



STATUTORY INSTRUMENTS.

S.I. No. 400 of 2017



WASTE MANAGEMENT (TYRES AND WASTE TYRES)
REGULATIONS 2017

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S.I. No. 400 of 2017

WASTE MANAGEMENT (TYRES AND WASTE TYRES)
REGULATIONS 2017

I, DENIS NAUGHTEN, Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on me by sections 4, 5, 7, 9, 10, 11, 14, 18, 19, 27, 28, 29, 32, 34, 36 and 39 of the Waste Management Act 1996 as amended hereby make the following regulations:

PART I**PRELIMINARY AND GENERAL***Citation and commencement*

1. (1) These Regulations may be cited as the Waste Management (Tyres and Waste Tyres) Regulations 2017.

(2) Parts IV, V, VI, VII, VIII, IX and X shall come into operation on 1 October 2017.

Interpretation

2. In these Regulations, save where the context otherwise requires:

“the Act” means the Waste Management Act 1996 and every other enactment which is to be read together with that Act;

“approved body” means any natural or legal person or persons or association or body corporate approved by the Minister in accordance with the provisions of Part III of these Regulations;

“authorised person” means a person who is appointed in accordance with Section 5(1) of the Act;

“authorised waste collector” means a holder of a waste collection permit that is in force and which allows for the collection of waste tyres;

“Certificate of Registration” means a certificate issued by a registration body under Regulation 8;

“Certificate of Membership” means a certificate issued by an approved body under Regulation 20;

“CN code” means that code number in the integrated tariff of the European Communities (TARIC), as amended from time to time, which said tariff is based on the codes of the combined nomenclature in Annex I of Council Regulation

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 19th September, 2017.*

(EEC) No. 2658/87¹ of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff as amended or replaced by any subsequent regulations or decisions of an institution of the European Communities;

“Companies Acts” means the Companies Acts 2014 and every other enactment which is to be read together with that Act;

“environmentally sound management of waste tyres” means the collection, storage, treatment and recovery or, as appropriate, disposal of waste tyres in a manner which does not endanger human health or harm the environment, and in particular does not:

- (i) create a risk to waters, the atmosphere, land, soil, plants or animals,
- (ii) adversely affect the visual impact of the landscape,
- (iii) pose a fire risk by virtue of the manner in which the waste tyres are being stored or, as appropriate,
- (iv) become mixed with other waste streams when stored;

“farmer” means a person who derives his or her livelihood or part thereof from the pursuit of agriculture and is registered as such with the Department of Agriculture Food and the Marine;

“Minister” means the Minister for Communications, Climate Action and Environment;

“nominated authority” means a local authority nominated under paragraph (aa) of Section 34(1) of the Act for the purpose specified therein;

“place on the market” means the first sale or supply of a tyre for the purpose of trade or otherwise in the course of business in the State and includes:

- (i) in exchange for any consideration other than money,
- (ii) as a prize, or
- (iii) as a gift.

“premises” includes any messuage, building, vessel, structure or land (whether or not there are any structures on the land and whether or not the land is covered with water), and any plant or vehicles on such land, or any hereditament or any tenure, together with any out-buildings and curtilage;

“producer” means any natural or legal person who, irrespective of the selling technique used—

- (i) manufactures tyres for placement of said tyres on the market in the State;

¹O.J. No. L256, 07.09.1978, p.1

- (ii) imports tyres on a professional basis into the State;
- (iii) manufactures original equipment which places tyres on the market in the State;
- (iv) imports vehicles which place tyres on the market in the State;
- (v) imports for the purpose of retreading or remoulding tyres for placement of said tyres on the market in the State;
- (vi) places tyres on the market in the State on behalf of a producer who is not registered within the meaning of Regulation 9;

“recovery operator” means any natural or legal person engaged in waste recovery, including reuse or recycling, subject to that person having obtained all necessary licences or permits required under sections 39(1) or 39(4) of the Act or, as appropriate, under section 82(2) of the Environmental Protection Agency Acts 1992 to 2011;

“registration body” means any natural or legal person or persons or association or body corporate approved by the Minister in accordance with Regulation 5;

“retailer” means any natural or legal person who for the purpose of trade or otherwise in the course of business as a wholesaler or supplier, sells or otherwise supplies tyres to other persons;

“reuse” means any operation by which a tyre which is not a waste tyre is used again for the same purpose for which it was conceived;

“silage pit” means a pit currently utilised for the storage of silage, and which has been constructed in accordance with guidance and, as appropriate, regulations in force at the time of construction and maintained in accordance with any guidance and as appropriate with any regulations currently in force, with particular regard to the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2014, Department of Agriculture Food and the Marine farm building specifications, planning and development, health and safety and pollution control;

“waste tyre” means a tyre which the holder of said tyre discards or intends to or is required to discard.

Scope

3. (1) These Regulations shall apply to tyres designed for, fitted to or, as appropriate, removed from any mechanically propelled vehicle or vehicles and any trailer attached thereto as set out in the First Schedule and falling within headings 4011 and 4012 of the CN code.

(2) Without prejudice to paragraph (1), these Regulations shall not apply to tyres falling within subheadings 40113000, 40115000 and 40121300 of the CN code.

PART II

REGISTRATION BODY

Establishment of a Registration Body

4. (1) The Minister may undertake, or approve a person or persons, or association, or body corporate to undertake, any or all of the functions provided for in Regulation 7 for the purposes of this Part.

(2) Any person or persons, or association, or body corporate who undertakes all the functions provided for in Regulation 7 shall be known for the purposes of these Regulations as the “registration body”.

Grant or refusal of approval

5. (1) Subject to paragraph (3), the Minister may, by notice in writing, grant approval or may refuse to grant such approval provided for in Regulation 4(1).

(2) An application for approval provided for in Regulation 4 (1) shall be made in writing and shall be accompanied by the following:

- (a) a copy of the articles of association of the body corporate,
- (b) the appropriate certificate issued by the Companies Registration Office,
- (c) the names and addresses in the State of the officers of the registration body and its board of directors,
- (d) proposals relating to corporate governance,
- (e) the address of the registration body’s registered office and the address of the secretary, if different from the registered office,
- (f) a business plan in relation to the operation of the registration body,
- (g) a financial plan in relation to the operation of the registration body,
- (h) proposals for the certification of producers for the purpose of Regulation 15,
- (i) proposals for an annual audit plan of producers,
- (j) proposals for determining the proportion of market share held by individual producers,
- (k) proposals for an independent appeals process in the event of an application for registration being rejected or as appropriate revoked in accordance with Regulation 15 (4),
- (l) proposals for registration fee structures,

(m) such other information as may be specified in writing by the Minister for the purposes of this Regulation.

(3) An approval in accordance with the provisions of paragraph (1) shall be subject to such conditions as the Minister may specify as appropriate, including conditions relating to matters specified in Regulation 6 and including, but not exclusively,—

- (a) the period of approval which shall be for a period of not more than 5 years,
- (b) variance in the terms and conditions of approval,
- (c) revocation of approval, and
- (d) the nature of information (including financial accounts) to be recorded and maintained by the body concerned.

(4) The Minister may, by notice in writing, from time to time vary any condition attached to an approval granted in accordance with the provisions of this Regulation.

(5) The registration body shall be responsible for the effective carrying out of its functions.

Review and revocation of approval

6. (1) Subject to paragraph (2), where considered necessary, the Minister may review an approval granted in accordance with the provisions of Regulation 5.

(2) Where the Minister proposes to review an approval, the Minister shall—

- (a) give notice in writing to the registration body of the proposal and the reasons therefore,
- (b) specify a period of not less than 4 weeks within which the registration body may make a submission to the Minister in relation to a review, and
- (c) consider any submission so made.

(3) Following the consideration of any submission made in accordance with paragraph (2), the Minister may issue a revised approval, varying any condition attaching to the approval or attach any additional conditions which he or she considers appropriate.

(4) Where an approval, granted in accordance with the provisions of Regulation 5 is due to expire, the registration body—

- (a) shall not later than 6 months before the expiry date of the approval, notify the Minister, in writing, whether or not it intends to continue or cease operating as the registration body, and

- (b) if intending to continue to operate as the registration body, shall not later than 4 months before the expiry date of the approval, make a submission to the Minister in accordance with the provisions of said Regulation.

(5) Subject to paragraph (6), where it appears to the Minister that the registration body is not complying with conditions attached to such approval, he or she may revoke an approval granted in accordance with the provisions of Regulation 5.

(6) Where the Minister proposes to revoke an approval granted in accordance with the provisions of Regulation 5, the Minister shall—

- (a) give notice in writing to the registration body of the proposed decision and the reasons therefore,
- (b) specify a period of not less than 4 weeks within which the registration body may make a submission to the Minister in relation to the proposed decision, and
- (c) consider any submission so made.

(7) Once an approval granted in accordance with the provisions of Regulation 5—

- (a) is revoked by the Minister, or
- (b) expires,

the registration body and any third party contracted to undertake any or all of the functions allotted to it, shall immediately transfer to the Minister, or to any party so directed by the Minister, or to the person or persons, or association, or body corporate who is in receipt of the next approval to act as the registration body for the purposes of this Part, all records, documentation and data in written and in electronic form, including the requisite software and programmes, together with any funds and assets that were obtained on account of the functions provided for in Regulation 7 and powers that were vested in accordance with the provisions of Regulation 8.

Functions of the Registration Body

7. (1) The registration body shall—

- (a) establish and maintain a register (hereafter in this Part referred to as ‘the register’) of all producers placing tyres on the market in the State,
- (b) provide for the determination of the proportion of market share held by each individual producer placing tyres on the market in the State and notify him or her accordingly,
- (c) determine the amount of environmental management cost liability accrued by each producer in accordance with Regulation 42,

- (d) advise the approved body of the amount of environmental management cost liability of each producer in respect of the preceding calendar month by a day in the month to be agreed between the registration body and the approved body,
 - (e) implement an annual audit plan,
 - (f) cause proper accounts to be kept of all income and expenditure of the registration body in each calendar year, or in the first 2 years of its operations the relevant part thereof, and of the sources of such income and the subject matter of such expenditure and of the property, credits and liabilities of the registration body,
 - (g) in the first 6 months of each year, or by a date specified by the Minister in an approval granted in accordance with Regulation 5, make a report to the Minister of its activities during the preceding calendar year, or in the first 2 years of its operations the relevant part thereof, which shall include a summary of all income and expenditure and balance sheet for that calendar year, or in the first 2 years of its operations the relevant part thereof, and audited accounts in respect of the calendar year, or in the first 2 years of its operations the relevant part thereof, prior to that,
 - (h) provide such information regarding the operation of the registration body as the Minister may from time to time require,
 - (i) provide such information to the approved body at a frequency and in a format as shall be agreed between the registration body and the approved body in order to ensure the full traceability of tyres placed on the market by producers,
 - (j) notify the relevant local authority or, as appropriate, the Agency where it is evident to the registration body that a producer has failed to comply with any provision or provisions of these Regulations and provide information to the relevant local authority or, as appropriate, the Agency in such format and at such frequency as may be determined by the local authority or the Agency, as appropriate.
- (2) The registration body shall be prohibited from providing to any person or persons, any information or data either verbally, in written or in electronic form
- (a) concerning the quantity of tyres placed on the market attributable to or, as necessary,
 - (b) that may be used to identify or, as necessary, calculate the market share of

any individual producer other than to the individual producer unless authorised to do so by the individual producer or the Minister.

(3) The Minister shall inform an individual producer if he or she proposes to authorise the registration body to provide any information in paragraph (2).

(4) Without prejudice to paragraph (1) the registration body may, where appropriate, procure the services of a—

- (a) person or persons,
- (b) association or associations or, as appropriate,
- (c) body corporate or bodies corporate,

to undertake any or all of the functions allotted to it.

Powers of the Registration Body

8. (1) The registration body or a third party acting on its behalf shall be empowered to—

- (a) determine applications for registration of producers or refusals in accordance with the provisions of Regulation 15,
- (b) issue certificates of registration and registration numbers,
- (c) obtain a statement from the external auditors of any producer, or any approved body relating to financial information or, as appropriate, examine the records of any producer, or approved body acting on behalf of a producer relating to—
 - (i) the quantities, by weight or, as appropriate, by number of units of tyres placed on the market by a producer, and
 - (ii) market data including the quantities, by weight or, as appropriate, by number of units, of tyres placed on the market by a producer,
- (d) where necessary, receive any subscriptions or make charges to provide for the effective carrying out of its functions,
- (e) set the level of any such subscription or charges which it may review from time to time.

(2) Without prejudice to paragraph (1), where any or all of the registration functions are sub-contracted to a third party, the powers laid down in subparagraph (1)(c) shall transfer to the third party concerned.

(3) Without prejudice to paragraph (2), a third party empowered to determine the total quantity of tyres attributable to each individual producer shall be prohibited from providing to any person or persons, including the contracting registration body, any information or data either verbally, in written or in electronic form—

- (a) concerning the quantity of tyres placed on the market attributable to or, as necessary,

- (b) that may be used to identify or, as necessary, calculate the market share of,

any individual producer other than to the individual producer concerned, unless authorised to do so by the individual producer or the Minister.

- (4) The Minister shall inform an individual producer if he or she proposes to authorise the disclosure of information in paragraph (3).

Obligation of producers to register with and provide information to the Registration Body

9. Each producer that has placed tyres on the market in the State shall—

- (a) be registered with the registration body,
- (b) display the registration number issued to him or her in accordance with the provisions of Regulation 8 on any invoice, receipt, credit note, dispatch and delivery docket issued to a customer by him or her,
- (c) pay any subscription or charge as may be determined by the registration body or, as appropriate, a third party acting on its behalf, and
- (d) prior to a day in each month to be prescribed by the registration body, provide the registration body with the information set out in Part 2 of the Second Schedule.

Registration with the Registration Body

10. (1) A producer shall apply for registration to the registration body or as appropriate a third party acting on its behalf within 20 working days of the commencement of these Regulations or the commencement of business, whichever is the later.

(2) Notwithstanding paragraph (1), where, prior to 1 October 2017, the Minister has approved a person or persons, or association or body corporate to undertake the functions of the registration body, a producer who has commenced business in advance of said approval shall apply for registration to the registration body or as appropriate a third party acting on its behalf in accordance with paragraph (3) before 1 October 2017.

(3) An application for registration in accordance with the provisions of paragraphs (1) and (2) shall be made annually, and not later than 31 January in each calendar year, in writing, or electronically and shall contain at least the information set out in Part 1 of the Second Schedule.

(4) An application for registration in accordance with the provisions of paragraphs (1) and (2) shall be accompanied by any charge as may be determined by the registration body or, as appropriate, a third party acting on its behalf.

(5) A producer shall notify the registration body or, as appropriate, a third party acting on its behalf of any changes to the information provided in an application for registration within 10 working days of such change.

(6) An application for registration in accordance with paragraphs (1) and (2) shall be accompanied by a copy of a valid membership number granted in accordance with the provisions of Regulation 15 of these Regulations stating that such a producer is participating in a satisfactory manner in a scheme for the environmentally sound management of waste tyres.

(7) A producer shall de-register by informing the registration body in writing or electronically that it has ceased to be a producer.

(8) The information for the purposes of paragraph (7) shall indicate how the producer has ensured the environmentally sound management of waste tyres up until the last date on which it has placed tyres on the market.

Obligation on Producers to retain records

11. It shall be the responsibility of each producer to retain, for a period of 7 years after the end of a reporting period prescribed by the registration body, such records as are necessary to verify the accuracy of the information compiled in accordance with Regulations 9(d) and 10(3).

Prohibition on Producers to place tyres on the market

12. A producer who—

- (a) fails to comply with any of the provisions of Regulation 9, or
- (b) is deemed not to be registered in accordance with Regulation 15, or
- (c) is refused an application for renewal of registration in accordance with the provisions of Regulation 15(4),

shall not place tyres on the market in the State.

Producer's Authorised Representative

13. (1) A producer who is established in another Member State or a country outside of the European Union may, by way of exception to Regulation 9 appoint an authorised representative to fulfil the obligations of that producer pursuant to these Regulations.

(2) Appointment of an authorised representative shall be by written mandate to the registration body.

Display of Registration Number

14. Any person who is not in possession of a valid Certificate of Registration in accordance with the provisions of Regulation 15 shall be prohibited from displaying any registration number issued by the registration body on any invoice, credit note, dispatch and delivery docket, website or at any place.

Certification of Producers

15. (1) Without prejudice to paragraphs (3) and (4), a producer who makes an application in accordance with the provisions of Regulation 9 shall be registered by the registration body provided that the requirements of Regulations 10 and 11 are complied with.

(2) A producer shall not be deemed to be registered until a Certificate of Registration and registration number have been issued by the registration body or a third party acting on its behalf.

(3) The registration body or a third party acting on its behalf shall issue a Certificate of Registration bearing a unique registration number as expeditiously as possible and, in any event, within—

- (a) 21 working days of the date of receipt of an application for registration, or
- (b) 21 working days after the date of receipt of further information or particulars requested by the registration body in connection with such an application,

whichever is the later.

(4) Without prejudice to paragraphs (1) and (3), the registration body may refuse or, as appropriate, revoke a registration in accordance with the provisions of this Regulation where it considers that a producer has, in the preceding 12 month period, or any part of that period failed to—

- (a) maintain satisfactory records in accordance with the provisions of Regulation 11, or
- (b) provide the information specified in Regulations 10 or 11, or
- (c) display the registration number issued to him or her in accordance with Regulation 8 on his or her website.

PART III

APPROVED BODY

Application to the Minister for approval

16. (1) A body corporate may apply to the Minister for approval for the purposes of this Part.

(2) An application for approval under paragraph (1) shall be made in writing and shall be accompanied by the following:

- (a) a copy of the Articles of Association of the body corporate,
- (b) the appropriate certificate issued by the Companies Registration Office,
- (c) the names and addresses in the State of the officers of the body applying for approval and its board of directors,
- (d) the address of the body applying for approval's registered office and the address of the secretary, if different from the registered office,

- (e) proposals relating to corporate governance,
- (f) proposals for representation of small and medium sized enterprises on the board of the approved body,
- (g) a business plan in relation to the proposed scheme,
- (h) a financial plan in relation to the proposed scheme,
- (i) proposals for a contingency reserve,
- (j) proposals relating to co-operation with other approved bodies, authorised waste collectors and recovery operators in relation to the environmentally sound management of waste tyres arising,
- (k) proposals in relation to how the body corporate will ensure the environmentally sound management of waste tyres including proposals for Rules of Membership for members participating in the scheme,
- (l) proposals for the achievement of targets for the environmentally sound management of waste tyres,
- (m) proposals for reconciliation and audit of information supplied by members,
- (n) proposals for obtaining information from local authorities:
 - (i) accepting waste tyres at civic amenity facilities or, as appropriate,
 - (ii) utilising waste tyres in engineering or public works,
- (o) proposals for submitting information, in such form and at such frequency as may be specified by a local authority or, as appropriate, the Agency in relation to activities carried out and information held by the approved body, by producer and retailer members of the approved body and by authorised waste collectors, recovery operators and farmers registered with the approved body,
- (p) a copy of the rules of membership of the body corporate together with details of the membership fee structure,
- (q) a declaration that no authorised waste collector will be discriminated against on the grounds of the quantity or type of tyres that he or she collects or, as appropriate, geographical location or locations of the waste collector,
- (r) a list of applications for membership received, accepted, and rejected together with the grounds for rejection,
- (s) proposals for the certification of membership of producers and retailers for the purposes of Regulation 20,

- (t) proposals for an independent appeals process in the event of an application for membership being rejected or as appropriate revoked,
- (u) proposals for the registration of authorised waste collectors for the purposes of Regulation 30,
- (v) proposals for the registration of recovery operators for the purposes of Regulation 34,
- (w) proposals for the registration of farmers for the purposes of Regulation 39,
- (x) proposals relating to green procurement,
- (y) proposals relating to the dissemination of information to the public regarding the environmentally sound management of waste tyres,
- (z) proposals detailing the nature and frequency of information (including financial accounts) to be submitted by the body concerned to the Minister or to such other person as may be specified by the Minister or, as appropriate,
- (aa) such other information as may be specified in writing by the Minister for the purposes of this regulation.

Grant or refusal of approval

17. (1) Subject to paragraph (3), the Minister may, by notice in writing, grant approval to a body corporate for the purposes of this Part, or may refuse to grant such approval.

(2) Subject to Regulation 16, an approval granted by the Minister under this Regulation shall be for a period of not more than 5 years.

(3) An approval in accordance with the provisions of paragraph (1) shall be subject to such conditions as the Minister may specify as appropriate, including conditions relating to the matters specified in Regulation 16.

- (4) Without prejudice to paragraph (3), in the event that an approved body:
 - (a) has its approval revoked in accordance with the provisions of Regulation 18,
 - (b) goes into liquidation, examination or, receivership or, as appropriate,
 - (c) enters into a scheme of arrangement or compromise in accordance with the provisions of section 449 of the Companies Act 2014,

the contingency reserve provided for in Regulation 16(2), shall not be used by any person or persons, including the liquidator, examiner, receiver or, as appropriate, administrator concerned for any purpose, including the discharge of liabilities to creditors, whether secured creditors, preferential creditors, creditors claiming under retention of title, creditors with claims supported by guarantees

or indemnities, ordinary creditors or, as appropriate, subordinated creditors, other than for fulfilling the obligations of the producer, supplier or, as appropriate, authorised waste collector concerned as laid down in these Regulations.

(5) The Minister may, by notice in writing, from time to time vary any existing condition attached to an approval granted in accordance with the provisions of this Regulation or add any new condition.

Review and revocation of approval

18. (1) Subject to paragraph (2), where it appears to the Minister that:

- (a) new targets for the environmentally sound management of waste tyres need to be set,
- (b) it is necessary to ensure equitable distribution of producer or retailer responsibility obligations, or
- (c) for some other reason it is necessary in the interests of the environmentally sound management of waste tyres,

he or she may review an approval granted in accordance with the provisions of Regulation 17, or require the approved body to make a new application in accordance with the provisions of Regulation 16 for a renewal of an approval.

(2) Where the Minister proposes to review an approval granted in accordance with the provisions of Regulation 17, or require the making of a new application in accordance with the provisions of Regulation 16, the Minister shall:

- (a) give notice in writing to the approved body of the proposal and the reasons therefore,
- (b) specify a period of not less than 4 weeks within which the approved body may make a submission to the Minister in relation to a review, or make a new application in accordance with the provisions of Regulation 16, as the case may be, and
- (c) consider any submission, or application so made.

(3) Following the consideration of any submission or application made in accordance with paragraph (2), the Minister may issue a revised approval, varying any condition attaching to the approval or attach any additional conditions which he or she considers appropriate, or grant a new approval in accordance with the provisions of Regulation 17, as the case may be.

(4) Where an approval granted in accordance with the provisions of Regulation 17 is due to expire, the approved body concerned shall:

- (a) not later than 6 months before the expiry of the approval, if intending to continue to operate as an approved body, make an application to the Minister under Regulation 16, or

- (b) not later than 6 months before the expiry of the approval, notify the Minister, in writing, if it intends to cease operating as an approved body.

(5) Subject to paragraph (6), where it appears to the Minister that an approved body is not complying with conditions attached to such approval, or that relevant targets for the environmentally sound management of waste tyres have not been or are not being met, the Minister may review or, as appropriate, revoke an approval granted in accordance with Regulation 17.

(6) Where the Minister proposes to revoke an approval granted in accordance with the provisions of Regulation 17, the Minister shall:

- (a) give notice in writing to the approved body of the proposed decision and the reasons therefor,
- (b) specify a period of not less than 4 weeks within which the approved body may make a submission to the Minister in relation to the proposed decision, and
- (c) consider any submission so made.

(7) Where the Minister revokes an approval granted in accordance with the provisions of Regulation 17, the approved body concerned shall transfer the registration of all farmers and waste collectors to:

- (a) another body corporate granted an approval in accordance with the provisions of Regulation 17, or in the event of no approval issuing to another body corporate,
- (b) the local authorities in whose functional areas each farmer concerned stores and uses waste tyres for the purposes of anchoring silage covering or
- (c) the local authorities in whose functional areas each waste collector collects waste tyres.

Use of logo adopted by an approved body

19. No person shall, other than with the written consent of an approved body, display at any premises, or on or in, any product, packaging, advertisement or notice, any logo or other mark or symbol designed and adopted by that approved body for use by members certified by that approved body for the purposes of Regulation 20.

Functions of the approved body

20. (1) Without prejudice to any requirements resultant from any condition the Minister may specify in accordance with, as the case may be, an approval granted under Regulation 17 or a revised approval granted under Regulation 18, the approved body shall—

- (a) be responsible for the effective carrying out of its functions,

- (b) where necessary, receive any subscriptions or make charges to provide for the effective carrying out of its function,
- (c) set the level of any such subscription or charges which it may review from time to time,
- (d) issue a certificate of membership to all producers and retailers who fulfil their obligations under these Regulations,
- (e) ensure the environmentally sound management of tyres on behalf of its members,
- (f) notwithstanding the obligations of subparagraph (c), not arrange for the collection of waste tyres from members for which the environmental management cost in the Eighth Schedule is not applicable or is set at €0.00,
- (g) recoup from individual producers the environmental management cost charged in accordance with Regulation 42, on receipt of information provided by the registration body in accordance with Regulation 7,
- (h) provide such information regarding the operation of the approved body as the Minister may from time to time require,
- (i) provide information to the relevant local authority, nominated authority or, as appropriate, the Agency in such format and at such frequency as may be determined by the local authority, nominated authority or the Agency,
- (j) provide such information to the registration body at a frequency and in a format as shall be agreed between the approved body and the registration body and in order to ensure the full traceability of tyres placed on the market by producers,
- (k) maintain a register of farmers to whom waste tyres have been supplied in accordance with Regulation 40.

Obligation of producers and retailers to be a member of an approved body

21. (1) Each producer and retailer shall be obliged to—

- (a) be a member of an approved body,
- (b) pay membership fees as may be determined by that approved body.

(2) A producer or retailer who fails to comply with the provisions of paragraph 1, or is refused a certificate of membership by an approved body in accordance with Regulations 23, paragraphs (3) and (4) shall not place tyres on the market in the State or, as appropriate, sell tyres to a customer.

(3) Membership of an approved body shall not provide any exemption from the provisions of other regulations made under the Act, unless specifically provided for in these Regulations.

Application to an Approved Body

22. (1) A producer or retailer shall apply for membership of an approved body within 15 working days of the commencement of these Regulations or the commencement of business, whichever is the later.

(2) Notwithstanding paragraph (1), where, in advance of 1 October 2017, the Minister has approved one or more approved bodies in accordance with Regulation 17, a producer or retailer who has commenced business prior to such approval shall apply for membership of an approved body before 1 October 2017.

(3) An application for membership of an approved body by a retailer in accordance with the provisions of paragraphs (1) and (2) shall be made in such form as may be prescribed by that approved body and shall contain at least the information set out in Part 1 of the Third Schedule.

(4) An application for membership of an approved body by a producer in accordance with the provisions of paragraphs (1) and (2) shall be made in such form as may be prescribed by that approved body and shall contain at least the information set out in Part 3 of the Second Schedule.

(5) An application for membership in accordance with the provisions of paragraphs (1) and (2) shall be accompanied by the fee as may be determined by the approved body.

(6) A producer or retailer shall notify the approved body or, as appropriate, a third party acting on its behalf of any changes to the information provided in an application for membership within 10 working days of such change.

(7) A producer or retailer shall immediately inform the approved body of which it is a member, in writing or electronically, that it has ceased to be a producer or retailer.

Approval or refusal of application by an Approved Body

23. (1) A producer who makes an application in accordance with the provisions of Regulation 22 shall be approved for membership by the approved body provided the requirements of Regulation 22 are complied with and that the obligations placed on a producer or retailer under these Regulations are complied with.

(2) A retailer who makes an application in accordance the provisions of Regulation 22 shall be approved for membership by the approved body provided the requirements of Regulation 22 and 24 are complied with.

(3) Without prejudice to paragraph (1) the approved body may refuse, or as appropriate, revoke a producer's membership where it considers that said producer, in the preceding 12 month period, or any part of that period failed to

carry out its obligations in accordance with Regulations 9, 10, 11, 12 or 21 under these Regulations.

(4) Without prejudice to paragraph (1) the approved body may refuse, or as appropriate, revoke a retailer's membership where it considers that said retailer, in the preceding 12 month period, or any part of that period failed to carry out its obligations in accordance with Regulations 21, 22, 24, 42 or Part IV of these Regulations.

(5) Where the approved body refuses or, as appropriate, revokes a membership in accordance with paragraph (2), the approved body shall inform the registration body, the local authority in whose functional area the producer or retailer trades and the Agency within one week of the refusal or revocation of the membership.

Reporting and information to be provided by retailers to approved body

24. (1) On a day in each month to be prescribed by the approved body of which a retailer is a member in accordance with Regulation 21 the retailer shall provide that approved body with the information set out in Part 2 of the Third Schedule.

(2) It shall be the responsibility of each retailer to retain, for a period of 7 years after the end of a reporting period prescribed by an approved body with whom the retailer is registered, such records as are necessary to verify the accuracy of the information compiled in accordance with paragraph (1).

PART IV

RETAILER OBLIGATIONS

Prohibition on Retailers from distributing tyres supplied by Producers who are not in possession of a valid Certificate of Registration

25. Each retailer shall be prohibited from distributing tyres placed on the market in the State by a producer or, as appropriate, supplied to him or her by any person who supplies tyres placed on the market in the State by a producer who is not in possession of a valid Certificate of Registration in accordance with the provisions of Regulation 9 and, as appropriate, does not display the registration number issued to said producer in accordance with the provisions of Regulation 15 on any invoice, credit note, dispatch or delivery document in respect of tyres supplied to the retailer concerned.

Obligation on Retailers to display information

26. A retailer shall—

- (a) display in a manner that is visible to all customers the certificate of membership of an approved body issued in accordance with Regulation 20, and
- (b) fix and maintain in a conspicuous position a notice complying with the requirements specified in the Fourth Schedule.

Obligation on Retailers to ensure collection of certain waste tyres

27. A retailer of a tyre for which the environmental management cost in the Eighth Schedule is not applicable or has been set a €0.00 shall ensure that waste tyres in this category are collected by an authorised waste collector registered with an approved body in accordance with Regulation 30.

Obligation on Retailers to charge an Environmental Management Cost and to forward the cost charged to an Approved Body

28. A retailer who sells a new tyre for which an environmental management cost has not been imposed by a producer in accordance with Regulation 42 shall charge that environmental management cost and pay such cost to the approved body of which it is a member to cover the cost of the environmentally sound management of such tyres.

Management of waste tyres by Retailers

29. (1) On and from the commencement date of these regulations, each retailer—

- (a) shall ensure that a waste tyre, within a category for which an environmental management cost has been set in accordance with the Eighth Schedule, can be returned to him or her on a one-to-one basis as long as the tyre is of equivalent type or has fulfilled the same function as the replacement tyre supplied to a customer,
- (b) who retains waste tyres following the supply of replacement tyres shall be prohibited from supplying such waste tyres to any person or persons other than an authorised waste collector who is registered with the approved body in accordance with Regulation 30,
- (c) who, in the course of the supply of replacement tyres, within a category for which an environmental management cost has been set in accordance with the Eighth Schedule, has a customer who chooses to retain waste tyres shall:
 - (i) provide each customer concerned with details of each authorised waste collector or recovery operator, in the functional area of the local authority where the retailer's premises are situated,
 - (ii) advise each customer concerned that the tyres they have retained must be treated in an environmentally sound manner,
 - (iii) advise each customer concerned that the tyres they have retained may be returned free of charge to him or her and
 - (iv) indicate on the customer's receipt the number of waste tyres which have been retained by the customer.

(2) Notwithstanding subparagraphs (1)(b) and (1)(c), on and from the commencement date of these regulations any person retaining waste tyres following the supply of replacement tyres shall be prohibited from supplying waste tyres to any person or persons other than—

- (a) an authorised waste collector or recovery operator who is acting on behalf of an approved body established in accordance with Regulations 30 and 34,
- (b) a local authority providing a service for the collection and environmentally sound management of waste tyres or, as appropriate,
- (c) a retailer from whom the replacement tyre was supplied in accordance with subparagraph (1)(c).

PART V

WASTE COLLECTOR OBLIGATIONS

Application for registration with an approved body by authorised waste collectors

30. (1) An authorised waste collector who intends to collect waste tyres shall in respect of his or her place of business register with an approved body within one month of the introduction of these regulations or within one month of the commencement of business, whichever is the later.

(2) An application or registration under paragraph (1) shall be accompanied by a fee as may be determined by an approved body with which the authorised waste collector registers in accordance with paragraph (1).

(3) An application for registration in accordance with the provisions of paragraph (1) shall be made in such form as may be prescribed by the approved body and shall contain at least the information set out in Part 1 of the Fifth Schedule.

Registration and certification of waste collectors

31. An authorised waste collector who makes an application under Regulation 30 to an approved body shall be registered by that approved body provided that the requirements of their waste collection permit and these regulations are complied with.

Information to be provided to an approved body by authorised waste collectors

32. (1) At the request of an approved body with whom an authorised waste collector is registered in accordance with Regulation 30 the authorised waste collector shall provide that approved body with the information set out in Part 2 of the Fifth Schedule.

(2) It shall be the responsibility of each authorised waste collector to retain, for a period of 7 years after the end of a reporting period prescribed by an approved body with whom the authorised waste collector is registered, such records as are necessary to verify the accuracy of the information compiled in accordance with paragraph (1).

Management of waste tyres by authorised waste collectors

33. (1) An authorised waste collector shall ensure that any waste tyre which they collect and dispose of is managed in an environmentally sound manner.

(2) On and from the commencement date of these Regulations, or the date of commencement of business, whichever is the later, an authorised waste collector, shall be prohibited from supplying waste tyres to any person or persons other than—

- (a) an authorised waste collector who is registered with an approved body established in accordance with Regulation 30
- (b) a farmer on request from an approved body
- (c) a local authority providing a service for the collection or, as appropriate, environmentally sound management of waste tyres, or
- (d) an authorised recovery operator who is registered with an approved body.

PART VI

RECOVERY OPERATOR OBLIGATIONS

Application for registration with an approved body by recovery operators

34. (1) A recovery operator who intends to recover, including reuse, waste tyres shall in respect of his or her place of business and as appropriate, each premises which he or she uses for the storage of waste tyres, register with an approved body within one month of the introduction of these Regulations or within one month of the commencement of business, whichever is the later.

(2) An application or registration under paragraph (1) shall be accompanied by a fee as may be determined by the approved body with which the recovery operator registers in accordance with paragraph (1).

(3) An application for registration in accordance with the provisions of paragraph (1) shall be made in such form as may be prescribed by the approved body and shall contain at least the information set out in Part 1 of the Sixth Schedule.

Registration and certification of recovery operators

35. A recovery operator who makes an application under Regulation 34 to an approved body shall be registered by that approved body provided that the requirements of their waste permit and these regulations are complied with.

Information to be provided to an approved body by a recovery operator

36. (1) At the request of an approved body with whom a recovery operator is registered in accordance with Regulation 35 the recovery operator shall provide that approved body with the information set out in Part 2 of the Sixth Schedule.

(2) It shall be the responsibility of each recovery operator to retain, for a period of 7 years after the end of a reporting period prescribed by an approved body with whom the authorised waste collector is registered, such records as are necessary to verify the accuracy of the information compiled in accordance with paragraph (1).

Obligation on Recovery Operators to provide a Certificate of Recovery

37. On and from the commencement date of these Regulations, or the date of commencement of business, whichever is the later, a recovery operator shall provide a Certificate of Recovery to any person depositing waste tyres at his or her premises.

PART VII

FARMER OBLIGATIONS

Prohibition on the storage of waste tyres by farmers

38. (1) On and from the commencement date of these Regulations, a farmer shall be prohibited from storing waste tyres, other than the temporary storage of waste tyres provided that such waste tyres are incidental to the business activities of the farmer concerned and are commensurate in quantity and type with the tyres in possession of the farmer on any mechanically propelled vehicle or vehicles, trailer or machinery.

(2) Notwithstanding paragraph (1), a farmer who is the owner or person in charge of a herd or a flock to which a herd or a flock number is for the time being allocated by an officer of the Minister for Agriculture, Food and the Marine may, subject to the provisions of Regulation 1, store and use waste tyres for the purposes of anchoring silage covering.

(3) Notwithstanding paragraph (2), any farmer who uses or intends to store and use waste tyres for the purposes of anchoring silage covering shall register with an approved body in accordance with the provisions of Regulation 39.

Application for registration of farmers

39. (1) An application for registration under Regulation 38 shall be made in writing or electronically in such form as may be specified by the approved body and shall contain at least the information set out in the Seventh Schedule.

(2) An application for registration under paragraph (1) shall be accompanied by a fee as may be determined by the approved body.

(3) A farmer shall notify the approved body with which they have registered in accordance with Regulation 38 of any changes to the information provided in an application for registration.

Management of waste tyres by farmers

40. On and from the commencement of these Regulations a farmer:

- (a) who is the owner or person in charge of a herd or a flock to which a herd or a flock number is for the time being allocated by an officer of the Minister for Agriculture, Food and the Marine and who is registered with an approved body in accordance with this Part, may store waste tyres in categories 1 to 5 of the First Schedule for the purpose of anchoring silage covering subject to a maximum of 8 tyres per square metre of any silage pit's floor area or, as appropriate,

- (b) shall advise the approved body with which he or she is registered in accordance with Regulation 39 in a form as may be specified by that approved body of any movement of waste tyres onto or off his or her farm,
- (c) shall be prohibited from receiving tyres from any person other than an authorised waste collector who is registered with the approved body with whom he or she has registered,
- (d) shall be prohibited from supplying waste tyres to any person other than:
 - (i) an authorised waste collector who is registered with the approved body with whom he or she is registered, or
 - (ii) a recovery operator who is registered with the approved body with whom he or she is registered, or
 - (iii) a local authority providing a service for the collection or, as appropriate, environmentally sound management of waste tyres.

Management of historic waste tyres by farmers

41. (1) Regulations 38 to 40 inclusive, shall not apply in respect of any farmer who is the owner or person in charge of a herd or, as appropriate, a flock to which a herd number or, as appropriate, a flock number is for the time being allocated by an officer of the Minister for Agriculture, Food and the Marine until the first movement of waste tyres onto or from the premises of the farmer concerned following commencement of these Regulations.

(2) Notwithstanding paragraph (1), the farmer concerned shall ensure the environmentally sound management of waste tyres on his or her premises.

PART VIII

ENVIRONMENTAL MANAGEMENT COST

Financing the cost of managing tyres in an environmentally sound manner

42. (1) On and from the commencement of these Regulations, producers shall impose an environmental management cost for all tyres placed by them on the market in the State.

(2) Where a cost under paragraph (1) is imposed that cost shall be itemised as a separate line item on any invoice, receipt, credit note, dispatch and delivery docket containing the retail price of a tyre issued to his or her customer.

(3) Any retailer who supplies tyres supplied by a producer who displays environmental management costs shall ensure that such costs are indicated to his or her customer visibly and legibly in writing.

(4) Without prejudice to paragraph (3), where an environmental management cost in accordance with the provisions of paragraph (2), is displayed—

- (a) in a retailer's premises, he or she shall show the retail price of that specific tyre and separately the cost imposed in accordance with paragraph (1) and shall include the following wording — "Included in this price is a statutory contribution to recycling costs",
- (b) on a website or other electronic means of communication used by a producer or retailer, he or she shall, at each point where the retail price is quoted or, as appropriate, the ordering and financial transaction confirming the purchase of such a tyre is undertaken, show the retail price of that specific tyre and separately the cost imposed in accordance with paragraph (1) and shall include the following wording — "Included in this price is a statutory contribution to recycling costs",
- (c) in a producer's or retailer's catalogues, brochures or, as appropriate, direct mail communications, where a retail price is quoted, he or she shall include the following wording in letters not less than 2mm high — "Included in these prices is a statutory contribution to recycling costs", or
- (d) in any advertisement containing the retail price of a tyre, the producer or retailer concerned shall include the following wording in letters not less than 2mm high — "Included in these prices is a statutory contribution to recycling costs",

Amount of Environmental Management Cost

43. (1) The environmental management cost established in accordance with Regulation 42 shall be determined by tyre category as set out in the Eighth Schedule of these Regulations.

(2) The Minister may amend the costs in the Eighth Schedule where it appears to him/her that the cost is insufficient to cover or is exceeding the cost of managing tyres in an environmentally sound manner.

PART IX

ENFORCEMENT

Functions of Local Authorities

44. Each local authority shall be responsible for the enforcement of the provisions of Parts III to VIII of these Regulations within their functional areas and shall appoint authorised persons to take such steps as are necessary for this purpose.

Functions of the Environmental Protection Agency

45. The Environmental Protection Agency shall be responsible for the enforcement of Part II of these Regulations and shall appoint authorised persons to take such steps as are necessary for this purpose.

PART X**MISCELLANEOUS***Offences*

46. (1) Any person, who contravenes or fails to comply with a provision or provisions of Regulations 9, 10, 11, 12, 14, 19, 21, 22, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41 or 42, shall be guilty of an offence.

(2) Where an offence under these Regulations is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any capacity, that person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

Prosecutions and Penalties

47. A prosecution for an offence determined in accordance with Regulation 46 will be subject to the penalties in section 10 of the Act and prosecuted in accordance with section 11, 12 and 13 of the Act.

Non-application of section 39(1) of the Act

48. (1) On and from the commencement of these Regulations, section 39(1) of the Act shall not apply in respect of the temporary storage of waste tyres at a place where tyres are supplied and where the quantities of waste tyres being stored at any one time does not exceed 180 cubic metres of waste tyres, provided they were replaced on a one-for-one basis by tyres of equivalent type or which fulfilled the same functions as the replacement tyres supplied to the customer, and that such a place is registered with an approved body.

(2) Notwithstanding paragraph (1), the supplier concerned shall ensure the environmentally sound management of waste tyres.

Revocation

49. (1) The Waste Management (Tyres and Waste Tyres) Regulations 2007 are revoked on the commencement of these Regulations.

(2) The revocation of Waste Management (Tyres and Waste Tyres) Regulations 2007 does not affect liability under Waste Management (Tyres and Waste Tyres) Regulations 2007 (S.I. No. 664 of 2007) for any offences committed before the date of commencement of these Regulations.

FIRST SCHEDULE

CATEGORIES OF TYRES

1. Pneumatic tyres of rubber, of a kind used on motor cars (including station wagons and racing cars) other than tyres placed on the market as tyres in category 6.
2. Pneumatic tyres of rubber, of a kind used on buses or lorries other than tyres placed on the market as tyres in category 6.
3. Pneumatic tyres of rubber, of a kind used on motorcycles other than tyres placed on the market as tyres in category 6.
4. Pneumatic tyres of rubber, having a 'herring-bone' or similar tread other than tyres placed on the market as tyres in category 6.
5. Other pneumatic tyres of rubber, (Nes) other than tyres placed on the market as tyres in category 6.
6. Retreaded or used pneumatic tyres of rubber; solid or cushion tyres.
7. Tyres other than in categories 1 to 6.

SECOND SCHEDULE**INFORMATION TO BE COMPILED AND PROVIDED BY
PRODUCERS WHEN COMPLYING WITH THE PROVISIONS OF
PARTS II AND III OF THESE REGULATIONS***PART 1***Information to be provided for the purpose of registration with a registration body**

1. Name, address, eircode, telephone number and electronic mail address of the registered office of the producer where that producer is a company registered under the Companies Acts, or the principal place of business of the producer where that producer is any other body corporate or unincorporated body.
2. Name, address, eircode, telephone number, electronic mail address and location(s) of premises at or from which tyres are or will be placed on the market by the producer.
3. Name, telephone number and electronic mail address for the individual or individuals within the producer's organisation responsible for reporting the weights or as appropriate the number of tyres placed on the market to the registration body.
4. Companies Registration Office Number.
5. Information in relation to the approved body of which the producer is a member.
6. Selling technique used.
7. The quantities by weight or, as appropriate, by number of units of tyres that were placed on the market in the calendar year prior to the date of first application in each of the categories specified in the First Schedule.
8. Indication if producer is willing to have information supplied to the registration body shared with an approved body.
9. Declaration stating that the information provided is true.

*PART 2***Information to be submitted for reporting to registration body**

1. National identification code of the producer.
2. Reporting period.
3. The quantities by weight or, as appropriate, by number of units of tyres placed on the market for the first time in each of the categories specified in

the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been charged.

4. The quantities by weight or, as appropriate, by number of units of tyres placed on the market for the first time in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has not been charged.
5. The quantities by weight or, as appropriate, by number of units of tyres supplied by the producer to a retailer in each of the categories specified in the First Schedule during the reporting period.
6. Declaration stating that the information provided is true.

PART 3

Information to be provided when applying for membership of an approved body

1. Name, address, eircode, telephone number and electronic mail address of the registered office of the producer where that producer is a company registered under the Companies Acts, or, the principal place of business of the producer where that producer is any other body corporate or unincorporated body.
2. Location(s) of premises at or from which tyres are or will be supplied by the producer.
3. Declaration stating that the information provided is true.

THIRD SCHEDULE**INFORMATION TO BE PROVIDED BY RETAILERS FOR THE
PURPOSE OF APPLICATION AND REPORTING WHEN COMPLYING
WITH THE PROVISIONS OF PART III OF THESE REGULATIONS***PART 1***Information to be provided for the purpose of application to an approved body**

1. Name, address, eircode, telephone number and electronic mail address of the registered office of the retailer where that retailer is a company registered under the Companies Acts, or, the principal place of business of the retailer where that retailer is any other body corporate or unincorporated body.
2. Companies Registration Office number.
3. Location(s) of premises at or from which tyres are or will be supplied by the retailer.
4. The quantities by weight or, as appropriate, by number of units of tyres that were supplied in the calendar year prior to the date of application in each of the categories specified in the *First Schedule*.
5. The quantities by weight or, as appropriate, by number of units of tyres and waste tyres which are on the retailer's premises on application for membership to the approved body in each of the categories specified in the First Schedule.
6. Declaration stating that the information provided is true.

*PART 2***Information to be provided for the purposes of reporting to an approved body**

1. National identification code of the retailer.
2. Reporting period.
3. The quantities by weight or, as appropriate, by number of units of tyres sold in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been paid.
4. The quantities by weight or, as appropriate, by number of units of tyres sold in each of the categories specified in the First Schedule for which an environmental management charge as prescribed in Regulations 42 and 43 has not been paid.
5. The quantities by weight or, as appropriate, by number of units of tyres received from a producer in each of the categories specified in the First

Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been paid.

6. The quantities by weight or, as appropriate, by number of units of tyres received from a producer in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has not been paid.
7. The quantities by weight or, as appropriate, by number of units of tyres received from a retailer in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been paid.
8. The quantities by weight or, as appropriate, by number of units of tyres received from a retailer in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been not paid.
9. The quantities by weight or, as appropriate, by number of units of waste tyres put forward for collection by an authorised waste collector in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been paid.
10. The quantities by weight or, as appropriate, by number of waste units of tyres put forward for collection by an authorised waste collector in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has not been paid.
11. The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recovery operators used for the collection or treatment of waste tyres during the reporting period.
12. Declaration stating that the information provided is true.

FOURTH SCHEDULE

**REQUIREMENTS REGARDING A NOTICE IN ACCORDANCE WITH
THE PROVISIONS OF REGULATION 26**

A notice for the purpose of regulation [*] shall—

- (a) not be obscured or concealed at any time, and
- (b) bear the following wording—

“TAKE BACK OF WASTE TYRES

WASTE MANAGEMENT ACT 1996

Waste tyres are taken back in this garage on a one-for-one, like-for-like basis.

All waste tyres are collected by an authorised waste collector and treated in an environmentally sound manner”.

FIFTH SCHEDULE

INFORMATION TO BE COMPILED AND PROVIDED BY AUTHORISED WASTE COLLECTORS WHEN COMPLYING WITH THE PROVISIONS OF PART V OF THESE REGULATIONS

PART 1

Information to be provided by authorised waste collectors for the purposes of registering with an approved body.

1. Name, address, eircode, telephone number and electronic mail address of the registered office of the authorised waste collector where that authorised waste collector is a company registered under the Companies Acts, or, the principal place of business of the authorised waste collector where that authorised waste collector is any other body corporate or unincorporated body.
2. Location(s) of premises at or from which tyres are or will be stored by the authorised waste collector.
3. Companies Registration Office number.
4. The quantities by weight or, as appropriate, by number of units of tyres that were collected in the calendar year prior to the date of application in each of the categories specified in the *First Schedule*.
5. The quantities by weight or, as appropriate, by number of units of tyres and waste tyres which are on the authorised waste collector's premises on application for registration with the approved body in each of the categories specified in the *First Schedule*.
6. A copy or, as appropriate, copies of all valid permits issued in accordance with the provisions of regulations under section 34(1) or, as appropriate, 39(1) or (4) of the Act.
7. A copy or as appropriate, copies of all notices issued by a local authority in the calendar year prior to the date of application in accordance with the provisions of regulations under section 55 of the Act.
8. Declaration stating that the information provided is true.

PART 2

Information to be provided for the purposes of reporting to an approved body

1. National identification code of the authorised waste collector.
2. Reporting period.
3. The quantities by weight or, as appropriate, by number of units of waste tyres collected by the authorised waste collector in each of the categories specified in the *First Schedule* from each retailer's premises.

4. The quantities by weight or, as appropriate, by number of units of waste tyres collected by the authorised waste collector in each of the categories specified in the First Schedule distributed to farmers in accordance with Regulation 32.
5. The quantities by weight or, as appropriate, by number of units of waste tyres collected by the authorised waste collector in each of the categories specified in the First Schedule and exported from the State as part worn tyres.
6. The quantities by weight or, as appropriate, by number of units of waste tyres collected by the authorised waste collector in each of the categories specified in the First Schedule and distributed to an authorised recovery operator.
7. The quantities by weight or, as appropriate, by number of units of waste tyres collected by the authorised waste collector in each of the categories specified in the First Schedule and distributed to an operator authorised to recycle tyres.

SIXTH SCHEDULE

INFORMATION TO BE COMPILED AND PROVIDED BY RECOVERY OPERATORS WHEN COMPLYING WITH THE PROVISIONS OF PART VI OF THESE REGULATIONS

PART 1

Information to be provided by recovery operators for the purposes of registering with an approved body

1. Name, address, eircode, telephone number and electronic mail address of the recovery operator where that recovery operator is a company registered under the Companies Acts, or, the principal place of business of the recovery operator where that recovery operator is any other body corporate or unincorporated body.
2. Location(s) of premises at or from which tyres are or will be stored and recovered by the recovery operator.
3. Companies Registration Office number.
4. The quantities by weight or, as appropriate, by number of units of tyres that were recovered in the calendar year prior to the date of application in each of the categories specified in the *First Schedule*.
5. The quantities by weight or, as appropriate, by number of units of tyres and waste tyres which are on the recovery operator's premises on application for registration with the approved body in each of the categories specified in the *First Schedule*.
6. A copy or, as appropriate, copies of all valid permits issued in accordance with the provisions of regulations under 39(1) or (4) of the Act.
7. A copy, or as appropriate, copies of all notices issued by a local authority in the calendar year prior to the date of application in accordance with the provisions of regulations under section 55 of the Act.
8. Declaration stating that the information provided is true.

PART 2

Information to be provided for the purposes of reporting to an approved body in accordance with Regulation 36

1. National identification code of the authorised recovery operator.
2. Reporting period.
3. Records of all tyres that cross the weighbridge of that recovery operator during the reporting period.

4. Copies of recovery and recycling certificates issued to the collectors during the reporting period.
5. A copy of the Annual Environmental Return submitted by the authorised recovery operator to the National Waste Collection Permit Office.
6. Records of any shipping documents (TFS) for movements of waste tyres outside the State.

SEVENTH SCHEDULE

INFORMATION TO BE COMPILED AND PROVIDED BY FARMERS WHEN COMPLYING WITH THE PROVISIONS OF PART VII OF THESE REGULATIONS

Information to be provided by farmers for the purpose of registration

1. Name, address, eircode, telephone number and electronic mail address of the farmer.
2. Herd or, as appropriate, Flock Number.
3. Location(s) and eircode(s) of premises at which waste tyres are or will be stored by the farmer.
4. The total floor area in square metres of the silage pit or pits currently being utilised on the holding of the farmer concerned.
5. The maximum quantities by number of units of tyres that will be stored during the period of registration in categories 1 to 5 of the First Schedule.
6. The quantity by number of units of tyres in categories 1 to 5 of the First Schedule stored on the farm prior to registration.

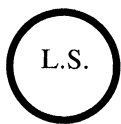
EIGHTH SCHEDULE

ENVIRONMENTAL MANAGEMENT COST TO BE IMPOSED IN ACCORDANCE WITH PART VIII OF THESE REGULATIONS

Tyre category	Sub-category	CN Code		€
Category 1: Passenger Car/Van/4x4	<=13kgs	40111000		2.80
Category 2: Truck/Bus — Light Commercial	<=45kgs	40112010		6.70 ²
Truck/Bus — Heavy Commercial	>45kgs	40112090		11.00 ²
Category 3: Motorcycle/Scooters	<=8kgs	40114020 40114080		1.50
Agricultural				
Implement	0-5kgs			0.00
	6-20Kgs			0.00
	20.1 — 40Kgs			0.00
	41 — 70Kgs			0.00
	71 — 110Kgs			0.00
	111 — 150Kgs			0.00
	151 — 200Kgs			0.00
	200 — 400Kgs			0.00
Tractor	10 — 40 Kgs		Small Front Wheel 2WD Tractor	0.00
	41 — 110Khs		24' — 26' — 28' — 30' Tractor Tyres	0.00
	111 — 150Kgs		34' Tractor Tyres	0.00
	151 — 250Kgs		38' Tractor Tyres	0.00
	251 — 400Kgs		42' Tractor Tyres	0.00
	400+Kgs			
Construction				
	0 — 100Kgs		Earthmover 17.5 R25 Artic Dump Truck	0.00

²Applicable from 1 January 2018.

Tyre category	Sub-category	CN Code		€
	100 — 300Kgs		Earthmover 23.5 R25 Artic Dump Truck	0.00
	301 — 400Kgs		Earthmover 26.5 R25 Artic Dump Truck	0.00
	401 — 500Kgs		Earthmover 29.5 R25 Artic Dump Truck	0.00
	501 — 600Kgs		Earthmover 2400-R35	0.00
	601 — 900Kgs		Earthmover 45-65-R45	0.00
	901+Kgs			0.00
Industrial Solid		40122000		
0 < 8'				0.00
8' <=12'				0.00
15' — 16'				0.00
20'				0.00
21' — 25'				
Industrial Pneumatic		40119300		
0 < 8'				0.00
8' <=12'				0.00
15' — 16'				0.00
20'				0.00
21' — 25'				



GIVEN under my Official Seal
14 September 2017.

DENIS NAUGHTEN,
Minister for Communications, Climate Action and
Environment.

EXPLANATORY NOTE

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

These Regulations replace the Waste Management (Tyres and Waste Tyres) Regulations 2007 and impose obligations on persons who supply tyres to the Irish market, whether as retailers, importers or manufacturers and on persons who manage waste tyres. These Regulations are designed to maximise the reuse, recycling and recovery of waste tyres.

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