

# Trader guidance leaflet

Aberdeenshire Council  
Trading Standards



## Essential Requirements on the Composition and use of Packaging

[The Packaging \(Essential Requirements\) Regulations 2003](#) came into force on 25th August 2003, and are concerned with environmental impacts from packaging and packaging waste. The Regulations implement the provisions of [the European Community Directive 94/62/EC \(as amended\)](#) in the UK.

### What the law says

The regulations require packaging to comply with concentration limits for heavy metals, namely lead, cadmium, mercury and hexavalent chromium. The sum of the concentration level of the above metals in the packaging, or in packaging components, must **not** exceed 100 parts per million.

There are two exemptions to this if certain conditions are fulfilled-

- Until 4 March 2009, plastic pallets & crates
- Glass packaging

The Regulations also require packaging to comply with essential requirements on the composition and the re-usable and recoverable (including recyclable) nature of the packaging. These requirements are aimed at minimising packaging weight and volume, and reducing packaging waste in line with safety, hygiene and consumer acceptance.

Packaging is taken to satisfy the essential requirements if it satisfies relevant harmonised standards.

A summary of the essential requirements is given below.

### Who is responsible?

Responsibility for compliance lies with the person who places the packaging or packaging components onto the market. This includes anyone who puts his/her name, mark or trademark on the package, or the importer.

They also have a duty to maintain technical documentation to show that the packaging complies. The documentation must be kept for four years, and produced to the enforcement authority within 28 days from a request. The cost of non-compliance could be substantial. Non-complying products can be suspended from supply, and offenders are liable to an unlimited fine if convicted on indictment.

### **Summary of the essential requirements:**

#### **Manufacturing and composition**

- Packaging must be minimal, i.e. it must only be the minimum volume and weight required for safety, hygiene and consumer acceptance.
- Packaging must be designed, produced and sold in such a way that reuse or recovery, including recycling, is possible, and so that packaging waste (i.e. packaging that cannot be reused or recovered) has a minimal impact on the environment.
- Packaging must be manufactured so that, when it is incinerated or land filled, the presence of noxious and other hazardous substances in emissions, ash or leachate is minimised.

#### **Requirements specific to reusable packaging - all of the following requirements must also be satisfied:**

- Packaging should be designed so that it can be reused as often as possible.
- The possibility of processing the used packaging in order to meet health and safety requirements for the workforce should be considered,
- When it reaches the end of its useful life, the packaging must meet one of the recoverability requirements listed below.

#### **Requirements specific to the recoverable nature of packaging**

##### **(a) Packaging recoverable in the form of recycling**

A certain percentage of weight of the packaging materials must be recyclable, according to published standards in the Community.

##### **(b) Packaging recoverable in the form of energy recovery**

Packaging waste processed to produce energy must have a minimum calorific value.

##### **(c) Packaging recoverable in the form of composting**

Packaging waste processed for the purpose of composting must be so biodegradable that it does not adversely affect the composting process or collection of compost.

##### **(d) Biodegradable packaging**

Biodegradable packaging waste must ultimately decompose into mainly carbon dioxide, biomass and water.

**Further Information**

[The Department of Trade and Industry \(DTI\) has published detailed guidance notes.](#) Copies can be obtained from your local Trading Standards Service.

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