

APPROVAL FOR

REPAK ELT

TO ACT AS A

TYRES AND WASTE TYRES COMPLIANCE SCHEME

**UNDER THE WASTE MANAGEMENT (TYRES AND WASTE
TYRES) REGULATIONS, 2017.**

Table of Contents

- 1. Purpose.**
- 2. Corporate Governance.**
- 3. Reporting.**
- 4. Target Achievement.**
- 5. Auditing of Members**
- 6. Enforcement.**
- 7. Awareness Raising and Communications.**
- 8. Membership Interaction.**
- 9. Cost Control.**
- 10. Success Factors.**
- 11. Contingency Reserve Fund.**
- 12. Co-operation.**
- 13. Regulatory Affairs.**
- 14. Provision of Information.**
- 15. Confidentiality.**
- 16. Risk and issue management.**
- 17. Green Procurement.**
- 18. Policy direction.**
- 19. Disputes.**
- 20. Notice terms and conditions.**
- 21. Corrective Actions.**
- 22. Interface.**
- 23. Requirements.**
- 24. Duration.**
- 25. Re-Approval timelines.**

1. Purpose.

This approval sets out the terms and conditions under which Repak ELT is approved as a tyres and waste tyres compliance scheme in accordance with their application to this Department.

The purpose of this approval is to ensure clear service ownership, accountability and responsibilities of Repak ELT Limited (hereafter Repak ELT) with a view to ensuring that Repak ELT is discharging its statutory functions in an efficient and effective manner.

2. Corporate Governance.

Repak ELT in preparing the report outlined at Section 3 below shall include, in line with best international practice for not for profit companies, details of the Directors' and Chief Executive total remuneration and benefits, together with details of the attendance record of Directors at Board and sub-committee meetings level.

The Directors shall exercise full and effective control over the activities of Repak ELT. The Directors, in conjunction with the Chief Executive, shall set, implement and review the strategic objectives of the company and shall monitor executive management and performance.

The Chairperson of the Board shall keep the Minister advised on matters of significance arising in respect of Repak ELT, and shall brief the members on the functioning of the Scheme on an annual basis. The Chief Executive shall keep the Department and members advised on all matters relating to the performance of the company as set out in Section 22.

Any proposed changes to Repak ELT's Articles of Association shall be submitted to the Department for approval. Repak ELT shall have full regard to the Department's views on any proposed changes.

3. Reporting.

Repak ELT shall, not later than 31st May in each year following the granting of this approval, submit to the Minister for Communications, Climate Action & Environment: -

- a copy of the full audited accounts of Repak ELT in respect of the preceding calendar year
- Repak ELT's evaluation on the adequacy of the visible environmental management cost to fund the environmentally sound management of tyres, based on the previous year's operations and
- a report specifying the steps taken by Repak ELT in pursuance of the aforementioned tyres and waste tyres scheme in the preceding calendar year, and the results of those steps. This report shall include a statement outlining:
 - the number of producer members of the scheme
 - the number of retailer members of the scheme
 - the number of applications for membership refused or subjected to an appeals process
 - the number of authorised waste collectors registered with the scheme
 - the number of recovery operators registered with the scheme
 - the number of farmers registered with the scheme.
 - the quantity of tyres collected on behalf of the Scheme;
 - the quantity of tyres recovered

- the quantity of tyres recycled together with quantities of:
 - Materials recovered, and
 - Residues and details of disposal methods
- The quantities of tyres (both units and weights) diverted for reuse:-
 - Civil engineering
 - On farms
 - Marina's
 - Export
 - Other member states
 - Third countries
 - other

Repak ELT shall make this report available to their members and on their website.

4. Target Achievement.

No targets in relation to the overall recovery and recycling of waste tyres are contained in the Waste Management (Tyres and Waste Tyres) Regulations 2017. Notwithstanding this, it is important that specific targets be set in relation to the recovery and recycling of waste tyres which will underpin the full PRI for Tyres and Waste Tyres.

As a result, Repak ELT will be obliged to work towards and meet the following minimum targets by the end of 2018 and each subsequent year of this approval;

- A recovery rate of 70% of all tyres collected, and
- A recycling rate of 30% of all tyres collected.

As more data on the flow of tyres on and off the market becomes available, the Department will review the achievement of this on an on-going basis with Repak ELT.

5. Auditing of Members

To ensure data in relation to these targets is correct, Repak ELT should operate a programme of audit of their members.

Repak ELT should devise a procedure, as part of its overall communications strategy, for following up with non-compliant operators including reporting details of these operators to Local Authorities. Repak ELT in preparing the report outlined at Section 3 shall include details of the number of operators in compliance and the number of referrals made for local authority enforcement detailed by county.

6. Enforcement.

A strong, effective enforcement regime is essential to ensure high levels of compliance and target achievement. While Repak ELT is responsible for target achievement it does not have direct responsibility for enforcement of the Tyres and Waste Tyres Regulations. This lies with local authorities, the Office of Environmental Enforcement of the EPA and this Department.

The Waste Enforcement Regional Lead Authorities (WERLAs) are responsible for coordinating waste enforcement actions within regions, setting priorities and common objectives for waste enforcement, ensuring consistent enforcement of waste legislation across the three existing waste management planning regions while still leaving local authority personnel as first

responders on the ground to specific breaches of waste legislation. This structure complements the existing regional waste management planning group structure and the cooperative multi-agency approach of the NIECE network. The work of the WERLAs is overseen by a National Steering Committee which is chaired by the Department of Communications, Climate Action and Environment. An Industry Contact Group provides other stakeholders in the waste sector, including the compliance schemes, with the opportunity to input into this enhanced waste enforcement structure.

Repak ELT will proactively support, (both financially and through the provision of expertise and industry knowledge), the efforts of the various agencies with responsibility for enforcement. This enhanced level of co-operation between Repak ELT and these agencies on enforcement will ensure greater transparency, unity of purpose and concentration of effort in overcoming challenges in achieving ambitious environmental targets. Repak ELT in preparing the report outlined at Section 3 shall include details of the expenditure and measures taken by the Company to support enforcement.

7. Awareness Raising and Communications.

Repak ELT shall operate a programme of national and sectoral educational and awareness raising activities. This awareness raising and communications campaign shall operate across all existing and emerging media platforms.

Repak ELT shall keep these campaigns under review and carry out internal analysis of the campaigns to ensure their impact and success. In carrying out this activity, Repak ELT shall be aware of its obligation to co-operate with other compliance schemes as set out at Section 12 below. Repak ELT shall provide this Department with an annual report on these activities; including details of the total spend on each activity, as part of the report outlined in Section 3 above.

8. Membership Interaction.

Repak ELT in preparing the report outlined at Section 3 shall include details of its interaction with members in each year during this approval. The report shall outline the number of meetings held, including Annual General Meetings, newsletters issued, membership surveys, events, etc. as referred to in Section 10 below.

9. Cost Control.

Repak ELT in preparing the report outlined at Section 3 shall include details of the measures taken by the Company to ensure that costs are kept to a minimum. The report should include details of the level of fees paid by members.

10. Success Factors.

This Department will have regard to the following criteria to measure the success of Repak ELT during the period of its approval:-

- The administration of the tyres and waste tyres scheme in accordance with the Waste Management (Tyres and Waste Tyres) Regulations 2017 and this approval,
- The achievement of the targets as set out at 4 above,
- The level of member satisfaction with Repak's operations,
- Details on interaction with members,
- Level of fees & costs paid.

- Repak ELT being in full compliance with all necessary filings with all applicable registries including, but not limited to, the Companies Registration Office and the Revenue Commissioners.

11. Contingency Reserve Fund.

The purpose of the Contingency Reserve Fund is to ensure the availability to Repak ELT members of sufficient resources for the continued delivery of the Scheme in the event of notice to terminate approval by the Department as set out in Section 20 below. The fund shall be sufficient to cover the direct operating costs of Repak ELT and should be built up to a level of €5m over the period of this approval. This amount will be subject to review during the interim review of this approval. Once a sufficient operating reserve over and above the €5m has been established the Contingency Fund shall be ring-fenced from the day to day financial requirement of Repak ELT and the Fund shall be held by Repak ELT in trust for its members. It shall constitute a breach of this approval for Repak ELT to withdraw any amount from the Fund without the prior consent of the Department.

12. Co-operation.

Repak ELT shall cooperate with compliance schemes across the various waste streams where this would be of benefit (for example in the co-funding of a public awareness programme which could apply to a number of streams).

Repak ELT shall cooperate with any body approved by the Minister to run a compliance scheme for end of life vehicles to assist with EU target attainment in that sector.

Repak ELT shall continue to work with other Agencies operating in a similar environment to identify areas where better collaboration and cooperation will yield efficiencies in the areas of reducing the administrative burden and eliminating any unnecessary duplication in areas such as data collection, analysis, reporting and sharing.

13. Regulatory Affairs.

Repak ELT shall keep itself updated on relevant regulatory developments at a national and EU level. The company should be in a position to assist, advise and contribute to the development of Ireland's position on such regulatory matters. In particular Repak ELT shall be mindful of and, if appropriate, participate in the debate on future developments regarding the Circular Economy Package and Extended Producer Responsibility.

14. Provision of Information.

Repak ELT shall furnish the Department with full audited accounts annually and respond to any such explanations that might be required. Repak ELT shall make available to this Department any and such information which might be required, including information requested at short notice, in order to support our role in the democratic process. This information may be in addition to the report required at Section 3 above.

15. Confidentiality.

The Department of the Environment, Community and Local Government is subject to the Freedom of Information Acts (1997, 2003 and 2014) and the Access to Information on the Environment Regulations 2007 – 2014.

The principles and objectives underpinning the requirements for greater levels of reporting, transparency and information can be found in the Aarhus Convention, which was ratified by Ireland on 12 June 2012, and the EC (Access to Information on the Environment) Regulations 2007-2014.

In line with the provisions of the Aarhus Convention, Repak ELT shall make information available on its website.

In considering a request under these Regulations, the Department, if it does not hold the information requested, may request the information from Repak ELT. Repak ELT shall provide the Department with the information requested within 5 working days so as to ensure the request is responded to in a timely manner.

The Department shall endeavour to ensure that the confidentiality of specific records provided by Repak ELT to this Department is maintained consistent with our legislative obligations.

16. Risk and issue management.

Repak ELT shall ensure it has an effective risk management system in place including the regular updating of corporate and office level risk registers. The risk mitigating measures will include disaster recovery and business continuity planning.

The Department and Repak ELT shall adopt a ‘no surprises’ approach to areas of common concern.

Repak ELT shall, without undue delay, notify the Department of any material developments that will have an impact on the ability of Repak ELT to deliver on its legal and regulatory obligations and to carry out its functions effectively, and of issues with wider financial or reputational implications for the State. This also applies to developments that will have an impact on the compliance of the service with the applicable laws and regulatory requirements.

Similarly, the Department shall, without undue delay, inform Repak ELT of any material changes or issues that would affect the ability of Repak ELT to perform and resource its functions.

17. Green Procurement.

Repak ELT shall adopt policies that are committed to environmental best practice in the procurement of goods and services (see www.greenpublicprocurement.ie) and shall accordingly introduce measures to promote green procurement, within Repak ELT as an entity in itself and within its member organisations, so that the environmental impacts of its products and services are minimised where practicable.

18. Policy Direction.

Repak ELT will adopt policy directions in relation to tyres and waste tyres issued by the Minister for Communications, Climate Action & Environment, as and when these directions are issued.

19. Disputes.

Both this Department and Repak ELT shall seek to resolve any disputes between them, arising out of or relating in any way to the issues covered by this approval, at the appropriate level. The Department and Repak ELT may also agree a protocol for dispute resolution during the period of the approval.

20. Notice terms and conditions.

The Department shall have the ability to terminate the approval granted to Repak ELT in the event of any of the following occurrences:-

- if an order is made or an effective resolution is passed or a petition is presented for the winding up of Repak ELT;
- if a receiver, examiner, administrator or liquidator is appointed over any of the property or assets of Repak ELT;
- if Repak ELT commits any material breach of this approval or the Waste Management (Tyres and Waste Tyres) Regulations 2017 (including but not limited to defaults in provision of the Services) which, if capable of remedy, shall not have been remedied within an agreed or reasonable timeframe after written notification thereof has been served on Repak ELT;
- if a distress or execution order is levied or served upon any of the property or assets of Repak ELT and is not paid off within thirty days;
- if Repak ELT ceases or threaten to cease to carry on all or a substantial part of the day to day compliance scheme operations as outlined in Section 1 above;
- if Repak ELT is in breach of any of the material provisions of this approval;
- if Repak ELT is in breach of any material provision of the Companies Acts or other applicable legislative provisions; and
- if any other material event occurs which the Department in its absolute discretion considers might or does adversely affect the ability of Repak ELT to comply with its obligations under this approval.

The Department will provide Repak ELT with 180 days' notice in the event of a decision being taken to terminate Repak ELT's approval.

If Repak ELT wishes to cease to provide the services it has been approved to provide, the Department of Communications, Climate Action & Environment must be informed, in writing, 180 days in advance of this cessation.

21. Corrective Actions.

In the event that Repak ELT breaches certain material conditions of this approval or where it is agreed that target attainment is at risk, a range of corrective actions may be considered by this Department. Such actions that might be considered include:-

- increased spending by Repak ELT on education and awareness,
- additional training for key personnel and directors, and
- the assignment of additional personnel/resources by Repak ELT.

22. Interface.

The contact person in the Department of Communications, Climate Action & Environment dealing with all aspects of this approval is Kevin Giles, e-mail: kevin.giles@dccae.gov.ie telephone number 01 6782914. The contact person for Repak ELT is Tony O Sullivan, e-mail: tony.osullivan@Repak_ELT.ie, telephone 01 4670190. Contact between the Department and Repak ELT will be maintained at this level.

23. Requirements.

Repak ELT is only approved to act as a tyre and waste tyre compliance scheme on condition that Repak ELT abides by the terms and conditions of this approval.

24. Duration.

This approval is valid from 1st October 2017 and shall remain in place until 31st December 2022. This approval will be subject to a review in June 2019.

To ensure continuity of service both parties commit to informing each other of significant departures or changes in their respective roles and responsibilities. Amendments to the contents of this approval shall be made by the mutual agreement of the Department and Repak ELT.

25. Re approval timelines.

If it is Repak ELT's intention to seek re-approval to continue to operate as a compliance scheme for the tyre industry on completion of this approval, the following timeline will apply:

30th June 2022	Receipt by this Department of Repak ELT's application to continue to operate as a compliance scheme for tyres including Business, Financial and Strategic plans. Repak ELT shall also provide this Department with a review, approved by their Board, of their current approval.
July–August 2022	Assessment of Repak ELT's application in conjunction with Section 10 of this approval.
September 2022	Decision by this Department on Repak ELT's application.
November 2022	Approval, if appropriate, to issue to Repak ELT.