

Annex III – Proposed guidance updates relating to Annex II of the Packaging and Packaging Waste Directive

PB14626c

The CEP changes to the Packaging and Packaging Waste Directive means that some minor changes will be required to the guidance government has produced for those involved in placing packaged goods on the market.

This guidance is called: [Guidance on Packaging \(Essential Requirements\) Regulations](#). The changes to this guidance are related to the CEP changes to Annex II of the Packaging and Packaging Waste Directive which describes the minimum requirements for packaging to be able to be placed on the market.

This guidance is being updated by Defra, as the department that has responsibility for the Essential Requirements Regulations. A full revision, taking into account changes related to the Northern Ireland Protocol, will be published shortly.

To give those involved in this sector an idea of how the CEP requirements might change the guidance, the new proposed text is given below.

Proposed new text is underlined
Text to be removed is crossed through

Page 2: This is the July 2020 ~~October 2015~~ edition of the guidance. The guidance is updated on a regular basis as necessary.

Page 4 para 2: The Regulations implement those provisions of the European Parliament and Council Directive on Packaging and Packaging Waste (94/62/EC) ("the Directive") that relate to the essential requirements for packaging. The Regulations also implement relevant provisions of EU instruments amending the Directive: Directives 2018/852/EC, 2004/12/EC, 2013/2/EU and (EU) 2015/720 and Commission Decisions 1999/177/EC, 2001/171/EC, 2006/340/EC and 2009/292/EC

Page 5 para 9: The essential requirements are, in summary:

- i. Packaging must be manufactured so that the packaging volume and weight be limited to the minimum amount to maintain the necessary level of safety, hygiene and acceptance for the consumer ~~Packaging volume and weight must be the minimum amount to maintain the necessary levels of safety, hygiene and acceptance for the packed product and for the consumer.~~
- ii. Packaging must be designed, produced and commercialised ~~manufactured~~ so as to permit reuse or recovery in accordance with specific requirements.
- iii. Noxious or hazardous substances in packaging must be minimised in emissions, ash or leachate from incineration or landfill.

Page 6 para 17: It is the statutory duty of the following organisations to enforce the Regulations within their area:

- a. In England and Wales, ~~weights and measures authorities~~ (the trading standards departments of local authorities);
- b. In Northern Ireland, the Department for the Economy (Northern Ireland) of Enterprise, Trade and Investment;—
- c. In Scotland, ~~weights and measures authorities~~ (the trading standards departments of local authorities); prosecutions against infringement of the Regulations are brought by the Procurator Fiscal.

Page 8: Advisory Committee on Packaging
(ACP) *Packaging in Perspective* (ACP, 2008) -
NEW LINK ADDED

<http://www.packagingfedn.co.uk/images/reports/Packaging%20in%20Perspective%20-%20November%202008.pdf>

Page 9: Industry Council for research on Packaging and the Environment
(INCPEN) – LINK DELETED

~~The Responsible Packaging Code of Practice (March 2003,
2nd Edition)~~

~~<http://www.incpen.org/pages/data/CodeofPractice.pdf> (Developed by INCPEN and endorsed by BIS, DEFRA and LGR)~~

Guidance on Packaging Essential Requirements
Regulations (INCPEN/LGR, 1999) – NEW LINK ADDED
<https://www.incpen.org/library/publications/>

For further information on these suggested changes contact:
packaging@defra.gov.uk