

APPROVAL FOR

TOBACCO PRODUCT PLASTIC FILTER GROUP CLG

TO OPERATE AS AN APPROVED BODY

**UNDER THE EUROPEAN UNION (EXTENDED PRODUCER
RESPONSIBILITY) (TOBACCO FILTERS CONTAINING PLASTIC)
REGULATIONS 2022**

S.I. No. 609 of 2022

Table of Contents

- 1. Purpose 2
- 2. Scope of the Scheme..... 2
- 3. Corporate governance 2
- 4. Producer fees 2
- 5. Reporting..... 3
- 6. Enforcement..... 3
- 7. Awareness raising, training and communications 3
- 8. Membership interaction 4
- 9. Contingency reserve fund 4
- 10. Cost control 4
- 11. Co-operation 4
- 12. Regulatory affairs 5
- 13. Provision of information 5
- 14. Confidentiality 5
- 15. Data protection 5
- 16. Risk and issue management..... 6
- 17. Green procurement 6
- 18. Policy direction..... 6
- 19. Disputes..... 6
- 20. Notice terms and conditions..... 6
- 21. Corrective actions 7
- 22. Interface 7
- 23. Requirements..... 7
- 24. Duration and review 7
- 25. Re-approval timeline..... 8

List of Appendices 9

- 1. Code of Corporate Governance for Compliance Schemes 9
- 2. Protocol for Payments to the Minister 9

1. Purpose

This Approval sets out the terms and conditions under which Tobacco Product Plastic Filter Group CLG (TPPFG) is approved to operate as an approved body for an extended producer responsibility scheme for tobacco filter products containing plastic (the Scheme) in accordance with their application (the Application) to the Minister for the Environment, Climate and Communications (the Minister) under Regulation 6 of the European Union (Extended Producer Responsibility) (Tobacco Filters Containing Plastic) Regulations 2022 (the Regulations).

2. Scope of the Scheme

The Scheme applies to the items laid down in Regulation 3 of the Regulations only.

The Scheme is open to all producers, or their nominated representatives, who place tobacco filter products containing plastic on the Irish market.

3. Corporate governance

TPPFG shall operate in accordance with the Code of Corporate Governance for Compliance Schemes (the Code) at Appendix 1.

From time to time, the Minister may amend the Code in line with developments in corporate governance generally. As required, TPPFG must (make such amendments to its Memorandum and Articles of Association as may be necessary to ensure compliance with the Code. Such amendment should be adopted within 60 days of notification by the Minister, or as agreed.

Any proposed changes to TPPFG's Memorandum or Articles of Association shall be submitted to the Minister for approval. TPPFG shall have full regard to the Minister's views on any proposed changes.

In preparing the report outlined in Section 5 below, TPPFG shall include details of the total remuneration and benefits of the Board and General Manager, together with details of the attendance record of Directors at board and sub-committee meetings.

4. Producer fees

TPPFG shall recoup from individual producers the following costs as referred to in Regulation 13(5) and 13(6) of the Regulations for payment to the Minister:

- a) The cost of awareness raising measures,
- b) The costs of cleaning up litter and the subsequent transport and treatment of that waste,
- c) The costs of data gathering and reporting,
- d) The cost of waste collection for relevant products that are discarded in public collection systems, including the infrastructure and its operation and subsequent transport and treatment of that waste. The cost of infrastructure may include the setting up of specific infrastructure for waste collection, including waste receptacles in common litter hotspots.

Costs will be paid annually in arrears, with costs accruing from 5th January 2023.

Pending guidelines published by the European Commission in accordance with Article 8(4) of the Single Use Plastics Directive¹, the methodology for calculating costs will be as set out in the Application. The Minister will notify TPPFG when the Commission's guidelines have been published.

Department officials will work with TPPFG and the relevant authorities to verify the input data needed for the above cost calculations. Once the input data and costs calculations have been verified, the Minister will issue an invoice to TPPFG requesting payment in respect of the previous year. TPPFG shall transfer contributions from producers to the Minister within 90 days of receipt of invoice.

All payments shall be made in accordance with the Payment Protocol set out in Appendix 2.

5. Reporting

TPPFG shall, not later than 31st May in each year following the granting of this Approval, submit to the Minister:

- an annual report specifying the steps taken by TPPFG in pursuance of the Scheme in respect of the preceding calendar year,
- a copy of the full audited accounts of TPPFG in respect of the preceding calendar year, and
- a report and financial account of the Scheme's contingency reserve fund,
- a business and financial outlook for the current year.

TPPFG shall respond to any such requests for further information that may be required by the Minister in relation to the above within 10 working days and shall make annual reports available to its members and on their website.

TPPFG shall prepare to meet the Minister on a quarterly basis and, where required, provide progress reports on the performance of the Scheme and other matters arising.

6. Enforcement

TPPFG will support the efforts of the Environmental Protection Agency (EPA) in the implementation of enforcement requirements of the Regulations.

TPPFG, in preparing the report outlined at Section 5, shall include details of the measures taken by the TPPFG to support enforcement. The specific support arrangements will be agreed between the parties once the Scheme becomes operational.

7. Awareness raising, training and communications

TPPFG shall operate a programme of educational and awareness raising activities among its members and shall provide the Minister with details of these activities as part of the report outlined in Section 5 above.

TPPFG shall be responsible for the cost associated with the awareness raising measures, set out in Article 10 of the Single Use Plastics Directive², to inform consumers and incentivise responsible consumer

¹ [Directive \(EU\) 2019/904](#) on the reduction of the impact of certain plastic products on the environment

² [Directive \(EU\) 2019/904](#) on the reduction of the impact of certain plastic products on the environment

behaviour in respect of tobacco filter products containing plastic. The cost of these awareness raising measures shall be recouped from TPPFG through producer fees as set out at Section 4.

The Minister, or an agent appointed on his behalf, will be responsible for design and delivery of the above awareness raising measures, taking into account advice issued by officials in the Department of Health in respect public health and tobacco control legislation.

8. Membership interaction

TPPFG, in preparing the report outlined at Section 5, 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. in the year of report.

9. Contingency reserve fund

The purpose of the Contingency Reserve Fund (the Fund) is to ensure the availability of sufficient resources for the continued delivery of the Scheme in the event of notice to revoke approval by the Minister as set out in Section 20 below.

The Fund shall be sufficient to cover the direct operating costs of TPPFG for a period of six months from the date the of this Approval and should be built up to a level of €90,000 as per the timeline set out in the Application.

The Fund shall be ring-fenced and held by TPPFG in trust for its members. TPPFG is not permitted to access the Fund to support its day-to-day operations. The Fund can be accessed by TPPFG in exceptional circumstances only and with the agreement of the Minister. The Fund shall operate on a joint authorisation basis with a representative of the Minister acting as a dual authorised signatory.

It shall constitute a breach of this Approval for TPPFG to withdraw any amount from the Fund without the prior consent of this Minister. Where drawdown of the Fund occurs, TPPFG shall rebuild the fund to the agreed level of €90,000 in a manner and timescale approved by the Minister.

Accounting procedures should be put in place by TPPFG to ensure that it is at all times clear who has contributed monies to the Fund and the relevant amounts.

10. Cost control

TPPFG, in preparing the report outlined at Section 5, shall include details of the measures taken by TPPFG to ensure that costs relating to the Scheme and its administration are kept to a minimum. The report shall include details on the level of fees paid by members.

11. Co-operation

TPPFG shall cooperate with other extended producer responsibility schemes where this would benefit delivery of the objectives of the schemes.

TPPFG shall continue to work with other organisations operating in a similar environment to identify areas where better collaboration and cooperation will yield efficiencies in reducing the administrative

burden and eliminating any unnecessary duplication in areas such as enforcement, data collection, analysis and reporting.

12. Regulatory affairs

TPPFG shall keep updated on relevant regulatory developments at a national and EU level. TPPFG shall be in a position to assist, advise and contribute to the development of Ireland's position on such regulatory matters at the request of the Minister.

13. Provision of information

TPPFG shall furnish the Minister with full audited accounts annually and respond to any such explanations that might be required.

TPPFG shall make available to the Minister any and such information which might be required, including information requested at short notice, for example to answer parliamentary questions or representations from elected representatives.

TPPFG shall provide the EPA in a timely manner with any data necessary in relation to producers registered with TPPFG to enable the EPA to fulfil its monitoring and reporting obligations under the Regulations and the Single Use Plastics Regulations³.

14. Confidentiality

The Minister is subject to the Freedom of Information Acts and the Access to Information on the Environment Regulations. TPPFG should be aware that information provided by them to the Minister may be liable to be released in response to a request under the above legislation. The Minister shall, where possible, consult with TPPFG before making its decision on a request received.

The principles and objectives underpinning the requirements for greater levels of reporting, transparency and information can be found in the Aarhus Convention and the EC (Access to Information on the Environment) Regulations. In line with the provisions of the Aarhus Convention, TPPFG shall make information available on its website.

15. Data protection

TPPFG is the data controller in respect of all personal data processed for the purposes of operating the Scheme and shall ensure that it has the necessary consents (or alternative legal basis) and notices in place to permit the transfer of such personal data, where necessary, to the Minister for the purposes of complying with the reporting and other requirements set out in this Approval.

³ European Union (Single Use Plastics) (No. 2) Regulations 2021 [[S.I. No 516 of 2021](#)] as amended by European Union (Single Use Plastics) (Amendment) Regulations 2022 [[S.I. No 136 of 2022](#)].

16. Risk and issue management

TPPFG 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, including cyber security and business continuity planning.

The Minister and TPPFG shall adopt a 'no surprises' approach to areas of common concern.

17. Green procurement

TPPFG shall adopt policies that are committed to environmental best practice in the procurement of goods and services⁴ and shall accordingly promote green procurement within its member organisations, so that the environmental impacts of products and services are minimised where practicable.

18. Policy direction

Where, from time to time, policy directions in relation to the Scheme are issued by the Minister, TPPFG shall take the necessary measures to give effect to the directions in a timely manner.

19. Disputes

Both the Minister and TPPFG shall seek to resolve any disputes between them, relating in any way to the issues covered by this Approval. The Minister and TPPFG may also agree a protocol for dispute resolution during the period of the Approval.

20. Notice terms and conditions

The Minister may revoke the Approval granted to TPPFG 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 TPPFG,
- if a receiver, examiner, administrator or liquidator is appointed over any of the property or assets of TPPFG,
- if TPPFG commits any material breach of this Approval which, if capable of remedy, shall not have been remedied within an agreed or reasonable timeframe after written notification thereof has been served on TPPFG,
- if TPPFG commits any material breach of the Code of Corporate Governance,
- if a distress or execution order is levied or served upon any of the property or assets of TPPFG and is not paid off within thirty days,
- if TPPFG cease or threaten to cease to carry on all or a substantial part of the day-to-day operations of the Scheme,
- if TPPFG is in breach of any of the material provisions of this Approval,

⁴ As set out in the EPA's green procurement guidance and accompanying criteria which supports the inclusion of sustainable and green practices. This guidance can be found at <https://www.epa.ie/publications/circular-economy/resources/green-public-procurement-guidance.php>.

- if TPPFG 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 Minister in his/her absolute discretion considers may adversely affect the ability of TPPFG to comply with its obligations under this Approval.

In the event that the Minister proposes to revoke this Approval, the Minister shall provide TPPFG with 30 days written notice of the proposed decision and the reasons therefor. The Minister shall consider any submission made by TPPFG, received within 30 days of the date of notice, in relation to the proposed decision.

If TPPFG wishes to cease providing the services it has been approved to provide under this Approval, the Minister must be informed, in writing, 6 months in advance of the cessation date.

21. Corrective actions

In the event that TPPFG breaches certain material conditions of this Approval, the Minister may notify TPPFG of his/her intention to review this Approval and request TPPFG to make a submission in relation to the review.

The Minister shall provide TPPFG with 30 days written notice of the proposed review and the reasons therefor. The Minister shall consider any submission made by TPPFG in relation to the review, received within 3 months of the date of notice, in relation to the proposed decision.

22. Interface

The contact person for the Minister dealing with all aspects of this approval is

The contact person for TPPFG is

Contact between the Minister and TPPFG will be maintained at this level.

23. Requirements

TPPFG is only approved to act as an approved body under the Regulations on condition that TPPFG abides by the terms and conditions of this Approval.

24. Duration and review

This Approval is valid from 23rd December 2022 and shall remain in place for a period of five (5) calendar years from that date.

A review of the Approval shall take place by end Q2 2026.

To ensure continuity of service, both parties commit to informing each other of significant departures or changes in their respective roles and responsibilities.

25. Re-approval timeline

Should TPPFG intend to continue operating as an Approved Body under the Scheme at the expiry of this Approval, it shall make an application for approval as per Regulation 6 of the Regulations to the Minister not later than 6 months before the expiry of this Approval.

Should TPPFG intend to cease operating as an Approved Body under the Scheme at the expiry of this Approval, it shall notify the Minister not later than 6 months before the expiry of this Approval.

List of Appendices

1. Code of Corporate Governance for Compliance Schemes
2. Protocol for Payments to the Minister

Appendix 1

**MINISTER FOR ENVIRONMENT, CLIMATE AND
COMMUNICATIONS**

**CODE OF CORPORATE GOVERNANCE FOR
COMPLIANCE SCHEMES**

NOVEMBER 2020

PREFACE

In 2012, the then Minister for the Environment, Community and Local Government launched the Review of the Producer Responsibility Initiative Model in Ireland. The first reports from the review process were published in 2013 and they included a report on Corporate Governance¹.

This overall review examined:

- the operation of the existing Producer Responsibility Initiatives;
- the scope for additional measures to improve the effectiveness of the existing Producer Responsibility Initiatives; and
- the potential to introduce further Producer Responsibility Initiatives for the management of additional waste streams.

The review also examined the nature and level of the challenges which faced the existing Producer Responsibility Initiatives as well as the forthcoming challenges that are expected to arise in the management of various waste streams. The findings and recommendations from this review form the basis for the development of future robust Producer Responsibility Initiatives that will enable Ireland to operate successfully in meeting our domestic and EU environmental obligations in the medium to long term.

One of the primary focuses of this review was to examine the operation, structure and rules of the Producer Responsibility Initiative Compliance Schemes. In doing so, it was recognised that the Compliance Schemes in Ireland are unusual in that they operate in commercial markets, but are organisations with a not-for-profit ethos. While this might be a unique model, the Minister requires Compliance Schemes to operate to the highest standards of corporate governance and has developed this bespoke Code of Corporate Governance to give guidance in this area.

The Code is a guide to a number of key components of effective Board practice and focuses on the sustainable success of a Compliance Scheme over the longer term. It is based on the underlying principles of all good governance: accountability, transparency and probity. This Code has been issued to all Compliance Schemes and forms part of their approval from the Minister for Environment, Climate and Communications.

¹<https://www.gov.ie/en/publication/7b468-review-of-the-producer-responsibility-initiative-model-in-ireland/>

1. The role of Corporate Governance

Corporate Governance comprises the systems and procedures by which enterprises are directed and managed and is to be distinguished from the day to day operational management of the enterprise. The responsibility for the governance of a Producer Responsibility Initiative Compliance Scheme (a **“Scheme”**) rests with its board of directors (**“the Board”** or **“the Directors”**). The responsibilities of the Board include setting the company’s strategic aims, providing the leadership to put them into effect, supervising the management of the business and reporting to members on their performance and management. In the Compliance Scheme sector, the primary responsibility relates to achieving environmental compliance on behalf of members.

It is imperative that high quality systems of effective and transparent corporate governance are in operation in the Compliance Scheme sector in Ireland. The Minister for Environment, Climate and Communications [**“the Minister”**] requires all Schemes to operate to the highest standards.

Corporate governance is an extremely important issue, in the first instance for the Compliance Schemes, (companies who operate subject to the provisions of the Companies Act), their members, but also for their customers and the general public who support the environmentally sound management of waste in Ireland. The operation of an effective and up to date system of corporate governance aids the effectiveness of Schemes in their main roles of achieving environmental compliance on behalf of their members and meeting domestic and EU recycling targets.

The Review of the Producer Responsibility Initiative Model in Ireland examined the issue of corporate governance and recommended that the Minister introduce a bespoke code of corporate governance. This Code provides a framework for the application of best practice in corporate governance by Schemes. All Schemes are required to confirm to the Minister that their Boards have adopted the Code in their governance practices and procedures, within 30 days of it issuing to them. Also, the provisions of this Code shall be reflected, where necessary, in the Memorandum and Articles of Association and/or constitution as appropriate of each Scheme.

This Code is subject to modification by the Minister in accordance with best practice and each Scheme must undertake to make such further amendments to its Memorandum and Articles of Association and/or constitution as may be necessary. Any such changes to a Scheme’s Memorandum and Articles of Association and/or constitution shall be completed within 60 days of notification by the Minister of an updated code.

The provisions of the Code do not override any existing statutory requirements or other obligations imposed by the Companies Act, ethics legislation, and any other relevant legislation. The Code applies from the date of issue by the Minister to each Scheme.

The Code should be seen as a minimum standard and does not in any way restrict a Scheme from adopting further governance principles in line with commercial organisations or consistent with what would be considered best practice.

2. Leadership

Each Scheme should be headed by an effective Board, which is collectively responsible for leading and directing its activities and ensuring the success of the Scheme. All directors must act in what they consider to be the best interests of the Scheme, consistent with their statutory duties and cognisant of the objectives of the Scheme in regard to achieving environmental compliance on behalf of their members and meeting domestic and EU recycling targets. The Board shall ensure that the Scheme operates to the highest standard of corporate governance.

3 The Board

3.1. Role and Function of the Board

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

The Board shall meet on a regular basis and shall brief and keep members informed on the functioning of the Scheme at regular intervals.

The Chief Executive/General Manager shall keep the Minister advised on all matters relating to the performance of the Scheme, as may be required.

Any proposed changes to a Scheme's Memorandum and Articles of Association and/or constitution must be submitted in advance to the Minister for approval. A Scheme must have full regard to the Minister's views on any proposed changes.

3.2 Composition, membership and operation of the Board

The Board shall, in line with the Scheme's Articles of Association and or constitution, appoint a Chairperson, Directors and a Chief Executive or General Manager. The Board shall include independent Board directors and shall ensure an appropriate level of gender balance within its membership.

The roles of Chairperson and of Chief Executive Officer/General Manager must be separate.

The Board shall constantly review its own operation and seek to identify ways of improving its effectiveness. This will include the identification of gaps in competencies and ways these could be addressed. The Directors appointed by the members shall be reflective of the makeup of the Scheme's membership and the Board shall keep its composition under review. A Scheme's Articles of Association and or constitution shall incorporate clear rules of procedure in relation to the election of Directors.

Non-executive Directors should bring an independent judgement to bear on issues of strategy, performance, resources, key appointments, and standards of conduct.

The Board shall ensure that the Scheme keeps the Minister advised of all matters arising in respect of the Scheme in a timely manner.

If a Director finds evidence that there is non-compliance with any statutory obligations that apply to the Scheme, s/he shall immediately bring this to the attention of his/her fellow Directors with a view to having the matter rectified. The matter shall also be brought to the attention of the Minister by the Chairperson indicating (i) the consequences of such non-compliance and (ii) the steps that have been or will be taken to rectify the position.

The Board shall keep under review its own performance and that of its Committees and individual Directors. The attendances of each Board Member at Board meetings and sub-committee meetings shall be reported in the Scheme's Annual Report.

The Board shall confirm annually (via its annual report) to the Minister that the Compliance Scheme has an effective system of internal financial control in place.

3.3. Matters for decision of the Board

The Board should have a formal schedule of matters specifically reserved to it for decision.

The Board should be aware of the terms of the Ministerial approval which has been issued to the Compliance Scheme. The Board should also be specifically aware of the issues within their approval which require either the approval of or consultation with the Minister.

The Board should be regularly updated by the Chief Executive Officer/General Manager on communications and/or issues which are currently under discussion with the Minister.

The Board should meet regularly and members of a Scheme should be aware of the schedule of these meetings. All Board members must be afforded the opportunity to fully contribute to Board deliberations while excessive influence on Board decision-making by one or more individual members should be guarded against. The Chairperson should ensure that the views of all Directors are heard.

The Board should have procedures in place to monitor and manage potential conflicts of interest of management and Board members. The Board should be aware of these procedures. Directors shall manage potential conflicts of interest by making appropriate declarations of their interest and by refraining from voting on matters in which they have an interest.

A Director who has such a conflict of interest which is being discussed during a Board meeting shall absent themselves for the part of the meeting during which the matter is discussed. Such a director shall not participate in any vote unless, in

exceptional circumstances which are clearly documented, the Board has expressly determined that it is appropriate for that director to do so.

3.5. Strategy

The preparation and adoption of a strategic plan is a primary responsibility of the Board. The plan shall set appropriate objectives and goals and shall include the relevant domestic or European targets which are set out in their approval. The Scheme shall have a formal process in place for setting strategy, which shall be communicated to its members.

The Board shall adopt a statement of strategy for a period of 5 years ahead. Implementation of the strategy by management shall be supported through an annual planning and budgeting cycle.

The Board shall approve the annual plan and budget and shall formally consider an evaluation of performance by reference to the plan and budget on an annual basis and reflect this, as appropriate, in the annual report. This evaluation by the Board shall consider the progress towards target achievement.

A copy of a Scheme's proposed strategic plan shall be submitted to the Minister before the plan is finalised and adopted by the Board. Views that the Minister wishes to have reflected in the final plan should be made known to the Scheme within a maximum period of six weeks of such submission. While final responsibility for the content of the plan rests with the Board in each case, the views of the Minister and consideration of the public interest should be carefully weighed by the Board.

3.6. Support to Directors

The Board shall be supplied in a timely manner with information in a form and of a quality appropriate to enable it to discharge its duties. All Directors shall receive a formal induction (see 3.7 below) on joining the Board and shall regularly update and refresh their skills and knowledge.

The Board shall, in a Board resolution, lay down formal procedures whereby Directors, in the furtherance of their duties, may take independent professional advice, if necessary, at the reasonable expense of the Compliance Scheme. Such procedures shall also be set out in the Code of Conduct for Directors. The Board shall have in place a procedure for recording the concerns of Directors that cannot be resolved.

3.7. Briefing for new Directors

On the appointment of new Directors, the Secretary shall provide them with the following information:

- a formal schedule of matters reserved to the Board for decision;
- procedures to be followed when, exceptionally, decisions are required between Board meetings;
- a schedule detailing the composition of all Committees and their terms of reference;
- a statement explaining the Directors' responsibilities in relation to the preparation of the accounts, the Scheme's system of internal control and audit and for reporting on the business as a going concern with supporting assumptions or qualifications as necessary;
- a statement informing the Directors that they have access to the advice and services of the Secretary, who is responsible to the Board for ensuring that Board procedures are followed and for compliance with the applicable rules and regulations;
- a copy of the code of ethics/conduct for Directors, including requirements for disclosure of Directors' interests and procedures for dealing with conflict of interest situations;
- specific company information; including a copy of the current Ministerial approval for the Scheme issued by the Minister;
- a copy of domestic and EU legislation that applies to the waste stream applicable to the Scheme;
- an overview of the performance of the Scheme in the previous five years; and
- a copy of this Code.

3.8. Confidential Disclosures

The Board shall put in place procedures whereby employees may, in confidence, raise concerns about possible irregularities in financial reporting or other matters and for ensuring meaningful follow-up of matters raised in this way.

3.9. Annual Report and Accounts

The Board has a duty to ensure that a balanced, true and understandable assessment of the Scheme's financial position is made when preparing the annual report and accounts of the Scheme and when submitting these to the Minister.

3.10. Board Committees

The Board shall establish an Audit/Finance Committee. This/these Committee/s shall be composed of a subset of the main Board of Directors with specific expertise

and will retain specific responsibility for control respectively of the audit and finances of the Scheme.

The Board of Directors shall also establish Remuneration and Nominations sub committees.

The Audit/Finance Committee and other Board Committees must have written terms of reference and the Board shall determine the intervals within which these are reviewed by the Board and updated as appropriate.

3.11. Rotation of Directors

1. Any Director who has resigned from, or otherwise left a member company shall immediately resign their position from the Scheme's Board.
2. Directors, other than a Director who is the Chief Executive Officer or General Manager of a Scheme, shall serve a maximum period of ten years (2 x 5 years), regardless of the number of Committee posts held.
3. If the Board considers it to be in the interest of the Scheme and with the agreement of the Minister, a Director may have a period of grace of not more than three months following the expiry of this period of 10 years in order to facilitate an orderly hand over of any specific functions or responsibilities that they hold on behalf of the Scheme.
4. Any Director, other than a Director who is the Chief Executive Officer or General Manager of a Scheme, who has served in excess of ten years upon the adoption by the Scheme of this Code, shall resign their position.
5. In exceptional circumstances and notwithstanding the provisions of sub-articles 3 and 4 above, where the retention of a Director is deemed by a Scheme to be critical to its continued effective operation, the Minister may, upon receipt and consideration of a business case submitted by a Scheme, provide a derogation for a further period of 18 months to such a Director.

3.12. Remuneration

Remuneration of the Chairperson, Chief Executive Officer/General Manager and directors shall be a matter for the Board.

The remuneration and benefits of the Board and Chief Executive/General Manager shall be published in the annual report together with details of the attendance record of Directors at board and sub-committee meetings.

4. Reporting and Information.

4.1 Reporting.

A Scheme shall, not later than 31st May in each year following the granting of its approval, submit to the Minister: -

- a report of the activities of the Scheme, specifying the steps taken by the Scheme in pursuance of the objectives and obligations of the Scheme's legislative and operational requirements in the preceding calendar year, and the results of those steps, and
- a copy of the Scheme's audited accounts in respect of the preceding calendar year.

A Scheme shall respond to any such explanations that might be requested by the Minister in relation to these reports.

4.2 Information

A Scheme shall make available full financial and environmental information to its members and the general public. As part of this process, each Scheme shall make the report referred to in Section 4.1 above available to their members and on their website.

In addition, Ireland is a member party to the Aarhus Convention, the principles and objectives of which are to promote greater levels of reporting and transparency of environmental information. The European Communities (Access to Information on the Environment) Regulations require public authorities to both proactively disseminate environmental information and to make information available to members of the public on request. As the Scheme is effectively performing a function relating to the environment under the control of the Minister, the Department may, from time-to-time, contact the Scheme during the course of responding to Access to Information on the Environment (AIE) requests. The Scheme shall provide the Department with the information requested within 5 working days so as to ensure that the request is responded to in a timely manner.

It is recognised that Compliance Schemes are not public bodies so direct requests for environmental information should be considered outside of the AIE regulations, but with a similar approach in terms of bias towards release, where appropriate.

5. Co-operation

In regard to inter-Scheme co-operation, each Scheme shall explore the opportunity for on-going and meaningful co-operation with other Schemes. A Scheme should examine and explore all operational activities which might be suitable for co-operation and lead to synergies and cost savings. Each Scheme shall report on this issue in the annual report.

In addition to inter-Scheme co-operation, a Scheme shall also explore the opportunities that exist to work with the Environmental Protection Agency, local authorities, Non-Governmental Organisations, schools, State organisations and any other groups, especially where such co-operation can benefit information and awareness raising activities and enforcement and compliance.

At all times, Schemes shall ensure that any such cooperation occurs within the parameters of competition law.

6. Membership

Membership of a Compliance Scheme shall be open to all parties who have obligations in a specific waste stream. There shall be no unfair discrimination against any eligible party who wishes to join a Compliance Scheme.

Schemes shall provide transparent information in relation to their membership and shall publish up to date membership lists on their websites on a quarterly basis.

7. Queries

Any queries or clarification regarding this Code should be addressed to;

**Producer Responsibility Unit
Department of Environment, Climate and Communications
Newtown Road
Wexford
Y35 AP90**

Or by email to PRI@decc.gov.ie

Appendix 2

Protocol for Payments to the Minister for the Environment, Climate and Communications

The Minister can accept payment only in accordance with the following protocol:

1. Payments must be made by Electronic Funds Transfer (EFT) to the Department's Bank Account. Bank details are attached overleaf.
2. Each EFT payment made must quote your Department of the Environment, Climate and Communication's five-digit customer number.
The customer number assigned to TPPFG is **14492**.
3. Each payment must be followed by a remittance notice detailing:
 - a. Customer name and address.
 - b. Your five-digit customer number.
 - c. The date and amount paid into the Department's EFT Account.
 - d. A listing of the specific invoice number(s) or other description to which the payment refers.
4. The remittance notice should be emailed to AccountsReceivable@decc.gov.ie and copied to SingleUse@decc.gov.ie.
5. All payments must be made in Euro.

Note: The Department do not accept any responsibility for payments made into this bank account which cannot be identified due to lack of information.

Bank Name: Danske Bank


Bank Address: 3 Harbourmaster Place,
Irish Financial Services Centre (IFSC),
Dublin 1
D01 K8F1

Vote No: 29

Account Name: Department of the Environment, Climate and
Communications Vote Bank Account

Account Holders Name: Secretary General, Department of the Environment, Climate
and Communications

Account Holders Address: Elm House,
Earlsvale Road,
Cavan,
H12 A8H7

Account No: 00001058 

Sort Code: 95-15-99

BIC: DABAIE2D

IBAN: IE31DABA95159900001058

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