APPROVAL FOR

IRISH FARM FILM PRODUCERS GROUP CLG

TO ACT AS A

FARM PLASTICS COMPLIANCE SCHEME

UNDER THE WASTE MANAGEMENT (FARM PLASTICS) REGULATIONS 2001, as amended.

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1. Purpose.

This approval sets out the terms and conditions under which Irish Farm Film Producers Group CLG. (hereafter IFFPG) is approved to act as a Farm Plastics waste collection, recovery and recycling compliance scheme in accordance with its application to the Department of Climate, Energy and the Environment (hereafter "the Department").

The purpose of this approval is to ensure clear service ownership, and that the accountability and responsibilities of IFFPG satisfy the provisions of the Waste Management (Farm Plastics) Regulations 2001, as amended.

The period of this approval is five years from the date of issue.

2. Corporate Governance.

IFFPG and its board shall accept the provisions of the Code of Corporate Governance (see Appendix 1), and the Code shall be adopted by IFFPG. This shall be confirmed in writing by the General Manager of IFFPG. IFFPG recognises that the Code is subject to modification by the Department in accordance with best practice and IFFPG undertakes:

(i) to make any immediate amendments to its Memorandum and Articles of Association and

(ii) to make such further amendments to its Memorandum and Articles of Association as may be necessary in the future if the Code is modified or updated by the Department. Changes to IFFPG's Articles of Association shall be submitted to the Department for consideration. IFFPG must have full regard to the Department's views on any proposed changes.

The Directors shall exercise full and effective control over the activities of IFFPG. The Directors, in conjunction with the General Manager, 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 Department advised on matters of significance arising in respect of IFFPG and shall brief the Scheme's members on the functioning of the Scheme at regular intervals. The General Manager shall keep the Department advised on all matters relating to the performance of the company.

3. Reporting Requirements.

IFFPG will provide a reporting system to gather data on the products placed on the market by its members. This will include data on the collection and treatment of waste resulting from farm plastics, specifying the waste material flows and other information relevant to the collation of the national recycling targets.

In accordance with the requirement for a reporting system IFFPG shall maintain an adequate self-control mechanism supported, where relevant, by regular independent audits, to appraise its financial management and the quality of data collected and reported.

IFFPG shall, not later than 31st May in each year following the granting of this approval, submit to the Minister for the Climate, Energy and the Environment an Annual Report of its activities in the previous year. The Annual Report shall include the following:

- A detailed report specifying the steps taken by IFFPG to ensure appropriate management of farm plastic waste including a review of the take-back system and details of collection points provided,
- Annual data relating to the quantities of farm plastics[1] placed on the market,
- Annual data relating to the collection and treatment of waste farm plastics,
- Information about target attainment,
- Details of steps taken to integrate circularity into its management of its waste streams, on behalf of members in the reporting period, and the results of those steps,
- Information on its ownership and membership, to 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.,
- Details of level of fees paid including information about the financial contributions paid by producers of products per unit sold or per tonne of product placed on the market and collection fees charged by IFFPG,
- Information relating to sub-contractors for collection and treatment, including the selection procedure, a list of contacts and responsible area,
- Details of the Directors' and Chief Executive total remuneration and benefits,
- Details of the organisations that Directors represent, the sector they represent and/or their independent status and expertise, their length of service on the board, their membership of sub-committees and attendance record of Directors/General Manager at Board and sub-committee meetings level,
- A current schedule of Board membership, renewals, and vacancies,
- A summary of the training being provided to support Board members with the discharge of their responsibilities under the Farm Plastics Regulations and general governance duties,
- Details of awareness raising, training events and communications activities, including details of the total spend on each activity,
- Details of the expenditure and measures taken by the Company to support enforcement,
- Details of the prevention and minimisation measures taken by IFFPG in the reporting period,
- Information on corporate and office level risk registers in place by the Company,
- Information on procurement including details of green criteria, where undertaken by the IFFPG,
- Any special projects undertaken or key developments in the preceding year and projects to be undertaken in the coming year,

Financial Reporting

(a) Audited Accounts

IFFPG shall submit the following to the Department not later than 31 May each year:

• a copy of the full audited accounts of IFFPG in respect of the preceding calendar year

(b) Contingency Fund

IFFPG shall submit the following to the Department not later than 31 May each year

• a report and financial account statement of the compliance scheme's contingency fund

[1] Note the definition of the term "farm plastics" refers to the expanded definition as provided for in the Waste Management (Farm Plastics)(Amendment) Regulations 2017, which included two further materials, i.e. netting and bale twine.

While the expectation is that the documents submitted at (a) and (b) above shall be complete, requests for explanations and further information that might be required shall be responded to within 10 working days. IFFPG shall make the Annual Report and Annual Accounts available to their members and publicly available on their website.

(c) Monthly cashflow document
IFFPG shall submit a document outlining its monthly income and expenditure to the Department. Each month's income and expenditure must be submitted to the Department by the end of the successive month. The document should outline income and expenditure broken down by Category and subcategory.

4. Target Achievement.

Under this Approval, recycling target attainment for sheeting, bale wrap and bale bags shall attain 70%. In recognition of the product life cycle, and the impact of weather on the product market, the target is calculated as a percentage of the aggregate market figure for the preceding 3 years. The contamination level for the purposes of attaining theses targets remains at 50% with an undertaking to complete trials to re-assess contamination level during this approval period, with results to be submitted to the Department not later than 31 December 2028.

Calculation Method
Recycling Rate = 3*Recycling (Reference Year) / Sales (Aggregate of 3 Preceding Years)

In addition, targets have been set for netting and twine, recognising that treatment options for these materials are limited to recovery at present. The contamination level for the purposes of attaining the netting and twine targets remains at 47%.

As outlined in Section 16, IFFPG will establish existing reuse practices and look to formalise recording of these practices to facilitate reporting. During the mid-term review process, the potential for reuse targets in the sector will be examined by the Department and IFFPG.

5. Enforcement.

A strong, effective enforcement regime is essential to ensure high levels of compliance and target achievement. While IFFPG is responsible for target achievement it does not have direct responsibility for enforcement of the Farm Plastics Regulations. This lies with the local governance sector with support from the Office of Environmental Enforcement in the EPA and the 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.

IFFPG will support the efforts of the regulatory bodies through the provision of expertise and industry knowledge, having regard to the following:

- Continued engagement of a complicance officer

- Development and implementation of an enforcement portal
- Continued provision of relevant information to the local government sector to support enforcement including an annual workflow plan of available final treatment capacity
- Continued assessment of the label code traceability system to ensure effectiveness.

Enhanced cooperation between IFFPG, the WERLAs and the Department on enforcement will ensure greater transparency across the sector to overcome future challenges in the border areas and distance sales.

6. Awareness Raising and Communications.

IFFPG shall operate a programme of national and sectoral educational and awareness raising activities for farm plastics waste holders to inform on prevention, centres for reuse, takeback and collection systems, its label traceability system and prevention of littering. This awareness raising and communications campaign shall operate across all existing and emerging media platforms. IFFPG 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, IFFPG shall be aware of its obligation to co-operate with other compliance schemes as set out at Section 11 and enforcement bodies as set out in Section 5.

7. Membership Interaction.

The geographical area for operations under this approval consists of the 26 counties of the State. IFFPG cannot limit operations to those areas where the collection and management of waste are the most profitable. An appropriate availability of waste collection systems will be provided within its operational area.

IFFPG will ensure the equal treatment of producers of farm plastics regardless of their origin or size.

8. Financial Contributions must comply with EPR obligations

The fees charged by IFFPG should be based on the polluter pays principle for both operational costs and the costs of the administration of the compliance scheme. In accordance with this principle, the fees covering IFFPG's operational costs should therefore be distributed among producers according to the quantity of products placed on the market.

IFFPG must ensure that the financial contributions paid by its members comply with their EPR obligations. The following costs for the farm plastics placed on the market must be covered:

a. the costs of collection, transport and treatment of the products placed on the market at the end of life in line with the waste hierarchy.
b. the costs of the provision of information to waste holders targeted by IFFPG about waste prevention measures, centres for re-use and preparing for re-use, take-back and collection systems, and the prevention of litter.
c. the costs of data gathering and reporting.

The financial contributions paid by IFFPG's members must not exceed the costs that are necessary to provide waste management services in a cost-efficient way. These costs will be established in a transparent way between the parties concerned.

As provided for in Regulation 30A.(4) of the European Union (Waste Directive) Regulations to ensure proper waste management and the economic viability of EPR schemes established in national legislation preceding 4 July 2018, the producers as a minimum must bear at least 50% of the necessary costs. However, this minimum requirement cannot be used to lower the proportion of costs borne by producers and therefore IFFPG must ensure that its producers continue to bear at least 70% of the necessary costs.

IFFPG must evaluate the potential to introduce modulated fees for its members under the farm plastics compliance scheme. This process must be transparent and involve key stakeholders including producers and the Department.

9. Success Factors.

In terms of considering a re-approval application from IFFPG (See Section 24), this Department shall have regard to the following criteria to measure the success of IFFPG during the period of its approval:-

- The administration of the farm plastics scheme in accordance with this approval,
- Adherence to the general minimum requirements for EPR schemes as provided for under the European Union (Waste Directive) Regulations 2020,
- Implementation of the applicable measures from the Waste Action Plan for a Circular Economy,
- Supporting greater circularity in the farm plastics sector to ensure more sustainable use of resources,
- The achievement of the targets set out at 4 above,
- The level of member satisfaction,
- Satisfactory progress in relation to building the Contingency Fund,
- IFFPG 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.

10. Contingency Reserve Fund.

IFFPG must ensure the necessary financial and organisational means to meet its extended producer responsibility obligations.

Part of the necessary means include the provision of the Contingency Reserve Fund which will ensure the availability to IFFPG members of sufficient resources for the continued delivery of the Scheme in the event of notice to terminate approval by the Department. IFFPG is not permitted to access the Fund to cover its day-to-day operations and control of the funds should be maintained within the state and ring-fenced in a separate account.

The Fund shall be sufficient to cover the operating costs of IFFPG for a period of one year from the date of notice and should be built up to a level equivalent to one year's operating costs over the period of this approval. The Fund can only be accessed by IFFPG in exceptional circumstances and only by prior agreement with this Department.

The circumstances in which the Fund may be accessed are as follows: -

- In the event of the Scheme being wound down,
- The loss of major members,
- Commodity market shocks.

It shall constitute a breach of this approval for IFFPG to withdraw any amount from the Fund in circumstances other than those listed above and without the prior consent of this Department. Where drawdown of the Fund occurs, IFFPG shall provide a detailed plan to the Department in order to rebuild the fund to the appropriate level.

Contingency Fund bank account statements
The Contingency Fund bank account statements shall be included on IFFPG Board meeting agendas at quarterly intervals, at least, and shall be submitted to the Department every three months.

11. Co-operation.

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

IFFPG will continue to work with other Agencies operating in a similar environment e.g. Environmental Protection Agency (EPA), National Waste Collection Permit Office (NWCPO), National Trans-Frontier Shipment Office (NTFSO), regional lead authorities for waste management and waste enforcement (RWMO and WERLA), local authorities etc., to identify areas where better collaboration and co-operation will yield efficiencies in the areas of reducing the administrative burden and eliminating any unnecessary duplication in areas such as enforcement, data collection, analysis, technical assessments, research, data reporting and sharing.

12. Regulatory Affairs.

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

13. Provision of Information

IFFPG shall make available to this Department and/or its agencies any and such information which might be required, including information requested at short notice, in order to support our role in the democratic process and discharge of its oversight of this Approval. This information may be in addition to that included in the Annual Report.

14. Risk and Issue Management.
In line with the stipulations of the Code of Practice for the Governance of State Bodies, IFFPG will 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 IFFPG will adopt a 'no surprises' approach to areas of common concern. IFFPG will, without undue delay, notify the Department of any material developments that will have an impact on the ability of IFFPG 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 will, without undue delay, inform IFFPG of any material changes or issues that would affect the ability of IFFPG to perform and resource its functions.

15. Climate Action and Green Procurement.

Cognisant of Government policy on Climate Action, IFFPG will aim to minimise carbon emissions in the course of their operations and in partnership with their members and stakeholders. IFFPG shall adopt policies that are committed to environmental best practice in the procurement of goods and services (see Resources | Environmental Protection Agency (epa.ie)) and shall accordingly introduce measures to promote green procurement, within IFFPG as an entity in itself and within its member organisations, so that the environmental impacts of its products and services are minimised where practicable.

16. Prevention, Minimisation and Reuse.

To reflect the objectives of the waste hierarchy, IFFPG shall promote prevention, minimisation and reuse of members' farm plastics waste. While acknowledging the role and nature of farm plastics produce, throughout the timeframe for this approval, IFFPG will engage with its members to assess and develop further opportunities for prevention and minimisation.

17. Policy Direction.

IFFPG will provide the Department with a report outlining its strategic direction for the farm plastics waste stream which will foster greater engagement along the supply chain with a particular focus on the design and manufacturing sectors, for the period of this approval. The report shall also detail the steps taken to support circularity and indigenous recycling, and an evaluation of the potential to introduce modulated fees along with other measures to support the environmental management of this waste stream. This report shall be provided by January 2027.

IFFPG must comply with any policy directions issued by the Minister for Climate, Energy and the Environment as and when these directions are issued.

Confidentiality

The Department of the Climate, Energy and the Environment is subject to the Freedom of Information Act 2014 and the Access to Information 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 2007-2011.

Under the Access to Information on the Environment (AIE) Regulations, information relating to the environment held by, or for, a public authority must be made available on request, subject to certain exceptions. This Department would consider that IFFPG might have to respond to a request pursuant to these Regulations.

The Department will endeavour to ensure that the confidentiality of specific records provided by IFFPG to this Department is maintained consistent with its statutory obligations.

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

18. Disputes.

Both the Department and IFFPG 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 lowest level possible and in an amicable fashion. The Department and IFFPG may also agree a protocol for dispute resolution during the period of the approval.

19. Notice terms and conditions.

The Department will have the ability to terminate the approval granted to IFFPG in the event of any of the following occurrences:-

- An order is made or an effective resolution is passed, or a statutory order is approved or a petition is presented for the winding up of IFFPG,
- A receiver, examiner, administrator or liquidator is appointed over any of the property or assets of IFFPG,
- IFFPG commits any breach of this approval (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 IFFPG,
- IFFPG commits any breach of the Code of Corporate Governance,
- Failure to build the Contingency Fund to the required levels within the timeframe of the approval shall be considered a breach of this approval,
- A distress or execution order is levied or served upon any of the property or assets of IFFPG and is not paid off within thirty days,
- IFFPG ceases or threatens to cease to carry on all or a substantial part of the Services,
- IFFPG is in breach of any of the provisions of this approval,
- IFFPG is in breach of any provision of the Companies Acts or other applicable legislative provisions by a Competent Authority, and
- Any other material event occurs which the Department in its absolute discretion considers might or does adversely affect the ability of IFFPG to comply with its obligations under this approval.

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

If IFFPG wishes to cease to provide the services it has been approved to provide, the Department of, Climate, Energy and the Environment must be informed, in writing, 180 days in advance of this cessation.

20. Corrective Actions.

In the event that IFFPG breaches certain material conditions of this approval or in situations where this Department feels that targets will not be met, a range of corrective actions may be considered by this Department. Such actions that might be considered include:-

- increased spending by IFFPG on identified areas for improvement
- increased rates of collection and/or recycling
- additional training for key personnel and directors, and
- the assignment of additional resources by IFFPG.

21. Interface.

The principal contact person in the Department dealing with all aspects of this approval is Orlagh Kehoe, e-mail: Orlagh.Kehoe@dcee.gov.ie, telephone number 01 678 2098 and 087 138 7342. The contact person for IFFPG is Liam Moloney, e-mail: Liam.Moloney@farmplastics.ie, telephone 01 4089966. Contact between the Department and IFFPG will be maintained at this level.

22. Requirements.

IFFPG is only approved to act as a farm plastics compliance scheme on condition that IFFPG abides by the terms and conditions of this approval.

23. Duration.

This approval is valid from 1st March 2026 and shall remain in place for a period of five calendar years until 28th February 2031 from its commencement date. A review of the approval shall take place in H1 2028.

24. Re-approval timeline.

If it is IFFPG's intention to seek re-approval to continue to operate as a farm plastics compliance scheme on completion of this approval, the following timeline will apply:-

30th June 2030	Receipt by this Department of IFFPG's application to continue to operate as a farm plastics compliance scheme including Business, Financial and Strategic plans. IFFPG shall also provide this Department with a review, approved by their Board, of their current approval.
September – October 2030	Assessment of IFFPG's application in conjunction with Section 9 of this approval, and indicative decision
November 2030 - January 2031	Engagement between the Department and IFFPG on the application.
February 2031	Approval, if appropriate, to issue to IFFPG.