



Mr. Kevin O'Donoghue
Department of the Environment, Climate and Communications
Newtown Road
Wexford
Y35 AP90,

By email only to kevin.odonoghue@decc.gov.ie

13th October 2021

Re: Circular Economy Bill 2021

Dear Kevin,

We have reviewed the Heads of the Circular Economy Bill 2021 and wish to make the following comments for your consideration. We welcome most of the proposed changes to primary legislation, particularly the points that relate to the development of Circular Economy Plans/Programmes, greater enforcement of illegal dumping and greater incentivisation of waste prevention and recycling.

In relation to Head 14, where it refers to *“(xxiii) the achievement of targets in relation to recycling rates as may be prescribed”*, we have some concerns, as elaborated in our meeting of 23rd September 2021. We suggest that any such targets must be achievable by the waste collector, considering the types of waste placed on the market, the types of waste collected (and not collected) by the waste company and the sorting efforts by the customers. We indicated at our recent meeting that the MSW recycling targets of 55% to 65%, set in the Waste Framework Directive are not achievable at kerbside without specifically targeting large volumes of garden waste and we are unsure if targeting such waste is the best environmental option in the context of carbon emissions. Collecting extra garden waste would have a significant impact on our household waste generation rate per capita and would thereby impact negatively on our waste prevention efforts. You may recall that we suggested the commissioning of a technical report to assess the carbon impacts of collecting and treating more garden waste versus the status quo.

We assume that any household waste collection recycling targets would apply equally to Pay To Use Compactors. We would be grateful if you could confirm this point.

As mentioned at our recent meeting and in our correspondence of 22nd September, we recommend a league table of household waste collectors to be compiled and maintained by the NWCPO, based on waste prevention and recycling rates calculated from annual returns submitted to the NWCPO. The enforcement authorities can then focus on the bottom 10 or 15 performers each year and consider the level of incentivisation and/or customer awareness that these companies engage in and use enforcement tools as necessary to achieve better results in terms of waste prevention and recycling. The league table can be updated annually. It may be unfair to publish such data, as there may be genuine reasons why recycling rates are low in certain areas, so we envisage that the authorities would work with the collectors rather than naming and shaming them.

Commercial waste recycling targets are more complicated as companies often use different waste collectors for the collection of different materials, so some collectors only collect recyclable materials (food waste, plastic drums, cardboard, glass, wood, metal, etc) whilst other collectors collect the residual waste. Those collecting the recyclables will naturally have much higher recycling rates than those companies collecting residual waste, so a league table or mandatory recycling rates would not be appropriate in these circumstances.

Mandatory per kilo charging for residual wastes would be more helpful and we note the proposed changes in that regard, which we support. We also recommend that businesses are incentivised to prevent and recycle waste in other ways, such as the use of a voluntary waste management rating system that could lead to reduced commercial rates for those that perform well in this context and higher commercial rates for those that perform poorly or choose not to partake in such a scheme.

The IWMA did not object to the planned €5 recovery levy, but we are concerned by the scale of the proposed recovery levies contained in Head 15. In particular, the scale proposed could lead to unintended consequences in the waste market, such as delivering a competitive advantage to landfill. Therefore, while the use of fiscal instruments is supported to bring about sustainable behavioural change, the application of such instruments in an incremental and proportionate manner should be considered if the desired policy outcomes are to be achieved in a meaningful manner.

It has been suggested by our members that the introduction of legislation that creates the possibility of a recovery levy of up to €120/t with incremental increases of up to €50/t could discourage investment in critical waste recovery infrastructure, as projects may no longer be viable at that level of levy.

I trust that our comments are helpful, as we have a common interest in further developing the Circular Economy and in raising standards in waste management in Ireland.

Yours Sincerely,



Conor Walsh
IWMA Secretary

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