



Mr. Donal Hourigan,  
Mr. Denis Dunne,  
Assistant Principal  
Environment Protection Division,  
Department of the Environment, Climate and Communications  
Newtown Road,  
Wexford,  
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Sent by email only

9<sup>th</sup> June 2023

**Re: Draft European Union (Household Food Waste and Bio-waste) (Amendment) Regulations 2023**

Dear Mr. Hourigan / Mr. Dunne

Thank you for sharing the above-referenced draft regulations for our feedback.

We had a meeting of IWMA members on Monday 29<sup>th</sup> May to discuss this draft and we offer the following feedback as well as a 'marked-up' version with the bulk of our comments.

The meeting between DECC and IWMA on 1<sup>st</sup> March 2023 was a very useful exercise and we believe that we are agreed on the main issues associated with amending the current regulations.

After that meeting, we proposed amendments and we can see that some of our proposals have been written into your draft. However, your method of amending the regulations differs from our proposal and whilst we recognise that this is your decision, we can see inconsistencies that could lead to unintended consequences. You have proposed the insertion of two new parts, PART IIA and PART IIIA to deal with the duties of collectors and households respectively in respect of garden waste. We had proposed dealing with these duties in new paragraphs within the existing PART II and PART III.

The attached marked-up version highlights inconsistencies, with commentary that will hopefully help you to make the regulations more robust. Some of the key issues are summarised in the following text.

The definition of bio-waste is as follows:

'bio-waste' means biodegradable garden and park waste, food and kitchen waste from households, offices, restaurants, wholesale, canteens, caterers and retail premises and comparable waste from food processing plants. (Note that we have underlined the relevant words with regard to household waste).

Your draft has proposed that PART II and PART III deal with 'food waste and bio-waste' and PART IIA and PART IIIA deal with biodegradable garden waste. This approach is probably a consequence of the household food waste regulations originally only dealing with food waste (although titled 'Household Food Waste and Bio-waste'). But, as you can see from the definition above, food (and kitchen) waste from households, and garden waste, are actually constituents of bio-waste. This leads to confusion as

to what the draft regulations means by 'food waste and bio-waste' in PART II and PART III. In fact, in some instances only the term 'food waste' is used. Similarly, both the terms 'biodegradable garden waste' and 'garden waste' are used (almost interchangeably) in PARTS IIA and IIIA.

A new definition of garden waste is also provided in the draft regs, as follows:

"garden waste" means vegetative or organic material, including grass cuttings, leaves, plants, flowers and other similar small, or light, organic matter, produced from the care and maintenance of landscaped areas, gardens and parks. (We have underlined 'parks' as that is not relevant to garden waste from households).

In our view, the confusion which arises includes ambiguity as to whether food waste can be mixed with garden waste, and vice versa – although we doubt that is the intention.

The approach we took was to rename the regs from 'Household Food Waste and Bio-waste' to 'Household Bio-waste' and proceed to deal with 'Food and Kitchen Waste' and 'Biodegradable Garden Waste' separately within both PART II and PART III.

We recommend a side-by-side '*compare and contrast*' of the two documents before finalising the text, as the current approach has led to many inconsistencies, as shown in our 'marked-up' version.

We request that we have a further meeting when you have had a chance to digest our comments, where we can further explain our view and hopefully agree on the way forward to finalise the draft amendment regulations. We believe that the Department and the IWMA are seeking the same outcome, with no significant unintended consequences, so we consider that it is just a matter of finding the most robust wording.

Yours sincerely



Conor Walsh  
IWMA Secretary

For and on behalf of the Irish Waste Management Association

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