

S.I. No. 341/2001 - Waste Management (Farm Plastics) Regulations, 2001

The Minister for the Environment and Local Government, in exercise of the powers conferred on him by sections 7 , 19 , 27 , 28 and 29 of the Waste Management Act, 1996 (No. 10 of 1996), hereby makes the following Regulations:-

PART I

PRELIMINARY AND GENERAL

- Citation and commencement.* 1. (1) These Regulations may be cited as the Waste Management (Farm Plastics) Regulations, 2001.
- (2) These Regulations shall come into operation on 23rd July 2001
- Interpretation.* 2. (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified is a reference to a Schedule, Part or article of these Regulations.
- (2) In these Regulations, any reference to a sub-article or paragraph which is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.
- (3) In these Regulations, save where the context otherwise requires
- “the Act” means the Waste Management Act, 1996 (No. 10 of 1996),
- “approved body” means a body corporate or association approved by the Minister in accordance with article 20.
- “the Companies Acts” means the Companies Acts, 1963 to 2001
- “farm plastics” means sheeting, bale wrap or bale bags composed mainly of polyolefins, including polyethylene, polypropylene or polyvinyl chloride, which is or are suitable for use for the conservation of fodder.
- “offer and make available for recovery” in relation to farm plastics waste means -
- (a) segregate such farm plastics waste into the specified categories for the purpose of facilitating the recovery of said waste, and
- (b) take reasonable steps to notify persons engaged in waste recovery (in these Regulations referred to as “recovery operators”) of the availability, nature, amount and location of such farm plastics waste, and
- (c) offer to provide such farm plastics waste to a recovery operator free of charge, and
- (d) store such waste for a period of not less than four weeks after notification under paragraph (b), or until it is collected by a recovery operator, whichever is the earlier;
- “purchaser” means a person within the State to whom farm plastics are supplied;
- “recovery operator” means a person referred to in the definition of “offer and make available for recovery”;
- “the Regulations of 1997” mean the Waste Management (Farm Plastics) Regulations, 1997 (S.I. No. 315 of 1997);

“relevant period” means the preceding calendar year or, in the case of a first application for renewal of registration under articles 9 and 16, or a first report under article 11(2), the period since the initial application for registration was made by the producer or supplier as appropriate;

“specified categories” in relation to farm plastics waste means sheeting bale wrap and bags;

“supplier” means a person who, for the purpose of trade or otherwise in the course of business as a *wholesaler, retailer, trader or contractor* sells or otherwise supplies to other persons farm plastics or goods wrapped in farm plastics.

“supply” includes the supply of farm plastics in association with the cutting of grass the conservation of fodder or the provision of any similar or related service and includes, for the purpose of trade or otherwise in the course of business, providing in exchange for any consideration other than money or giving as a prize or otherwise making a gift.

- (4) For the purposes of these Regulations, “producer” is hereby specified, under and in accordance with section 27 of the Act, to mean a person who, for the purpose of trade or otherwise in the course of business, imports or manufactures farm plastics for supply to suppliers or other persons.

PART II

PRODUCER RESPONSIBILITY OBLIGATIONS

Deposit and refund scheme.

3. Subject to article 18, a producer of farm plastics shall operate a deposit and refund scheme in relation to farm plastics which are imported or manufactured by the producer and supplied by the producer to persons within the State and for this purpose -
- (a) a producer shall require each purchaser of such farm plastics to pay to the producer a refundable deposit of money in relation to such farm plastics supplied by the producer to the purchaser,
 - (b) the amount of a refundable deposit shall be calculated at a rate equivalent to £200 prior to 1st January 2002 and €254 thereafter per tonne of such farm plastics so supplied,
 - (c) a producer shall, upon the return by any person of such farm plastics to the producer, repay to that person an amount which is equal to the deposit, or proportion of the deposit, paid to the producer in respect of the farm plastics so returned,
 - (d) a producer shall obtain a written statement from each person who returns such farm plastics of the amount by weight of farm plastic so returned by the person and shall retain such statements for a period of not less than two years,
 - (e) a producer shall not repay in whole or in part a deposit of money paid to the producer in accordance with this article in respect of farm plastics unless the farm plastics have been returned to the producer, and
 - (f) farm plastics will be regarded as being returned to a producer on the transfer of the farm plastics to the producer or to any person collecting such farm plastics on behalf of the producer.
 - (g) a producer shall submit to each local authority in whose functional area he has supplied farm plastics for sale, not later than 30th June in each

- calendar year, a certificate from an independent auditor, being a person empowered to audit accounts in accordance with the Companies Acts, in relation to the operation of a deposit and refund scheme by that producer in respect of the preceding financial year,
- (h) a producer shall maintain a separate account in a financial institution registered with the Central Bank of Ireland or with the Registrar of Friendly Societies, in respect of the operation of a deposit and refund scheme by that producer.
- Waste collection obligations.*
4. (1) Subject to article 18, a producer shall, in accordance with this article and without imposing any charge for so doing, collect or arrange for the collection of farm plastics which were imported or manufactured by the producer and supplied to persons within the State.
- (2) The requirement on a producer under sub-article (1) to collect or arrange for the collection of farm plastics which were imported or manufactured by the producer and supplied to persons within the State shall apply in relation to such farm plastics which are held within the State by any person who makes a request to the producer to collect such farm plastics.
- (3) A producer shall, within six weeks of receipt of a request from a person in accordance with sub-article (1), collect or arrange for the collection of the farm plastics to which the request relates from the place at which such farm plastics are held by that person, save as may be otherwise agreed between the producer and that person.
- (4) The obligation under sub-article (1) to collect or arrange for the collection of farm plastics includes the obligation to transport or arrange for the transportation of, and to accept control of, such farm plastics
- Provision of information to purchasers.*
5. Subject to article 18, a producer shall, in relation to farm plastics imported or manufactured by the producer and supplied by the producer to persons within the State provide a statement in writing to each such person indicating -
- (a) the arrangements operated by the producer for the collection after use of farm plastic supplied by that producer, and
- (b) that the producer is obliged-
- (i) to repay to any person who returns such farm plastics to the producer, the amount of the deposit paid in respect of the farm plastics so returned, and
- (ii) to collect or arrange for the collection of such farm plastics from the place at which they are held, within six weeks of receipt of a request by any person who holds such farm plastics within the State, save as may be otherwise agreed between the producer and that person.
- Waste recovery obligations.*
6. A producer shall take such steps as are necessary to ensure that farm plastics waste collected in accordance with this Part is
- (a) recovered by or on behalf of that producer or by a recovery operator, or
- (b) offered and made available for recovery.
- Prevention of environmental pollution.*
7. A producer shall use such containers and other equipment, and provide or otherwise obtain the use of such premises, as may be necessary to ensure that farm plastics waste which has been collected in accordance with this Part is handled and stored in a manner which does not cause, and is not likely to cause, environmental pollution.

- Registration and certification of producers.*
8. (1) Subject to article 18, a producer shall -
- (a) apply for registration to each local authority in whose functional area the producer supplies or intends to supply farm plastics for sale, not later than 20th August 2001 or the date of commencement of business, whichever is the later, and
 - (b) apply for renewal of registration to each such local authority, not later than 31st January in each year following initial registration, save only that a producer shall not be required to make such application within six months of initial registration
- (2) A producer who makes an application under sub-article (1) of this Article to a local authority shall be registered by that authority provided that the requirements of article 9 are complied with
- (3) A producer shall not be deemed to be registered until a Certificate of Registration has issued by the local authority to which an application for registration was submitted.
- Application for registration or renewal of registration.*
9. (1) An application for registration under article 8 shall be made in writing in such form as may be specified by the relevant local authority, shall contain at least the information set out in Part I of the Schedule and shall be accompanied by a copy of the plan required to be prepared under article 11(1).
- (2) An application for renewal of registration under article 8 shall be made in writing, in such form as may be specified by the relevant local authority, shall contain at least the information set out in Part 2 of the Schedule in respect of the relevant period and shall be accompanied by a copy of the report required to be prepared under article 11(2).
- (3) An application for registration under sub-article (1), or for renewal of registration under sub-article (2) shall be accompanied by a fee of £100 prior to 1st January 2002 and €127 thereafter.
- (4) A producer shall notify the relevant local authority of any changes to the information provided in, as the case may be, an application for registration or the last preceding application for renewal of registration.
- (5) A producer shall not be deemed to have renewed his registration in respect of a specified period until a Certificate of Renewal of Registration has issued by the local authority to which an application for renewal of registration was submitted.
- Records and Information.*
10. (1) With effect from the date of commencement of these Regulations, or the date of commencement of business, whichever is the later, a producer shall within ten days of the end of each month, subject to Article 18, compile and submit to each local authority in whose functional area farm plastics are supplied to suppliers the information set out in Part 3 of the Schedule.
- (2) It shall be the responsibility of the relevant producer to retain, for a period of three years after the end of the period in question, such records as are necessary to verify the accuracy of information compiled and submitted in accordance with sub-article (1).
- Plans and reports.*
11. (1) Subject to article 18, a producer shall, not later than the date on which application for registration or renewal of registration is made under article 8 prepare a plan in accordance with Part 4 of the Schedule,

specifying the steps to be undertaken by the said producer in order to comply with the requirements of these Regulations

- (2) Subject to article 18, a producer shall, not later than the date on which an application for renewal of registration is made under article 8, prepare a report specifying the steps taken by the said producer in order to comply with the requirements of these Regulations in the relevant period, and the results of those steps
 - (3) A report under sub-article (2) shall contain at least the information set out in Part 5 of the Schedule
 - (4) A copy of a plan or report prepared for the purpose of this article shall -
 - (a) not later than the relevant date, be sent to the persons specified in Part 6 of the Schedule, and
 - (b) be made available, free of charge, by the producer concerned to any person who so requests.
 - (5) For the purpose of this article, “made available” includes sending the plan or report, as the case may be, by post, fax or electronic mail to a person who so requests
- General duty regarding transfer of waste.* 12. (1) For the purposes of Article 6, a producer shall not transfer control of waste to any person other than a waste recovery operator who holds a current licence or permit issued under the Act
- (2) In a prosecution for a contravention of sub-article (1), it shall be a good defence to prove that the accused took all reasonable steps, including the making of reasonable enquiries, to establish that a person concerned was a licensed or permitted waste recovery operator

PART III

SUPPLIER RESPONSIBILITY OBLIGATIONS

- Deposit and refund scheme* 13. Subject to article 18 a supplier engaged in the sale of farm plastics which have been supplied by a producer, other than a producer in possession of a certificate granted by an approved body, shall apply a charge in accordance with the provisions of a deposit and refund scheme operated by such producer, and for this purpose, a supplier shall require each purchaser of such farm plastics to pay to the supplier such deposit as is appropriate proportionate to the quantity of farm plastics purchased in accordance with the rates per tonne provided for in article 3(b)
- Provision of information to purchasers* 14. Subject to article 18, a supplier shall, in relation to farm plastics supplied to persons within the State, provide a statement in writing to each such person indicating the matters set out in paragraphs (a) and (b) in article 5.
- Registration and certification of suppliers* 15. (1) Subject to article 18, a supplier shall -
 - (a) apply for registration to each local authority in whose functional area the supplier supplies or intends to supply farm plastics for sale, not later than 20th August 2001 or the date of commencement of business, whichever is the later, and
 - (b) apply for renewal of registration to each such local authority, not later than 31st January in each year following initial registration, save only that a supplier shall not be required to make such application within six months of initial registration.
- (2) A supplier who makes an application under sub-article (1) of this article

to a local authority shall be registered by that authority provided that the requirements of article 16 are complied with.

- Application for registration or renewal of registration*
16. (3) A supplier shall not be deemed to be registered until a Certificate of Registration has issued from the local authority to which an application for registration was submitted
16. (1) An application for registration under article 15 shall be made in writing, in such form as may be specified by the relevant local authority, and shall contain at least the information set out in Part 1 of the Schedule.
- (2) An application for renewal of registration under article 15 shall be made in writing in such form as may be specified by the relevant local authority and shall contain at least the information set out in Part 2 of the Schedule, in respect of the relevant period
- (3) An application for registration under sub-article (1) or for renewal of registration under sub-article (2) of this article shall be accompanied by a fee of £100 prior to 1st January 2002 and €127 thereafter
- (4) A supplier shall notify the relevant local authority of any changes to the information provided in, as the case may be, an application for registration or the last preceding application for renewal of registration.
- (5) A supplier shall not be deemed to have renewed his registration in respect of a specified period until a Certificate of Renewal of Registration has issued by the local authority to which an application for renewal of registration was submitted
- Records and information*
17. (1) With effect from the date of commencement of these Regulations, or the date of commencement of business, whichever is the later, a supplier shall, within ten days of the end of each month, subject to article 18, compile and submit the information set out in Part 3 of the Schedule to the local authority in whose functional area he or she carries on business, in such form as may be specified by that authority.
- (2) It shall be the responsibility of the relevant supplier to retain, for a period of three years after the end of the period in question, such records as are necessary to verify the accuracy of information compiled and submitted in accordance with sub-article (1)

PART IV

APPROVED BODIES

- Exemption from regulatory requirements.*
18. (1) A producer to whom is granted a certificate by an approved body stating that such producer is participating, in a satisfactory manner, in a scheme for the recovery of farm plastics waste, shall be exempt from the requirements of Part II and articles 25 and 26 unless and until -
- (a) such certification is revoked by the approved body concerned or otherwise ceases to have effect/be in force; or
- (b) approval granted by the Minister to the body concerned is revoked in accordance with article 21
- (2) A supplier shall be exempted from the requirements of Part III in respect of any farm plastics supplied by a producer who holds a certificate issued in accordance with sub-article (1)
- Application for approval by the*
19. (1) A body corporate or association may apply to the Minister for approval for the purposes of this Part.

Minister.

- (2) An application for approval under sub-article (1) shall be made in writing and shall be accompanied by the following -
 - (i) a copy of the articles of association of the body corporate or association,
 - (ii) proposals for a scheme to be undertaken by the body corporate or association for the purposes of recovery of farm plastic waste,
 - (iii) a financial plan in relation to the proposed scheme,
 - (iv) annual farm plastics waste recovery targets to be achieved under the proposed scheme,
 - (v) proposals for the certification of producers for the purpose of article 18,
 - (vi) proposed measures for determining and verifying the level of recovery of farm plastics waste under the proposed scheme, and
 - (vii) such other information as may be specified by the Minister for the purpose of this article.

Grant of approval by 20. the Minister.

- (1) Subject to sub-article (2), the Minister may, by notice in writing, grant approval to a body corporate or association for the purposes of this Part, or may refuse to grant such approval.
- (2) An approval under sub-article (1) may be subject to such conditions as the Minister may specify, including conditions relating to -
 - (a) measures to be undertaken by the approved body or by producers certified by that body, with regard to the recovery of farm plastics waste.
 - (b) targets to be achieved by the approved body with regard to the recovery of farm plastics waste.
 - (c) determination and verification of the effects of measures undertaken with regard to the recovery of farm plastics waste and
 - (d) the nature and frequency of information (including financial accounts) to be submitted by the approved body to the Minister or to such other person as may be specified by the Minister.
- (3) The Minister may, by notice in writing, from time to time vary any condition attached to an approval under sub-article (1).

Revocation of approval by the Minister.

21. (1) Subject to sub-article (2), where it appears to the Minister that an approved body is not in compliance with conditions attached to such approval, or that relevant farm plastics waste recovery targets have not been or are not being met, the Minister may revoke an approval granted under article 20.
- (2) Before making a decision to revoke an approval under sub-article (1), the Minister shall -
 - (a) give notice in writing to the approved body of the proposed decision and the reasons therefor, and
 - (b) specify a period of not less than one month within which the approved body may make a submission to the Minister in relation to the proposed decision.

- (3) The Minister shall consider any submission made by the approved body within the period specified and, if he or she decides to revoke an approval granted under article 20, shall forthwith give notice in writing to the body or association concerned of the decision and the reasons therefor

Prohibition on use of 22. logo. No person shall, otherwise than with the written consent of an approved body, display at any premises or on or in any product, packaging, advertisement or notice, any logo or other mark or symbol designed and adopted by that approved body for use by producers certified by that approved body for the purposes of article 18

Notifications to local 23. authorities. An approved body shall not later than the 7th day of each month, notify each local authority of any producer in respect of which a certificate for the purposes of article 18 has been granted or revoked within the preceding calendar month

PART V

PROVISIONS RELATING TO ENFORCEMENT

Enforcement 24. Each local authority shall be responsible for the enforcement of these Regulations within its functional area and shall take such steps as are necessary for this purpose.

Provision of 25. (1) Subject to article 18, a local authority may, by the service of a notice in information to local authority. writing on a producer, supplier or holder of farm plastics, require that producer, supplier or holder as the case may be, to maintain such records as are specified in Part 3 of the Schedule and to furnish in writing to the local authority, within such period (being not less than 7 days after the date of service of the notice) and, if appropriate, thereafter at such frequency, as may be specified in the notice, such particulars as to -

(a) in the case of producers,

(i) the operation of a deposit and refund scheme in accordance with Part II in relation to farm plastics supplied by that producer; and/or

(ii) the quantities and/or weight of farm plastics held and/or supplied, or

(b) in the case of suppliers and holders, the source, quantities and/or weight of farm plastics held and/or supplied, as appropriate.

(2) A person on whom a notice under this article has been served shall, within the period specified on the notice, comply with the terms thereof

Provision of evidence 26. to local authority. (1) Subject to article 18, a local authority may by notice in writing require a person to furnish, within such a period (being not less than 7 days after the date of service of the notice) as may be specified in the notice.

(a) such evidence as it may reasonably require to verify any particulars or information submitted by that person to the local authority under these regulations, and

(b) in the case of a producer, copies of a statement obtained under and in accordance with article 3 in respect of such period as may be specified

(2) A notice for the purpose of sub-article (1)(a) may specify the nature of the evidence to be furnished, or the manner in which any matter is to

be set out or addressed in such evidence, and may require that such evidence be verified by a person approved for that purpose by the relevant local authority.

- (3) A person on whom a notice under this article has been served shall, within the period specified in the notice, comply with the terms thereof
- Register.* 27. (1) It is hereby prescribed that the register maintained by a local authority under section 19 of the Act shall contain entries specifying the following matters -
- (a) the name and address of a producer and supplier registered by a local authority under articles 8 and 15, and the date of such registration and of any renewal of such registration,
 - (b) the receipt of information by a local authority in accordance with articles 10 and 17,
 - (c) the giving of a notice under article 25 and 26.
- (2) Information received by a local authority in accordance with articles 9, 10, 11 and 25 shall be made available at the principal office of the local authority concerned for inspection by any person during office hours

PART VI

MISCELLANEOUS

- Onus of proof on a supplier.* 28. In a prosecution for a contravention of these Regulations (being a contravention consisting of a failure to comply with a requirement specified in Part II or Part III), a producer or supplier shall be deemed to be in contravention of specified requirements in Parts II or III as appropriate, unless the said producer or supplier satisfies the Court that the contrary is the case
- Provision of information to suppliers.* 29. A producer or supplier who supplies farm plastics to any supplier shall comply with any request from the latter supplier for information on the weight of farm plastics concerned so as to enable the latter supplier to comply with any obligations arising under the Regulations.
- Collection of waste.* 30. Notwithstanding any contractual arrangement to the contrary effect -
- (a) a local authority shall not be obliged to collect or arrange for the collection of farm plastics waste from a producer where the authority considers that the said producer is not in compliance with the requirements of these Regulations,
 - (b) a commercial waste collector shall not accept from a producer farm plastics waste for disposal without first receiving a written declaration, signed by the person in charge of the premises from which the waste is to be collected, stating that, in relation to the waste which will be presented by the producer for collection at that premises, the waste will not be so presented unless the producer has complied with Part II insofar as it requires such waste to be offered and made available for recovery.
- Revocation* 31. The Regulations of 1997 are hereby revoked.
- Transitional* 32. (1) A producer who has already registered with a local authority in the year 2001 in accordance with article 8 of the Regulations of 1997 shall be deemed to have registered for the year 2001.
- (2) A body corporate or association which was granted approved body status by the Minister under article 15 of the Regulations of 1997 shall remain an approved body for the purposes of these Regulations, with

the same conditions attaching as to the original approval, unless otherwise amended or revoked.

SCHEDULE

PART 1

Information to be provided for the purpose of registration [Articles 9 and 16]

1. Name(s), address, electronic mail address, telephone and fax number of the registered office or if not a company, the principal place of business, of the producer
2. Name and address(es) of owner(s)
3. Location of premises at or from which farm plastics are or will be supplied by the producer
4. Where appropriate, the estimated weight of farm plastics supplied in the twelve month period prior to the date of application, in each of the specified categories.

PART 2

Information to be provided for the purpose of renewal

of registration

[Articles 9 and 16]

1. Name(s), address, electronic mail address, telephone and fax number of the registered office or, if not a company, the principal place of business, of the producer or supplier as appropriate.
2. Name(s) address, electronic mail address, telephone and fax number of the collection agents used by the producer to collect farm plastics waste.
3. The quantities of farm plastics waste collected by each collection agent in the functional area of the local authority to which an application for renewal is being submitted.
4. The weight of farm plastics supplied in each of the specified categories.
5. The weight of farm plastics waste collected in each of the specified categories.
6. Recovery operators notified of the availability of farm plastics waste for the purposes of article 6
7. The weight of farm plastics waste
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in each of the specified categories.
8. The weight of farm plastics waste disposed of or consigned for disposal by the producer in each of the specified categories and the nature of the disposal operations involved

Points 1 and 4 shall apply to both producers and suppliers; points 2, 3 and 5-8 shall apply to producers only.

PART 3

Information to be complied and submitted by registered producers and suppliers.

[Articles 10 and 17]

1. The weight of farm plastics supplied in each of the specified categories in the

preceding calendar month.

2. Name and address of persons to whom farm plastics were supplied in the preceding calendar month, and the amount(s) and weight supplied to each such person.
3. Name and address of persons from whom farm plastics waste was collected, and the weight collected from each such person, in each of the specified categories, in the preceding calendar month.
4. The weight of farm plastics waste
 - (a) recovered by or on behalf of the producer, and/or
 - (b) accepted by each recovery operator,in each of the specified categories in the preceding calendar month.
5. The weight of farm plastics waste disposed of or consigned for disposal by the producer in each of the specified categories, and the nature of the disposal operations involved, in the preceding calendar month.

Points 3 - 5 shall apply to producers only.

PART 4

Information to be provided in a plan for

Local Authorities [Article 11]

1. Name(s), address, electronic mail address, telephone and fax number of the registered office or, if not a company, the principal place of business of the producer.
2. In relation to the deposit and refund scheme, the following information shall be provided
 - details on how the £200 prior to 1st January 2002, €254 thereafter, per tonne refundable deposit will be operated, and
 - a copy of the statement in writing proposed to be provided in accordance with article 5
3. Details of the measures taken to prevent environmental pollution during the handling and storage of farm plastics waste.

PART 5

Information to be provided in a report for public information [Article 11]

1. Name(s), address, electronic mail address, telephone and fax number of the registered office or, if not company, the principal place of business, of the producer
2. Location of premises at or from which farm plastics are supplied by the producer.
3. The weight of farm plastics supplied in the relevant period in each of the specified categories
4. The weight of farm plastics waste collected in the relevant period, in each of the specified categories
5. Recovery operators notified of the availability of farm plastics waste during the relevant period, for the purposes of article 6, and the means used to effect such notification

6. The weight of farm plastics waste
 - (a) recovered by or on behalf of the producer, and
 - (b) accepted by recovery operators,in the relevant period, in each of the specified categories
7. The weight of farm plastics waste disposed of or consigned for disposal by the producer in each of the specified categories during the relevant period, and the nature of the disposal operations involved

PART 6

Persons to whom a report shall be sent

[Article 11]

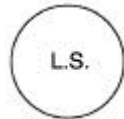
The Minister

The Environmental Protection Agency

The Irish Farmers Association

The Irish Creamery Milk Suppliers Association

Given under the Official Seal of the Minister for the Environment and
Local Government this 18th day of July, 2001



NOEL DEMPSEY

Minister for the Environment and Local Government

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations revise and replace the Regulations of 1997 and are designed to assist the improved recovery of waste farm plastics. The Regulations impose obligations on producers and suppliers of certain farm plastics for this purpose including obligations, as appropriate, to operate a deposit and refund scheme, to collect waste farm plastics, to take steps for the recovery of such waste, to register with and provide information to local authorities and to provide information to purchaser. An exemption from these obligations is available to persons who participate in a waste recovery scheme operated by an approved body.

The 1997 Regulations were notified to the European Commission in draft form in accordance with EU Council Directive 83/189/EEC.