
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Articles 9 and 11 of Directive [94/62/EC](#) of the European Parliament and the Council on packaging and packaging waste (O.J. No. L.365, 31.12.94, p.10) which relate to the essential requirements to be satisfied by packaging. References in the Regulations to the Community or a member State include respectively a reference to the EEA or an EEA State which are defined in regulation 2(1)(b).

Part II provides for the application of the Regulations. They apply to all packaging (as defined in regulation 2(2)) other than those excluded by regulation 4 or 5.

Part III sets out the general requirements of the Regulations. Regulation 6 imposes a duty on a “responsible person” (as defined in regulation 2(2)) who places packaging on the market to ensure that it satisfies the relevant essential requirements. The essential requirements are set out in the Schedule. Regulation 7 imposes a duty on a “responsible person” to ensure that the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium of packaging or of its packaging components, which is placed on the market on or after 30th June 1998 does not exceed 600 parts per million by weight. Regulation 8 imposes a duty on a “responsible person” to ensure that the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium of packaging or of its packaging components, which is placed on the market on or after 30th June 1999 does not exceed 250 parts per million by weight. Regulation 9 imposes a duty on a “responsible person” to ensure that the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium of packaging or of its packaging components, which is placed on the market on or after 30th June 2001 does not exceed 100 parts per million by weight. Regulations 7, 8 and 9 do not apply to packaging which is made entirely of lead crystal glass (regulation 10).

Regulations 11 and 12 make provision for the “responsible person” to keep technical documentation on compliance with the essential requirements and the heavy metals concentration limits in respect of packaging and to make this available at the request of the enforcement authority for a period of four years from the date the packaging is placed on the market.

Part IV relates to enforcement of the Regulations. The enforcement authorities are the weights and measures authorities in Great Britain and the Department of Economic Development in Northern Ireland (regulation 13). In Scotland, proceedings are brought by the procurator-fiscal or Lord Advocate. Regulation 14 provides for offences. Regulation 15 provides for penalties for breaches of the Regulations. There are also provisions relating to the defence of due diligence (regulation 16) as well as liability of persons other than the principal offender (regulation 17).

A Compliance Cost Assessment in respect of these Regulations is available and a copy may be obtained from the Department of Trade and Industry.