



STATUTORY INSTRUMENTS.

S.I. No. 294 of 2024



WASTE MANAGEMENT (FOOD WASTE) (AMENDMENT)
REGULATIONS 2024

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I, OSSIAN SMYTH, Minister of State at the Department of Environment, Climate and Communications, in exercise of the powers conferred on me by sections 7, 18, 28, 29, 34, 36, 38 and 39 of the Waste Management Act 1996, and the Environment, Climate and Communications (Delegation of Ministerial Functions) Order 2023 (S.I. No. 252 of 2023), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Waste Management (Food Waste) (Amendment) Regulations 2024.

Definition and commencement

2. (1) In these Regulations, “Principal Regulations” means the Waste Management (Food Waste) Regulations 2009 (S.I. No. 508 of 2009).

(2) These Regulations shall come into operation on the 1st day of July 2024.

Amendment of Regulation 2 of Principal Regulations

3. Regulation 2(3) of the Principal Regulations is amended—
- (a) by the insertion of the following definition after the definition of authorised treatment process:

“ ‘atypical collection solutions’ means the collection of waste other than by approved reusable receptacles, and includes collection using non-reusable receptacles or bags, or other suitable solutions, in areas designated by the local authority concerned as being suitable for the collection of waste;”
 - (b) by the insertion of the following definition after the definition of Minister:

“ ‘nominated authority’ has the meaning given to it by article 4(1) of the Collection Permit Regulations;”
 - (c) in the definition of premises, by the substitution of “curtilage;” for “curtilage. Schedule 1 sets out the classes of premises covered by these Regulations;” and
 - (d) by the substitution of the following definition for the definition of producer:

“ ‘producer’ means a person—

 - (a) that is the occupier of a premises where food is prepared

or consumed, or both, or

- (b) who supplies food, regardless of whether a charge is made, at any premises;”.

Amendment of Regulation 3 of Principal Regulations

4. The Principal Regulations are amended by the substitution of the following Regulation for Regulation 3:

“Scope of Regulations

3. (1) These Regulations shall apply to food waste arising at, or collected from, any premises, other than food waste arising as a fraction of household waste.

(2) These Regulations shall not apply to the following:

- (a) ...
- (b) to Category 1 animal by-products within the meaning of Regulation 1774 and Regulation 1069, which shall be—
 - (i) collected and treated in accordance with the requirements of those Regulations, and
 - (ii) in the case of food waste that has arisen from a means of transport operating internationally, it may also be disposed of as waste by burial in a landfill approved under Directive 1999/31/EC of 26 April 1999¹ in accordance with the requirements of Regulation 1774 and Regulation 1069;
- (c) to Category 2 animal by-products within the meaning of Regulation 1774 and Regulation 1069, which shall be collected and treated in accordance with the requirements of those Regulations;
- (d) to food waste arising at a hospital, nursing home or other premises for the long-term residential accommodation of people in need of care, where food is prepared on the premises which is—
 - (i) contaminated so as to pose a risk to human or animal health through an infectious disease, or

¹ OJ No. L 16.07.1999, p. 1.

- (ii) otherwise prohibited or withdrawn for use as a food or feed,

and which shall be collected and treated in accordance with the requirements of Regulation 1774 and Regulation 1069.

(3) ...

(4) ...

(5) Without prejudice to the power of any local authority to provide for relevant policy objectives under a waste management plan or a waste presentation bye-law, or of any nominated authority to apply conditions under a waste collection permit, these Regulations shall not apply to off-shore islands.”.

Amendment of Regulation 9 of Principal Regulations

5. Regulation 9 of the Principal Regulations is amended—

(a) by the substitution of “Without prejudice to the conditions of a discharge licence or a waste collection permit, a person shall not—” for “Where a source segregated waste collection service is available to producers of food waste and without prejudice to the conditions of a discharge licence or a waste collection permit, a person shall not—”, and

(b) by the insertion of the following paragraph after paragraph (5):

“ (6) Other than where a food waste producer has provided confirmation in writing to the waste collector concerned—

(a) that they do not wish to avail of the service, and

(b) the details of how food waste arising on the premises will be appropriately managed in the absence of such a service,

a separate collection service for a food waste producer shall include the direct provision to the address of each food waste producer, by the waste collector, other than where the collection of such waste is by atypical collection solutions, of an approved waste receptacle which is designed for reuse.”.

Amendment of Regulation 10 of Principal Regulations

6. Regulation 10 of the Principal Regulations is amended by the deletion of “(other than an activity excluded from within the scope of Class 1 of Schedule 1 to these Regulations)”.

Amendment of Regulation 13 of Principal Regulations

7. Regulation 13 of the Principal Regulations is amended by the insertion of the following paragraph after paragraph (5):

“ (6) Where the occupier of the premises is a different person to the person who supplies food on those premises, both parties shall be deemed to be a producer under these Regulations and both may be jointly and severally liable for any non-compliance with these Regulations;”.

Amendment of Schedule 1 to Principal Regulations

8. The Principal Regulations are amended by the deletion of Schedule 1.

Transitional provision

9. Notwithstanding the coming into operation of these Regulations, any proceedings initiated, or criminal prosecutions instituted, under the Principal Regulations may be continued as if the amendments in these Regulations had not been made and any order made, or fine or penalty imposed, shall have effect accordingly.

GIVEN under my hand,
14 June 2024

OSSIAN SMYTH,
Minister of State at the Department of the Environment, Climate &
Communications

EXPLANATORY NOTE

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

These Regulations amend the Waste Management (Food Waste) Regulations 2009 (S.I. No 508 of 2009) which are designed to promote the segregation and recovery of food waste arising in the commercial sector. The Regulations of 2009 have been amended to obligate all commercial premises to segregate their food waste (other than those commercial premises specifically exempted under those Regulations) in line with the requirements in the European Union Waste Framework Directive (Directive 2008/98/EC) that bio-waste is either separated and recycled at source or is collected separately and is not mixed with other types of waste.

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