
STATUTORY INSTRUMENTS

2003 No. 1941

The Packaging (Essential Requirements) Regulations 2003

PART III

GENERAL REQUIREMENTS

General duty relating to the placing on the market of packaging

5.—(1) Subject to regulation 6, 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 are 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 regulated metals present in packaging

6.—(1) Subject to paragraphs (2) and (3) and regulation 7 below, no person who is a responsible person shall place on the market packaging if—

- (a) on or after 30th June 1998, the sum of the concentration levels of regulated metals either in the packaging or in any of its packaging components, exceeds 600 ppm;
- (b) on or after 30th June 1999, the sum of the concentration levels of regulated metals either in the packaging or in any of its packaging components, exceeds 250 ppm;
- (c) on or after 30th June 2001, 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) above shall not apply to packaging which is made entirely of lead crystal glass as defined in Directive [69/493/EEC](#)(1).

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

- (a) on or before 4th March 2009, 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 II to these Regulations are complied with in relation to that packaging;

(1) O.J. No. L236, 29.12.69, p. 36; [S.I. 1973/1952](#) implements Council Directive No. [69/493/EEC](#) relating to crystal glass.

- (b) on or before 30th June 2006, to glass packaging provided the requirements set out in Schedule III to these Regulations are complied with in relation to that packaging.

Requirement for technical documentation

- 7.—(1) The responsible person shall—
 - (a) at the request of the enforcement authority submit within twenty-eight days of the date of the request technical documentation or other information showing that the packaging complies with the essential requirements and the regulated metals concentration limits set out in regulation 6;
 - (b) ensure that he retains the technical documentation or other information referred to in sub-paragraph (1) (a) above for a period of four years from the date that he places the packaging on the market.
- (2) The responsible person shall—
 - (a) submit a report as required under sub-paragraphs 2(a) and (b) of Schedule III to the enforcement authority;
 - (b) at the request of the enforcement authority, submit within twenty-eight days of the date of the request the annual declaration of conformity and other information set out in sub-paragraphs 2 (a) and (b) of Schedule II and sub-paragraph 2 (c) of Schedule III.