

## 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 [<sup>F1</sup>regulation 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 [<sup>F2</sup>the 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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**Changes to legislation:** There are currently no known outstanding effects for the The Packaging (Essential Requirements) Regulations 2003 (revoked), SCHEDULE II. (See end of Document for details)

- (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.

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#### **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)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Packaging (Essential Requirements) Regulations 2003 (revoked), SCHEDULE II.