

## Scrutiny of Statutory Instrument 400

There are three major deficiencies in Statutory Instrument 400 which will result in the failure of this instrument to ensure the environmentally appropriate management of tyre waste.

**a. Market Disruption with NI is not dealt with in any way.**

- €3.44 for car and €13.50 for a truck tyre (from Jan 1 2018) is too great of a cost difference North to South
- The vEMC exceeds the current cost of properly recycling a car tyre by 250%
- Illegal waste arising will be fly-tipped (no other way to get rid of it)
- Transport companies and Farmers will buy their tyres in the North and either fly tip the waste in the South or leave their waste to be dealt with in the North

**b. The reporting requirements for small retail Tyre shops are confusing and convoluted** and place a very significant administrative burden on small family tyre businesses (Please see attached Appendix A)

- 8 categories and 35 sub-categories to be reported
- Most tyre shops will have to report as both Producers and Retailers
- There is no rationale to the reporting requirements
- Blackbox information is compromised not by any security breach, but by virtue of the fact that only one category is being charged for making it easy for anyone to work out Producer market share by dividing the invoice from Repak ELT by €3.44
- Repak ELT has hired at least one employee who would have a potential conflict of interest in this area with conceivable access to billing data

**c. Enforcement resources are being squandered.** Fixed penalty notices were to be a central foundation of new Tyre Regulations to enhance enforcement efforts by Local Authorities.

- There are no penalties for non-compliance outlined in SI 400
- Current legislation requires a Local Authority to initiate Court proceedings to effect enforcement which is very costly and inefficient for both sides
- These Regulations require ongoing enforcement rather than monitoring which is very expensive given that 2,500+ economic operators are involved

## Appendix A -3rd Schedule Part 2 extract 2017 Tyre Regulations

3. The quantities by weight or, as appropriate, by number of units of tyres sold in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been paid.
4. The quantities by weight or, as appropriate, by number of units of tyres sold in each of the categories specified in the First Schedule for which an environmental management charge as prescribed in Regulations 42 and 43 has not been paid.
5. The quantities by weight or, as appropriate, by number of units of tyres received from a producer in each of the categories specified in the First

Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been paid.

6. The quantities by weight or, as appropriate, by number of units of tyres received from a producer in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has not been paid.
7. The quantities by weight or, as appropriate, by number of units of tyres received from a retailer in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been paid.
8. The quantities by weight or, as appropriate, by number of units of tyres received from a retailer in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been not paid.
9. The quantities by weight or, as appropriate, by number of units of waste tyres put forward for collection by an authorised waste collector in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has been paid.
10. The quantities by weight or, as appropriate, by number of waste units of tyres put forward for collection by an authorised waste collector in each of the categories specified in the First Schedule for which an environmental management cost as prescribed in Regulations 42 and 43 has not been paid.
11. The names, addresses and permit numbers of authorised waste collectors or, as appropriate, recovery operators used for the collection or treatment of waste tyres during the reporting period.