

Product Eco-responsibility Bill

The Administration's Response to Views and Questions Raised at the Bills Committee Meeting on 10 June 2008 at 4:30 pm

Liability of a franchisee

In the light of Members' views, the Administration agrees to also hold a franchisee liable when he contravenes the requirements relating to the provision of plastic shopping bags from his retail outlet and the display of a certificate of registration in the outlet. The Administration will propose Committee Stage Amendments (CSAs) for this purpose.

Consultation with the affected trade

2. The Administration would continue to consult the affected trade on the implementation details of the environmental levy scheme, including how to account for the number of plastic shopping bags. The Secretary for the Environment will make such an undertaking in his speech at the resumption of the Second Reading debate of the Bill.

Assessment notice under clause 25

3. In the light of Members' view, the Administration agrees that an assessment notice would only be served upon conviction of an offence under clauses 9 or 23(1), or upon acquittal of the said offence in reliance on the relevant statutory defence. The Administration will propose CSAs for this purpose.

4. The environmental levy on plastic shopping bags in Ireland is implemented through the Waste Management Act 1996, the Waste Management (Amendment) Act 2001, and the Waste Management (Environmental Levy) (Plastic Bag) Regulations, 2001. Under the Regulations, the Revenue Commissioner may estimate the amount of the levy payable in the cases of non-payment or under-payment.

Failure to submit return and provision of false information

5. It is an offence for a person to provide information that is false in a material particular under clause 9(1). It is also an offence for a registered retailer not to submit a return in accordance with clause 23(1). Before instituting any legal proceedings, the Administration would take into account the circumstances of individual cases, as well as any explanations and information provided by the parties concerned.

Clause 27 and proposed CSAs to clause 7(2) and (8)

6. The Administration agrees to review the Chinese rendition of clause 27, as well as the proposed CSAs to clauses 7(2) and 8. The Administration will propose CSAs for this purpose.

Environmental Protection Department
June 2008