



STATUTORY INSTRUMENTS.

S.I. No. 326 of 2021



EUROPEAN UNION (SINGLE USE PLASTICS) REGULATIONS 2021

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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 effect to Directive (EU) 2019/904/EC of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastics on the environment¹ and Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020 laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment² hereby make the following Regulations: -

Part I**Preliminary and General****Citation**

1. These Regulations may be cited as the European Union (Single Use Plastics) Regulations 2021.

Interpretation

2. (1) In these Regulations, unless the context otherwise requires –

“Principal Act” means the Waste Management Act 1996;

“Agency” means the Environmental Protection Agency established by section 19 of the Environmental Protection Agency Act 1992;

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

“Commission Guidelines” means Commission guidelines on single-use plastic products in accordance with Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment (2021/C 216/01) developed by the European Commission pursuant to Article 12 of the Directive³;

“Directive” means Directive (EU) 2019/904/EC of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastics on the environment;

“EU Regulation” means Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020 laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to Directive (EU) 2019/904 of the European Parliament

¹ OJ L 155, 12.6.2019, p. 1–19

² OJ L 428, 18.12.2020, p. 57–67

³ OJ C 216, 7.6.2021, p. 1–46

and of the Council on the reduction of the impact of certain plastic products on the environment⁴.

(2) A word or expression that is used in these Regulations and is also used in the Directive or the EU Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive or EU Regulation.

Scope

3. These Regulations apply to -

- (a) single-use plastic products listed in Part 1 of the Annex,
- (b) all products made from oxo-degradable plastic, and
- (c) the products listed in Part 2 of the Annex,

and these products shall be construed in accordance with the Commission Guidelines.

Part II

Prohibition on placing certain products on the market in the State

4. With effect from 3 July 2021, no person shall place on the market of the State—

- (a) a product listed in Part 1 of the Annex to these Regulations,
- (b) a product made in whole or in part of oxo-degradable plastic, or
- (c) a product listed in Part 2 of the Annex that does not comply with the rules on harmonised marking specifications set out in the EU Regulation.

Part III

Enforcement

5. The Agency shall be responsible for the enforcement of these Regulations.

6. An authorised person may exercise the powers conferred on such a person under section 14 of the Principal Act for the purposes of enforcing Regulation 4 of these Regulations and, accordingly, a reference in that Act to that Act includes a reference to these Regulations.

Part IV

Offences

7. (1) A person who contravenes Regulation 4 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

⁴ OJ L 428, 18.12.2020, p. 57–67

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 such 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) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence on account of contravention or failure to comply with any Regulations of these regulations may be commenced—

- (a) at any time within 24 months from the date on which the offence was committed, or
- (b) at any time within 24 months from the date on which evidence sufficient, in the opinion of the person by whom the proceedings are initiated, to justify the proceedings, comes to such person's knowledge,

whichever is the later: provided that no such proceedings shall be initiated later than 2 years from the date on which the offence concerned was committed.

(4) Without prejudice to paragraph (3), a certificate signed by or on behalf of the person initiating the proceedings for an offence on account of contravention or failure to comply with any regulation of these regulations as to the date on which evidence relating to the offence came to his or her knowledge shall be prima facie evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purposes of this paragraph and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate, unless the contrary is shown.

(5) A person guilty of an offence under these Regulations is liable -

- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both;
- (b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years, or both.

(6) Proceedings for a summary offence under these Regulations may be brought and prosecuted by the Agency.



GIVEN under my Official Seal,
2 July 2021.

EAMON RYAN
Minister for the Environment, Climate and
Communications.

Annex

Part 1

Single use plastic products restricted from being placed on the market in the State in accordance with Regulation 4

1. Cotton bud sticks, except if they fall within the scope of Council Directive 90/385/EEC⁵ or Council Directive 93/42/EEC⁶;
2. Cutlery (forks, knives, spoons, chopsticks);
3. Plates;
4. Straws, except if they fall within the scope of Directive 90/385/EEC or Directive 93/42/EEC;
5. Beverage stirrers;
6. Sticks to be attached to and support balloons, except for balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms for such sticks;
7. Food containers made of expanded polystyrene, i.e., receptacles such as boxes, with or without a cover, used to contain food which:
 - (a) is intended for immediate consumption, either on-the-spot or take away,
 - (b) is typically consumed from the receptacle, and
 - (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,including food containers used for fast food or other meal ready for immediate consumption, except beverage containers and packets and wrappers containing food;
8. Beverage containers made of expanded polystyrene;
9. Cups for beverages made of expanded polystyrene, including their covers and lids.

Part 2

Single-use plastic products required to comply with the rules on harmonised marking specifications set out in the EU Regulation

1. Sanitary towels (pads), tampons and tampon applicators;
2. Wet wipes, i.e., pre-wetted personal care and domestic wipes;
3. Tobacco products with filter and filters marketed for use in combination with tobacco products;
4. Cups for beverages.

⁵ Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices (OJ L 189, 20.07.1990, p.17)

⁶ Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1)

EXPLANATORY NOTE

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

These Regulations transpose Article 5 of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic product on the environment and give further effect to Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020. They restrict single use plastic products contained in Part 1 of the Annex and products made in whole or in part of oxo-degradable plastic from being placed on the market in Ireland from 3 July 2021. They also prohibit the placing on the market in Ireland, without specified markings, the products listed in Part 2 of the Annex. The Regulations give the Environmental Protection Agency the powers to enforce these provisions.

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