

## SCHEDULE I

Regulations 2(2), 5

(Annex II of the Directive)

### ESSENTIAL REQUIREMENTS ON THE COMPOSITION AND THE REUSABLE AND RECOVERABLE, INCLUDING RECYCLABLE, NATURE OF PACKAGING

#### 1. Requirements specific to the manufacturing and composition of packaging

— Packaging shall be so manufactured that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer;

— Packaging shall be designed, produced and commercialised in such a way as to permit its reuse or recovery, including recycling, and to minimise its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of; and

— Packaging shall be so manufactured that the presence of noxious and other hazardous substances and materials as constituents of the packaging material or of any of the packaging components is minimised with regard to their presence in emissions, ash or leachate when packaging or residues from management operations or packaging waste are incinerated or landfilled.

#### 2. Requirements specific to reusable packaging

The following requirements must be simultaneously satisfied:

— the physical properties and characteristics of the packaging shall enable a number of trips or rotations in normally predictable conditions of use,

— possibility of processing the used packaging in order to meet health and safety requirements for the workforce,

— fulfil the requirements specific to recoverable packaging when the packaging is no longer reused and thus becomes waste.

#### 3. Requirements specific to the recoverable nature of packaging

##### (a) Packaging recoverable in the form of material recycling:

Packaging must be manufactured in such a way as to enable the recycling of a certain percentage by weight of the materials used into the manufacture of marketable products, in compliance with current standards in the Community. The establishment of this percentage may vary, depending on the type of material of which the packaging is composed.

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

Packaging waste processed for the purpose of energy recovery shall have a minimum inferior calorific value to allow optimisation of energy recovery.

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

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it should not hinder the separate collection and the composting process or activity into which it is introduced.

##### (d) Biodegradable packaging.

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water.

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## SCHEDULE II

Regulation 6(3)(a)

### REQUIREMENTS FOR EXEMPTION FOR PLASTIC CRATES AND PALLETS FROM HEAVY METAL CONCENTRATION LEVELS SPECIFIED IN REGULATION 6(1)

#### 1.

- (a) The plastic crate or plastic pallet shall be, or shall have been, manufactured in a controlled recycling process, that is to say a process in which the recycled material originates only from other plastic crates or plastic pallets and in which the introduction of external materials is the minimum which is technically feasible but in any event does not exceed 20 per cent by weight;
- (b) no regulated metal shall be intentionally introduced as an element during the manufacture or distribution of the plastic crate or plastic pallet provided always that the incidental presence of any of these elements shall be permitted; and
- (c) the concentration levels of regulated metals in the plastic crate or plastic pallet may only exceed the levels referred to in [F1regulation 6] as a result of the addition of recycled materials.

#### Textual Amendments

**F1** Words in Sch. II para. 1(c) substituted (24.5.2004) by [The Packaging \(Essential Requirements\) \(Amendment\) Regulations 2004 \(S.I. 2004/1188\)](#), regs. 1, 2(2)

#### 2.

- (a) The plastic crate or plastic pallet shall be introduced in a controlled distribution and reuse system and the following requirements shall be complied with—
  - (i) the plastic crate or plastic pallet containing regulated metals shall be identified in a permanent and visible way;
  - (ii) a system of inventory and record keeping shall be established, which shall include a method of regulatory and financial accountability, to document the compliance with the requirements set out in this Schedule including the return rates. The return rates are the percentage of returnable entities which are not discarded after use but are returned to the manufacturer of the packaging or the responsible person or an authorised representative established in the Community of the said manufacturer or the responsible person, as the case may be. The said return rates shall be as high as possible but in no case lower than 90 per cent over the lifetime of the said crate or pallet;
  - (iii) in addition the system shall account for all the reusable entities put into, and removed from, service; and
  - (iv) all returned plastic crates or plastic pallets that are no longer reusable shall be either disposed of by a procedure specifically authorised by [F2the Environment Agency in England, the Natural Resources Body for Wales in Wales], the Environment and Heritage Service in Northern Ireland and the Scottish Environment and Protection Agency in Scotland or be recycled in a recycling process in which the recycled material is made up of plastic crates or plastic pallets in the circuit and the introduction of external material is the minimum which is technically feasible but in any event does not exceed 20 per cent by weight.
- (b) The manufacturer or his authorised representative established in the Community shall—

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- (i) draw up on an annual basis a written declaration of conformity, including an annual report demonstrating how the conditions in this Schedule have been complied with; the declaration of conformity shall contain a list of any changes to the system and the manufacturer's authorised representatives; and
- (ii) retain the documentation referred to in sub-paragraph (i) above at the disposal of the enforcement authority for inspection purposes for a period of four years from the date of its drawing up;

provided always that where neither the manufacturer nor his authorised representative is established within the Community the said documentation shall be retained at the disposal of the enforcement authority by the responsible person who places the product on the market.

#### Textual Amendments

**F2** Words in [Sch. II para. 2\(a\)\(iv\)](#) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 4 para. 169](#) (with [Sch. 7](#))

### SCHEDULE III

Regulation 6(3)(b)

#### REQUIREMENTS FOR EXEMPTION FOR GLASS PACKAGING FROM HEAVY METAL CONCENTRATION LEVELS SPECIFIED IN REGULATION 6(1)

1.
  - (a) No regulated metals shall be intentionally introduced during the manufacturing process of glass packaging.
  - (b) The concentration levels of regulated metals in glass packaging may only exceed the level referred to in [<sup>F3</sup>regulation 6] as a result of the addition of recycled materials.

#### Textual Amendments

**F3** Words in [Sch. III para. 1\(b\)](#) substituted (24.5.2004) by [The Packaging \(Essential Requirements\) \(Amendment\) Regulations 2004 \(S.I. 2004/1188\)](#), regs. 1, [2\(3\)](#)

2.
  - (a) The manufacturer or his authorised representative, or, where neither the manufacturer nor his authorised representative is established within the Community, the responsible person who places the product on the market, shall submit a report in accordance with sub-paragraph (b) to the enforcement authority, where the average heavy metals concentration levels on any twelve consecutive monthly controls made from the production of each individual glass furnace, representative of normal and regular production activity, exceeds a concentration level of 200 ppm.
  - (b) The report shall include as a minimum the following information—
    - measures values;
    - description of measurement methods employed;
    - suspected sources for the presence of heavy metals concentration levels; and

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— detailed description of the measures taken to reduce the heavy metals concentration levels.

- (c) Measurement results from production sites and measurement methods employed shall be made available at any time to the enforcement authority, if requested.

SCHEDULE IV

Regulation 8

ENFORCEMENT

1. It shall be the duty of the following authorities to enforce these Regulations within their area—
  - (a) in Great Britain, weights and measures authorities; and
  - (b) in Northern Ireland, the Department of Enterprise, Trade and Investment.
2. For the purposes of providing for the enforcement of these Regulations—
  - (a) sections 14, 15, 28 to 35, 37, <sup>F4</sup>... 44 and 47 of the 1987 Act shall apply and in respect of proceedings for contravention thereof as if—
    - (i) references to safety provisions were references to these Regulations;
    - (ii) references to goods were references to packaging as the context may require;
    - (iii) in section 14, in sub-section (6), for “six months” there were substituted “ three months ”;
    - (iv) in sections 28, 29, 30, 33, 34 and 35, the words “or any provision made by or under Part III of this Act” on each occasion that they occur were omitted;
    - (v) in section 28, sub-sections (3), (4) and (5) were omitted;
    - (vi) in section 29, sub-section (4) was omitted;
    - (vii) in section 30, sub-sections (7) and (8) were omitted; and
    - <sup>F5</sup>(viii) .....
  - (b) sections 39 and 40 of the 1987 Act shall apply to offences under section 32 of that Act as it is applied to these Regulations by sub-paragraph (a) above; and
  - (c) in England and Wales, and Northern Ireland, a magistrates' court may try an information in respect of an offence committed under these Regulations if the information is laid within twelve months from the time when the offence is committed, and in Scotland summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

**Textual Amendments**

**F4** Words in Sch. IV para. 2(a) revoked (4.5.2004) by [The Enterprise Act 2002 \(Part 9 Restrictions on Disclosure of Information\) \(Specification\) Order 2004 \(S.I. 2004/693\)](#), art. 1, **Sch. 2**

**F5** Sch. IV para. 2(a)(viii) revoked (4.5.2004) by [The Enterprise Act 2002 \(Part 9 Restrictions on Disclosure of Information\) \(Specification\) Order 2004 \(S.I. 2004/693\)](#), art. 1, **Sch. 2**

3. Nothing in this Schedule shall authorise any enforcement authority to bring proceedings in Scotland for an offence.

4. An enforcement authority shall, whenever the Secretary of State so directs, make a report to the Secretary of State on the exercise of the functions exercisable by that authority under these Regulations.

[<sup>F6</sup>SCHEDULE V

Regulation 2(2)

ILLUSTRATIVE EXAMPLES OF PACKAGING REFERRED TO IN THE  
PROVISO TO THE DEFINITION OF PACKAGING IN REGULATION 2(2)

**Textual Amendments**

**F6** Sch. 5 substituted (30.9.2013) by [The Packaging \(Essential Requirements\) \(Amendment\) Regulations 2013 \(S.I. 2013/2212\)](#), regs. 1, **2(3)**

Illustrative examples for criterion (i)—

**Packaging**

Sweet boxes

Film overwrap around a CD case

Mailing pouches for catalogues and magazines (with a magazine inside)

Cake doilies sold with a cake

Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit

Flower pots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its life time

Glass bottles for injection solutions

CD spindles (sold with CDs, not intended to be used as storage)

Clothes hangers (sold with a clothing item)

Matchboxes

Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product)

Beverage system capsules (e.g. coffee, cacao, milk) which are left empty after use

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Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers

### **Non-packaging**

Flower pots intended to stay with the plant throughout its life time

Tool boxes

Tea bags

Wax layers around cheese

Sausage skins

Clothes hangers (sold separately)

Beverage system coffee capsules, coffee foil pouches, and filter paper coffee pods disposed together with the used coffee product

Cartridges for printers

CD, DVD and video cases (sold together with a CD, DVD or video inside)

CD spindles (sold empty, intended to be used as storage)

Soluble bags for detergents

Grave side lights (containers for candles)

Mechanical quern (integrated in a refillable recipient, e.g. refillable pepper mill)

Illustrative examples for criterion (ii)—

### **Packaging, if designed and intended to be filled at the point of sale**

Paper or plastic carrier bags

Disposable plates and cups

Cling film

Sandwich bags

Aluminium foil

Plastic foil for cleaned clothes in laundries

### **Non-packaging**

Stirrer

Disposable cutlery

Wrapping paper (sold separately)

Paper baking cases (sold empty)

Cake doilies sold without a cake

Illustrative examples for criterion (iii)—

### **Packaging**

Labels hung directly on or attached to a product

### **Part of packaging**

Mascara brush which forms part of the container closure

Sticky labels attached to another packaging item

Staples

Plastic sleeves

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Device for measuring dosage which forms part of the container closure for detergents

Mechanical quern (integrated in a non-refillable recipient, filled with a product, e.g. pepper mill filled with pepper)

### **Non-packaging**

Radio frequency identification (RFID) tags.]



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