



STATUTORY INSTRUMENTS

**S.I. No. 820 of 2007**



WASTE MANAGEMENT (COLLECTION PERMIT) REGULATIONS  
2007

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WASTE MANAGEMENT (COLLECTION PERMIT) REGULATIONS  
2007

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S.I. No. 820 of 2007

WASTE MANAGEMENT (COLLECTION PERMIT) REGULATIONS  
2007

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 7, 15, 18, 19, 34, 36 and 50 of the Waste Management Acts 1996 to 2007, hereby makes the following Regulations:—

*Citation and commencement*

1. (1) These Regulations may be cited as the Waste Management (Collection Permit) Regulations 2007.

(2) These Regulations shall come into operation on 31 March 2008.

*Revocations and transitional arrangements*

2. (1) Subject to sub-article (2), the Regulations specified in the first schedule to these Regulations (referred to hereafter as “the regulations revoked”) are hereby revoked.

(2) The provisions of the Regulations revoked shall, notwithstanding sub-article (1), continue to apply and have effect in relation to any application that is made, or any waste collection permit which has been granted, before the coming into operation of these Regulations.

(3) Where an application for a review of an existing waste collection permit is made after the coming into effect of these Regulations, the application shall be reviewed pursuant to the procedures set out in articles 23 or 24, as appropriate. On completion of the review of the waste collection permit the full provisions of these Regulations will apply in relation to the activity.

*Purpose of Regulations*

3. The purpose for which these Regulations are made include giving effect to the provisions of—

(a) Council Directive 75/439/EEC of 16 June 1975<sup>1</sup> on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December 1986<sup>2</sup>,

(b) Council Directive 75/442/EEC of 15 July 1975<sup>3</sup> on waste, as amended by Council Directive 91/156/EEC of 18 March 1991<sup>4</sup> and codified

<sup>1</sup>O.J. No. L 194/23, 25 July 1975

<sup>2</sup>O.J. No. L 42/43, 12 February 1987

<sup>3</sup>O.J. No. L 194/39, 25 July 1975

<sup>4</sup>O.J. No. L 78/32, 26 March 1991

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 28th December, 2007.*

under Directive 2006/12/EC of 5 April 2006<sup>5</sup> of the European Parliament and of the Council on waste,

- (c) Directive 2006/11/EC of 15 February 2006<sup>6</sup> of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the community,
- (d) Council Directive 80/68/EEC of 17 December 1979<sup>7</sup> on the protection of groundwater against pollution caused by certain dangerous substances,
- (e) Council Directive 87/217/EEC of 19 March 1987<sup>8</sup> on the prevention and reduction of environmental pollution by asbestos,
- (f) Council Directive 91/676/EEC of 12 December 1991<sup>9</sup> concerning the protection of waters against pollution caused by nitrates from agricultural sources,
- (g) Council Directive 91/689/EEC of 12 December 1991<sup>10</sup> on hazardous waste,
- (h) Directive 2000/60/EC of 23 October, 2000<sup>11</sup> of the European Parliament and of the Council establishing a framework for Community action in the field of water policy,
- (i) Directive 2000/53/EC of 18 September 2000<sup>12</sup> of the European Parliament and of the Council on End-of-Life Vehicles as amended by Council Decision 2005/673/EC of 20 September 2005<sup>13</sup>,
- (j) Directive 2002/96/EC of 27 January 2003<sup>14</sup> of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE), as amended by Directive 2003/108/EC of 8 December 2003<sup>15</sup> of the European Parliament and of the Council,
- (k) Directive 94/62/EC of 20 December 1994<sup>16</sup> of the European Parliament and of the Council on packaging and packaging waste, as amended by Directive 2004/12/EC 11 February 2004<sup>17</sup> of the European Parliament and of the Council,

<sup>5</sup>O.J. No. L 114/9, 27 April 2006

<sup>6</sup>O.J. No. L 7/29, 12 January 2006

<sup>7</sup>O.J. No. L 20/43, 26 January 1980

<sup>8</sup>O.J. No. L 85/40, 28 March 1987

<sup>9</sup>O.J. No. L 375/1, 31 December 1991

<sup>10</sup>O.J. No. L 377/20, 31 December 1991

<sup>11</sup>O.J. No. L 327/1, 22 December 2000

<sup>12</sup>O.J. No. L 269/34 21 October 2000

<sup>13</sup>O.J. No. L 254/69, 30 September 2005

<sup>14</sup>O.J. No. L 37/24, 13 February 2003

<sup>15</sup>O.J. No. L345/106, 31 December 2003

<sup>16</sup>O.J. No. L365, 31 December 1994

<sup>17</sup>O.J. No. L47, 18 February 2004

- (l) Regulation (EC) No. 2037/2000 of 29 June 2000<sup>18</sup> of the European Parliament and of the Council on substances that deplete the ozone layer, as amended by Regulation (EC) No. 2038/2000 of 29 September 2000<sup>19</sup> of the European Parliament and of the Council, Regulation (EC) No. 2039/2000 of 29 September 2000<sup>20</sup> of the European Parliament and of the Council, Regulation (EC) No. 1804/2003 of 16 October 2003<sup>21</sup> of the European Parliament and of the Council, Commission Regulation (EC) No. 2077/2004 of 4 December 2004<sup>22</sup>, Commission Regulation (EC) No. 29/2006 of 11 January 2006<sup>23</sup> and Commission Regulation (EC) No. 1784/2006 of 4 December 2006<sup>24</sup>,
- (m) Regulation (EC) No. 2150/2002 of the European Parliament and of the Council of 25 November 2002<sup>25</sup> on waste statistics,
- (n) Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002<sup>26</sup> laying down health rules concerning animal by-products not intended for human consumption, as amended by Commission Regulation (EC) No. 808/2003 of 12 May 2003<sup>27</sup>,
- (o) Regulation (EC) No. 850/2004 of the European Parliament and the Council of 29 April 2004<sup>28</sup> on persistent organic pollutants and amending Directive 79/117/EEC<sup>29</sup>, as amended by Council Regulation (EC) No. 1195/2006<sup>30</sup> and Council Regulation (EC) No. 172/2007<sup>31</sup>,
- (p) Regulation (EC) No. 842/2006 of 17 May 2006<sup>32</sup> of the European Parliament and of the Council on certain fluorinated greenhouse gases,
- (q) Directive 2000/76/EC of 4 December 2000<sup>33</sup> of the European Parliament and of the Council on the incineration of waste,
- (r) Council Directive 91/157/EEC of 18 March 1991<sup>34</sup> on batteries and accumulators containing certain dangerous substances as amended by Commission Directive 93/86/EEC of 4 October 1993<sup>35</sup> and by Commission Directive 98/101/EC of 22 December 1998<sup>36</sup>,

<sup>18</sup>O.J. No. L244/1, 29 June 2000

<sup>19</sup>O.J. No. L244/25, 29 September 2000

<sup>20</sup>O.J. No. L244/26, 29 September 2000

<sup>21</sup>O.J. No. L265/1, 16 October 2003

<sup>22</sup>O.J. No. L359/28, 4 December 2004

<sup>23</sup>O.J. No. L6/27, 11 January 2006

<sup>24</sup>O.J. No. L337/3, 5 December 2006

<sup>25</sup>O.J. No. L332/1, 9 December 2002

<sup>26</sup>O.J. No. L273/1, 10 October 2002

<sup>27</sup>O.J. No. L117/1, 13 May 2003

<sup>28</sup>O.J. No. L229/5, 29 June 2004

<sup>29</sup>O.J. No. L33/36, 8 February 1979

<sup>30</sup>O.J. No. L217/1, 8 August 2006

<sup>31</sup>O.J. No. L55/1, 23 January 2007

<sup>32</sup>O.J. No. L161/1, 14 June 2006

<sup>33</sup>O.J. No. L332/91, 28 December 2000

<sup>34</sup>O.J. No. L078/38, 26 March 1991

<sup>35</sup>O.J. No. L264/51, 23 October 1993

<sup>36</sup>O.J. No. L1/1, 5 January 1999

- (s) Directive 2006/66/EC of 6 September 2006<sup>37</sup> of the European Parliament and the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC<sup>38</sup>, and
- (t) Directive 2006/118/EC of 12 December 2006<sup>39</sup> of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration.

*Interpretation generally.*

4. (1) In these Regulations—

- (a) any reference to a schedule or article that is not otherwise identified is a reference to a schedule or article of these Regulations, and
- (b) any reference to a sub-article or paragraph that is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

(2) In these Regulations, save where the context otherwise requires—

“the Act” means the Waste Management Acts 1996 – 2007;

“activity” means, in relation to the collection of waste, an activity to which Section 34(1) of the Act applies;

“the Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Acts 1992 and 2003;

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

“animal by-products” has the meaning assigned to it by article 2 of Regulation (EC) No. 1774/2002;

“applicant” means, as the case may be, an applicant for—

- (a) a waste collection permit, or
- (b) a review of a waste collection permit;

“application” means, as the case may be, an application for—

- (a) a waste collection permit, or
- (b) a review of a waste collection permit;

“application for a review of a waste collection permit” means an application for a review of a waste collection permit under section 34 of the Act;

<sup>37</sup>O.J. No. L266/49, 26 September 2006

<sup>38</sup>O.J. No. L78/38, 26 March 1991

<sup>39</sup>O.J. No. L272/19, 27 December 2006



“application for a waste collection permit” means an application for a waste collection permit under section 34 of the Act;

“authorised facility” means a facility that has been granted a waste/site authorisation in the form of a waste licence, a waste facility permit or a certificate of registration;

“authorised person” has the meaning assigned to it under section 5 of the Act;

“biogas” means the mixture of carbon dioxide, methane and trace gases resulting from the controlled anaerobic digestion of biowaste;

“biodegradable” means waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and cardboard;

“biological treatment” means composting, anaerobic digestion, mechanical-biological treatment or any other biological treatment process for stabilising and sanitising biodegradable waste, including pre-treatment processes;

“biowaste” means source segregated household or commercial waste of an organic or putrescible character, such as food or garden waste;

“bring facility” means a facility at which segregated wastes may be deposited by the public in appropriate purpose-built receptacles for the purposes of recovery;

“broker” has the meaning assigned to it under section 5 of the Act;

“catering waste” means all waste food, including used cooking oil which originates in restaurants, catering facilities and kitchens (including central kitchens and household kitchens);

“central collection point” means—

(a) a Civic Amenity Facility, or

(b) other facilities for the reception, storage (including temporary storage), segregation, sorting or repackaging of waste pending transfer for subsequent submission to a recovery activity at an authorised facility,

subject to such a facility being appropriately licensed, permitted or registered under Regulations made pursuant to section 39 of the Act, or other such facilities as may be prescribed;

“certificate of registration” means a certificate granted by the Agency or, as appropriate, a local authority under the Waste Management (Facility Permit and Registration) Regulations 2007 or, as the case may be, the Waste Management (Permit) Regulations 1998<sup>40</sup> as a waste authorisation and which regulates the reception, storage (including temporary storage), segregation, sorting or repackaging of waste at a facility and, for the purposes of these Regulations, shall

<sup>40</sup>S.I. No. 165 of 1998

include a “registration certificate” which has been granted as a waste authorisation by the Agency or, as the case may be, a local authority in accordance with the provisions of article 39 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005<sup>41</sup> and which regulates the reception, storage, segregation, sorting or repackaging of Waste Electrical and Electronic Equipment at a facility;

“civic amenity facility” means a facility operated by or on behalf of a local authority or a private sector operator which is provided for the efficient reception and temporary storage of recyclable and non-recyclable waste materials, including segregated waste and which is appropriately licensed, permitted or registered under Regulations made pursuant to Section 39 of the Act;

“commercial documentation” means a record of the particulars of each consignment of waste which is delivered to a facility, including details of—

- (a) the date of collection,
- (b) the sources, types and quantities of the wastes collected,
- (c) the name, address and waste authorisation reference number of the carrier, and
- (d) name, address and waste authorisation reference number of the facility to which the waste is delivered;

“Community Act” has the meaning assigned to it by section 5 of the Act;

“composting” means the autothermic and thermophilic biological decomposition of separately collected biowaste, including organic sludges of biological origin, in the presence of oxygen and under controlled conditions in order to produce compost, and “compost” and “compostable” shall be construed accordingly;

“dealer” has the meaning assigned to it under section 5 of the Act;

“Directive 2006/12/EC” means Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste which codifies Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991;

“electrical and electronic equipment” or “EEE” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex IA of Directive 2002/96/EC of the European Parliament and the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) and designed for use with a voltage rating not exceeding 1,000 Volt for alternating current and 1,500 Volt for direct current;

<sup>41</sup>S.I. No. 340 of 2005

“electronic means” means using electronic equipment for the processing (including digital compression) and storage of data which is transmitted, conveyed and received by wire, by radio or by other electromagnetic means;

“end-of-life vehicle” means a specified vehicle which is discarded or is to be discarded by its registered owner as waste and shall be read in accordance with the meaning of section 4(1)(a) of the Act and article 1(a) of Council Directive 75/442/EEC of 15 July 1975 on waste;

“environmental pollution” has the meaning assigned to it in section 5 of the Act;

“European Waste Catalogue” or “EWC” or means the list of wastes set out in Commission Decision 2001/118/EC of 16 January 2001<sup>42</sup>(made pursuant to article 1(a) of Council Directive 75/442/EEC on waste) and includes such amendments as may be made to the list from time to time;

“facility” has the meaning assigned to it by section 5 of the Act;

“fit and proper person” applies to a person if—

- (a) neither that person nor any other relevant person has been convicted of an offence under the Act, the Environmental Protection Agency Acts 1992 and 2003, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act 1987,
- (b) in the reasonable opinion of the nominated authority, that person or, as appropriate, any person or persons employed by him or her to direct or control the carrying on of the activity to which the waste collection permit relates or, as the case may be, will relate has or have the requisite technical knowledge or qualifications to carry on that activity in accordance with the waste collection permit and the other requirements of the Act,
- (c) in the reasonable opinion of the nominated authority, that person is likely to be in a position to meet any financial commitments or liabilities that will be entered into or incurred by him or her in carrying on the activity to which the waste collection permit relates in accordance with the terms thereof or in consequence of ceasing to carry on that activity;

“Fluorinated Greenhouse Gas” has the meaning as defined in Regulation (EC) No. 842/2006;

“Fluorinated Greenhouse Gas container” means a product which is designed primarily for transporting or storing fluorinated greenhouse gases;

“halon container” means a product which is designed primarily for transporting or storing halons;

<sup>42</sup>O.J. No. L47/1, 16 February 2001

“halons” means those controlled substances contained in fire protection systems and fire extinguishers covered by the scope of Regulation (EC) No. 2037/2000 as detailed in Annex 1 of that Regulation;

“hazardous waste” has the meaning assigned to it in section 4 of the Act;

“household waste” has the meaning assigned to it by section 5 of the Act;

“IPPC Licence” means a licence for the purposes of section 83 of the Environmental Protection Agency Act 1992 and 2003;

“local authority” has the meaning assigned to it in section 5 of the Act;

“mechanical-biological treatment” means the treatment of residual municipal waste through a combination of mechanical processing and biological stabilisation, in order to stabilise and reduce the volume of waste which requires disposal;

“multi-regional waste collection permit” means a waste collection permit for the purposes of section 34 of the Act which regulates the waste collection activities of a person in more than one region;

“nominated authority” means a local authority nominated under paragraph (aa) of Section 34(1) of the Act for the purpose specified therein and, for the purposes of these Regulations, shall be construed as including any local authority which grants a multi-regional waste collection permit or which acts on its own behalf to grant waste collection permits within its own functional area;

“organic waste” means any waste that is capable of undergoing anaerobic or aerobic decomposition through a biological treatment process, such as food and garden waste;

“party to an application” means the applicant, the nominated authority to which the application is being made and, where appropriate, any relevant local authority or the Agency, and “party” shall be construed accordingly;

“premises” has the meaning assigned to it in section 5 of the Act;

“principal office” means the central office of the authority concerned, or such other office of the authority which may be designated by the authority for the purposes of dealing with matters covered by these Regulations;

“principal waste collection activity” when used in the context of an application for a multi-regional waste collection permit or multi-regional waste collection permit review being made to a nominated authority in respect of a number of regions, means the Region where, in the reasonable opinion of the nominated authority, the greatest extent of waste collection activities, by virtue of the number of premises served or the quantity of waste collected, are being or, the case may be, are proposed to be carried out by an applicant;

“producer responsibility scheme” means a scheme devised by industry with the approval of the Minister to take steps for the purpose of the prevention, minimisation, limitation or recovery of waste as respects the class or classes of product to which the scheme relates and may include a requirement to achieve specified objectives and targets in relation to those matters;

“refrigerant container” means a product which is designed primarily for transporting or storing refrigerant gases;

“refrigerant gases” means those gases contained in refrigeration, air-conditioning and heat pump equipment whether alone or in a mixture, including those gases as detailed in Annex I of Regulation (EC) No. 2037/2000 and Annex I of Regulation (EC) No. 842/2006 and where chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) covered by Regulation (EC) No. 2037/2000 and hydrofluorocarbons (HFCs) under Regulation (EC) No. 842/2006 are different refrigerant gas types;

“region” means the local authority area or areas specified in Column (1) of the third schedule which have made or jointly made a waste management plan as respects their functional area or areas in accordance with section 22(3) of the Act;

“registration certificate” means a waste authorisation granted by the Agency or, as the case may be, the relevant local authority under the provisions of article 39 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 and which regulates the reception, storage (including temporary storage), segregation, sorting or repackaging of waste electrical and electronic equipment at a facility;

“registration holder” means a holder of a certificate of registration issued in accordance with the provisions of the Waste Management (Facility Permit and Registration) Regulations 2007;

“Regulation (EC) No. 842/2006” means Regulation (EC) No. 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases;

“Regulation (EC) No. 1774/2002” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption, as amended by Commission Regulation (EC) No. 808/2003 of 12 May 2003;

“Regulation (EC) No. 2037/2000” means Regulation (EC) No. 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer, as amended by Regulation (EC) No. 2038/2000 of the European Parliament and of the Council of 29 September 2000, Regulation (EC) No. 2039/2000 of the European Parliament and of the Council of 29 September 2000, Regulation (EC) No. 1804/2003 of the European Parliament and of the Council of 16 October 2003, Commission Regulation (EC) No. 2077/2004 of 4 December 2004 and Commission Regulation (EC) No. 29/2006 of 11 January 2006;

“relevant local authority” means any local authority, other than a nominated authority to which an application has been made, in whose functional area waste collection activities are being carried on in accordance with a waste collection permit or are proposed to be carried on under the terms of an application, as the case may be;

“temporary”, when used in relation to the storage of waste, shall be construed as a reference to the storage of waste for a period not exceeding 6 months;

“transport” has the meaning assigned to it by section 5 of the Act;

“valid application” means an application for a waste collection permit which, in the reasonable opinion of the nominated authority, complies with the provisions of articles 6 and 7 of these Regulations;

“vehicle registration document” in relation to a vehicle shall be construed in accordance with the meaning of ‘relevant certificate’ under article 2 of the Road Vehicles (Registration and Licensing) (Amendment) Regulations 2004;

“waste battery and accumulator” means any battery or accumulator which is waste within the meaning of article 1(a) of Directive 2006/12/EC;

“waste collection permit” means a waste collection permit for the purposes of section 34 of the Act and, for the purposes of these Regulations, any reference to a permit that is not otherwise identified is a reference to a waste collection permit or, as the case may be, a multi-regional waste collection permit;

“waste electrical and electronic equipment” or “WEEE” means electrical or electronic equipment, which is waste within the meaning of article 1(a) of Directive 2006/12/EC of the European Parliament and the Council of 5 April 2006, including all components, subassemblies and consumables which are part of the product at the time of discarding;

“waste facility permit” means a permit for the purposes of section 39(4) of the Act and for the purposes of these Regulations shall include a waste permit granted under the Waste Management (Permit) Regulations 1998;

“waste licence” means a licence for the purposes of section 39(1) of the Act;

“Waste Management Acts 1996 to 2007” mean the Waste Management Act 1996<sup>43</sup> as amended by the Waste Management (Amendment) Act 2001<sup>44</sup>, Part 3 of the Protection of the Environment Act 2003<sup>45</sup>, Waste Management (Electrical and Electronic Equipment) Regulations 2005<sup>46</sup> and the Waste Management (Environment Levy) (Plastic Bag) Order 2007<sup>47</sup>;

“waste oils” means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as

<sup>43</sup>S.I. No. 10 of 1996

<sup>44</sup>S.I. No. 36 of 2001

<sup>45</sup>S.I. No. 27 of 2003

<sup>46</sup>S.I. No. 290 of 2005

<sup>47</sup>S.I. No. 62 of 2007

used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

“WEEE Directive” or “Waste Electrical and Electronic Equipment Directive” means Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment, as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003<sup>48</sup>;

“working day” means a day on which the principal office of the nominated authority is open for business;

“written” or “in writing” means any expression consisting of words or figures which can be read, reproduced and subsequently communicated and which may include information which is transmitted and stored by electronic means.

*Making of an application for a waste collection permit*

5. (1) An application for a waste collection permit in respect of a single region shall be made in writing, or other form of notification including electronic means, as may be agreed by the nominated authority, to the principal office of the nominated authority in the region, as specified in Column (1) of the third schedule.

(2) Where an applicant proposes to collect waste in more than one region, an application for a multi-regional waste collection permit shall be made in respect of all of the regions proposed, in writing, or other form of notification including electronic means, as may be agreed with the nominated authority, to the principal office of the nominated authority in the region where the principal waste collection activities are proposed to take place.

(3) It shall be a matter for the nominated authority to which an application for a multi-regional waste collection permit is submitted to satisfy itself that the principal waste collection activities will be carried out within the local authority functional area or areas which constitute the region concerned.

(4) Where the nominated authority to which an application has been made decides under sub-article (3), in its reasonable opinion, that the principal waste collection activity as proposed is considered to take place in another region, the nominated authority shall advise the applicant to make an application to the nominated authority in the region concerned.

(5) Insofar as possible, local authorities shall co-operate to ensure an efficient administration of the waste collection permit system to reduce the administrative burden for applicants.

*Notice of intention to apply for a waste collection permit.*

6. (1) An applicant shall, within the period of 10 working days before the making of an application, publish notice of the intention to make the application in either a national newspaper, or in newspapers circulating in each of the local authority areas from which waste will be collected.

<sup>48</sup>O.J. No. L345/106, 31 December 2003

- (2) A notice published pursuant to this article shall—
- (a) contain as a heading, and in uppercase, the words “APPLICATION TO [NAME OF THE NOMINATED AUTHORITY] FOR A WASTE COLLECTION PERMIT RELATING TO A WASTE COLLECTION ACTIVITY OR WASTE COLLECTION ACTIVITIES IN [NAME OF RELEVANT REGION or REGIONS],
  - (b) give the full name and the address of the principal place of business of the applicant,
  - (c) state that an application for a waste collection permit will be made to the above mentioned nominated authority within 10 working days of the newspaper notice,
  - (d) specify the nature of the waste collection activity to which the application relates and the local authority area or areas in which the collection activity, or activities, will be carried on, and
  - (e) state that a copy of the application will be available for inspection or purchase at the principal office of the nominated authority from as soon as may be. state that a copy of the application will be available for inspection or purchase at the principal office of the nominated authority from as soon as may be.

*Contents of an application for a waste collection permit.*

7. (1) An application shall contain the following information—
- (a) the full name of the applicant,
  - (b) all trade names used or proposed to be used by the applicant,
  - (c) the address of the principal place of business of the applicant and, where applicable, the telephone number, telefax number and e-mail address of the applicant,
  - (d) if the applicant is a partnership, the name and address of each partner,
  - (e) if the applicant is a body corporate, the address of its registered office and the name and address of any person who is a director, manager, company secretary or other similar officer of the body corporate,
  - (f) the type, estimated quantity and nature of the waste or wastes to be collected, and the nature of the collection activity, including European Waste Catalogue Code(s) and description(s) pursuant to Commission Decision 2001/118 of 16 January 2001 or subsequent amendments as may be made to the list from time to time,
  - (g) the local authority area or areas in which the waste collection activity will be carried on,



- (h) in the case of an application for a multi-regional waste collection permit, an explanation of the basis on which the region has been chosen by the applicant as being the location in which the principal waste collection activity is proposed to take place,
  - (i) details of any facility that is intended to be used by the applicant in connection with the activity to which the application relates,
  - (j) in the case of household waste collection, the frequency of collections and the method of charging for collection of waste which is intended to encourage the prevention, reuse, recycling and recovery of waste, including details on the provision of segregated collection for dry recyclables and for biowaste,
  - (k) information in relation to any offence, prescribed under article 21, of which the applicant has been convicted within the period of 10 years prior to the making of the application, including information in relation to the court hearing the case, the nature of the offence and any penalty or requirement imposed by the court, and
  - (l) information in relation to the terms of any requirement imposed on the applicant by order of a court under the Act.
- (2) The information to be provided under paragraphs (k) and (l) of sub-article (1) shall—
- (a) in a case where the applicant is a body corporate, include such information in relation to the applicant and to—
    - (i) each director, manager, company secretary or other similar officer of that body corporate, and
    - (ii) each body corporate in relation to which a director, manager, company secretary or other similar officer of the applicant body corporate is, or was at any time during the period of 10 years prior to the making of the application, a director, manager, company secretary or other similar officer.
  - (b) in a case where the applicant is a natural person or a partnership, include such information in relation to the applicant and each body corporate in which the person or any partner, as the case may be, is, or was, at any time during the period of ten years prior to the making of the application, a director, manager, company secretary or other similar officer.
- (3) An application shall be accompanied by—
- (a) a copy of the page of the newspaper, or newspapers, in which the notice in accordance with article 6 has been published,
  - (b) a statutory declaration, as set out in the second schedule, signed by—

- (i) the applicant,
  - (ii) where the applicant is a partnership, each partner, or
  - (iii) where the applicant is a body corporate, a director, manager, company secretary or other similar officer of that body corporate authorised to do so by the body,
- (c) a copy of a current Tax Clearance/C2 Certificate issued to the applicant by the Revenue Commissioners or, where the applicant is resident outside the State, an appropriate Certificate from the relevant tax authorities,
  - (d) a copy of the appropriate Certificate issued by the Companies Registration Office,
  - (e) a copy of proof of registration of trade name, where applicable,
- (a) the fee payable in accordance with article 8 and as set out in the third schedule of these Regulations,
  - (b) in the case of a multi-regional application a copy of the complete application for each relevant local authority, and
  - (c) in the case of an application relating to the collection of hazardous waste a copy of the complete application for the Agency.

*Fees payable*

8. (1) The applicant shall pay a fee to the nominated authority in respect of an application for a waste collection permit or the review of a waste collection permit—

- (a) in the case of an application for a waste collection permit, the fee payable shall be the amount indicated in column (2) of the third schedule, or
  - (b) in the case of an application for a review of a waste collection permit, the fee payable shall be half the amount indicated in column (2) of the third schedule.
- (2) In the case of a multi-regional application, the fee payable under sub-article (1) shall be—
- (a) in the case of an application for a waste collection permit, the fee payable shall be the amount indicated in column (2) of the third schedule for each relevant region subject to a maximum fee of €5,000, or
  - (b) in the case of an application for the review of a waste collection permit, the fee payable shall be the amount indicated in column (2) of

the third schedule for each relevant region subject to a maximum fee of €2,500.

(3) Notwithstanding the provisions of sub-articles (1) and (2), the nominated authority shall have an absolute discretion to refund or waive all or part of the fee payable in respect of a particular application where the authority is satisfied that the payment in full of the fee would not be just and reasonable having regard to the limited scale or nature of the activity concerned, or where the charging of a full fee may act as a financial disincentive to individuals / companies who are operating on a small scale and are engaged in environmentally beneficial operations such as waste recovery or recycling.

*Procedure on receipt of an application for a waste collection permit.*

9. (1) On receipt of an application for a waste collection permit, the nominated authority shall—

- (a) immediately stamp the application with the date of receipt and assign a reference number to the application, and
- (b) notify the applicant in writing that the application has been received by the authority.

(2) Within a period of 10 working days following receipt of an application for a waste collection permit, the nominated authority shall—

- (a) decide whether the requirements of articles 6 and 7 have been complied with, and
- (b) comply with the relevant requirements of article 12 of the Waste Management (Register) Regulations 1997<sup>49</sup>.

(3) Where—

- (a) a period of more than 10 working days has elapsed between the publication of a notice pursuant to article 6 and the making of the relevant application, or
- (b) it appears to the nominated authority reasonably considers that the published notice does not comply with the requirements of article 6 or is, because of its content or for any other reason, misleading or inadequate for the information of the public,

the nominated authority may, by notice in writing, require the applicant to publish such further notice in such manner, by such time and for such period and in such terms as it may specify and to submit to it such evidence as it may specify in relation to compliance with any such requirement.

(4) Where a nominated authority reasonably considers that any of the requirements of article 7 have not been complied with in respect of an application, it shall, as it considers appropriate having regard to the extent of the

<sup>49</sup>S.I. No. 183 of 1997

failure to comply with the said requirements, by notice in writing within 5 working days of making its decision—

- (a) inform the applicant of such failure of compliance and advise that the application is invalid and cannot be considered by the authority, or
- (b) require the applicant, within a period of 25 working days from the date of the notice, to take such steps or furnish such submissions, plans, documents or other information and particulars as the nominated authority considers are necessary for compliance with the said requirements.

(5) The nominated authority shall not serve a notice under sub-article (3) or (4) any later than 10 working days after the making of its decision in accordance with sub-article (2).

(6) Where a nominated authority serves a notice in accordance with sub-articles (3) or (4)(b), and the applicant fails to comply with the requirements specified therein, the authority may, by notice in writing, within 10 working days of making its decision, inform the applicant of such failure of compliance and that the application is invalid and cannot be considered further by the authority.

(7) Where, in accordance with sub-articles 4(a) and (6), a nominated authority informs an applicant that an application is invalid, it shall return to the applicant all documentation which was submitted to the nominated authority in relation to the application.

(8) Where a nominated authority considers, in its opinion and in accordance with sub-article (2), that the requirements of articles 6 and 7 have been complied with in respect of an application, it shall, within 5 working days of making its decision, send to the applicant an acknowledgement of receipt of a valid application.

*Further information.*

10. (1) Notwithstanding the provisions of article 9(8), a nominated authority may, by notice in writing, require the applicant to—

- (a) furnish such further information or particulars relating to the application as it considers necessary to enable it to make a decision in respect of the application, or
- (b) produce such evidence as it may reasonably require in order to verify any information or particulars furnished by the applicant in, or in relation to, the application.

(2) Any notice under sub-article (1) shall not be served by a nominated authority more than 25 working days after the date of issue by the authority, in accordance with Article 9(8), of an acknowledgment of the receipt of a valid application.

(3) Notwithstanding article 14, where there is a failure or refusal to comply with a requirement of a nominated authority under sub-article (1) within 25 working days of the date of notice of such requirement, the nominated authority may, if it thinks fit, proceed with its consideration of the application in the absence of the information, particulars or evidence specified in the requirements and make a decision in relation to the application and notify the applicant under section 34(8) of the Act of that decision.

*Consultation with other local authorities and the Agency.*

11. (1) Where a nominated authority receives an application in respect of a waste collection activity which will be carried on within the functional area or areas of any other local authority, it shall notify such other relevant local authority or other relevant local authorities as soon as may be, and that notice shall be accompanied by a copy of the said application, including any information and particulars received pursuant to a notice under articles 8 and 9. Any additional information submitted by the applicant under article 10, and any submissions received under article 13, shall also be circulated, as soon as they become available, to the relevant local authorities in whose functional areas in which the waste collection activity is proposed to be carried out.

(2) Where the nominated authority receives an application in respect of an activity comprising or involving the collection of hazardous waste, it shall notify the Agency as soon as may be, and such notice shall be accompanied by a copy of the said application, including any information and particulars received pursuant to a notice under article 9. Any additional information submitted by the applicant under article 10, and any submissions received under article 13, shall also be provided, as soon as they become available, to the Agency.

(3) Before it gives notice of a decision under article 17, the nominated authority shall have regard, within a period of 25 working days from the date of a relevant notification under sub-articles (1) or (2), to any written submission received from any other relevant local authority or the Agency.

(4) Where a relevant local authority or the Agency specifically states that particular matters raised in their submission to the nominated authority are required for the implementation of the waste management plan for their region or, as the case may be, the National Hazardous Waste Management Plan, the nominated authority must incorporate conditions in the waste collection permit to give effect to such provisions.

*Availability and inspection of documents*

12. (1) Where a nominated authority receives an application it shall make it available for public inspection as soon as may be.

(2) Where a nominated authority considers in its reasonable opinion, that the application is valid in accordance with the requirements of article 9 it shall make available for public inspection as soon as may be in accordance with this article—

- (a) information and particulars received in relation to the application pursuant to a notice under article 9,
  - (b) further information provided by the applicant pursuant to a notice under article 10,
  - (c) a copy of any correspondence or notifications under article 11, and
  - (d) submissions received in relation to the application pursuant to article 13.
- (3) (a) The documents and information specified in sub-article (2) shall be made available for public inspection during office hours at the principal office of the nominated authority, from as soon as may be after making a decision under article 9 that the application is valid.
- (b) A copy of the application, or any extract therefrom, shall be made available for purchase, on request during office hours at the principal office of the nominated authority at such charge (if any), not exceeding the reasonable cost of making such copies, as the authority may determine.
- (4) (a) Where an application received by a nominated authority is in respect of a waste collection activity which is proposed to be carried out within the functional area or areas of any other local authority, each relevant local authority shall make available for public inspection a copy of the completed application form during office hours at its principal office, from as soon as may be after a decision has been made under article 9 that the application is valid.
- (b) A copy of the completed application form, or any extract therefrom, shall be made available for purchase, on request, during office hours at the principal office of each relevant local authority, at such charge (if any), not exceeding the reasonable cost of making such copies, as the authority may determine.

*Submissions to a nominated authority in respect of an application for a waste collection permit*

13. (1) Any person may, on their own initiative, or on the invitation of the nominated authority, within a period of 25 working days following the making available for inspection by a nominated authority of an application, make a written submission to the nominated authority in relation to the said application and the nominated authority shall have regard to the submission in making its decision on the application.

(2) The nominated authority shall, as soon as may be after receipt of a submission under sub-article (1)—

- (a) notify the person in writing that the submission has been received by the nominated authority,

- (b) notify the applicant in writing that the submission has been received by the nominated authority and has been made available for inspection at the principal office of the nominated authority from a specified date,
- (c) forward a copy of the submission to the other relevant local authorities concerned, and in the case of a submission in relation to the collection of hazardous waste, to the Agency, and
- (d) make the submission available for public inspection in accordance with article 12.

(3) An applicant may make a submission in writing to the nominated authority in relation to any submission received by the nominated authority under sub-article (1) within a period of 25 working days of the date of its notification to the applicant.

(4) A relevant local authority or the Agency, as appropriate, may make a submission in writing to the nominated authority in relation to any third party submission forwarded under sub-article (2)(c) within a period of 25 working days of the date of its issue to the relevant local authority or, as the case may be, the Agency.

(5) Where a relevant local authority or the Agency specifically state that particular matters raised in any submission to the nominated authority under sub-article (3) are required for the implementation of the Waste Management Plan for their region or, as the case may be, the National Hazardous Waste Management Plan, the nominated authority must incorporate conditions in the permit to give effect to such provisions.

*Defrayal of or contribution towards, the costs of investigations*

14. (1) Having considered the information submitted by the applicant under article 7 and any further information provided by the applicant at the request of the nominated authority under article 10(1)(b) to verify particulars or information furnished by the applicant in relation to the application, the nominated authority may decide, where it appears to it to be reasonable, to carry out or cause to be carried out such inspections, investigations and analyses as are necessary to decide on an application for a waste collection permit, an application for a review of a waste collection permit.

(2) The nominated authority may, by notice in writing, require an applicant or the holder of a waste collection permit, as the case may be, to defray or contribute towards any costs reasonably incurred by the nominated authority or a relevant local authority, including—

- (a) the cost of any reasonable investigations carried out or caused to be carried out by the nominated authority or other relevant local authorities so as to enable the nominated authority to decide on an application for, or the review of, a waste collection permit,

(b) any costs incurred by the nominated authority or other relevant local authority in whose area the waste is being collected for the purpose of ensuring compliance by the holder of a collection permit with the requirements of the said collection permit, including the cost of any reasonable inspection or investigations carried out or caused to be carried out by the nominated authority or relevant local authority concerned, and the taking and analysis of any sample of waste.

(3) The amount of any payment required under sub-article (2) in respect of an application for a waste collection permit or an application for the review of a waste collection permit, or in ensuring compliance by a permit holder, taken together with the application fee set out in the third schedule, shall not exceed the costs incurred by a nominated authority or other relevant local authority in deciding on the application for a waste collection permit or the review of a waste collection permit.

(4) A person on whom a notice is served under sub-article (2) shall comply with the requirements of the notice within such period, being a period of not less than 15 working days, as may be specified in the notice, and in default of such payment,

(a) the nominated authority concerned may refuse to grant a waste collection permit or revoke an existing waste collection permit, and

(b) the amount concerned may be recovered by the nominated authority or relevant local authority concerned as a simple contract debt in any court of competent jurisdiction. the amount concerned may be recovered by the nominated authority or relevant local authority concerned as a simple contract debt in any court of competent jurisdiction.

*Period for determination of an application for a waste collection permit*

15. (1) Subject to sub-article (2), the nominated authority shall make a decision in relation to an application for a waste collection permit as expeditiously as possible and, in any event, grant, with or without conditions, or refuse to grant a waste collection permit, within a period of—

(a) 40 working days of the date of the receipt of a valid application in accordance with the requirements of article 9(2), or

(b) 40 working days of the date of receipt of further information or particulars in accordance with either article 9(4) or article 10, or

(c) 25 working days of the date of receipt of any submission received by the nominated authority under and in accordance with article 13(3) and 13(4),

which ever period is the longest.

(2) Where it appears to a nominated authority that it would not be possible or appropriate, because of the particular circumstances of an application or



because of the number of applications for waste collection permits and the review of waste collection permits which have been submitted to the authority, to decide on an application within the period referred to in sub-article (1), the nominated authority shall, by notice in writing served on each party to the application before the expiration of that period, inform such party of the reasons why it would not be possible or appropriate to determine the application within that period and shall specify the date before which the authority intends that the application shall be determined.

(3) Where a notice has been served under sub-article (2), the nominated authority concerned shall take all reasonable steps to ensure that the application is decided upon before the date specified in the notice.

*Withdrawal or abandonment of an application for a waste collection permit or the review of a waste collection permit.*

16. (1) Without prejudice to an applicant's liability under article 14(2), an application for a waste collection permit or for the review of a waste collection permit may be withdrawn by the applicant at any time before the making of a decision by the nominated authority on the application.

(2) Where the nominated authority is of the opinion that an application has been abandoned, it shall give to the applicant a notice in writing stating that fact and requiring that person, within a period specified in the notice (being a period of not less than 10 or not more than 25 working days beginning on the date of the giving of the notice) to make to the authority a submission in writing as to why the application should not be regarded as having been abandoned.

(3) Where a notice has been given under sub-article (3), the nominated authority may, at any time after the expiration of the period specified in the notice, and after considering the submission (if any) made to the authority pursuant to the notice, declare the application to which the notice relates to have been abandoned.

(4) Where an application is withdrawn under sub-article (1) or where the nominated authority declares that an application shall be regarded as having been abandoned under sub-article (3), the nominated authority shall in the case of an application for—

- (a) a waste collection permit, return all documentation received pursuant to articles 7, 9, 10 and 13 to the applicant, and
- (b) the review of a waste collection permit initiated by the nominated authority, return all documentation received pursuant to article 23 to the applicant,
- (c) the review of a waste collection permit initiated by the waste collection permit holder, return all documentation received pursuant to article 24 to the applicant,

and have absolute discretion to refund all or part of the fee payable in accordance with article 8.

(5) Where pursuant to this article an application is withdrawn or the nominated authority declares that an application is to be regarded as having been abandoned, the application and submissions (if any) in relation to the application shall not be considered further by the nominated authority.

*Determination and notice of decision of grant or refusal in relation to a waste collection permit*

17. (1) A nominated authority may, on an application being made to it for a waste collection permit, grant a waste collection permit in accordance with these Regulations, or refuse to grant such a permit, in relation to the carrying on by the applicant of a waste collection activity.

(2) A waste collection permit shall be granted for a period of five years, unless the applicant can demonstrate to the satisfaction of the nominated authority that a shorter period is appropriate.

(3) A nominated authority shall not grant a waste collection permit unless it is satisfied that—

- (a) the activity concerned, carried on in accordance with such conditions as are attached to the waste collection permit, will not cause environmental pollution,
- (b) any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment, and
- (c) the applicant is a fit and proper person.

(4) A nominated authority shall, as soon as may be after making a decision under section 34(3) of the Act in relation to an application, give notice in writing of the decision to the applicant, to any other relevant local authority concerned, to any person who made a submission in relation to the application in accordance with article 13 and in the case of an activity relating to the collection of hazardous waste, to the Agency in accordance with the requirements of article 11(2).

(5) A notification to an applicant, waste collection permit holder, another local authority or the Agency under sub-article (4) of a decision to grant a waste collection permit shall be accompanied by a copy of the waste collection permit granted.

(6) A notification to any person who made a submission in relation to the application under sub-article (4) of a decision to grant a waste collection permit shall state that a copy of the collection permit will be available for inspection or purchase during office hours at the principal office of the nominated authority and at the principal office of each relevant local authority, and the said authority or authorities shall arrange accordingly.

(7) A notification under this article to an applicant shall include a reference to the right of appeal provided for under section 34(9) of the Act.

(8) For the purposes of sub-article (5), in the case of an application signed by more than one person, the nominated authority shall give notice only to the person who forwarded, or appears to the nominated authority to have forwarded the application.

*Conditions necessary to give effect to certain provisions of Community Acts*

18. A nominated authority shall attach to each waste collection permit that may be granted by it such conditions as are, in the reasonable opinion of that authority, necessary to give effect to the provisions of the Community Acts specified in the fourth schedule, insofar as such provisions are relevant to the waste collection activity concerned.

*Conditions regarding the use of skips.*

19. (1) A nominated authority shall attach to any waste collection permit that may be granted by it such conditions as it considers necessary relating to the use in a public place of skips and other such receptacles.

(2) For the purposes of sub-article (1), notwithstanding the provisions of any bye-law made under section 72 of the Roads Act 1993, conditions may include a requirement in relation to the-

- (a) carrying of reflectors or lighting of such receptacles so that they are clearly visible during a period when vehicles are required to be lighted,
- (b) siting and deposit of such receptacles on public roads, where the temporary set down of skips shall be for no more than three days,
- (c) dimensions and other characteristics of such receptacles,
- (d) care and disposal of the contents of such receptacles, and
- (e) earliest practicable removal of such receptacles when full.

*Other conditions to be attached to waste collection permits.*

20. (1) The nominated authority shall attach to each waste collection permit that may be granted by it such conditions as are—

- (a) in the reasonable opinion of the nominated authority, necessary to give effect to the objectives of the relevant Waste Management Plans or the National Hazardous Waste Management Plan as the case may be, and
- (b) stated to be necessary by a relevant local authority or the Agency in accordance with articles 11(4), 13 (5) or 27(1).

(2) Notwithstanding the provisions of sub-article (1), the nominated authority shall attach to each waste collection permit granted by it conditions requiring the permit holder to—

- (a) ensure that where waste collected under the waste collection permit is transferred to a facility for the purpose of a recovery or disposal activity in respect of which section 39(1) of the Act applies, that there is in force a waste licence, waste facility permit, certificate of registration, or IPPC licence in relation to the carrying on of the activity concerned at that facility and that planning permission, or a certificate of exemption from such permission, is in place for such a facility,
- (b) ensure that where biowaste collected under the waste collection permit is transferred to a composting or biogas facility for the purpose of treatment and where animal by-products form all or part of that biowaste, that the facility has been approved in writing by the nominated authority for use by the permit holder and there is in force an appropriate veterinary authorisation issued by the Minister for Agriculture and Food in accordance with article 6 (6) of the European Communities (Animal By-products) Regulations, 2003<sup>50</sup> as amended,
- (c) notify the authority in relation to any conviction for an offence prescribed under article 21 or any requirement of an order under the Act, within 5 working days of such conviction or the imposition of such a requirement,
- (d) carry, or cause to be carried, a copy of the waste collection permit at all times on each vehicle, and require all trailers, containers and skips used for waste collection to be visibly, legibly and indelibly identified with the waste collection permit number,
- (e) compile and maintain specified records, for a period of not less than 7 years, relating to the—
  - (i) types and quantities of waste dealt with in the course of business (including European Waste Catalogue Code(s) and description(s) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent amendments),
  - (ii) origin and destination of such waste,
  - (iii) treatment, recovery or disposal activities to which the waste is subject (including the compilation of commercial documentation for all consignments of collected waste deposited at a facility), and, where appropriate,
  - (iv) person by whom such waste is collected including name, address and waste authorisation reference number,

<sup>50</sup>S. I. No. 248 of 2003

- (f) furnish to the nominated authority, not later than 28 February in each year, in such form as may be specified by the authority, summary information in relation to the nature and quantities of wastes collected by the permit holder in the preceding calendar year or part thereof, as the case may be, and delivered to individual facilities or otherwise transferred to other persons for the purpose of recovery or disposal,
- (g) take steps to ensure that—
  - (i) all, or a specified proportion, of waste collected by the permit holder, or class or classes of such waste, is source-segregated, treated or recovered, in such manner as may be specified,
  - (ii) in particular that waste is—
    - (I) where practicable and having regard to the waste hierarchy, delivered to facilities which reuse, recycle or recover waste.
    - (II) presented, collected, handled and transported in a form which enables the facilities to which the waste is delivered to comply with specific conditions contained in, as the case may be, the waste licence, IPPC licence, waste facility permit or certificate of registration in relation to performance targets established for the levels of recycling or recovery of waste.
  - (iii) waste which has been source segregated by the waste producer is not sent for disposal or collected, transported, mixed or handled so as to make it unsuitable for recycling or recovery.
- (h) apply charges for household waste collection which respect the polluter pays principle,
  - (i) provide segregated collection arrangements for household waste, at a frequency as may be specified by the nominated authority, for different types of recyclable, compostable or recoverable materials where the nominated authority considers it practicable to do so,
- (j) provide waste recycling receptacles, which are designed for reuse, for segregated collections for different types of recyclable, compostable or recoverable materials of such form, colour and capacity as may be specified by the nominated authority,
- (k) include their permit number and name of issuing authority in all of their promotional material,
- (l) notify the nominated authority in advance of the type and identifying mark of any collection vehicle owned or hired and used for the collection of waste under the terms of the permit, including particulars of the relevant vehicle registration document,

- (m) notify the nominated authority of the type and identifying mark of any collection vehicle which is being hired in on a temporary basis from a third party by the permit holder and used for the collection of waste under the terms of the permit, within one working day of the addition of such a vehicle, including particulars of the relevant vehicle registration document.
- (3) The nominated authority may attach to each collection permit that may be granted by it—
- (a) such reasonable conditions as are, in the opinion of that authority, necessary to ensure the proper enforcement of the permit, and
  - (b) conditions relating to existing or proposed measures, including emergency procedures, to prevent unauthorised or unexpected emissions and to minimise the impact on the environment of any such emissions,
  - (c) conditions to encourage the sound environmental management of waste and in particular to encourage waste prevention, reuse, recycling and recovery as set out in, but not limited to, those conditions in section 34(7) of the Act,
  - (d) conditions requiring the making of payments by the permit holder to the authority to defray such costs as may reasonably be incurred by the authority, other than required under article 8 in accordance with the third schedule and which costs shall not exceed the actual expenditure reasonably incurred by the authority in inspecting, monitoring, auditing, enforcing or otherwise performing any functions in relation to the activity,
  - (e) conditions requiring each vehicle to be fitted with electronic tracking technology which facilitates the surveillance operations of enforcement authorities in monitoring compliance with the waste collection permit conditions.

*Offences for the purpose of section 34(5) of the Act*

21. It is hereby prescribed that, notwithstanding the revocation of any Regulations specified hereunder and subject to any amendment that may be made to these Regulations from time to time—

- (a) an offence under article 3(2) or 5(4) of the European Communities (Waste) Regulations 1979 (S.I. No. 390 of 1979),
- (b) a contravention of article 5 or 6 of the European Communities (Toxic and Dangerous Waste) Regulations 1982 (S.I. No. 33 of 1982),
- (c) a contravention of article 4, 5 or 8 of the European Communities (Waste Oils) Regulations 1992 (S.I. No. 399 of 1992),

- (d) an offence under article 12 of the European Communities (Transfrontier Shipment of Waste) Regulations 1994 (S.I. No. 121 of 1994),
- (e) a contravention of the Waste Management (Movement of Hazardous Waste) Regulations 1998 (S.I. No. 147 of 1998),
- (f) a contravention of articles 6 or 8 of the Waste Management (Miscellaneous Provisions) Regulations 1998 (S.I. No. 164 of 1998),
- (g) an offence under sections 14(6), 18(2), 18(8), 28(6), 29(6), 32(6), 34(1), 36(3), 39(9), 53C(4), 53F, 53H(4), 53I(6), 53J(6), 53K(5), 53L(5) or 53M(5) of the Act, or as appropriate, any appropriate section or part, concerning producer responsibility obligations, that may be inserted into the Act from time to time,
- (h) an offence under sections 3, 4, 6, 10, 12, 14, 16, 19, 23, 26A, 27 or 28 of the Local Government (Water Pollution) Act 1977 (S.I. No. 1 of 1977),
- (i) an offence under sections 21, 21A or 23 of the Local Government (Water Pollution) (Amendment) Act 1990 (S.I. No. 21 of 1990),
- (j) an offence under sections 171 or 172 of the Fisheries (Consolidation) Act 1959 (S.I. No. 14 of 1959);
- (k) an offence under section 24 of the Air Pollution Act 1987 (S.I. No. 6 of 1987),
- (l) an offence under the Litter Pollution Acts 1997 — 2003 (S.I. No. 12 of 1997 and S.I. No. 27 of 2003),
- (m) an offence under articles 18 and 26 of the Waste Management (End of Life Vehicles) Regulations 2006 (S.I. No. 282 of 2006),
- (n) an offence under article 9 of the European Communities (Batteries and Accumulators) Regulations, 1994 (S.I. No. 262 of 1994) those Regulations,

shall be an offence for the purposes of section 34(5)(a) of the Act.

*Criteria for the determination of a relevant person*

22. In determining whether a person shall be a relevant person for the purposes of section 34(5) of the Act, a nominated authority shall consider the extent to which the person is, or is likely to be, in a position to direct or control the carrying on of the activity to which the relevant application or waste collection permit relates.

*Notice from the nominated authority requiring a review of a waste collection permit*

23. (1) Where the nominated authority has reason to believe that a significant change in the nature, focus or extent of the waste collection activity has taken place, or at the request of a relevant local authority in whose area the permitted activity takes place, or where an amendment to the waste management plan for the region concerned requires a review of the permit, the nominated authority shall initiate a review of a permit granted by it at any time after the date on which the permit was granted,

(2) Where a nominated authority proposes to review a waste collection permit under section 34(6) of the Act, it shall give notice in writing of such intention to the permit holder to any other relevant local authority concerned and in the case of an activity relating to the collection of hazardous waste the Agency and the waste collection permit shall remain in force until such time as a reviewed waste collection permit is granted or refused under articles 17 or pursuant to this article or to article 24, as the case may be, or the existing permit is revoked under article 29.

(3) A notice given under sub-article (2)

(a) shall—

(i) inform the permit holder of the intent of the nominated authority to review the existing waste collection permit in the particular region, and

(ii) advise the permit holder that a multi-regional waste collection permit system has been established, whereby the permit holder under these Regulations may decide whether he or she wishes to have some or all of his or her existing waste collection permits in the various regions reviewed or to make an application for a permit which would also within the same submission allow the collection of waste in additional regions, and

(iii) state that if the permit holder decides that she or he wishes to—

(I) have a number of his or her existing waste collection permits reviewed at the same time as the review proposed by the nominated authority,

(II) to extend his or her waste collection activities into additional regions, or

(III) to make significant changes to the nature, focus or extent of existing waste collection activities,

an application for a waste collection permit will have to be made in accordance with articles 5, 6 and 7 in respect of the regions and, where appropriate, additional regions, to the nominated authority in the region where the principal waste collection activities are proposed to take place,



- (iv) advise the permit holder that the nominated authority is available for pre-application consultations and that such course of action is recommended in order to assess the application for the review of a waste collection permit in terms of the procedures which are likely to apply to the review process under article 25,
  - (v) inform the permit holder that where an application for a waste collection permit is required under paragraph (a)(iii) and the application is made within 60 working days of the notice, any existing waste collection permit(s) shall remain in force until a waste collection permit is issued or refused under article 17, or the existing permit or permits are revoked under article 29,
- (b) shall require the permit holder to make an application to the nominated authority for a review of the waste collection permit, other than where an application for a waste collection permit is to be made under paragraph (a)(iii) in accordance with articles 5, 6 and 7,
- (c) shall require the permit holder to pay the appropriate fee for an application for the review of the waste collection permit, or, as the case may be, for an application for a waste collection permit, as set out in article 8,
- (d) may require the waste collection permit holder to furnish such submissions, plans, documents, other information and particulars within the application for a review of the waste collection permit as the nominated authority considers necessary for the purposes of the proposed review,
- (e) may, in accordance with article 14(2), require the permit holder, as the case may be, to defray or contribute towards actual costs reasonably incurred by the nominated authority or other relevant local authority in respect of the assessment of an application for the review of a waste collection permit,
- (f) shall indicate that—
- (i) an application for the review of a waste collection permit, including any required submission relating to the proposed review shall be made by the permit holder in writing to the nominated authority within 25 working days of the date of the giving of the notice, and that the nominated authority shall not decide to amend conditions attached to a waste collection permit which it has granted, before the expiry of the said period, and
  - (ii) where the permit holder does not make an application in accordance with paragraph (i), the nominated authority shall revoke the existing waste collection permit and notify the applicant under section 34(8) of the Act of that decision.

*Application made on initiative of permit holder for the review of a waste collection permit*

24. (1) A permit holder may, at any time, submit an application to the nominated authority to review the waste collection permit but in any event, in accordance with the provisions of article 17(3) of these Regulations, no later than 60 working days before the expiry of an existing waste collection permit if it is to remain in force until such time as a reviewed waste collection permit is granted or refused, or the existing waste collection permit is revoked.

(2) Where a permit holder proposes to have a waste collection permit reviewed by a nominated authority within a particular region, and where he or she—

(a) wishes to make significant changes to the nature, focus or extent of existing waste collection activities, or

(b) holds a number of individual permits for different regions, the permit holder shall—

(i) make an application for a waste collection permit in accordance with articles 5, 6 and 7 for all the regions in which waste collection activities are being undertaken and for any other regions to which the permit holder may propose to extend his or her waste collection activities, and

(ii) make the application to the nominated authority in the region where the principal waste collection activity or activities are proposed to take place.

(3) where a permit holder proposes to have an existing waste collection permit reviewed under section 34(6) of the Act and—

(a) such review applies only to a region or regions for which a single existing waste collection permit relates, and

(b) there are not in the reasonable opinion of the permit holder, significant changes to the nature, focus or extent of existing waste collection activities,

the permit holder shall—

(i) make an application to the nominated authority for a review of the permit,

(ii) furnish such submissions, plans, documents or other information to the nominated authority within the application as are necessary to support the application for the proposed review of the waste collection permit, and

- (iii) include payment of the appropriate fee for an application for the review of a waste collection permit in accordance with the third schedule as set out in article 8.

*Procedures to be applied by the nominated authority in the determination of an application for the review of a waste collection permit*

25. (1) Where an application for the review of an existing waste collection permit has been received by a nominated authority under articles 23 or 24, the nominated authority shall process the application in one of three ways—

- (a) the nominated authority may decide, in its reasonable opinion, that adequate information has been provided by the applicant for the purpose of determining the application and that it is appropriate to proceed to review the waste collection permit on the basis of the information received by it in accordance with the procedure set out in article 26.
- (b) the nominated authority may decide, in its reasonable opinion, that adequate information has been provided by the applicant but that there is a need for a public consultation process on the basis of the changes proposed in the nature, focus or extent of the waste collection activities, and shall—
  - (i) require the applicant to insert a public notice in either a national newspaper, or in newspapers circulating in the area in which the waste collection activities will take place, that an application for a review of the existing waste collection permit has been sent to the nominated authority,
  - (ii) consult with other relevant local authorities and the Agency, and
  - (iii) seek submissions on the application for the review of a waste collection permit from members of the public in accordance with the procedures set out in article 27 and, before making a decision on the review of the permit,

or

- (c) the nominated authority may decide, in its reasonable opinion, that an application for a waste collection permit in accordance with articles 5, 6 and 7 is warranted due to—
  - (i) the nature, focus or extent of the waste collection activities proposed in the application for a review of a waste collection permit being so significantly changed from the existing waste collection permit, or
  - (ii) the proposed review relating to existing waste collection permits which regulate waste collection activities in more than one region,

the nominated authority shall require that an application for a waste collection permit be submitted by the applicant in accordance with articles 5, 6 and 7, and such application shall be made to the nominated authority in the region where the principal waste collection activities are proposed to take place.

(2) The nominated authority shall make a decision under this article on the procedures to apply to the review of the waste collection permit within 15 working days from the date of submission of an application for the review of a waste collection permit under article 24 or in response to a notice issued under article 23.

(3) Where a nominated authority decides under sub-article (1)(c) that an applicant for the review of a waste collection permit should make an application for a waste collection permit in accordance with articles 5, 6 and 7, the nominated authority shall notify the applicant in writing to this effect within five working days of making its decision.

(4) Where an applicant for the review of a waste collection permit receives a notification under sub-article (3), he or she may appeal to a court of competent jurisdiction against such a decision and, on hearing the appeal, the court may confirm or annul the decision.

*Decision on an application for the review of a waste collection permit on the basis of particulars received from the applicant*

26. Where, following an assessment of any submissions, documents or other information received from the applicant for the review of a waste collection permit, together with records and information already in the possession of the nominated authority and other relevant local authorities in relation to the waste collection activity concerned, the nominated authority considers, in its opinion, that the proposed review does not represent a significant change in the nature, focus or extent of existing waste collection activities, the nominated authority shall proceed to make a decision on the application for the review of the waste collection permit within 25 working days on that basis.

*Decision on an application for the review of a waste collection permit on the basis of particulars received from the applicant, relevant local authorities and other persons*

27. (1) Notwithstanding article 25(1)(c) where the nominated authority considers, in its reasonable opinion, following an assessment of any submissions, observations, documents, records or other information received by it in relation to an application for the review of the waste collection permit, that the proposed activities contain a significant change in the nature, focus and extent of the existing waste collection activities, the nominated authority shall—

- (a) require the applicant to publish notice that an application has been made to the nominated authority for the review of the existing waste collection permit in either a national newspaper, or in newspapers circulating in each of the local authority areas from which waste will be collected,

- (i) A notice published pursuant to this sub-paragraph shall—
- (I) contain as a heading, and in uppercase, the words “APPLICATION TO [NAME OF THE NOMINATED AUTHORITY] FOR THE REVIEW OF A WASTE COLLECTION PERMIT RELATING TO A WASTE COLLECTION ACTIVITY OR WASTE COLLECTION ACTIVITIES IN [NAME OF RELEVANT REGION or REGIONS]”,
  - (II) give the full name and the address of the principal place of business of the applicant,
  - (III) state that an application for the review of a waste collection permit has been made to the above mentioned nominated authority,
  - (IV) specify the nature of the waste collection activity to which the application relates and the local authority area or areas in which the collection activity, or activities, will be carried on, and
  - (V) state that a copy of the application for a review of the waste collection permit will be available for inspection or purchase at the principal office of the nominated authority as soon as may be and that any member of the public may, within a period of 25 working days of the application being made available for inspection by the nominated authority, make a written submission to the nominated authority in relation to the said application for a permit review,
- (b) (i) notify, as soon as may be, such an other relevant local authority or other local authorities and, in the case of an activity involving the collection of hazardous waste, the Agency, that an application has been received for the review of a waste collection permit and that notice shall be accompanied by a copy of the said application for a review of a waste collection permit and any submissions included therein,
- (ii) before it gives notice of a decision under article 28, the nominated authority shall have regard, within a period of 25 working days from the date of a relevant notification under sub-article, to any written submission received from any other relevant local authority or the Agency,
- (iii) where a local authority or the Agency specifically state that particular matters raised in their submission to the nominated authority are required for the implementation of the Waste Management Plan for their region, or, as the case may be, the National Hazardous Waste Management Plan, the nominated authority

must incorporate conditions in the reviewed permit to give effect to such provisions,

- (c) make available for public inspection in accordance with this article—
    - (i) a copy of the application for the review of the waste collection permit, including the documents and information received therein,
    - (ii) a copy of any correspondence or notifications sent to other relevant local authorities or the Agency in relation to the application for the review of the waste collection permit,
    - (iii) submissions received from the public in relation to the application for the review of the waste collection permit,
    - (iv) where an application for the review of a waste collection permit which has been received by a nominated authority is in respect of a waste collection activity which is proposed to be carried out within the functional area or areas of any other local authority, each relevant local authority shall make available for public inspection a copy of the completed application form during office hours at its principal office,
  - (d) arrange that—
    - (i) a copy of the application for the review of the waste collection permit, or any extract therefrom, shall be made available for purchase, on request, during office hours at the principal office of the nominated authority, at such charge (if any), not exceeding the reasonable cost of making such copies, as the authority may determine, and
    - (ii) arrange that a copy of the completed application form for the review of a waste collection permit, or any extract therefrom, shall be made available for purchase, on request, during office hours at the principal office of each relevant local authority, at such charge (if any), not exceeding the reasonable cost of making such copies, as the authority may determine.
- (2) (a) Any person may, on their own initiative, or on the invitation of the nominated authority, within a period of 25 working days following the making available for inspection by a nominated authority of an application for a review of a waste collection permit, make a written submission to the nominated authority in relation to the said application.
- (b) The nominated authority shall, as soon as may be after receipt of a submission under paragraph (a)—

- (i) notify the person in writing that the submission has been received by the nominated authority,
  - (ii) make the submission available for public inspection in accordance with sub-article (1)(c),
  - (iii) notify the applicant in writing that the submission has been received by the nominated authority and has been made available for inspection in the principal office of the nominated authority from a specified date, and
  - (iv) forward a copy of the submission to the other relevant local authorities concerned, and in the case of a submission in relation to the collection of hazardous waste, to the Agency.
- (c) An applicant may make a submission in writing to the nominated authority in relation to any submission within a period of 25 working days of the date of its notification to the applicant.

*Determination and notice of grant or refusal of a reviewed waste collection permit*

28. (1) Notwithstanding a decision under sub-article 25(1)(c) to require an applicant for the review of a waste collection permit to make an application for a waste collection permit in accordance with articles 5, 6 and 7, a nominated authority may, on application being made to it for the review of a waste collection permit, grant a reviewed waste collection permit in accordance with these Regulations, or refuse to grant such a permit, in relation to the carrying on by the applicant of a waste collection activity relating to a region or regions.

(2) A nominated authority shall make a decision in relation to an application for a review of a waste collection permit as expeditiously as possible and, in any event, grant, with or without conditions, or refuse to grant a review of a waste collection permit within a period of—

- (a) 40 working days from the date of the receipt of an application for the review of a waste collection permit,
- (b) 25 working days from the receipt of any submission received under and in accordance with sub-article 27(1)(b), or
- (c) 25 working days from the date of receipt of any submission received under and in accordance with sub-article 27(2)(a),

whichever period is the longest.

(3) Where it appears to the nominated authority that it would not be possible or appropriate, because of the particular circumstances of an application for the review of a waste collection permit or because of the number of applications which have been submitted to the authority, to decide on an application within the period referred to in sub-article (2), the nominated authority shall, by notice in writing served on each party to the application before the expiration of that

period, inform such party of the reasons why it would not be possible or appropriate to determine the application within that period and shall specify the date before which the authority intends that the application shall be determined.

(4) Where a notice has been served under sub-article (3), the nominated authority concerned shall take all reasonable steps as are open to it to ensure that the application is decided upon before the date specified in the notice.

(5) A reviewed waste collection permit shall be granted for a period of 5 years, unless the applicant can demonstrate to the satisfaction of the nominated authority that a shorter period is appropriate.

(6) A nominated authority shall not grant a reviewed waste collection permit unless it is satisfied that—

- (a) the activity concerned, carried on in accordance with such conditions as are attached to the reviewed waste collection permit, will not cause environmental pollution,
- (b) any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment, and
- (c) the applicant is a fit and proper person.

(7) Where an application is made under these Regulations for the review of an existing waste collection permit at least 60 working days before the expiry date of the permit, the waste collection permit shall remain in force until

- (a) a reviewed waste collection permit is granted or refused under sub-article (1), or
- (b) an application for a waste collection permit is required under articles 5, 6 and 7 and is granted or refused under article 17, or
- (c) the existing permit is revoked under article 29.

(8) Where—

- (a) an application is not made for the review of an existing waste collection permit at least 60 working days before the expiry date of the permit, or
- (b) in the case of notification from the nominated authority under article 25(3) that an application for a waste collection permit is required in accordance with articles 6, 7 and 8, an application for a waste collection permit is not made at least 60 working days from the date of issue of this notification—



an existing waste collection permit shall cease to have effect after the expiry date and the person shall not engage in waste collection activities until such time as a reviewed waste collection permit is granted in accordance with article 28, or a waste collection permit is granted in accordance with article 17.

(9) The nominated authority shall, as soon as may be after making a decision on the review of a waste collection permit under section 34(6) of the Act to amend conditions attached to a waste collection permit which has been granted or to refuse to grant a reviewed waste collection permit, give notice in writing of its decision and the reasons for its decision to the permit holder and any other relevant local authority concerned, and to the Agency if the activity relates to the collection of hazardous waste and, where appropriate, to any person who made a submission in relation to the application for the review of a waste collection permit.

(10) A notification under sub-article (9) to the waste collection permit holder, other relevant local authority or the Agency (where relevant) in relation to amending conditions attached to a waste collection permit shall be accompanied by a copy of the amended waste collection permit.

(11) A notification to any person who made a submission in relation to the application for the review of a waste collection permit under sub-article (9) of a decision to grant a reviewed waste collection permit shall state that a copy of the permit will be available for inspection or purchase during office hours at the principal office of the nominated authority and at the principal office of each relevant local authority, and the nominated authority and each relevant local authority shall arrange accordingly.

(12) A notification under this sub-article (9) in relation to—

- (a) the refusal to grant a reviewed waste facility permit, or
- (b) amending conditions attached to a waste facility permit which has been reviewed,

shall include a reference to the right of appeal provided for under section 34(9) of the Act.

(13) For the purposes of sub-article (9), in the case of an application for the review of a waste collection permit signed by more than one person, the nominated authority shall give notice only to the person who forwarded, or appears to the nominated authority to have forwarded, the application to the said authority.

*Revocation of a waste collection permit*

29. (1) A nominated authority may revoke a waste collection permit if it appears to it that—

- (a) the permit holder, or other relevant person, is not, in its reasonable opinion, a fit and proper person,

- (b) the activity being carried out is, or may be, in contravention of the conditions of the waste collection permit granted by the nominated authority,
- (c) the activity is, or may be, in contravention of the Waste Management (Facility Permit and Registration) Regulations 2007; Waste Management (Movement of Hazardous Waste) Regulations, 1998 or Waste Management (Transfrontier Shipment of Waste) Regulations 1998,
- (d) the permit holder, or other relevant person, is likely, by a continuation of his or her activities, to cause environmental pollution, or
- (e) the permit holder, or other relevant person, is participating in, or facilitating, the onward movement of waste to unauthorised facilities or unauthorised collectors.

(2) A nominated authority shall, as soon as may be after making a decision under section 34(6) of the Act to revoke a waste collection permit it has granted, give notice in writing of the decision and the reasons for the decision to the permit holder and any other relevant local authority concerned and, as appropriate in the case where the collection activity involves the collection of hazardous waste, to the Agency.

(3) The former holder of a waste collection permit which has been revoked may, within a period of 30 working days, appeal to a court of competent jurisdiction against the revocation of the waste collection permit and, on hearing the appeal, the court may confirm or annul the revocation.

*Non-application of section 34(1)(a) of the Act*

30. (1) Notwithstanding the additional requirements applicable to the relevant exemptions as imposed under sub-article 30(2), section 34(1)(a) of the Act shall not apply in respect of—

- (a) the gathering, sorting or mixing of waste—
  - (i) on the premises at which the waste arose, or
  - (ii) which is carried on in accordance with a waste licence, a waste facility permit, a certificate of registration or an IPPC licence that is for the time being in force,
- (b) the collection and transport of non-hazardous waste, other than under the conditions described in paragraph (k)(i) by a person where—
  - (i) such transport is incidental to the main business activity of the person concerned, and
  - (ii) the quantity of waste transported by the person concerned is equal to or less than 2 tonnes other than waste which is transported in, or on, a vehicle designed for the carriage of a skip or other demountable container,

- (c) the collection and transport of waste, returned or recovered refrigerant gases in refrigerant containers, where recovery has the meaning assigned to it under Regulation (EC) No. 2037/2000 and Regulation (EC) No. 842/2006, by a person where—
  - (i) such transport is incidental to the main business activity of the person concerned,
  - (ii) the person concerned is operating on a small scale and is engaged in environmentally beneficial operations facilitating the recycling, reclamation or destruction of recovered refrigerant gases in accordance with the relevant legislative requirements for the specific refrigerant gas type,
  - (iii) the quantity of waste, returned or recovered refrigerant gas transported in refrigerant containers by the person concerned is equal to or less than 2 tonnes,
  - (iv) the person has given prior annual notification to the Agency in accordance with the requirements prescribed in the fifth schedule and has received an acknowledgement of this notification from the Agency,
  - (v) the handling and transport of the refrigerant gases is carried out in a manner that shall prevent the venting or leakage of these gases to the atmosphere,
  - (vi) no mixing of different refrigerant gas types occurs,
  - (vii) the transport of the waste, returned or recovered refrigerant gases in refrigerant containers is to an authorised facility where it will be stored in accordance with the rules as set out in the fourth schedule of the Waste Management (Facility Permit and Registration) Regulations 2007,
  - (viii) the waste, returned or recovered refrigerant gases will eventually be recycled, reclaimed or destroyed at an authorised facility in accordance with the relevant legislative requirements for the specific refrigerant gas type,
- (d) the collection and transport of waste, returned or recovered halons in halon containers, where recovery has the meaning assigned to it under Regulation (EC) No. 2037/2000, by a person where—
  - (i) such transport is incidental to the main business activity of the person concerned,
  - (ii) the person concerned is operating on a small scale and is engaged in environmentally beneficial operations facilitating the recycling, reclamation or destruction of recovered halons in accordance with Regulation (EC) No. 2037/2000,

- (iii) the quantity of waste, returned or recovered halons transported in halon containers by the person concerned is equal to or less than 2 tonnes,
  - (iv) the person has given prior annual notification to the Agency in accordance with the requirements prescribed in the fifth schedule and has received an acknowledgement of this notification from the Agency,
  - (v) the handling and transport of the halons in halon containers is carried out in a manner that shall prevent the venting or leakage of these gases to the atmosphere,
  - (vi) the transport of the waste, returned or recovered halons in halon containers is to an authorised facility where it will be stored in accordance with the rules as set out in the fourth schedule of the Waste Management (Facility Permit and Registration) Regulations 2007,
  - (vii) the waste, returned or recovered halon gases will eventually be recycled, reclaimed or destroyed at an authorised facility in accordance with Regulation (EC) No. 2037/2000,
- (e) the collection and transport of waste, returned or recovered fluorinated greenhouse gases in fluorinated greenhouse gas containers where recovery has the meaning assigned to it under Regulation (EC) No. 842/2006, by a person where—
- (i) such transport is incidental to the main business activity of the person concerned,
  - (ii) the person concerned is operating on a small scale and is engaged in environmentally beneficial operations facilitating the recycling, reclamation or destruction of recovered fluorinated greenhouse gases in accordance with Regulation (EC) No. 842/2006,
  - (iii) the quantity of waste, returned or recovered fluorinated greenhouse gas transported in fluorinated greenhouse gas containers by the person concerned is equal to or less than 2 tonnes,
  - (iv) the person has given prior annual notification to the Agency in accordance with the requirements prescribed in the fifth schedule and has received an acknowledgement of this notification from the Agency,
  - (v) the handling and transport of the fluorinated greenhouse gas in fluorinated greenhouse gas containers is carried out in a manner that shall prevent the venting or leakage of these gases to the atmosphere,

- (vi) the transport of the waste, returned or recovered fluorinated greenhouse gas in fluorinated greenhouse gas containers is to an authorised facility where it will be stored in accordance with the rules as set out in the fourth schedule of the Waste Management (Facility Permit and Registration) Regulations 2007,
- (vii) the waste, returned or recovered fluorinated greenhouse gases will eventually be recycled, reclaimed or destroyed at an authorised facility in accordance with Regulation (EC) No. 842/2006,
- (f) the collection and transport of specified risk material, or protein or tallow obtained from the rendering of specified risk material, under and in accordance with a licence granted under Regulation 10 of the European Communities (Specified Risk Material) Regulations, 2000 (S.I. No. 332 of 2000),
- (g) the collection and transport of animal by-products, other than catering waste, within the meaning of the European Communities (Animal By-Products) Regulations 2003 (S.I. No. 248 of 2003) as amended by the European Communities (Animal By-products) (Amendment) Regulations 2005 (S.I. No. 707 of 2005), subject to any amendment that may be made to those regulations from time to time,
- (h) the collection and transport of packaging waste by a major producer, within the meaning of the Waste Management (Packaging) Regulations 2003 (S.I. No. 61 of 2003) as amended by the Waste Management (Packaging) (Amendment) Regulations 2004 (S.I. No. 871 of 2004) and the Waste Management (Packaging) (Amendment) Regulations 2006 (S.I. No. 308 of 2006), under and in accordance with, articles 5(1)(a) and 9(1)(e) of those Regulations, subject to any amendment that may be made to those Regulations from time to time,
- (i) collection and transport of farm plastic waste by a producer within the meaning of the Waste Management (Farm Plastics) Regulations, 2001 (S.I. No. 341 of 2001), under and in accordance with article 4 of those Regulations, subject to any amendment that may be made to those Regulations from time to time,
- (j) the collection of waste at a bring facility,
- (k) the collection and transport of waste electrical and electronic equipment by—
  - (i) any—
    - (I) person or persons in accordance with the provisions of article 38 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005);

- (II) producer as defined in section 53G of the Act, from a final user other than a private household, for the purposes of fulfilling his or her obligations in accordance with the provisions of article 17(1) of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) and provided the quantity of waste concerned is equal to or less than 0.5 tonnes,
- (III) final user other than other than a private household for the purposes of—
  - (A) fulfilling his or her obligations in accordance with the provisions of article 17(2) of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005), or as appropriate,
  - (B) transporting waste electrical and electronic equipment to a collection point designated by a producer as defined in section 53G of the Act where alternative financial arrangements have been made in accordance with the provisions of article 18(1) of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005),

subject to any amendment that may be made to the those Regulations from time to time and provided the quantity of waste concerned is equal to or less than 0.5 tonnes, or as appropriate,

- (ii) person or persons acting on behalf of or in conjunction with an authorised treatment facility where the waste electrical and electronic equipment concerned will be treated in accordance with the technical requirements as set out in the seventh schedule of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) for the purposes of raising awareness, or as appropriate, targeting specific categories of waste electrical and electronic equipment subject to the approval of the Minister and shall be subject to such conditions as the Minister may specify, including but not exclusively—
  - (I) the period of approval which shall be for a period of not more than 6 months,
  - (II) the use of logos adopted by the Minister,
  - (III) the nature of information to recorded and maintained by the authorised treatment facility concerned, or as appropriate
  - (IV) provided to the Agency, or as appropriate, any local authority

(V) variance in the terms and conditions of approval, and

(VI) revocation of approval,

subject to any amendment that may be made to those Regulations from time to time.

(l) the collection and transport of waste, other than in a vehicle designed for the carriage of a skip or other demountable container, undertaken by or on behalf of a body, which has been granted charitable recognition by the Revenue Commissioners and issued with a Charity (CHY) Number, provided that, in the case of waste electrical and electronic equipment, the activity is confined to the transport of waste electrical and electronic equipment listed within the first schedule of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005), other than waste electrical and electronic equipment listed within Category 5 of that schedule.

(m) the collection of waste at a central collection point by, or on behalf of a local authority, or with the approval of a local authority, where such collection is undertaken by, or on behalf of, a community group,

(2) The exemptions provided for in sub-articles

(a) 1(j) and 1(k) shall not apply—

(i) to contaminated waste electrical and electronic equipment that presents a health and safety risk,

(ii) unless transport of the waste electrical and electronic equipment is to an authorised facility where it will be stored in accordance with the requirements of Annex III of Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003, as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003, and

(iii) unless the waste electrical and electronic equipment will be reused or eventually be treated at an appropriate facility in accordance with the technical requirements of Annex II of Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003, as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003, or as appropriate,

(b) 1(b), 1(g), 1(h), 1(i), 1(j), 1(k) and 1(l) shall not apply to any person or persons that is not fulfilling his or her producer responsibility obligations, where applicable, provided for in Regulations made in accordance with Part III, or as appropriate, Part VA, Part VB of the Act or, as appropriate, any appropriate section or Part concerning producer responsibility obligations, that may be inserted into the Act from time to time,

- (c) 1(b) to 1(l) inclusive shall not apply in respect of the collection and transport of waste in any vehicle that is not—
- (i) transporting the waste in compliance with the general requirements of article 4 of Directive 2006/12/EC, and
  - (ii) facilitating the transfer of the waste to an authorised facility, and
  - (iii) registered in accordance with the provisions of section 131 of the Finance Act 1992 (No. 9 of 1992), and as appropriate,
  - (iv) licensed under section 1 of the Finance (Excise Duties) (Vehicles) Act 1952 or section 21 of the Finance (No. 2) Act 1992.

*Notice regarding nominated authority*

31. (1) Notwithstanding article 5(5), local authorities in each region specified in column (1) of the third schedule shall nominate one local authority from within their number to act on their behalf for the purpose specified in section 34(1) of the Act.

(2) Where a local authority is nominated to act on behalf of a region specified in column (1) of third schedule under section 34(1) of the Act for the purposes specified therein, that authority shall publish a notice to that effect in a newspaper, or newspapers circulating in the functional areas of the local authorities concerned.

*Notice and information to the Agency and other local authorities*

32. Notwithstanding the provisions of article 17, a nominated authority or a local authority shall by notice in writing, or other form of notification, including electronic means, as may be agreed by the Agency—

- (a) furnish such information in relation to the collection and movement of waste within its functional area and, as appropriate, the functional areas of the other relevant local authorities concerned to the Agency, in such form and at such frequency as may be specified by the Agency for the purposes of this article, and
- (b) notify any relevant local authority and the Agency where a person is convicted of an offence under section 34 of the Act in proceedings brought by that authority.

*Notices and information to the nominated authority*

33. (1) A holder of a waste collection permit shall give notice in writing to the nominated authority which granted the said waste collection permit of any changes in the information furnished to that local authority under article 7(1) or 10, other than those changes referred to in articles 20(1)(l) and 20(1)(m), in advance of any such change coming into effect.

(2) Where the notification under sub-article (1) identifies a material or significant change in the nature, extent or focus of the waste collection activities, the



waste collection permit holder shall obtain the written agreement of the nominated authority before implementing such operational changes to the waste collection activity.

(3) Any notice, information or records provided to a nominated authority under this article shall be made available to any relevant local authority and the Agency and the records shall be retained for a period of not less than seven years.

*Entries in registers established under section 19 of the Act*

34. It is hereby prescribed that—

(1) the register established and maintained, by a nominated authority and by all other relevant local authorities in whose functional areas waste collection activities are being carried on, in accordance with section 19 of the Act shall contain entries specifying—

- (a) details of waste collection permits granted by nominated authorities and shall indicate, in respect of each waste collection permit, the expiry date of the waste collection permit (where appropriate) and the date or dates, if any, on which the waste collection permit was amended or revoked,
- (b) the information specified in article 7(1) in relation to waste collection activities for which a waste collection permit is granted, reviewed or revoked,
- (c) details of all waste collection activities carried out directly by local authorities within the functional area or areas covered by the nominated authority and other relevant local authorities, in relation to household, commercial and industrial waste.

*Non-application of Waste Management (Movement of Hazardous Waste) Regulations, 1998.*

35. (1) Article 6 of the Waste Management (Movement of Hazardous Waste) Regulations, 1998 (S.I. No. 147 of 1998) shall not apply in respect of the movement within the State of—

- (a) waste oils,
- (b) end-of life vehicles from one authorised treatment facility to another authorised treatment facility or other facility which holds a waste facility permit, a waste licence or as appropriate an IPPC licence, provided that the vehicle concerned has been treated in accordance with the provisions of article 15 of the Waste Management (End-of-Life Vehicles) Regulations 2006 (S.I. No. 282 of 2006) subject to any amendment that may be made to those Regulations from time to time,
- (c) hazardous household, commercial or agricultural wastes collected at a bring facility or by means of a segregated collection service provided to members of the public,

where such activity is subject to a waste collection permit under these Regulations.

(2) Article 6 of the Waste Management (Movement of Hazardous Waste) Regulations 1998 (S.I. No. 147 of 1998) shall not apply in respect of the movement of waste returned, recovered refrigerant gases in refrigerant containers or waste, returned or recovered halons in halon containers, or waste returned, recovered fluorinated greenhouse gases in fluorinated greenhouse gas containers within the State, where such activity has been the subject of a prior annual notification to the Agency in accordance with the requirements of the fifth schedule and has received the appropriate acknowledgement of notification from the Agency.

(3) Article 6 of the Waste Management (Movement of Hazardous Waste) Regulations, 1998 (S.I. No. 147 of 1998) shall not apply in respect of the movement of waste electrical and electronic equipment in the State where such—

- (a) activity meets the conditions specified under articles 30(1)(k), or as appropriate, 30(1)(e) of these Regulations, or as appropriate,
- (b) waste is collected from a designated collection point by or on behalf of an approved body established in accordance with the provisions of Part IV of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005), subject to any amendment that may be made to those regulations from time to time.

*Provision of false or misleading information, or failure to provide information*

36. (1) A person shall not compile information which he or she knows to be false or misleading in a material respect or furnish any such information in, or in support of, an application, notice or other document used for the purposes of these regulations and any person who does so will be guilty of an offence.

(2) A person who fails to comply with a notice or to provide information that a nominated authority may require under these regulations shall be guilty of an offence.

*Monitoring, inspection, auditing and enforcement.*

37. (1) A nominated authority, or as the case may be, a local authority within its own functional area, shall be responsible for the monitoring, inspection and auditing of waste collection activities and the enforcement of these regulations within their functional areas and shall take such steps as are necessary for this purpose.

(2) For the purposes of ensuring that waste collection permit holders are complying with their obligations under these regulations, a nominated authority or, as the case may be, a local authority within its own functional area may take all reasonable measures as are decided to be appropriate in each case, including measures prescribed under sections 14, 15, 16 and 18 of the Act.

## FIRST SCHEDULE

*Article 2.*

## STATUTORY INSTRUMENTS REVOKED

Number	Title	Extent of Revocation
S.I. No. 402 of 2001	Waste Management (Collection Permit) Regulations, 2001	The whole regulations, subject to transitional arrangements in Article 2(2)
S.I. No. 540 of 2001	Waste Management (Collection Permit) (Amendment) Regulations, 2001	The whole regulations, subject to transitional arrangements in Article 2(2)

SECOND SCHEDULE

Statutory Declaration

I declare that the information given in the application by

for the purpose of obtaining a waste collection permit is correct, and that no information which is required to be included in the said application has been omitted.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

I authorise [name of nominated authority to which application is being made] to make any enquiries from official sources as it may consider necessary for the purpose of determining this application and, pursuant to section 8 of the Data Protection Act 1988, I consent to the disclosure of details of convictions for relevant offences specified under article 21 of the Waste Management (Collection Permit) Regulations 2007.

Signature:

.....

Name (block capitals)

Declared before me at .....this ..... day of .....,

..... , 20..... #

# To be completed by a Solicitor/Commissioner of Oaths/Notary Public/Peace Commissioner/Garda Síochána.

Signature of Witness \_\_\_\_\_

Occupation \_\_\_\_\_

Date .....

**WARNING** Any person who gives false or misleading information for the purpose of obtaining a waste collection permit renders themselves liable to severe penalties.

## THIRD SCHEDULE

Article 8.

FEES PAYABLE IN RELATION TO A SINGLE APPLICATION FOR A  
WASTE COLLECTION PERMIT

Region (1)	Fee Payable (2)
North East <sup>51</sup>	€1,000
Dublin <sup>52</sup>	€1,000
South-East <sup>53</sup>	€1,000
Cork <sup>54</sup>	€1,000
Mid-West <sup>55</sup>	€1,000
Connaught <sup>56</sup>	€1,000
Midlands <sup>57</sup>	€1,000
Wicklow	€1,000
Kildare	€1,000
Donegal	€1,000
All Regions	€5,000

<sup>51</sup>Region consists of the functional areas of Cavan County Council, Louth County Council, Meath County Council and Monaghan County Council

<sup>52</sup>Region consists of the functional areas of Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council

<sup>53</sup>Region consists of the functional areas of Carlow County Council, Kilkenny County Council, South Tipperary County Council, Waterford County Council, Waterford City Council and Wexford County Council

<sup>54</sup>Region consists of the functional areas of Cork County Council and Cork City Council.

<sup>55</sup>Region consists of the functional areas of Limerick County Council, Limerick City Council, Kerry County Council and Clare County Council.

<sup>56</sup>Region consists of the functional areas of Galway County Council, Galway City Council, Leitrim County Council, Mayo County Council, Roscommon County Council and Sligo County Council

<sup>57</sup>Region consists of the functional areas of Laois County Council, Longford County Council, Offaly County Council, North Tipperary County Council and Westmeath County Council

## FOURTH SCHEDULE

PROVISIONS OF COMMUNITY ACTS, WHICH ARE TO BE GIVEN  
EFFECT TO IN RELEVANT WASTE COLLECTION PERMITS  
GRANTED BY A LOCAL AUTHORITY.

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Council Directive 75/439/EEC of 16 June, 1975 on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December 1986
Council Directive 87/217/EEC of 19 March, 1987 on the prevention and reduction of environmental pollution by asbestos
Council Directive 91/689/EEC of 12 December, 1991 on hazardous waste
Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste
Council Directive 75/442/EEC of 15 July, 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March, 1991 and codified under Directive 2006/12/EC of the European Parliament and the Council of 5 April 2006 on waste
Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment, (WEEE) as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003
Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles as amended by Council Decision 2005/673/EC of 20 September 2005
Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste as amended by Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004
Regulation (EC) No. 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer, as amended by Council Regulations (EC) Nos. 2038/2000, 2039/2000, 1804/2003, Commission Regulation (EC) No. 2077/2004, Commission Regulation (EC) No. 29/2006 and Commission Regulation (EC) No. 1784/2006
Regulation (EC) No. 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases
Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances as amended by Commission Directive 93/86/EEC of 4 October 1993 and by Commission Directive 98/101/EC of 22 December 1998
Directive 2006/66/EC of the European Parliament and the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC
Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances
Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources
Directive 2000/60/EC of the European Parliament and of the Council of 23 October, 2000 establishing a framework for Community action in the field of water policy

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Directive 2006/118/EC of 12 December 2006 of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration

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Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos

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Regulation (EC) No. 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics

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Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption, as amended by Commission Regulation (EC) No. 808/2003 of 12 May 2003

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*Regulation (EC) No 850/2004 of the European Parliament and the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC, as amended by Council Regulation (EC) No. 1195/2006 and Council Regulation (EC) No. 172/2007*

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## FIFTH SCHEDULE

REQUIREMENTS FOR PRIOR ANNUAL NOTIFICATION TO THE AGENCY IN RESPECT OF THE COLLECTION AND TRANSPORT OF WASTE, RETURNED OR RECOVERED REFRIGERANT GASES IN REFRIGERANT CONTAINERS, WASTE, RETURNED OR RECOVERED HALONS IN HALON CONTAINERS AND WASTE, RETURNED OR RECOVERED FLUORINATED GREENHOUSE GASES IN FLUORINATED GREENHOUSE GAS CONTAINERS

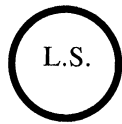
(1) A notification by a person to the Agency in respect of the collection and transport of waste, returned or recovered refrigerant gases in refrigerant containers, waste, returned or recovered halons in halon containers and waste, returned or recovered fluorinated greenhouse gases in fluorinated greenhouse gas containers shall be made in writing and, as appropriate, contain the following information—

- (a) the full name of the person,
- (b) all trade names used or proposed to be used by the person
- (c) the address of the principal place of business of the person and, where applicable, the telephone number, telefax number and e-mail address of the person
- (d) if the person is a partnership, the name and address of each partner,
- (e) if the person is a body corporate, the address of its registered office and the name and address of any person who is a director, manager, secretary or other similar officer of the body corporate,
- (f) the type, estimated quantity and nature of the recovered refrigerant gases to be transported or likely to be transported in refrigerant containers or waste, returned or recovered halons to be transported or likely to be transported in halon containers or waste, returned or recovered fluorinated greenhouse gases to be transported or likely to be transported in fluorinated greenhouse gas containers in the 12-month period following notification
- (g) the local authority area or areas in which the collection of waste, returned or recovered refrigerant gases in refrigerant containers or waste, returned or recovered halons in halon containers or waste, returned or recovered fluorinated greenhouse gases in fluorinated greenhouse gas containers will be carried on,
- (h) the name, address and waste licence/waste facility permit/certificate of registration number of any facility to which the person will deliver waste, returned or recovered refrigerant gases in refrigerant containers and waste, returned or recovered halons in halon containers



or waste, returned or recovered fluorinated greenhouse gases in fluorinated greenhouse gas containers to which the prior annual notification relates, together with the name, address and collection permit number (if relevant) of any company who collects from his or her premises

- (i) the frequency of collection of recovered refrigerant gases in refrigerant containers, waste, returned or recovered halons in halon containers and waste, returned or recovered fluorinated greenhouse gases in fluorinated greenhouse gas containers,
  - (j) information in relation to any offence, prescribed under article 20, of which the person has been convicted within the period of ten years prior to the making of the Notification, including information in relation to the court hearing the case, the nature of the offence and any penalty or requirement imposed by the court, and
  - (k) information in relation to the terms of any requirement imposed on the person by order of a court under sections 57 or 58 of the Act.
- (2) (a) The information to be provided under paragraphs (j) and (k) of sub-article (1) shall, in a case where the person is a body corporate, include such information in relation to the person and to—
- (i) each director, manager, secretary or other similar officer of that body corporate, and
  - (ii) each body corporate in relation to which a director, manager, secretary or other similar officer of the body corporate is, or was at any time during the period of ten years prior to the making of the application, a director, manager, secretary or other similar officer.
- (b) The information to be provided under paragraphs (j) and (k) of sub-article (1) shall, in a case where the person is a natural person or a partnership, include such information in relation to the applicant and each body corporate in which the person or any partner, as the case may be, is or was at any time during the period of ten years prior to the making of the application, a director, manager, secretary or other officer.



GIVEN the Official Seal of the Minister for the Environment, Heritage and Local Government,  
17 December 2007

JOHN GORMLEY.

Minister for the Environment, Heritage and Local  
Government.

EXPLANATORY NOTE

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

These Regulations amend and replace the Waste Management (Collection Permit) Regulations 2001 and set out procedures for the making of permit applications, public consultation, consideration by local authorities of submissions in relation to permit applications, and the grant, refusal and review of collection permits by local authorities.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2  
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