

## **CEWEP Ireland response to the public consultation on a new Waste Action Plan for a Circular Economy**

CEWEP Ireland welcomes the opportunity to respond to this important consultation on a new Waste Action Plan for a Circular Economy which will replace the current national waste policy as set out in *A Resource Opportunity - Waste Management in Ireland*.

CEWEP is keen to support the work of the Irish Government in ensuring that Ireland's waste policy becomes a model of resource efficiency and the envisaged transition to a circular and climate resilient economy achieved.

CEWEP is the umbrella association of the owners / operators of Waste to Energy (WtE) Plants, representing approximately 450 WtE from 18 European countries. Our members make up 86% of the WtE capacity in Europe. CEWEP Ireland is the Irish branch of CEWEP Europe and has two members: Indaver, which operates the Meath WtE Facility and is proposing to develop a similar WtE Facility in Cork; and Covanta, which operates the Dublin WtE Facility. Currently, CEWEP members are converting 820,000 tonnes of waste to energy and are exporting 80MW of renewable energy to the grid network (the equivalent of 140,000 homes per annum).

Given the comprehensive nature of the Consultation document, we propose to solely focus on those policy areas and specific questions that are most pertinent to CEWEP Member's activities and on those where relevant feedback or recommendations can be provided.

Our response thus focuses on the following policy areas, including:

- Municipal (Household and Commercial) Waste (Section 3);
- Food Waste (Section 4);
- Plastic and Packaging Waste (Sections 5);
- Single Use Plastic (SUP) (Section 6);
- Citizen Engagement (Section 8);
- Construction and Demolition Waste (Section 9);
- Textiles – Waste & Recycling (Section 10);
- Waste Management Infrastructure (Section 11);
- End of Waste (Section 13);
- Consumer Protection and Market Monitoring (Section 19); and
- Green Public Procurement (GPP) (Section 20).

### **Municipal (Household and Commercial) Waste (Section 3)**

The Circular Economy Package (CEP) which sets ambitious targets to increase municipal waste recycling and to reduce landfill are likely to pose challenges for many Member States including Ireland once they are given effect in national law from July 2020.

In this regard, the Consultation seeks input as how best to meet these new and challenging targets including a recycling rate of 55%, 60% and 65% by 2025, 2030 and 2035 and limitation on the amount of MSW to landfill to 10% by 2035.

It appears clear that a suite of policy and enforcement measures will be required to bring about an improvement in the recycling rate and to increase householder compliance as regards proper source segregation and improvement in contamination levels in the household.

Further and effective householder and commercial compliance with the food waste regulations is also required and would improve the level of organic material captured.

The Consultation document proposes that the provision of an organic waste bin will be mandatory as part of a waste collection service for all households.

Whilst CEWEP recognises that separate collection forms an essential part of an integrated waste management system, a balance must be struck where separate collection entails disproportionate economic costs or is not technically feasible taking into consideration good practices in waste collection. A carbon footprint analysis should also be carried out.

These factors are specifically provided for in the Waste Framework Directive and should therefore be assessed prior to the introduction of separate collection obligations for organic waste across all areas.

For instance, where the separate collection of organic waste in remote and scarcely populated areas causes negative environmental impacts that outweigh its overall environmental benefits or entails disproportionate economic costs, separate collection could not be regarded as the best environmental option available.

#### **Recommendations:**

A pilot study on the introduction of separate collection of organic waste for all households should be carried out in the first instance in order to determine if the same would be feasible from a technical and economic perspective and would in fact provide the best environmental option when the overall environmental impacts of separate collection are taken into account;

The carbon impact of such collections must also be measured as a constituent part of any such study; and

A suite of policy and appropriate enforcement measures focused on householder responsibility should be considered in order to bring about improvements in the recycling rate.

### **Section 3.7 Relevant Consultation Questions - Municipal Waste**

The Consultation document includes a proposal that collectors will be required as a condition of their waste collection permit to meet municipal waste recycling targets.

It must be considered if such a proposal may be regarded as workable and proportionate given the likely significant cost implications associated with such a measure.

It does not appear to be appropriate to place targets solely on waste collectors. All waste producers (household and commercial) have a responsibility to maximise their recycling and must participate in this regard.

### **Section 3.8 Relevant Consultation Questions – Household Waste**

#### **What can be done to improve recycling (including organic waste) in apartment complexes?**

Given that separate recycling bins are currently not provided in numerous apartment blocks in the capital and around the country, the same should be introduced where feasible and practicable. It is not acceptable that residents in many apartment blocks currently only have access to a black (residual waste) bin. Management companies must have a responsibility to ensure that bins are presented correctly in such complexes.

In addition in the context of the development of new apartment blocks, a requirement pursuant to planning conditions to provide an appropriate and acceptable level of space for recycling bins including separate organic bins should be introduced as a matter of priority.

### **Section 3.9 Relevant Consultation Questions – Commercial Waste**

#### **How could pricing structures for commercial waste collection be improved to incentivise better segregation and recycling of waste? For example, should pay by weight be introduced for commercial waste?**

The full roll out of incentivised pricing for commercial businesses to replace pay by lift/flat fee charges should be implemented in order to incentivise recycling by commercial businesses.

Incentivised pricing for commercial waste should be introduced without delay given the high level of recyclates present in these bins and to bring about behavioural change in this regard. The capture rates for these recyclable materials will only be improved through the introduction of such a pricing regime given that currently no proper level of recycling is taking place. Enforcement of commercial waste producers should also be considered.

#### **Recommendation:**

Incentivised pricing for commercial businesses should be introduced in order to bring about much needed recycling of materials in the commercial waste stream.

#### **Food Waste (Section 4)**

As stated in the Consultation document, an ongoing commitment to Education and Awareness campaigns to cut food waste and reduce contamination is undoubtedly needed.

Such measures must include awareness raising and behavioural change initiatives directed towards individuals, households and small businesses on a consistent basis.

This is clearly required given the significant carbon impacts associated with food waste and in order that the State is in a position to deliver the commitment to 50% reduction of food waste in line with the UN Sustainable Development Goal 12.

The continued development of the MyWaste.ie portal as a national resource to provide more information on all matters waste related, including food waste is needed.

#### **Section 4.6 Relevant Consultation Question – Food Waste**

##### **Should Ireland introduce a national prevention target in advance of a possible EU target?**

The Consultation document also asks if a national waste prevention target for food waste should be introduced in advance of a possible EU target.

Prior to the introduction of such a target, there is a need to take into account projected population growth. In this regard, it is estimated that the national population will increase to 5.1 million by 2031 and to just over 5.6 million by 2046.<sup>1</sup>

Such a target should therefore be measured in kilogrammes per person and in line with the Organisation for Economic Co-operation & Development (OECD) municipal waste reporting methodologies.

#### **Plastic and Packaging Waste (Sections 5)**

Whilst the waste-to-energy process forms a key component of an integrated waste management system which falls within the recovery tier of the waste hierarchy and is designed to safely treat residual waste which cannot be recycled, it is acknowledged that plastics if properly collected and segregated ought to be recycled in the first instance.

In relation to policy measures needed to deal with plastic and packaging waste, the introduction of new and extended producer responsibility (EPR) schemes must be considered as activities at source must be targeted in the first instance if future recycling and other targets are to be achieved.

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<sup>1</sup> Central Statistics Office (CSO), *Population and Labour Force Projections: 2016-2046*:  
[http://www.cso.ie/en/media/csoie/releasespublications/documents/population/2013/poplabfor2016\\_2046](http://www.cso.ie/en/media/csoie/releasespublications/documents/population/2013/poplabfor2016_2046).

In this regard, the issue of soft plastics should be addressed. Currently this material is not accepted at kerbside for recycling and must be placed in the general waste (black/residual) bin. This measure was taken in 2017 by the Department of Climate Action, Communications and the Environment (DDCAE) as a result of the ban on the import of a number of types of plastic to China.<sup>2</sup>

However, if this material was separately collected by householders, it could be used in alternative recovery reprocessing facilities that benefit from its high calorific content.

Soft plastics rapidly increase the calorific value of waste which in turn causes municipal waste-to-energy facilities to reach their thermal output at an accelerated rate. This ultimately reduces the amount of waste that certain facilities can treat and therefore, diversion would prevent such material from being landfilled or exported abroad for thermal treatment.

**Recommendation:**

A trial permitting soft plastics back in to the green bin to assess contamination levels and the operational impact of sorting facilities should be carried out.

**Section 5.7 Relevant Consultation Question – Plastic & Packaging Waste**

**How can we make it easier for citizens to play a role in delivering on our targets?**

A suite of measures including those centred on producer responsibility and the provision of mixed dry recycling (MDR) bins must be considered in order that all citizens contribute to the achievement of the State's recycling targets. Activity at source must be targeted in order to bring about continued improvements in the management of plastic and packaging waste.

In addition, continuing engagement and information initiatives such as mywaste.ie needs to be built upon and utilised on a consistent basis.

Clear labelling on packaging products is also required in order that consumers are properly informed and are clear that a particular item is recyclable and should be placed in the MDR bin. Consumer confusion over which materials can be recycled leads to higher contamination of waste.

As such, all packaging should identify clearly which bin should be used thereby avoiding confusion for the consumer and ensuring that proper source segregation of materials takes place.

**Is the introduction of eco modulated EPR fees sufficient to eliminate excessive or difficult to recycle plastic packaging? If not, what other measures are necessary?**

CEWEP is supportive of the initiatives currently being undertaken by Repak and the waste industry including ongoing efforts to provide solutions to the general plastics issue and the introduction of necessary transitional measures including trials and pilot studies. This issue is

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<sup>2</sup> <https://www.mywaste.ie/about-mywaste/>

also relevant to section 14 of the Consultation document and questions on Extended Producer Responsibility.

**Recommendation:**

A trial regarding fee modulation with a number of Repak members which will result in higher charges for non-recyclable materials should be carried out in the first instance in order to determine if such fees will effectively eliminate the use of excessive or difficult to recycle plastic packaging.

**Single Use Plastic (Section 6)**

The Single Use Plastics Directive (SUP) Directive when transposed into law by July 2021 will introduce a number of measures to deal with a wide range of single use plastics.

One of the main purposes of this directive is to reduce the amount of plastic waste created given the significant negative environmental, health, and economic impact of such plastics.

The Directive represents a significant first step to curb plastic pollution and is an important instrument in the transition towards a circular economy.

As referred to in the consultation document, retailers and manufacturers also have a clear role to play in contributing to the achievement of the measures in the Directive and more generally in relation to ensuring that plastic containers contain recycled content.

Accordingly, CEWEP is supportive of measures needed to bring about the reduction and elimination of the use of these plastics and proper management of all plastics placed on the market.

**Citizen Engagement – Awareness & Education (Section 8)**

CEWEP members actively undertake such initiatives in the form of school and guided tours to interested parties in order to underline the part played by recovery facilities as part of an integrated waste management system and the transition to a circular economy.

Such initiatives help to communicate in a practical manner that all waste requires a treatment solution and that the process does not end when waste is placed in a bin in the household or in the workplace etc.

This in turn helps to impart the message that numerous necessary steps exist within an integrated waste management system including the need to source segregate and recycle in the household in the first instance.

**Section 8 Relevant Consultation Questions – Citizen Engagement**

**What campaigns would better assist householders and businesses in preventing and segregating waste properly?**

The continued development of the MyWaste.ie portal as a national resource to provide up to date information on all matters waste related is required.

This portal should be developed as the central authoritative information portal on waste thereby providing one main information point for citizens.

In addition, targeted media campaigns should be utilised to underline that all citizens must play a role in the proper management of waste and that collective obligations exist in this regard.

## **Construction and Demolition Waste (Section 9)**

Given the large volumes of this waste stream, it is clear that the reuse and recycling of construction waste is urgently required as construction activity in the economy continues to accelerate. Source segregation is also required as a matter of urgency and should be subject to appropriate enforcement initiatives.

Currently, there is a huge reliance on reliance on the recovery of this waste at landfill. Given the now limited landfill capacity in the State, this is clearly not feasible in the medium to long term and is also not compatible with the proper application of the waste hierarchy.

Landfill, as the lowest tier of the waste hierarchy, should only be utilised in limited circumstances; for example, for the disposal of non-combustible waste, which cannot be treated by other means (including ash derived from incineration).

The appropriateness of the existing exemptions in the Waste Management (Landfill Levy) Regulations 2015 as amended in 2019, must also be considered in full in order to ensure that critically low landfill capacity is efficiently utilised going forward if the State is to be in a position to achieve the new and challenging Landfill Directive target.

This issue has been underlined in detail in the CEWEP Ireland response to the Public Consultation on the proposed introduction of new Environmental Levies submitted to the Department of Communications, Climate Action, and Environment (DCCA) in December 2019.

In addition, the development of an appropriate end of waste (EoW) policy framework would be very helpful and would assist in the extraction of recyclable material for reuse thereby avoiding the need for landfill in the first instance (see Section 13 below regarding EoW).

The provision of enhanced resources to the Environmental Protection Agency to enable the Agency to deal expeditiously and appropriately with such applications for EoW status would however be required in the first instance.

CEWEP supports the policy proposals included in the Consultation document including the development of national end of waste decisions for specific construction and demolition waste streams, the introduction of Green Public Procurement specifications for public construction contracts to use recycled material and incentives to encourage the use of recycled materials.

### **Recommendation:**

The above policy proposals should also be considered and introduced for other appropriate materials including incinerator bottom ash (IBA) in order to encourage reuse of a wide variety of materials in line with circular economy principles.

## **Textiles (Section 10)**

### **Section 10 Relevant Consultation Questions – Textiles**

#### **What measures would best support the successful collection of household textiles?**

In the first instance, it is important that a balance be struck where separate collection entails disproportionate economic costs or is not technically feasible taking into consideration good practices in waste collection. These factors are specifically provided for in the Waste Framework Directive and should therefore be assessed prior to the introduction of separate collection obligations for textiles and which must be considered in the context of all waste streams.

Also, the issue concerning the legitimacy of some door-to-door collections must be addressed prior to the introduction of new measures.

#### **Recommendation:**

In light of the foregoing, the roll out of a greater density of bring banks combined with awareness and education campaigns would provide a more appropriate solution to this issue.

#### **What measures would best support sustainable consumption of textiles by the general public?**

The Consultation document includes a proposal to ban textiles from the general waste bin, landfill and incineration.

In this regard, the introduction of such a ban may not be appropriate where a particular waste treatment process such as waste-to-energy provides the best environmental option i.e. where textiles are not suitable for recycling due to contamination or other relevant factors.

Additionally, the imposition of a ban which treats landfill and recovery activities in an identical manner cannot be regarded as being compatible with the proper application of the waste hierarchy as laid down in the Waste Framework Directive. In applying the waste hierarchy correctly, the same discourages the use of landfill except where no alternative recovery option is available.

Moreover and in practical terms, it is also unclear how a ban of this type could be enforced and therefore as stated above, greater education and awareness campaigns in combination with a greater density of bring banks would provide a more practical and workable solution.

#### **Recommendations:**



The roll out of a greater density of bring banks combined with awareness and education campaigns would provide a more appropriate solution to this issue in the first instance; and

Clothing retailers should be required to provide an in-store recycling service for consumers to return unwanted clothing. Stores including H&M and & Other Stories have already instituted such return schemes and accept unwanted clothing from any brand. Such initiatives if rolled out across the majority of high street stores would greatly assist with this issue.

## **Waste Management Infrastructure (Section 11)**

### **Waste Capacity for a growing Population**

Waste planning in Ireland is primarily informed by the waste management plans for the Southern, Eastern-Midlands and Connacht-Ulster regions. These Plans provide the framework for the prevention and management of waste in an environmentally safe and sustainable manner for each constituent region. Waste management practices in Ireland must comply with the principles enshrined in the Waste Framework Directive.

Such compliance is also in alignment with the overarching objectives of self-sufficiency and sustainable waste management which underpin CEWEP's activities. These Regional Plans have called for further investment in treatment infrastructure for inert, non-hazardous and hazardous wastes. In addition, the National Hazardous Waste Management Plan 2014-2020 has also made this call and highlighted the need for increased self-sufficiency in the management of hazardous waste and the need to minimise hazardous waste export.

Such forecasts are of even greater significance given the population increase projected to take place over the period until 2046<sup>3</sup> and the fact that Ireland still generates more waste per capita than the Euro area average and is in the upper range in the Organisation for Economic Co-operation and Development (OECD).

Given such projections, the future required need may well be over and above the capacity provided for in the present Waste Management Plans and the review of these Plans need to take such projections into account and the national capacity figures adjusted if the State is to be in a position to meet the enhanced targets as laid down in the Circular Economy Package.

In light of the foregoing, there is an urgent need for further recovery capacity in the State as provided for in the statutory National Planning Framework and the associated need for increased self-sufficiency in the management of municipal and hazardous waste and the need to minimise the ongoing export of waste from the State.

This need arises from a combination of factors, including: critically low landfill capacity; an improved national economy outlook and a growing population (with associated additional volumes of waste), an identified need for further progress towards self-sufficiency against a backdrop of continued dependency on the waste export market and more ambitious legislative targets in the Circular Economy Package.

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<sup>3</sup> Central Statistics Office (CSO), *Population and Labour Force Projections: 2016-2046*:  
[http://www.cso.ie/en/media/csoie/releasespublications/documents/population/2013/poplabfor2016\\_2046.pdf](http://www.cso.ie/en/media/csoie/releasespublications/documents/population/2013/poplabfor2016_2046.pdf)

Concerns regarding the lack of waste recovery capacity in Ireland have been raised by the EPA in its recent Waste Data Release<sup>4</sup>, wherein it explained the current state of waste management infrastructure and waste capacity in Ireland for certain waste treatment activities and noted that Ireland has some waste infrastructure deficits:

*“Proactive planning for adequate future waste treatment capacity in Ireland is essential to minimise negative environmental impacts from increased waste generation.”*

### **Recommendations:**

Recognition in the new national policy document that the management of waste is a nationally strategic issue and that related facilities are generally regarded as strategic infrastructure developments; and

A strategic coordinated approach to waste planning and management which is reflective of both national and regional requirements is required.

### **The need for a streamlined approach to the development of critical and strategic waste infrastructure**

The planning process pertaining to the development of strategic infrastructure including critical waste treatment infrastructure requires significant reform if future economic growth and development is not to be undermined by the failure to deliver strategically important infrastructure necessary for a growing population.

Such reform would also assist with the delivery of the National Planning Framework (NPF) policy objectives centered on sustainable and plan led development. This framework comprising the statutory National Planning Framework (NPF) and the associated National Development Plan (NDP) will guide at a high-level strategic planning, development and investment for the country over the next 20 years to ensure that as the population grows, this growth is sustainable in economic, social and environmental terms.

Reform is also needed in the context of licensing by the Environmental Protection Agency (EPA) given their role as the competent authority with respect to licensing in the State and which also is critical to the delivery of strategically important infrastructure projects.

This is of vital importance given the Agency’s remit as regards environmental protection and its statutory duty to balance the need for infrastructural, economic and social progress and development and by implication a climate resilience economy.

In this regard, ever increasing delays with regard to the granting of environmental licences effectively means that economic progress and development is being unduly hindered and is likely to have implications from an inward and foreign direct investment perspective as ever increasing delays will inevitably affect job creation.

It is therefore imperative that the Agency is provided with an enhanced level of resources in order that licensing applications can be dealt with in an efficient and timely manner.

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<sup>4</sup> EPA Waste Infrastructure in Ireland Data Release, 25 October 2019 (Reference Year 2019): <https://www.epa.ie/nationalwastestatistics/infrastructure/>

## **Recommendations:**

The legislative framework pertaining to the development of strategic infrastructure should be subject to review and reforms necessary to bring about a more expedient system for critically important waste infrastructure projects introduced; and

The Environmental Protection Agency should be provided with an improved level of funding in order to bring about much needed efficiencies in the licensing process and to provide for a timely licensing process to be instituted in the State.

## **Contingency and Reserve Planning**

Another issue of critical importance is the need for contingency and resilience in the waste sector to be provided given ongoing issues in the sector. Such a contingency could take the form of a 'reserve' or 'emergency only' landfill. The objective of providing contingency landfill capacity is the pressing need to safeguard resilience in the waste management sector in order to ensure that should a waste-related incident occur, it could be managed safely and effectively. It would also permit waste to be baled and stored at the landfill contingency site and moved at a later date once a permanent solution has been sourced and after the contingency situation has been resolved.

This is of the utmost importance given that any such incident could be detrimental to the health and well-being of citizens and lead to severe environmental harm. This type of event would also have negative financial implications in terms of Ireland's obligations under many European Regulations and Directives which prescribe that all such activities be managed in an environmentally sound manner and require the safeguarding of citizens health and well-being.

Such a facility would attract a large premium and its use would be solely confined to emergency situations. It would serve to act as a backstop to prevent potentially severe waste-related incidents. This would also provide greater value for the taxpayer and be more cost effective than building a new facility to use in such emergency circumstances, as any such facility would necessarily involve substantial maintenance costs and compliance with strict planning obligations and conditions.

The consultation document at Section 11.6 proposes that reserve capacity to manage waste will be put in place in 2020, in line with the on-going work of the local authority sector to develop a roadmap for the delivery of contingent capacity in case of a short-term emergency. It also proposes that legislation to strengthen the powers of the regulatory authorities to ensure that collectors have contingent capacity in place and that waste can be directed by the regulatory authorities to be introduced.

CEWEP firmly believes that whilst there is an urgent need to provide contingent capacity at a landfill as described above, the introduction of measures to direct waste to specific facilities may be regarded as anti-competitive in nature and capable of leading to distortion of competition in the marketplace. The introduction of such measures should therefore be seriously reconsidered in order that such effects can be avoided.

In addition, existing facilities may not be in a position to provide contingency capacity if such infrastructure is to be operated in an efficient manner and in line with planned business objectives. Any contingency capacity provided must therefore be separate and ideally should be at a landfill where the same can be managed in an environmentally sound manner.

**Recommendation:**

A 'reserve' or 'contingency' only landfill should be provided as a matter of urgency, to help to ensure that should a serious waste related event occur, contingency is available and in place to deal with such an incident in a safe and effective manner.

**Section 11 Relevant Consultation Questions – Waste Management Infrastructure**

**Should one national waste management plan be produced in place of the 3 current plans?**

Whilst all three Regional Waste Management Plans (RWMP's) make express reference to national needs in terms of capacity, differentiating factors exist between the Regions. For example, at present a spatial imbalance exists in relation to thermal recovery capacity in the Southern region.

Therefore, when evaluating the benefits or otherwise of amalgamating the existent Plans into one national Plan, it would be necessary to determine how best to address factors specific to each region in the first instance.

**Should the State assist in funding the development of indigenous waste recycling facilities? If so, how should this be funded?**

Yes, the State should consider providing funding for the development of such infrastructure in compliance with EU State aid rules.

Prior to the provision of funding however, it would be necessary to fully ascertain that such infrastructure decisions take into account any move away from plastic to other materials and the environmental impact of the substitute materials chosen.

The carbon impacts of these materials must also be fully considered in order that any new recycling infrastructure is fit for purpose and can be effectively utilised for materials in use once such infrastructure has been developed.

**End of Waste (EoW) (Section 13)**

The Waste Framework Directive (WFD) and national regulations provide for development of End of Waste (EoW) criteria whereby certain specified waste shall cease to be waste when it has undergone a recovery, including recycling, operation and complies with specific criteria.

The consultation document correctly points out that the timely processing of EoW applications by the Environmental Protection Agency (EPA) is critical going forward if the enhanced recycling targets are to be achieved and the ongoing pressure on disposal and recovery infrastructure reduced.

In this regard, the reuse of incinerator bottom ash (IBA) would assist in Ireland's envisaged transition to a circular economy as laid down in stated European and national policy positions, since all wastes including those that are unavoidable (such as residues) are regarded as being capable of being transformed into useful and valuable resources.

Such reuse is also compatible with the principle of self-sufficiency as laid down in the Waste Framework Directive. This material is routinely used in EU countries, including the UK, Netherlands and Belgium, and is processed for use as an aggregate in construction of roads or other large-scale projects.

Moreover, the revised directive on waste provides that metals that are separated after the incineration of municipal waste, may be included by Member States when calculating their preparing for re-use and recycling targets. The recycling of metals from IBA will therefore assist in the delivery of the State's future recycling targets which are challenging in nature. By corollary, the reuse of IBA and development of EoW status for appropriate components of IBA, would also be helpful in terms of contributing to the State's recycling and recovery rate in the future.

Accordingly, the development of dedicated policy measures including EoW status for this material must now be given due consideration if this material is to be reused and the option of export and diversion to landfill avoided. The reuse of this material is compatible with Ireland's envisaged transition to a circular economy where the reuse of all materials including IBA should be prioritised as a key element of this transition.

### **Recommendations:**

The development of a policy framework centred on reuse and EoW for materials such as IBA should be afforded priority in order that all materials can be reused in line with circular economy principles; and

A dedicated working group should also be established to focus on EoW for appropriate materials (as detailed below in response to a specific consultation question).

### **Section 13 Relevant Consultation Questions – End of Waste**

#### **Should the Government seek to establish a group to apply for national End of Waste decisions for appropriate products e.g. Aggregates, Incinerator Bottom Ash?**

Yes, CEWEP supports the establishment of a working group focusing on EoW for appropriate materials including IBA and should be prioritised and established in a timely manner. In terms of required expertise, the working group should include a wide and representative array of stakeholders including representatives from regulatory agencies, relevant government departments, academics studying reuse applications, representatives from industry and if possible representatives who have experience of the manner in which IBA is reused throughout Europe. Those with expertise in the development of product standards and specifications should also be included.

Legislation should also be updated to permit the EPA to charge a fee for all EoW applications in order that such applications can be processed in an efficient manner and in line with clear and appropriate timeframes thereby facilitating the reuse of various materials in the near to medium term.

As referred to above (and relating to Section 11 on Waste Infrastructure) the EPA must be adequately resourced in order that all applications concerning licensable activities including future EoW applications can be dealt with expeditiously thus promoting confidence in the system.

**Have you any other comments or suggestions on how you would like to see Ireland transition to a more resource efficient and circular economy by improving our waste management practices?**

As outlined above, the reuse of this and other materials through the development of the requisite policy framework including EoW status, would promote sustainable waste management practices in keeping with the proper application of the waste hierarchy and the move towards a circular economy as underlined in the Consultation document at hand.

In addition and as addressed at section 20 of the Consultation document on Green Public Procurement (GPP), it would be helpful to consider setting a minimum % of reusable material that must be used in all public construction contracts as a means of further promoting such reuse and circular economy practices.

From a policy perspective, should effect be given to this and other policy mechanisms aimed at reusing materials such as IBA in a sustainable and circular manner this would by implication, facilitate the development of a market for the same whilst also aligning with the principles of self-sufficiency and proximity.

### **Waste Data & Data Flows (Section 17)**

In waste planning terms, it is important that access to the most up to date waste statistical information is available in order to ensure that the waste sector can plan effectively and deliver strategic infrastructure. The provision of robust data and indicators supports the assessment of policy effectiveness and helps to identify any waste treatment capacity gaps in the market.

This would also help to achieve a coordinated policy position and ensure that policy alignment exists at the national and regional level. In 2017 the Environmental Protection Agency (EPA) released up-to-date statistics<sup>5</sup> on Ireland's progress towards EU recycling waste recycling, recovery and diversion targets and as such, more timely information would provide a more accurate and true reflection of progress achieved. These statistics should be made available as a matter of priority and reported on an annual basis.

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<sup>5</sup> EPA's National Statistics - Progress towards EU waste recycling, recovery and diversion targets. Updated 24th November 2017:  
[http://www.epa.ie/pubs/reports/waste/stats/EPA\\_Progress%20towards%20EU%20targets\\_Nov17.pdf](http://www.epa.ie/pubs/reports/waste/stats/EPA_Progress%20towards%20EU%20targets_Nov17.pdf)

Statistics on waste generation and management for EU Member States are compiled to comply with the revised Directive on Waste (2018/851) and the Waste Statistics Regulation (2150/2002/EC) reporting requirements.

In addition, the recently adopted European Commission Implementing Decision (EU) 2019/1885 lays down rules for the calculation, verification and reporting of data on landfill of municipal waste. Therefore, it is imperative that a robust system is established such that the State can fully adhere to these reporting requirements in a timely manner.

Such data would also help to prevent over capacity occurring in the market and thus prevent potential market imbalances. The availability of accurate data to identify trends is also particularly relevant in the context of the long lead time required to obtain the required consents for delivery of strategic waste treatment infrastructure.

In 2016, the consequences of not having sufficient residual treatment capacity resulted in the enactment of emergency measures to mitigate a waste crisis and underlined the critical need for additional capacity. The ongoing capacity issues since this point underline clearly the importance of up to date and accurate data such that contingency can be arranged thereby obviating the need for such emergency measures in the first instance.

Finally, all waste facilities should be subject to environmental reporting obligations in order that the State's targets can be properly and robustly measured.

**Recommendation:**

The availability of accurate and timely data on waste data and data flows is a prerequisite to achieving policy alignment at national and regional level. It is also essential in terms of planning strategic waste infrastructure and identifying any potential capacity gaps. The new national waste action plan for a circular economy and Regional Waste Management Plans should recognise the importance of such data.

## **Consumer Protection & Market Monitoring (Section 19)**

Section 19 of the Consultation document seeks stakeholder input on whether an economic regulator should be established for household waste collection.

CEWEP does not believe that such a regulator is required as the market is functioning effectively and in line with the existing competition law framework.

Given the expertise and remit of the National Waste Collection Permit Office (NWCPO) and its ongoing interaction with the Waste Enforcement Regional Lead Authorities (WERLA's) with regard to enforcement, the establishment of a new regulator could not be regarded as an effective use of public funds and would in effect amount to a duplication of functions which is not warranted in the circumstances.

**Recommendation:**

Any issues relating to consumer protection in the waste collection market should fall within the remit of the NWCPO given its ongoing interaction with the enforcement network including the WERLA's.

## **Green Public Procurement (GPP) (Section 20)**

In order to meet Ireland's indicative EU political target of 50% of GPP included in the National Action Plan on Green Public Procurement 'Green Tenders' consideration should be given to mandated inclusion of green criteria in all public purchasing contracts.

In addition, proposed policy measures referred to in Section 9 of the Consultation document regarding Construction & Demolition Waste should be extended to all waste streams including incinerator bottom ash (IBA) (as detailed above in Section 13 of the Consultation response regarding End-of-Waste) in order to facilitate its reuse in line with circular economy principles.

Green Public Procurement specifications for public construction contracts to use recycled materials should be implemented and incentives should be put in place to encourage the use of all suitable recycled materials.

### **Recommendations:**

In line with the recommendations outlined above in Section 13 regarding the development of End of Waste (EoW) status for IBA, consideration should also be given to implementing incentives to encourage the reuse of all materials; and

In terms of public procurement, mandated inclusion of green criteria in all public construction contracts should be introduced with a minimum % of reusable material that must be used in all such contracts as a means of further promoting material reuse and circular economy practices.

## **Conclusion**

**In summary, it is imperative that the issues highlighted above are reflected in the forthcoming national Waste Action Plan for a Circular Economy in order that the necessary policy and infrastructure environment is put in place to deliver the ambitious targets contained in the Circular Economy Package.**