
STATUTORY INSTRUMENTS

1998 No. 1165

The Packaging (Essential Requirements) Regulations 1998

PART III

GENERAL REQUIREMENTS

General duty relating to the placing on the market of packaging

6.—(1) Subject to regulations 7, 8 and 9, on or after the coming into force of these Regulations, no person who is a responsible person shall place on the market any packaging unless the essential requirements have been complied with in relation to it provided always that placing on the market for the purposes of this regulation shall not occur in respect of reused packaging.

(2) Packaging shall be taken to satisfy the essential requirements—

(a) if it satisfies national standards which implement the relevant harmonised standards;

or

(b) where there is no relevant harmonised standards, if it satisfies national standards of which the texts are communicated to the Commission pursuant to Article 9(3) of the Directive and which, pursuant to that provision, are notified by the Commission to the member States as being deemed to comply with the essential requirements.

(3) In paragraph (2) above, “harmonised standards” shall mean the standards of which the reference number is published in the Official Journal of the European Communities in pursuance of Article 9(2)(a) of the Directive.

Concentration levels of heavy metals present in packaging

7. On or after 30th June 1998, no person who is a responsible person shall place on the market packaging if the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium either in the packaging or in any of its packaging components, exceeds 600 ppm.

8. On or after 30th June 1999, no person who is a responsible person shall place on the market packaging if the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium either in the packaging or in any of its packaging components, exceeds 250 ppm.

9. On or after 30th June 2001, no person who is a responsible person shall place on the market packaging if the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium either in the packaging or in any of its packaging components, exceeds 100 ppm.

10. Regulations 7, 8 and 9 shall not apply to packaging which is made entirely of lead crystal glass as defined in Directive [69/493/EEC](#)(1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Requirement for technical documentation

11. The responsible person shall at the request of the enforcement authority submit technical documentation or other information showing that packaging complies with the essential requirements and the heavy metals concentration limits set out in regulations 7, 8 and 9 above.

12. The responsible person shall ensure that he keeps such information as will enable him to submit to the enforcement authority the documentation referred to in regulation 11 for a period of four years from the date that he places packaging on the market.