L.N. 235 of 2022

ENVIRONMENT PROTECTION ACT
(CAP. 549)

Beverage Containers Recycling (Amendment) Regulations, 2022

IN EXERCISE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister responsible for the environment, after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation.

S.L. 549.134.

1. The title of these regulations is the Beverage Containers Recycling (Amendment) Regulations, 2022 and these regulations shall be read and construed as one with the Beverage Containers Recycling Regulations, hereinafter referred to as "the principal regulations" .

Amends regulation 1 of the principal regulations.

2. Sub-regulation (3) of regulation 1 of the principal regulations shall be substituted by the following new sub-regulation:

"(3) The scope of these regulations is to transpose the provisions of Directive 94/62/EC of the European Parliament and of the Council of the 20 December 1994 on packaging and packaging waste and Article 8(2) and (4) and Article 9 of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment with respect to beverage containers, and the provisions of these regulations, the Waste Management (Packaging and Packaging Waste) Regulations and the Single-Use Plastic Framework Regulations shall be applied and interpreted accordingly.".

S.L. 549.43. L.N. 237 of 2022.

Amends regulation 8 of the principal regulations.

3. Sub-regulation (1) of regulation 8 of the principal regulations shall be amended as follows:

(a) in paragraph (j) thereof, the words "pursuant to regulation 10; and" shall be substituted by the words "pursuant to regulation 10;";

(b) in paragraph (k) thereof, the words "the success of the Scheme." shall be substituted by the words "the success of the Scheme; and"; and

(c) immediately after paragraph (k) thereof there shall be

added the following new paragraph:

S.L. 549.141.

"(l) without prejudice to sub-regulation (3) of regulation 6 of the Extended Producer Responsibility Framework Regulations, to cover the following costs for the beverage containers listed in the Second Schedule that are considered to be single-use plastic products as defined in regulation 3 of the Single-Use Plastic Framework Regulations, in so far as not already included, by 31 December 2024:

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(i) the costs of the awareness raising measures referred to in regulation 12 of the Single-Use Plastic Framework Regulations;

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(ii) the costs of waste collection as defined in regulation 4 of the Waste Regulations for those products that are discarded in public collection systems, including the infrastructure and its operations, and the subsequent transport and treatment of that waste;

S.L. 549.63.

(iii) the costs of cleaning up litter resulting from those products and the subsequent transport and treatment of that litter:

Provided that the costs to be covered referred to in this paragraph shall not exceed the costs that are necessary to provide the services referred to therein in a cost-efficient way and shall be established in a transparent way between the Agency, the operator and any other actors concerned:

Provided further that the costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. Such activities shall be subject to prior approval by the Agency. The calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way. To minimise administrative costs, the Minister in consultation with the Authority and the Agency may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts.".

Substitutes the Fifth Schedule to the principal regulations.

4. The Fifth Schedule to the principal regulations shall be substituted by the following new Schedule:

"Fifth Schedule
Collection Targets

Operator

(i) Material Stream I: beverage containers made from metal –

From 1st January 2022 to 31st December 2022 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2023 to 31st December 2023 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2024 to 31st December 2024 - eighty per cent (80%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2025 to 31st December 2025 - eighty-five per cent (85%) in terms of weight of the single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2026 to 31st December 2026 and for every calendar year thereafter - ninety per cent (90%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

(ii) Material Stream II: beverage containers made from plastic that are single-use plastic products as defined in regulation 3 of the Single-Use Plastic Framework Regulations –

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From 1st January 2022 to 31st December 2022 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1 January 2023 to 31st December 2023 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2024 to 31st December 2024 - eighty per cent (80%)

in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2025 to 31st December 2025 - eighty-five per cent (85%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2026 to 31st December 2026 and for every calendar year thereafter - ninety per cent (90%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

(iii) Material Stream III: beverage containers made from glass –

From 1st January 2022 to 31st December 2022 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2023 to 31st December 2023 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2024 to 31st December 2024 - eighty per cent (80%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2025 to 31st December 2025 - eighty-five per cent (85%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2026 to 31st December 2026 and for every calendar year thereafter - ninety per cent (90%) in terms of weight the single use containers registered in terms of the Scheme as having been placed on the market during the said period.

Producers of refillable beverage containers

From 1st January 2022 to 31st December 2022 - seventy per cent (70%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.

1st January 2023 to 31st December 2023 - seventy per cent (70%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.

1st January 2024 to 31st December 2024 - eighty per cent (80%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.

1st January 2025 to 31st December 2025 - eighty-five per cent (85%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.

1st January 2026 to 31st December 2026 and for every calendar year thereafter - ninety per cent (90%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.".

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