
STATUTORY INSTRUMENTS

2015 No. 1640

The Packaging (Essential Requirements) Regulations 2015

PART 3

General Requirements

General duty relating to the placing on the market of packaging

4.—(1) A responsible person must not place any packaging on the EU market unless it complies with the essential requirements.

(2) Reused packaging is not considered to be placed on the market for the purposes of this regulation.

(3) Packaging complies with the essential requirements—

- (a) if it satisfies national standards which implement the relevant harmonised standards; or
- (b) where there are no relevant harmonised standards, if it satisfies national standards which have been communicated to the Commission pursuant to Article 9(3) of the Directive and which are notified by the Commission to the member States as being deemed to comply with the essential requirements.

(4) In paragraph (3), “harmonised standard” means the standard the reference number of which is published in the Official Journal of the European Union in accordance with Article 9(2)(a) of the Directive.

Concentration levels of regulated metals present in packaging

5.—(1) A responsible person must not place any packaging on the EU market if the sum of the concentration levels of regulated metals either in the packaging or in any of its packaging components exceeds 100 ppm.

(2) Paragraph (1) does not apply to packaging which is made entirely of lead crystal glass as defined in Council [Directive 69/493/EEC](#) on the approximation of the laws of the Member States relating to crystal glass⁽¹⁾.

(3) The concentration levels of regulated metals in paragraph (1) do not apply—

- (a) to plastic crates or plastic pallets used in product loops which are in a closed and controlled chain provided the requirements set out in Schedule 2 to these Regulations are complied with in relation to that packaging;
- (b) to glass packaging provided the requirements set out in Schedule 3 to these Regulations are complied with in relation to that packaging.

Requirement for technical documentation

6.—(1) The responsible person must—

(1) OJ No L 326, 29.12.1969, p.36 (OJ/SE 1st series vol II p 599).

- (a) at the request of an enforcement authority submit, within twenty-eight days of the date of a request, the technical documentation or other information showing that the packaging complies with the essential requirements and the regulated metals concentration limits set out in regulation 5; and
 - (b) retain the technical documentation or other information referred to in paragraph (1)(a) for a period of four years from the date that the responsible person places the packaging on the market.
- (2) The responsible person must—
- (a) submit a report as required under paragraphs 2(1) and (2) of Schedule 3 to these Regulations to the enforcement authority; and
 - (b) at the request of an enforcement authority, submit within twenty-eight days of the date of the request, the annual declaration of conformity and other information set out in paragraphs 2(1) and (2) of Schedule 2 and paragraph 2(3) of Schedule 3 to these Regulations.