



STATUTORY INSTRUMENTS.

S.I. No. 679 of 2023

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

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

I, EAMON RYAN, Minister for the Environment, Climate and Communications, 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 full effect to Council Directive 1999/31/EC of 26 April 1999¹, amended by Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018², and to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008³, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Household Food Waste and Bio-waste) (Amendment) Regulations 2023.

Definitions

2. In these Regulations—

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

“Principal Regulations” means the European Union (Household Food Waste and Bio-waste) Regulations 2015 (S.I. No. 430 of 2015).

Amendment of Regulation 2 of Principal Regulations

3. Regulation 2 of the Principal Regulations is amended—

(a) by the substitution of the following definition for the definition of authorised facility:

“‘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 2014 (S.I. No. 187 of 2014), or

¹ OJ No. L, 182, 16.07.1999, p. 1.

² OJ No. L, 150, 14.06.2018, p. 100.

³ OJ No. L, 312, 22.11.2008, p. 3.

- (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;”;
- (b) by the substitution of the following definition for the definition of authorised treatment process:
 - “ ‘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 anaerobic digestion of source segregated—
 - (i) food waste, or
 - (ii) co-mingled food and garden waste,
 in an authorised facility,
 - (c) the production of pet food from source 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 paragraph (a), (b) or (c) are not available, treatment in other authorised facilities other than a Type 8 Plant;”;
- (c) in the definition of contaminate, by the substitution of “to food waste, or garden waste,” for “to food waste”,
- (d) by the substitution of the following definition for the definition of home composting:
 - “ ‘home composting’ means composting at the premises where the food waste or garden waste is originally produced;”;
- (e) by the substitution of the following definition for the definition of processing:
 - “ ‘processing’ means—
 - (a) in relation to food waste, or co-mingled 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;”;
- (f) by the substitution of the following definition for the definition of producer:
- “‘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 produce garden waste (in these Regulations, referred to as an original garden waste producer);”;
- (g) by the insertion of the following definitions:
- “‘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;
- ‘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;
- ‘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>;
- ‘kitchen caddy’ means a reusable receptacle suitable for temporary indoor storage of kitchen food waste prior to the transfer of such waste to an outdoor food, or biowaste, reusable receptacle;
- ‘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.”.

Amendment of Regulation 3 of Principal Regulations

4. Regulation 3 of the Principal Regulations is amended by the substitution of the following paragraphs for paragraphs (2) and (3):

- “(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.”.

Amendment of Regulation 4 of Principal Regulations

- 5. Regulation 4 of the Principal Regulations is amended—
 - (a) in the fourth item in the time schedule, by the substitution of “persons;” for “persons; and”,
 - (b) in the fifth item in the time schedule, by the substitution of “persons; and” for “persons.”, and
 - (c) by the insertion of the following item after fifth item in the time schedule:
“31st December 2023 for all households (regardless of the population agglomeration).”.

Amendment of Regulation 5 of Principal Regulations

- 6. Regulation 5 of the Principal Regulations is amended by—
 - (a) the substitution of the following paragraphs for paragraph (2):
 - “(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.”, and
 - (b) by the substitution of the following paragraph for paragraph (5):
- “(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 and garden waste at that facility, a person shall not contaminate food waste or bio-waste.”.

Insertion of Part IIA into Principal Regulations

7. The Principal Regulations are amended by the insertion of the following Part after Part II:

“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.”.

Insertion of Part IIIA into Principal Regulations

8. The Principal Regulations are amended by the insertion of the following Part after Part III:

“Part IIIA

DUTY ON HOUSEHOLDERS TO HAVE SEGREGATION OF HOUSEHOLD GARDEN WASTE

Producers’ duty to source segregate 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.”.

Amendment of Part IV of Principal Regulations

9. Part IV of the Principal Regulations is amended—

- (a) in Regulation 8(5)(a), by the substitution of “authorised person” for “authorised officer”,
- (b) in Regulation 10(4), by the substitution of “food waste, and garden waste, management” for “food waste management”, and
- (c) in Regulation 11(1), by the substitution of “food waste or garden waste” for “food waste”.

Amendment of Facility Permit and Registration Regulations

10. The Facility Permit and Registration Regulations are amended—

- (a) in article 5(2) (amended by Regulation 3 of the Waste Management (Facility Permit and Registration) (Amendment) Regulations 2023 (S.I. No. 471 of 2023)), by the substitution of the following definition for the definition of biowaste:

“ ‘bio-waste’ has the meaning given to it in the Waste Management Act 1996;”, and
- (b) in Part VII (amended by Regulation 2(c) of the Waste Management (Facility Permit and Registration) (Amendment) Regulations 2015 (No. 198 of 2015)) of Schedule 4—
 - (i) by the substitution of the following paragraph for paragraph (3):

“(3) Without prejudice to the power of any local authority to provide for additional policy objectives under a relevant waste management plan, the facility shall also provide a separate receptacle for the acceptance of segregated food waste in accordance with the time schedule prescribed for population agglomerations, other than those on off-shore islands, set out in Regulation 4 of the European Union (Household Food Waste and Bio-waste Regulations 2015 (S.I. No. 430 of 2015)) as if that time schedule read as follows:

 - (a) from 1 July 2015, where the facility is situated in a population agglomeration of more than 1,500 persons;
 - (b) from 1 July 2016, where the facility is situated in a population agglomeration of more than 500 persons; and
 - (c) from 1 January 2024, in all locations regardless of the population.”, and
 - (ii) in paragraph (8), by the substitution of “specified on the website located at <http://www.mywaste.ie>” for “listed in the Seventh Schedule to these Regulations”,
- (c) in paragraph 7 of the Sixth Schedule (amended by Regulation 2(d) of the Waste Management (Facility Permit and Registration) (Amendment) Regulations 2015 (No. 198 of 2015))—
 - (a) in subparagraph (d), by the substitution of “as specified on the website located at <http://www.mywaste.ie>” for “as prescribed in the seventh schedule of the Waste

Management (Facility Permit and Registration) Regulations 2007”, and

- (b) by the insertion of an entry for “Soft Plastics” under the heading Plastic Packaging (PP), and
- (d) by the revocation of the Seventh Schedule.

GIVEN under my Official Seal,
20 December, 2023.

EAMON RYAN,
Minister for the Environment, Climate and
Communications.

L.S.

EXPLANATORY NOTE

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

These Regulations amend the European Union (Household Food Waste and Bio-waste) Regulations 2015. They are designed to promote the segregation and recovery of household food waste and garden waste. The Regulations impose obligations on collectors to provide a food waste bin to all households and to collect garden waste from households as requested. The Regulations also impose a duty on households to segregate their garden waste. Producers may alternatively compost their garden waste on the premises where it arises under specified conditions or take it to authorised facilities.

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