

BIS | Department for Business
Innovation & Skills

**PACKAGING (ESSENTIAL
REQUIREMENTS) REGULATIONS**

Quick start guide

JANUARY 2011

URN 11/525

About this guidance

This guide is addressed to those involved in the placing of packaged goods on the market.

This guidance cannot cover every situation and, of course, it may be necessary to carefully consider the relevant legislation to see how it applies in your circumstances. However, if you do follow the guidance it will help you to understand how to comply with the law.

This guidance has been designed to comply with the “Code of Practice on Guidance on Regulation 2009”. This was published in October 2009 and a copy can be downloaded from the BIS website at www.bis.gov.uk.

This is a summary note. The full guidance can be found in “Packaging Essential Requirements Regulations – Government Guidance Notes” URN 11/524 is available separately.

This is the January 2011 edition of the start guide and replaces all earlier editions. The guidance is updated on a regular basis as necessary.

The Regulations – An overview

Requirements

1. The main requirement of the regulations is that no one who is responsible for packing or filling products into packaging or importing packed or filled packaging into the United Kingdom, may place that packaging on the market unless it fulfils the Essential Requirements and is within the heavy metal concentration limits.

Essential Requirements

2. The Essential Requirements are, in summary:
 - i. 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 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

Heavy metal limits

3. The aggregate heavy metal limits apply to cadmium, mercury, lead and hexavalent chromium in packaging or packaging components subject to some exemptions (for glass and plastic crates/pallets).
4. The total by weight of such metals should not exceed 100 ppm on or after 30 June 2001. Previous limits were, 600 ppm on or after 30 June 1998 & 250 ppm on or after 30 June 1999.

Enforcement

5. Enforcement Officers (p13) may assess the compliance of any packaging by requesting technical documentation on both the packaging essential requirements and the heavy metal limits.
6. This documentation must be produced within **28 days** of the request being made.

Regulatory framework

7. The Packaging (Essential Requirements) Regulations 2003 (SI 2003 No 1941) ("the Regulations") are amended by:
 - the Packaging (Essential Requirements) (Amendment) Regulations 2004 (SI 2004 No 1188) ("the 2004 Regulations");
 - the Packaging (Essential Requirements) (Amendment) Regulations 2006 (SI 2006 No 1492) ("the 2006 Regulations");
 - the Packaging (Essential Requirements) (Amendment) Regulations 2009 (SI 2009 No 1504) ("the 2009 Regulations")
8. The Regulations implement provisions of the European Parliament and Council Directive on Packaging and Packaging Waste (94/62/EC) ("the Directive") relating to the essential requirements to be satisfied by packaging in order to circulate freely on the single market.

9. Packaging manufactured before 31 December 1994 and lawfully placed on the market before 31 December 1999 is excluded from these requirements.
10. The 2003 Regulations came into effect on 25 August 2003, revoking and replacing the Packaging (Essential Requirements) Regulations 1998 (SI 2998/1165). They included derogations for the heavy metals limits in respect of certain glass packaging and plastic pallets and crates, as set out in Commission Decisions 1999/177/EC and 2001/171/EC. They also introduced a set timeframe for producing technical documentation demonstrating compliance of 28 days.
11. The European definition of “packaging” was amended by Directive 2004/12/EC, published on 18 February 2004. This amendment introduced an indicative list of what does and does not constitute packaging, in order to provide greater clarity and EU harmonisation on what is defined as “packaging”. The 2004 Regulations include this amendment.
12. The 2006 Regulations implement Commission Decision 2006/340/EC to extend indefinitely a derogation to heavy metal concentration levels in glass packaging.
13. The 2009 Regulations implement Commission Decision 2009/292/EC, and remove the end date for the existing derogation to heavy metal limits in plastic crates and pallets.

Existing requirements for packaging

14. The Regulations do not affect the application of existing quality or labelling requirements for packaging, such as safety, the protection of health and hygiene of the packed products, existing transport requirements or provisions on hazardous waste. In other words, existing legislation on these matters must be complied with.

Further information

15. Details of further information are contained in the full guidance document. Businesses can also get advice from the government’s advice services www.businesslink.gov.uk and www.envirowise.gov.uk. If you are a UK business you can also call the WRAP/Envirowise business advice line on 0800 585 794.

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