notices prepared and displayed as per article 10(1), 10(2) and 15(1)**

Copies of the notices displayed at your premises should be included with your application. The notices are as follows:

#### Notice 10 (1):

*WASTE MANAGEMENT ACT 1996 as amended.*

*We are required to accept on these premises, free of charge, for the purpose of recovery, packaging waste arising from products, packaging or packaging material of a type or brand sold or otherwise supplied on these premises. The products or packaging in question need not necessarily have been purchased from [name of your company].*

#### Notice 10 (2):

There is no specified wording for this notice however the requirements are as follows: *The purpose, location and availability of facilities to be provided for the purpose of sub-articles (1)(b) and (1)(c) shall be notified or advertised in a conspicuous position, and in such manner as to be clearly visible to members of the public, at or near each entrance to each premises.*

This notice relates to the provision of facilities (i.e. bins/containers) for the take-back of waste packaging from customers or members of the public. This notice is necessary so

that members of the public/customers are aware of what materials you accept and how and where they can be deposited. This notice should include:

- a) Purpose: e.g. "Bins for the recycling of cardboard and plastic packaging are provided at this premises for the purpose of meeting [name of your company's name] requirements under the Packaging Regulations"
- b) Location e.g. "Bins for the recycling of the packaging waste are located at the rear of the store"
- c) Availability e.g. "and are available between the hours of 9am to 5pm, Monday to Friday, please contact reception for access to these recycling facilities"

Notice 15 (1):

*WASTE MANAGEMENT ACT 1996 as amended.*

*A three-year implementation plan specifying the steps to be taken by [name of company] for the purpose of recovering packaging waste is available at these premises or, if so requested, will be sent by post, fax or electronic mail.*

#### **4. Completed Application Form**

A fully completed application form shall provide the information required under Part 1 of the Third Schedule of the regulations.

#### **Definitions:**

Section B1(10) of Application Form - **Reusable Packaging:**

"packaging destined for **reuse**" means packaging which has been conceived and designed to accomplish within its life cycle a minimum of two trips or rotations, and which is subject to operations by which it is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market enabling the packaging to be refilled;

Section B1(11) of Application Form - **Other Packaging:**

"Other Packaging" refers to packaging that is not reusable,

"**Packaging**" has the meaning assigned to it by section 5 of the Act and shall be read in accordance with the criteria set out hereunder so that -

- (i) items shall be considered to be packaging if they fulfil the definition set out in section 5 of the Act without prejudice to other functions which the packaging might also perform, unless the item is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or disposed of together (and illustrative examples of this criterion are provided in Part 1 of the First Schedule which from time to time may be subject to review and subsequent amendment by the Commission, as appropriate), or as appropriate,

- (ii) items designed and intended to be filled at the point of sale and disposable items sold, filled or designed and intended to be filled at the point of sale shall be considered to be packaging provided they fulfil a packaging function (and illustrative examples of this criterion are provided in Part 2 of the First Schedule which from time to time may be subject to review and subsequent amendment by the Commission, as appropriate), or as appropriate,
- (iii) packaging components and ancillary elements integrated into packaging shall be considered to be part of the packaging into which they are integrated. Ancillary elements hung directly on, or attached to, a product and which perform a packaging function shall be considered to be packaging unless they are an integral part of that product and all elements are intended to be consumed or disposed of together (and illustrative examples of this criterion are provided in Part 3 of the First Schedule which from time to time may be subject to review and subsequent amendment by the Commission, as appropriate), and packaging constituted within the meaning assigned to it by section 5 of the Act and in accordance with the aforementioned criteria may only consist of -
  - (a) sales or primary packaging, that is to say packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase, or
  - (b) grouped or secondary packaging, that is to say packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units (whether the latter are sold as such to the final user or consumer or whether the packaging serves only as a means to replenish shelves at the point of sale), and which can be removed from a product without affecting the product's characteristics, or
  - (c) transport or tertiary packaging, that is to say packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packaging in order to prevent damage from physical handling and transport (but not including road, rail, ship and air containers)”

## **Illustrative Examples of the application of criteria to clarify the definition of packaging**

### **Part 1**

#### ***Packaging***

Sweet Boxes

Film overwrap around a CD case

#### ***Non-packaging***

Flower pots intended to stay with the plant throughout its life

Tool boxes

Tea bags

Wax layers around cheese

Sausage skins

### **Part 2**

#### ***Packaging, if designed and intended to be filled at the point of sale***

Paper or plastic carrier bags

Disposable plates and cups

Cling Film

Sandwich bags

Aluminium foil

#### ***Non-packaging***

Stirrer

Disposable cutlery

### **Part 3**

#### **Packaging**

Labels hung directly on or attached to a product

#### **Non-packaging**

Mascara brush which forms part of the container case

Sticky labels attached to another packaging item

Staples

Plastic sleeves

Device for measuring dosage which forms part of the container closure for detergents

## **5. Legal**

These notes are for guidance only and do not purport to be a legal interpretation of the provisions concerned.

Under Section 14(6)(c) of the Waste Management Act, 1996 as amended “Any person who – gives either to an authorised person, a relevant local authority or the Agency, information which to his or her knowledge is false or misleading in a material respect, shall be guilty of an offence”.