



DÁIL ÉIREANN

**AN BILLE UM AN nGEILLEAGAR CIORCLACH, UM
BAINISTIÚ DRAMHAÍOLA (LEASÚ) AGUS UM FHORBAIRT
MIANRAÍ (LEASÚ), 2022**

**CIRCULAR ECONOMY, WASTE MANAGEMENT
(AMENDMENT) AND MINERALS DEVELOPMENT
(AMENDMENT) BILL 2022**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

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AN BILLE UM AN nGEILLEAGAR CIORCLACH, UM BAINISTIÚ DRAMHAÍOLA (LEASÚ) AGUS UM FHORBAIRT MIANRAÍ (LEASÚ), 2022 —AN TUARASCÁIL

CIRCULAR ECONOMY, WASTE MANAGEMENT (AMENDMENT) AND MINERALS DEVELOPMENT (AMENDMENT) BILL 2022 —REPORT

Leasuithe Amendments

1. In page 6, between lines 21 and 22, to insert the following:

“ “Just transition” means a transition that ensures the economic, environmental and social consequences of the ecological transformation of economies and societies are managed in ways that maximise opportunities of decent work for all, reduce inequalities, promote social justice, and support industries, workers and communities negatively affected, in accordance with nationally defined priorities, and based on effective social dialogue;”.

—Jennifer Whitmore.

2. In page 7, to delete lines 19 to 27 and substitute the following:

“ “circular economy” means an economic model and the policies and practices which give effect to that model in which—

- (a) production and distribution processes in respect of goods, products and materials are designed so as to minimise the consumption of raw materials associated with the production and use of those goods, products and materials,
- (b) the delivery of services is designed so as to reduce the consumption of raw materials,
- (c) goods, products and materials are kept in use for as long as possible thereby further reducing the consumption of raw materials and impacts harmful to the environment,
- (d) the maximum economic value is extracted from goods, products, and materials by the persons using them, and
- (e) goods, products and materials are recovered and regenerated at the end of their useful life;”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

3. In page 7, line 20, after “which” to insert “every stage of the supply chain is adapted so that”.

—Bríd Smith.

4. In page 7, between lines 27 and 28, to insert the following:

“(d) and where the manufacturer or producer of the goods, products and materials concerned is held accountable and financially liable for the costs associated with their recovery and regeneration;”.

—Bríd Smith.

5. In page 8, between lines 4 and 5, to insert the following:

“ “National Biodiversity Action Plan” means the National Biodiversity Action Plan 2017-2021 published by the Government on 5 October 2017 or any document published by the Government which amends or replaces that plan;”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

6. In page 8, between lines 7 and 8, to insert the following:

“ “National Disability Inclusion Strategy” means the National Disability Inclusion Strategy 2017-2021 published by the Government on 14 July 2017 or any document published by the Government which amends or replaces that strategy;”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

7. In page 8, between lines 12 and 13, to insert the following:

“ “National Policy Statement on the Bioeconomy” means the National Policy Statement on the Bioeconomy published by the Government on 12 March 2018 or any document published by the Government which amends or replaces that statement;”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

8. In page 8, after line 40, to insert the following:

“ “Roadmap for Social Inclusion” means the Roadmap for Social Inclusion 2020-2025 published by the Government on 14 January 2020 or any document published by the Government which amends or replaces that roadmap;”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

9. In page 9, line 17, to delete “to hold food”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

10. In page 10, to delete lines 9 to 11 and substitute the following:

“(3) Before the Minister submits a circular economy strategy to the Government for their approval under this section, he or she shall—

(a) consult with—

- (i) members of the public in such manner as he or she considers appropriate,
- (ii) such bodies, as he or she considers appropriate, representing economically or socially disadvantaged persons or persons who have a disability, and
- (iii) such other persons, if any, as he or she considers appropriate,

in relation to the proposed strategy, and

- (b) ensure that a poverty impact assessment has been carried out by the Minister in respect of the strategy.”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

11. In page 10, between lines 19 and 20, to insert the following:

- “(d) the National Policy Statement on the Bioeconomy, including as it relates to technologies such as anaerobic digestion;”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

12. In page 10, to delete lines 28 to 33 and substitute the following:

- “(6) (a) For the purposes of the development of the circular economy, the circular economy strategy—

- (i) shall set out targets, in accordance with *paragraph (b)*, in respect of each of the following sectors of the economy:

- (I) construction;

- (II) agriculture;

- (III) retail;

- (IV) packaging;

- (V) textiles;

- (VI) electronic equipment,

- (ii) may set out targets, in accordance with *paragraph (b)*, in relation to such sectors of the economy other than those referred to in *subparagraph (i)*, if any, as the Minister considers appropriate, and

- (iii) shall promote the use of criteria relating to the circular economy in public procurement.

- (b) The targets to be set out in respect of a sector of the economy under *paragraph (a)(i)* or *(ii)* shall include any or all of the following as the Minister considers appropriate for the sector concerned:

- (i) reductions in material resource consumption and the use of non-recyclable materials;

- (ii) increases in the use of re-usable products and materials;

- (iii) increased levels of repair and re-use of products and materials;

- (iv) improved maintenance and optimised use of goods, products and materials.

- (c) The Minister shall consult with such other Minister of the Government, if any, as he or she considers appropriate in relation to the targets to be set out in the strategy.

- (d) The Minister shall, in relation to those sectors of the economy in respect of which targets have been set out in the strategy in accordance with this subsection, promote the entering into by participants in those sectors, on a voluntary basis, of sectoral agreements in respect of those targets.”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

13. In page 10, line 28, to delete “may” and substitute “shall”.

—Bríd Smith.

14. In page 11, to delete lines 1 and 2 and substitute the following:

“(b) actions necessary to meet the targets set out in the strategy.”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

15. In page 11, to delete lines 3 to 5 and substitute the following:

“(8) The Minister shall publish, on a website maintained by or on behalf of the Minister or the Government—

(a) the circular economy strategy approved by the Government under this section, and

(b) on an annual basis, a report prepared by or on behalf of the Minister on the implementation of the strategy and the progress made in relation to—

(i) reaching the targets set out in the strategy in accordance with *subsection (6)*, and

(ii) the taking of the actions set out in the strategy in accordance with *subsection (7)*.”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

16. In page 11, to delete lines 3 to 5 and substitute the following:

“(8) The Minister shall prepare a review on an annual basis, to evaluate outcomes against stated deliverables of the circular economy strategy, including any relevant data on progress, barriers to progress and recommendations on adjustment of the circular economy strategy or other measures, including financial measures, to address any such barriers or shortfalls as may be identified by the review.

(9) The circular economy strategy approved by the Government, and annual reviews referred to in *subsection (8)*, shall be made available to the public by publication on a website maintained by or on behalf of the Minister or the Government.”.

—Bríd Smith.

17. In page 13, between lines 6 and 7, to insert the following:

“(o) to facilitate and support initiatives undertaken by communities or organisations which promote the principles of a just transition and climate justice;”.

—Jennifer Whitmore.

18. In page 20, after line 41, to insert the following:

“(e) food contact materials in which perfluoroalkyl and polyfluoroalkyl substances (PFAS) have been used;”.

—Bríd Smith.

19. In page 21, between lines 19 and 20, to insert the following:

“(7) The Minister shall, not later than 12 months after the coming into operation of this subsection, publish, on a website maintained by or on behalf of the Minister or the Government, a report prepared by or on behalf of the Minister examining how single-use packaging used in the sale of fruit and vegetables can be reduced.”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

20. In page 21, between lines 26 and 27, to insert the following:

“(2) Within the first national food waste prevention strategy, the Minister shall set annual food waste reduction targets, sector by sector, to reach the 50 per cent food waste reduction target by 2030, based on 2020 food waste figures.”.

—Bríd Smith.

21. In page 21, between lines 36 and 37, to insert the following:

- “(c) the National Biodiversity Action Plan;
- (d) the National Policy Statement on the Bioeconomy;
- (e) the National Disability Inclusion Strategy;
- (f) the Roadmap for Social Inclusion;”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

22. In page 22, between lines 1 and 2, to insert the following:

“(4) The Minister shall prepare a review on an annual basis, to evaluate outcomes against stated deliverables of the national food waste prevention strategy, based on data collected from all food sectors and waste industry, and provide recommendations on the adjustment of the national food waste prevention strategy or other measures, including financial measures, to address any barriers or shortfalls as may be identified by the review.”.

—Bríd Smith.

23. In page 22, line 4, to delete “and the Minister will report annually on the progress of the strategy.” and substitute the following:

“and the Minister shall, on an annual basis, publish on that website a report prepared by or on behalf of the Minister on the implementation of the strategy.”.

—An tAire Comhshaoil, Aeráide agus Cumarsáide.

24. In page 22, between lines 13 and 14, to insert the following:

“Requirements in relation to diagnosis, maintenance and repair of electronic equipment

16. (1) In relation to digital electronic equipment sold in the State, a manufacturer shall make available, for the purposes of diagnosis, maintenance or repair of the equipment—

(a) to independent repair providers, and

(b) to owners of the equipment,

in a timely manner and on fair and reasonable terms, relevant documents, parts and tools, including any updates to information or embedded software.

(2) Where a manufacturer has made an express warranty with respect to digital electronic equipment and the wholesale price of the equipment is €100 or more, the manufacturer shall provide such parts, tools, and documents as enable the repair of the equipment during the warranty period at an equitable price, with due regard to—

(a) the actual cost to the manufacturer of preparing and distributing the parts, tools or documents, exclusive of any research and development costs incurred,

(b) the ability of owners and independent repair providers to afford the parts, tools or documents, and

(c) the means by which the parts, tools or documents are distributed.

(3) In relation to equipment with an electronic security lock or other security-related function, the manufacturer shall make available to the owner and to independent repair providers, on fair and reasonable terms and through secure data release systems where appropriate, any special documents, tools or parts needed to disable the lock or function, and to reset it, for the purposes of diagnosis, maintenance or repair of the equipment.

(4) Both an owner and an independent repair provider may maintain an action against a manufacturer who contravenes *subsection (1), (2) or (3)*, and the court may order the manufacturer to take such action as may be necessary to observe the requirements of the subsection concerned, or to pay damages.

(5) (a) Nothing in this section requires a manufacturer to disclose a trade secret, save as and to the extent necessary to provide documents, parts and tools on fair and reasonable terms.

(b) Subject to *paragraph (c)*, nothing in this section alters the terms of any agreement between a manufacturer and an authorised repair provider.

(c) A provision of an agreement referred to in *paragraph (b)*, or any other agreement, is void insofar as it purports to waive, avoid, restrict or limit a manufacturer’s obligations under this section.

(6) In this section—

“authorised repair provider”, in relation to a manufacturer, means a person who is not a connected person and who has an agreement with the manufacturer—

- (a) pursuant to a license to use a trade name, service mark or other proprietary identifier, to offer the services of diagnosis, maintenance or repair of digital electronic equipment under the name of the manufacturer, or
- (b) otherwise to provide such services on behalf of the manufacturer,

provided that a manufacturer who offers the services of diagnosis, maintenance or repair of digital electronic equipment manufactured by it or on its behalf, and who does not have an agreement with a connected person for the provision of such services, is an authorised repair provider with respect to that equipment;

“connected person” has the meaning assigned to it by section 10 of the Taxes Consolidation Act 1997;

“digital electronic equipment”—

- (a) subject to *paragraph (b)*, means any product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product,
- (b) does not include—
 - (i) mechanically propelled vehicles designed and constructed to be suitable for use on roads, or
 - (ii) medical devices within the meaning of the Health (Pricing and Supply of Medical Goods) Act 2013;

“document” includes any manual, diagram, reporting output, service code description, schematic, or other guidance or other information used in effecting the services of diagnosis, maintenance, or repair of digital electronic equipment;

“embedded software” means any programmable instructions provided on firmware delivered with digital electronic equipment, or with a part for such equipment, for the purposes of operating the equipment, including all relevant patches and fixes made by the manufacturer of such equipment or part for this purpose;

“firmware” means a software program or set of instructions programmed on digital electronic equipment, or on a part for such equipment, to allow the equipment or part to communicate within itself or with other computer hardware;

“independent repair provider” means a person who—

- (a) in relation to a manufacturer and any authorised repair provider of the manufacturer, is not a connected person, and

(b) is engaged in the diagnosis, maintenance, or repair of digital electronic equipment,

provided that a manufacturer or an authorised provider of a manufacturer is, when engaged in the diagnosis, service, maintenance or repair of digital equipment that is not manufactured by or sold under the name of the manufacturer, an independent repair provider;

“manufacturer” means a person engaged in the business of selling, leasing, or otherwise supplying new digital electronic equipment, or parts of such equipment, that has been made by or on behalf of the manufacturer;

“owner” means a person who owns or leases digital electronic equipment;

“part” means any replacement part, whether new or used, made available by a manufacturer for purposes of maintenance or repair of digital electronic equipment manufactured by or on behalf of, sold or otherwise supplied by the manufacturer;

“tools” includes any software program, hardware implement or other apparatus used for diagnosis, maintenance, or repair of digital electronic equipment, including software or other mechanisms that provision, program or pair a new part, calibrate functionality, or perform any other function required to bring the equipment back to fully functional condition.

(7) A reference in this section to making a document or thing available on fair and reasonable terms means making the document or thing available on terms that are equivalent to the most favourable terms under which a manufacturer makes the document or thing available to an authorised repair provider—

(a) regard being had to any discount, rebate, convenient means of delivery, means of enabling fully restored and updated functionality, rights of use, or other incentive or preference the manufacturer offers to an authorised repair provider, or any additional cost, burden, or impediment the manufacturer imposes on an independent repair provider, and

(b) not conditioned on or imposing a substantial obligation or restriction that is not reasonably necessary for enabling the owner or independent repair provider to engage in the diagnosis, maintenance, or repair of digital electronic equipment made by or on behalf of the manufacturer.”.

—Ivana Bacik.

25. In page 34, between lines 20 and 21, to insert the following:

“(ii) by the insertion of the following after paragraph (b)(iii):

“(iia) a scheme for reducing or waiving fees for household waste collection services for the benefit of households where, by reason of medical illness or disability (including an illness or disability giving rise to the need for incontinence wear), a disproportionate amount of household waste is presented for collection,”.”.

—Seán Sherlock.

26. In page 43, after line 38, to insert the following:

“Report

31. Six months from the commencement of this Act, the Minister shall conduct a review of the operation of household waste management nationally and its impact on the aims and goals of a circular economy and specifically examine the costs and benefits of the remunicipalisation of household waste collection by local authorities and lay this report before Dáil Éireann.”.

—Bríd Smith.

27. In page 52, line 11, after “coal,” to insert “precious metals,”.

—Bríd Smith.

28. In page 52, between lines 12 and 13, to insert the following:

“(2) Section 8A(4) of the Mineral Development Act 1940 is amended by the insertion of the following paragraph after paragraph (a):

“(aa) where there is the free, prior and informed consent of the local community in full compliance with the Akwé: Kon Guidelines under the Convention on Biological Diversity,”.

—Bríd Smith.

29. In page 52, line 21, after “coal,” to insert “precious metals,”.

—Bríd Smith.

30. In page 52, after line 28, to insert the following:

“PART 6

AMENDMENT OF CLIMATE ACTION AND LOW CARBON DEVELOPMENT ACT 2015

Amendment of section 1 of Climate Action and Low Carbon Development Act 2015

41. Section 1 of the Climate Action and Low Carbon Development Act 2015 is amended by the insertion of the following definition after the definition of “joint committee”:

“ ‘Just transition’ means a transition that ensures the economic, environmental and social consequences of the ecological transformation of economies and societies are managed in ways that maximise opportunities of decent work for all, reduce inequalities, promote social justice, and support industries, workers and communities negatively affected, in accordance with nationally defined priorities, and based on effective social dialogue.”.”.

—Jennifer Whitmore.