STATUTORY INSTRUMENTS.

S.I. No. 430 of 2015

CONSOLIDATED VERSION
2015- 2023

EUROPEAN UNION (HOUSEHOLD FOOD WASTE AND BIO-WASTE) REGULATIONS 2015

EUROPEAN UNION (HOUSEHOLD FOOD WASTE AND BIO-WASTE) (AMENDMENT) REGULATIONS 2023

Changes shown for 2023 version in Red

TABLE OF CONTENTS

PART I

PRELIMINARY AND GENERAL

1. Citation
2. Interpretation
3. Purpose and scope of Regulations
4. Entry into force

PART II

DUTY ON WASTE COLLECTORS TO HAVE A SEPARATE COLLECTION OF HOUSEHOLD FOOD WASTE

5. Duty on waste collectors to have a separate collection of household food waste and prohibition on contamination of food waste before and after collection

PART III

DUTY ON HOUSEHOLDERS TO HAVE SEGREGATION OF HOUSEHOLD FOOD WASTE

6. Producers' duty to source segregate food waste arising as household waste
7. Prohibition on certain practices

PART IV

MISCELLANEOUS

8. Powers of authorised person
9. Service of notices
10. Information
11. Enforcement and penalties
12. Liability of persons other than the principal offender

PART V

AMENDMENTS TO CERTAIN REGULATIONS

13. Amendment to the Collection Permit Regulations
14. Amendment to the Facility Permit Regulations
15. Revocation

S.I. NO. 430 of 2015

EUROPEAN UNION HOUSEHOLD FOOD WASTE AND BIO WASTE REGULATIONS 2015

I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste[1] and Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008[2] on waste and repealing certain Directives, hereby make the following regulations:

PART I

PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Union (Household Food Waste and Bio-waste) Regulations 2015.

Interpretation

2. (1) In these Regulations, any reference to a Regulation that is not otherwise identified is a reference to a Regulation of these Regulations.

(2) In these Regulations, any reference to a paragraph or subparagraph that is not otherwise identified is a reference to the paragraph or subparagraph of the provision in which the reference occurs.

(3) In these Regulations, save where the context otherwise requires— "Act" means the Waste Management Act 1996 (No. 10 of 1996);

"Act of 1992" means the Environmental Protection Agency Act 1992 (No. 7 of 1992);

"Agency" means the Environmental Protection Agency established under section 19 of the Act of 1992;

"agglomeration" means an area where a population cluster of a specified threshold occurs;

"anaerobic digestion" means the biological decomposition of bio-waste in the absence of oxygen and under controlled conditions by the action of micro- organisms in order to produce biogas and digestate;

"atypical collection solution" means the collection of waste other than by approved reusable receptacles, and includes collection using non-reusable receptacles or bags, or other suitable solution, designated by the local authority concerned as being suitable for the collection of waste;

"authorised facility" means

a) a facility that is authorised for the treatment of waste in accordance with—

(i) section 39 of the Act or section 82 of the Act of 1992 for the acceptance of -

(I) food waste, or

(II) co mingled food and garden waste, or

(ii) where appropriate, the European Union (Animal By-Products) Regulations (S.I No. 187 of 2014), or

b) in the case of garden waste, a facility which has been granted a waste authorisation in the form of a waste licence, an industrial emissions licence, a waste facility permit or a certificate of registration

"authorised person" means a person who is appointed in writing by a local authority to be an authorised person for the purposes of these Regulations;

"authorised treatment process" for the purposes of these Regulations means—

a) the composting of source segregated
(I) food waste, or
(II) co-mingled food and garden waste,

in an authorised facility,

b) The anerobic digestion of source segregated
(III) food waste, or
(IV) co-mingled food and garden waste,

in an authorised facility

c) the production of pet food from store segregated food waste in an authorised facility,

d) the composting of source segregated garden waste in an authorised facility, or

e) the anaerobic digestion of source segregated garden waste in an authorised facility,

and where the Agency certifies that adequate processing facilities under (a), (b), or (c), are not available, treatment in other authorised facilities other than a Type 8 Plant;

"authorised waste collector" means a local authority or, as the case may be, a person authorised under section 34 of the Act to collect the relevant classes of food waste and bio-waste;

"bio-waste" is as defined in the Act;

"Collection Permit Regulations" means the Waste Management (Collection Permit) Regulations 2007 (S.I. No. 820 of 2007);

"competent authority" means the authority responsible for the supervision and enforcement of the relevant regulatory requirements within these Regulations and includes, as the case may be, a local authority, the Agency, Department of Agriculture, Fisheries and Food, or, where appropriate, other Government Departments or Agencies;

"composting" means the thermophilic biological decomposition of separately

collected bio-waste, including organic sludges of biological origin, in the presence of oxygen and under controlled conditions in order to produce compost, and "compost" and "compostable" shall be construed accordingly;

"contaminate" means the direct or indirect introduction of other wastes or substances or preparations to food waste, or garden waste so as to render it unsuitable for treatment or composting or anaerobic digestion or to diminish the quality of end product and "contaminant" and "contaminated" shall be construed accordingly;

"Directive 1999/31/EC" means Council Directive 1999/31/EC[3] of 26 April 1999 on the landfill of waste;

"Directive 2008/98/EC" means Directive 2008/98/EC[4] of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives;

"facility" is as defined in the Act;

"Facility Permit Regulations" means the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821 of 2007)

"food waste" includes any food substance used, available to be used, or intended to be used, for food by human persons and discarded as household waste;

"garden waste" means waste vegetative or organic material produced from the care and maintenance of landscaped areas, gardens and parks, and includes grass cuttings, waste material from pruning, leaves, plants and flowers and other similar small, or light, organic matter;

"home composting" means composting at the premises where the food waste or garden waste is originally produced;

"household food waste pack" means a kitchen caddy, roll of certified compostable liners and an information leaflet, in accordance with the digital copy of the leaflet, titled 'Here's how to RECYCLE FOOD WASTE at home', available on the website located at http://www.mywaste.ie;

"household waste" is as defined in the Act; "local authority" is as defined in the Act;

"kitchen caddy" means a reusable receptable suitable for temporary indoor storage of kitchen food waste prior to the transfer of such waste to an outdoor food, or biowaste, reusable receptable;

"off-shore island" means an island which is not accessible by road from the mainland;

"premises" is as defined in the Act;

"processing" means

a) in relation to food waste or commingled food and garden waste, treatment to an authorised processing standard within the meaning of regulation 1069, and

b) in relation to garden waste treatment in accordance with the conditions for processing set out in the relevant waste licence, industrial emissions licence, waste facility permit or certificate of registration as the case may be;

"producer" means a person —

a) whose activities produce food waste (in these regulations referred to as an original food waste producer);

b) who carries out pre processing, mixing or other operations resulting in a change in the nature or composition of such food waste or garden waste, or

c) whose activities produced garden waste in these regulations referred to as an original garden waste producer;

"Regulation 1069" means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002[5];

"residual waste" means the fraction of municipal waste remaining after the source separation of municipal waste fractions such as food and garden waste, packaging, paper, metals and glass;

"segregated food waste" means food waste that has been kept separate from other waste in accordance with Regulation 6;

"separate collection" is as defined in the Act;

"source segregated" means the segregation of specified waste at source by the waste producer, in such a way so as to make it suitable for separate collection by avoiding

such specified waste from being mixed, combined or contaminated with other potentially polluting wastes, products, materials or packaging;

"the Minister" means the Minister for the Environment, Community and Local Government;

"treatment" is as defined in the Act

"Type 8 Plant" for the purposes of these Regulations, shall mean an authorised biological treatment facility treating animal by-product feedstock consisting of mixed municipal waste (Code 20 03 01) or derived from such waste at waste management facilities where the only ABP component is Category 3 catering waste that has not been source segregated by producers. The outputs from the Type 8 Plant must be handled in accordance with the requirements of environmental and animal by-product legislation.

"waste management plan" has the meaning assigned to it by section 22 of the Act;

"waste presentation bye-law" means a bye-law within the meaning of section 35 of the Act in relation to the presentation of waste for collection by an authorised waste collector and made by a local authority in accordance with Part 19 of the Local Government Act 2001 (No. 37 of 2001);

"website" means an internet website (including part of such a website) —

a) to which access is readily available by members of the public, and

b) where anything published is readily available for inspection by members of the public.

Purpose and scope of Regulations

3. (1) The purpose for which these Regulations are made is to give effect to Article 5 of Directive 1999/31/EC and Articles 4, 10, 11, 13 and 22 of Directive 2008/98/EC.

(2) Subject to paragraph (3), these Regulations shall apply to food waste and garden waste arising as part of household waste.

(3) These Regulations shall not apply to off-shore islands

Entry into force

4. Subject to Regulation 3(3), these Regulations shall come into operation in the following time schedule for all households situated in the following population agglomerations:

- 1st July 2013 for agglomerations > 25,000 persons;
- 31st December 2013 for agglomerations > 20,000 persons;
- 1st July 2014 for agglomerations > 10,000 persons;
- 1st July 2015 for agglomerations > 1,500 persons;
- 1st July 2016 for agglomerations > 500 persons; and
- 31st December 2023 for all households (regardless of population agglomeration)

PART II

DUTY ON WASTE COLLECTORS TO HAVE A SEPARATE COLLECTION OF HOUSEHOLD FOOD WASTE

Duty on waste collectors to have a separate collection of household food waste and prohibition on contamination of food waste before and after collection

5. (1) Without prejudice to the power of any local authority to provide for additional policy objectives under a relevant waste management plan or to apply more onerous conditions under a waste collection permit or under a waste presentation bye-law, authorised waste collectors shall ensure, as a minimum, that they provide or arrange for the provision of a separate collection service for food waste from households for population agglomerations in accordance with the time schedule set out in Regulation 4.

(2) Subject to paragraph (2B), other than where householders have provided confirmation in writing to the waste collector concerned—

a) that they do not wish to avail of the service in accordance with Regulation 6(2), and

b) the details of how food waste arising on the premises will be appropriately managed in the absence of a such a service,

a separate collection service for food waste from householders shall include the direct provision to the address of each household customer, by the waste collector, of an approved waste receptacle which is designed for reuse, with the exception of the collection of such waste by atypical collection solutions, in specific areas designated by a local authority as being only suitable for the collection of such waste by atypical collection solutions.

(2A) For each household customer being provided with a food waste receptacle, mentioned in paragraph (2), where such a receptacle has not been previously provided, a separate collection service for food waste from householders shall include the direct provision to the address of each household customer, by the waste collector, of a household food waste pack.

(2B) A waste collector shall –

(a) retain, for a period of not less than 7 years, information on householders not availing of a food waste collection service, and

(b) provide the information mentioned in subparagraph (a) to the relevant local authority on the written request of the authority-

(3) Where an authorised waste collector provides or arranges for the provision of a service in accordance with paragraphs (1) and (2), such a separate collection service-

(a) subject to paragraph (*b*) shall be provided:

(i) on and from 1 July, 2016 at least as often as the residual waste collection service provided if such residual waste collection service is provided more frequently than once a fortnight; and

(ii) as frequently as may be determined by the relevant local authority according to the necessity of collection of such food waste;

notwithstanding paragraph (*a*), shall be provided at least once a fortnight; and

(b) may form part of the services provided for the segregated collection of garden and/or other suitable bio-waste.

(4) Food waste collected by an authorised waste collector in accordance with this Regulation shall be transferred to an authorised facility for the purposes of an authorised treatment process and shall not be-

(a) mixed with other waste, other than specified biowaste and food waste, or other material with different properties, or

(b) disposed of by an authorised waste collector or any other person prior to delivery to an authorised facility for the purposes of an authorised treatment process.

(5) Following reception at an authorised facility for the purposes of an authorised treatment process and without prejudice to amendments made for the purposes of-

a) blending of food wastes and garden wastes with other suitable organic waste materials, or
b) improving the substance and structure of food waste and garden waste

in order to facilitate the efficient and effective treatment of the food waste at that facility, a person shall not contaminate food waste or biowaste.

(6) Paragraphs (4) and (5) shall not prejudice the disposal of waste which, in the reasonable opinion of the competent authority, is considered unsuitable for beneficial use arising out of any treatment operation authorised under the Act, the Act of 1992 or under Regulation 1774 or Regulation 1069.

(7) A person who contravenes paragraphs (1), (2), (3), (4) or (5) shall be guilty of an offence.

PART IIA

DUTY ON WASTE COLLECTORS TO HAVE SEPARATE COLLECTION OF HOUSEHOLD GARDEN WASTE

Duty on waste collectors to have a separate collection of household garden waste and prohibition on contamination of garden waste before and after collection

5A. (1) Without prejudice to the power of any local authority to provide for additional policy objectives under a relevant waste management plan or to apply more onerous conditions under a waste collection permit or under a waste presentation bye-law, authorised waste collectors shall ensure, as a minimum, that they provide or arrange for the provision of a separate collection service for garden waste from households for population agglomerations in accordance with the time schedule set out in Regulation 4 (as amended by Regulation 5 of the European Union (Household Food Waste and Bio-waste) (Amendment) Regulations 2023).

(2) A separate collection service for garden waste from householders shall include, when requested by the householder, the direct provision to the address of the customer concerned, by the waste collector, other than where the collection of such waste is by atypical collection solutions, of an approved waste receptacle or approved waste receptacles, which are designed for reuse.

(3) Where an authorised waste collector provides or arranges for the provision of a service in accordance with paragraphs (1) and (2), such a separate collection service shall be provided—

(a) as frequently as may be determined by the relevant local authority according to the necessity of collection of such garden waste but, as a minimum, shall be provided not less than monthly from 1 March to 31 October in each year, and

(b) may form part of the services provided for the segregated collection of other suitable food and garden waste.

(4) Subject to paragraph (5), garden waste collected by an authorised waste collector in accordance with this Regulation shall be transferred to an authorised facility for the purposes of an authorised treatment process.

(5) Garden waste collected by an authorised waste collector in accordance with this Regulation shall not be—

(a) mixed with other waste or other material with different properties, other than specified garden waste and food waste, or

(b) disposed of by an authorised waste collector, or any other person, prior to delivery to an authorised facility for the purposes of an authorised treatment process.

(6) Following reception at an authorised facility for the purposes of an authorised treatment process and without prejudice to amendments made for the purposes of—

(a) blending of garden waste with other suitable organic waste materials, or

(b) improving the substance and structure of garden waste,

in order to facilitate the efficient and effective treatment of the garden waste at that facility, a person shall not contaminate garden waste.

(7) Paragraphs (4) to (6) shall not prejudice the disposal of waste which, in the reasonable opinion of the competent authority, is considered unsuitable for beneficial use arising out of any treatment operation authorised under the Act, the Act of 1992 or Regulation 1069.

(8) An authorised waste collector shall inform their customers in writing of the availability of the waste receptacles, which are designed for reuse, mentioned in paragraph (2).

(9) A person that—

(a) fails to comply with paragraph (1), (2), (3) or (4), or

(b) contravenes paragraph (5) or (6), shall be

guilty an offence.

PART III

DUTY ON HOUSEHOLDERS TO HAVE SEGREGATION OF HOUSEHOLD FOOD WASTE

Producers' duty to source segregate food waste arising as household waste

6. (1) Subject to paragraph (2) and without prejudice to the power of any local authority to provide for additional policy objectives under a relevant waste management plan or to apply more onerous conditions under a waste collection permit or under a waste presentation bye-law, an original producer of food waste arising as part of household waste shall ensure, as a minimum, that—

(b) food waste arising on the producer's premises is source segregated and kept separate from non-biodegradable materials, other waste and contaminants;

(c) source segregated food waste arising on the producer's premises is collected by an authorised waste collector.

(2) Paragraph (1)(*b*) shall not apply where an original food waste producer—

(a) subjects the food waste to a home composting process on the premises where the food waste is produced; or

(b) brings the food waste to an authorised facility with a view to its composting or anaerobic digestion or treatment in a way which fulfils a high level of environmental protection.

(3) Where an original food waste producer undertakes a home composting process he or she shall minimise the creation of odours and nuisance, and shall take all reasonable steps to achieve this objective.

(4) A person who contravenes Paragraphs (1), (2) or (3) shall be guilty of an offence.

Prohibition on certain practices

7. (1) An original producer of food waste arising as part of household waste shall not deposit food waste in the residual waste collection.

(2) A person who contravenes paragraph (1) shall be guilty of an offence.

PART IIIA

DUTY ON HOUSEHOLDERS TO HAVE SEGREGATION OF HOUSEHOLD GARDEN WASTE

Producers Duty to source segregated garden waste arising as household waste

7A. (1) Subject to paragraph (2) and without prejudice to the power of any local authority to provide for additional policy objectives under a relevant waste management plan or to apply more onerous conditions under a waste collection permit or under a waste presentation bye-law, an original producer of garden waste arising as part of household waste shall ensure, as a minimum, that—

(a) garden waste arising on the producer's premises is source segregated and kept separate from non-biodegradable materials, other waste and contaminants, and

(b) source segregated garden waste arising on the producer's premises is collected by an authorised waste collector.

(2) Paragraph (1)(b) shall not apply where an original garden waste producer—

(a) subjects the garden waste to a home composting process on the premises where the garden waste is produced, or

(b) brings the garden waste to an authorised facility with a view to its composting or anaerobic digestion or treatment in a way which fulfils a high level of environmental protection.

(3)Where an original garden waste producer undertakes a home composting process he or she shall minimise the creation of odours and nuisance, and shall take all reasonable steps to achieve this objective.

(4)A person that fails to comply with paragraph (1) or (3) shall be guilty of an offence.

PART IV

MISCELLANEOUS

Powers of authorised person

8. (1) An authorised person may, for any purpose connected with these Regulations—

(a) at all reasonable times, or at any time if he or she has reasonable

grounds for believing that there may be a risk of environmental pollution arising from the carrying on of an activity at the premises or that such pollution is occurring, enter any premises and bring thereon such other persons (including members of the Garda Síochána) or equipment as he or she may consider necessary for the purpose, and

(b) board any vehicle and have it taken, or require the driver of the vehicle to take it, to a place designated by the authorised person, and such a vehicle may be detained at that place by the authorised person, for such period as he or she may consider necessary for the purpose.

(2) An authorised person shall not, other than with the consent of the occupier, enter into a private dwelling unless he or she has obtained a warrant from the District Court under paragraph (7) authorising such entry.

(3) Every authorised person when exercising any power conferred on him or her by or under these Regulations, shall, if requested by any person affected, produce the letter of appointment furnished to him or her under these Regulations.

(4) Whenever an authorised person enters any premises or boards any vehicle, pursuant to this Regulation, the authorised person may therein, as appropriate—

(a) make such plans, take such photographs, record such information on data loggers, make such tape, electrical, video or other recordings and carry out such inspections,

(b) make such copies of documents and records (including records in electronic form) found therein and take such samples,

(c) carry out such surveys, take such levels, make such excavations and carry out such examinations of depth and nature of subsoil,

(d) require that the premises or vehicle or any part of the premises or anything in the premises or vehicle shall be left undisturbed for such period,

(e) require from an occupier of the premises or any occupant of the vehicle or any person employed on the premises or any other person on the premises, such information,

(f) require the production of and inspect such records and documents, (including records held in electronic form) and take copies of or extracts from, or take away if considered necessary for the purposes of inspection or examination, any such records or documents,

as the authorised person, having regard to all the circumstances, considers necessary for the purposes of exercising any power conferred on him or her by or under these Regulations.

(5) (*a*) An authorised officer who, having entered any premises or boarded any vehicle pursuant to this Regulation, considers that any waste thereon or therein is such, or is being handled or segregated or transported in such manner as to constitute a risk of environmental

pollution or a contravention of Part III of these Regulations, may direct the holder of such waste to take such measures as are considered by that authorised person to be necessary to remove that risk or contravention, including the disposal of the waste, in such manner and place and within such period as the authorised officer may specify.

(*b*) If a holder of waste fails to comply with a direction of an authorised person under this paragraph, the authorised person may do all things as are necessary to ensure that the direction is carried out and the costs incurred by him or her in doing any such thing shall be recoverable from the holder of the waste by him or her, or the person by whom he or she was appointed, as a simple contract debt in any court of competent jurisdiction.

(6) Any person who—

(a) refuses to allow an authorised person to enter any premises or board any vehicle or to take any person or equipment with him or her in the exercise of his or her powers under this Regulation,

(b) obstructs or impedes an authorised person in the exercise of any of his or her powers under this Regulation,

(c) gives either to an authorised person, information which to his or her knowledge is false or misleading in a material respect, or

(d) fails or refuses to comply with any requirement of this Regulation or of an authorised person,

shall be guilty of an offence.

(7) (a) Where an authorised person in the exercise of his or her powers under this Regulation is prevented from entering any premises or if an authorised person has reason to believe that evidence related to a suspected offence under these Regulations may be present in any premises and that the evidence may be removed therefrom or destroyed, the authorised person or the person by whom he or she was appointed may apply to a judge of the District Court for a warrant under this paragraph authorising the entry by the authorised person into the premises.

(*b*) If on application being made to him or her under this paragraph, a judge of the District Court is satisfied, on the sworn information of the applicant, that the authorised person concerned has been prevented from entering a premises as aforesaid or that the authorised person has reasonable grounds for believing the other matters aforesaid, the judge may issue a warrant under his or her hand authorising that person, accompanied, if the judge deems it appropriate so to provide, by such number of members of the Garda Síochána as may be specified in the warrant, at any time or times within one month from the date of the issue of the warrant, on production if so requested of the warrant, to enter, if need be by force, the premises concerned and exercise the powers referred to in paragraph (4) or (5).

(8) An authorised person may, in the exercise of any power conferred on him or her by these Regulations involving the bringing of any vehicle to any place, or where he or she anticipates any obstruction in the exercise of any other power conferred on him or her by or under these Regulations, request

a member of the Garda Síochána to assist him or her in the exercise of such a power and any member of the Garda Síochána of whom he or she makes such a request shall comply therewith.

Service of notices

9. (1) Any notice required to be served or given by or under these Regulations shall be addressed to the person concerned and served or given in one of the following ways—

a) by addressing it to the person by name and delivering it to him or her,

b) by leaving it at the address at which the person ordinarily resides,

c) by sending it by post in a prepaid registered letter addressed to the person at the address at which he or she ordinarily resides,

d) if an address for the service of notices has been furnished by the person, by leaving it at, or sending it by prepaid registered post addressed to him or her to, that address, or

e) where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and notice is required to be served on, or given to, him or her in respect of any premises, by delivering it to a person over the age of 16 years of age resident in or employed on the premises, or by affixing it in a conspicuous position on or near the premises.

(2) Where the name of the person concerned cannot be ascertained by reasonable inquiry, a notice may be addressed to "the occupier", "the owner" or "the person in charge", as the case may be.

(3) For the purposes of these Regulations, a company registered under the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) A person shall not at any time during the period of 3 months after a notice is affixed under paragraph (1) (*e*) remove, damage or deface the notice without lawful authority.

(5) A person who contravenes paragraph (4) shall be guilty of an offence.

Information

10. (1) A local authority may, for any purpose relating to its functions under these Regulations, by the service of a notice in writing on the person, require—

a) any waste producer,

b) any person engaged in the collection, recovery or disposal of waste, or any related or ancillary activity, or

c) the occupier or person in charge of any waste facility,

to maintain such records and to furnish in writing to the local authority within such period (being not less than 14 days after the date of the service of the notice) and, if appropriate, thereafter at such frequency as may be specified in the notice, such particulars, as to—

(i) any activity or process as aforesaid or any facility concerned,

(ii) provision proposed to be made or made or measures taken for the treatment, recovery or disposal of any waste concerned,

(iii) the origin, type, quantity, nature, composition and properties of waste concerned, or

(iv) any other related or ancillary matter,

as may be so specified.

(2) A person who fails to comply with a notice under this Regulation or who furnishes any information in reply to such a notice which he or she knows to be false or misleading in a material respect shall be guilty of an offence.

(3) Information obtained under this Regulation by a local authority, or any summary or compilation of, or any report based on, such information may, and shall if the Agency so requests, be furnished to the Agency.

(4) Each local authority shall compile or otherwise obtain, and furnish to the Agency, such statistics or other information relating to any aspect of food waste and garden waste management, at such frequency, as may be specified in writing by the Agency.

Enforcement and penalties

11. (1) Each local authority, shall take the necessary enforcement measures to prohibit management of food waste or garden waste contrary to these Regulations.

(2) A prosecution for a summary offence under these Regulations may be taken by the local authority concerned.

(3)A person guilty of an offence under these Regulations is liable—

a) on summary conviction, to a class B fine or imprisonment for a term not exceeding 3 months or both, or

b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years or both.

Liability of persons other than the principal offender

12. Where the commission of an offence in relation to the non-compliance by a person with these Regulations is due to an act or default committed by some other person, the other person may be the subject of proceedings and be convicted of an offence without prejudice to any proceedings which may be taken against the first-named person.

PART V

AMENDMENTS TO CERTAIN REGULATIONS

Amendment to the Collection Permit Regulations

13. The Collection Permit Regulations are amended by—

a) deleting "and" at the end of paragraph (*l*) of sub-article 7(1);

b) substituting for paragraph (*m*) of sub-article 7(1), the following paragraph—

"(*m*) information, where relevant to the type of waste intended to be

collected, on how the applicant will collect food waste in compliance with the Waste Management (Food Waste) Regulations 2009, and";

(c) inserting after paragraph (*m*) of sub-article 7(1), the following paragraph—

"(*n*) information, where relevant to the type of waste intended to be collected, on how the applicant will collect food waste and, as the case may be, bio-waste in compliance with the European Union (Household Food Waste and Bio-Waste) Regulations 2015.";

(d) deleting "and" at the end of paragraph (*b*) of sub-article 20(1);

(e) substituting for paragraph (*c*) of sub-article 20(1), the following paragraph—

"(*c*) in the reasonable opinion of the nominated authority, necessary to give effect to the segregation, separation, storage and collection of food waste in accordance with the Waste Management (Food Waste) Regulations 2009, and";

(f) inserting after paragraph (*c*) of sub-article 20(1), the following paragraph—

"(*d*) in the reasonable opinion of the nominated authority, necessary to give effect to the segregation, separation, storage and collection of food waste and, as the case may be, bio-waste in accordance with the European Union (Household Food Waste and Bio-Waste) Regulations 2015.";

(g) by the deletion of sub-article (*p*) of article 21, the following sub-article—

"(*p*) the contravention of Regulation 5 of the Waste Management (Household Food Waste and Bio-Waste) Regulations 2013.";

(h) inserting after sub-article (*p*) of article 21, the following sub-article—

"(*q*) the contravention of Regulation 5 of the European Union (Household Food Waste and Bio-Waste) Regulations 2015.";

(i) substituting for paragraph (*c*) of sub-article 29(1), the following paragraph—

"(*c*) the activity is, or may be, in contravention of the Waste Management (Facility Permit and Registration) Regulations 2007, or the Waste Management (Shipments of Waste) Regulations 2007, the Waste Management (Food Waste) Regulations 2009, the European Communities (Shipments of Hazardous waste exclusively within Ireland) Regulations2011, the European Communities (Waste Directive) 2011, or the European Union (Household Food Waste and Bio- Waste) Regulations 2015".

Amendment to the Facility Permit Regulations

14. The Facility Permit Regulations are amended by—

(a) substituting for paragraph (ii) of sub-article 10(1), the following paragraph—

"(ii) in the case of a waste facility permit application or a certificate of registration application, as the case may be, which involves the treatment of food waste, details of how the applicant intends to manage food waste and, as the case may be, bio-waste collected in accordance with the Waste Management (Food Waste) Regulations 2009 or, as the case may be, the European Union (Household Food Waste and Bio-Waste) Regulations 2015.";

(b) substituting for subparagraph (iv) of paragraph 19(1)(b), the following—

"(iv) to effect the recovery of food waste and, as the case may be, bio-waste collected in accordance with the Waste Management (Food Waste) Regulations 2009 or, as the case may be, the European Union (Household Food Waste and Bio-Waste) Regulations 2015,";

(c) substituting for sub-paragraphs (o) and (p) of Regulation 22, the following sub-paragraphs—

"(o) the contravention of Regulations 6, 7, 8, 9, 10, 11 or 12 of the Waste Management (Food Waste) Regulations 2009,

(p)the contravention of Regulation 5 of the European Union (Household Food Waste and Bio-Waste) Regulations 2015 or, as appropriate,

(q) an offence under article 43 of these Regulations.";

(d) substituting for paragraph (*c*) of sub-article 36(1), the following paragraph—

"(*c*) activity is, or may be, in contravention of the Waste Management (Collection Permit) Regulations 2007, or the Waste Management (Shipments of Waste) Regulations 2007, or the Waste Management (Food Waste) Regulations 2009, or the European Communities (Shipments of Hazardous waste exclusively within Ireland) Regulations 2011, or the European Union (Household Food Waste and Bio-Waste) Regulations 2015, or the European Union (Animal By-Products) Regulations 2014, or";

(e) substituting for paragraph (*c*) of sub-article 38(7), the following paragraph—

"(*c*) the activity is, or may be, in contravention of the Waste Management (Collection Permit) Regulations 2007, the Waste Management (Shipments of Waste) Regulations 2007, or the Waste Management (Food Waste) Regulations 2009, or the European Communities (Shipments of Hazardous waste exclusively within Ireland) Regulations 2011, the European Communities (Waste Directive) 2011, or the European Union

(Household Food Waste and Bio-Waste) Regulations 2015, or the European Union (Animal By-Products) Regulations 2014, or".

Revocation

15. (1) The European Union (Household Food Waste and Bio-Waste) Regulations 2015 (S.I. No. 191 of 2015) are revoked.

(2)This does not affect liability under the European Union (Household Food Waste and Bio-Waste) Regulations 2015 (S.I. No. 191 of 2015) for any offences committed before their revocation.

(3) References to the European Union (Household Food Waste and Bio Waste) Regulations 2015 (S.I. No. 191 of 2015) in any Act or instrument made under any such Act shall be construed as references to these Regulations.

GIVEN under my Official Seal, 7 October 2015.

L.S.

ALAN KELLY,
Minister for the Environment, Community and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations are designed to promote the segregation and recovery of household food waste. They will, in particular, contribute to the achievement of the targets set out in article 5 of EU Directive 99/31/EC on the landfill of waste for the diversion of biodegradable municipal waste from landfill sites to composting and biogas plants and to other forms of authorised treatment. They will also increase the amount of food waste that is recovered.

The regulations also form part of the implementation of measures set out in the national waste management policy:

"A Resource Opportunity — Waste Management Policy in Ireland" published in July 2012.

The Regulations place obligations:

1) on waste collectors to have a separate collection service for household food waste; and,

2) on the householders who produce food waste to segregate such waste and make it available for separate collection. Producers may alternatively compost the waste on the premises where it arises under specified conditions or take it to authorised facilities such as civic amenity sites, composting sites, anaerobic digestion sites or for incineration.

The regulations also give effect to Article 22 of the EU Waste Framework Directive — Directive 2008/98/EC and are a measure aimed at giving effect to the waste hierarchy and the protection of the environment requirements of that Directive as well as meeting the requirements of Articles 10, 11 and 13 of the Directive.