
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.—^{F1}(1) A responsible person must not place any packaging on the [^{F2}Northern Ireland or]^{F1}market of Great Britain] 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.

[^{F3}(3) Packaging complies with the essential requirements if it—

- (a) satisfies a harmonised standard; or
- (b) where there are no harmonised standards, satisfies a recognised quality standard.]

[^{F4}(4) In paragraph (3)—

“harmonised standard” means a harmonising standard produced by the Comité Européen de Normalisation (CEN), which—

- (a) relates to packaging and packaging waste; and
- (b) is published in (and not withdrawn from) the Official Journal of the European Union;

“recognised quality standard” means a standard produced by a member State—

- (a) that relates to packaging and packaging waste; and
- (b) the reference number to which is published in (and not withdrawn from) the Official Journal of the European Union.]

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| F1 | Words in reg. 4(1) substituted (31.12.2020) by S.I. 2019/188, reg. 20(5)(a) (as substituted by The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540) , regs. 1(3), 11(13)(b)) |
| F2 | Words in reg. 4(1) inserted (N.I.) (31.12.2020) by The Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1647) , regs. 1(3), 15(4) |
| F3 | Reg. 4(3) substituted (E.W.S.) (31.12.2020) by The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/188) , regs. 1(2)(b), 20(5)(b) (as amended by S.I. 2020/1540 , regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Reg. 4(4) substituted (E.W.S.) (31.12.2020) by The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/188) , regs. 1(2)(b), 20(5)(b) (as amended by S.I. 2020/1540 , regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1) |

Concentration levels of regulated metals present in packaging

5.—(1) A responsible person must not place any packaging on the [^{F5}Northern Ireland or]^{F6}market of Great Britain] 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.

F5 Words in reg. 5(1) inserted (N.I.) (31.12.2020) by The Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1647), regs. 1(3), 15(4)

F6 Words in reg. 5(1) substituted (31.12.2020) by S.I. 2019/188, reg. 20(6) (as substituted by The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), regs. 1(3), 11(13)(c))

Requirement for technical documentation

6.—(1) The responsible person must—

- (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.

[^{F7}Qualifying Northern Ireland Goods

6A.—(1) Where paragraph (2) applies, packaging is to be treated as being in conformity with these Regulations.

(2) This paragraph applies where—

- (a) the packaging—

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

- (i) is in conformity with these Regulations as they apply in Northern Ireland; and
 - (ii) is a qualifying Northern Ireland good.
- (3) For the purposes of this regulation—
 - (a) “in conformity with these Regulations” means, in relation to packaging, that—
 - (i) the packaging is not prohibited by regulation 4 or 5 from being placed on the market; and
 - (ii) the responsible person has complied, or is complying, with any obligations under this Part in respect of the packaging;
 - (b) “qualifying Northern Ireland goods” has the meaning given to it from time to time in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.]

<p>F7 Reg. 6A inserted (E.W.S.) (31.12.2020) by The Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1647), regs. 1(3), 13(2)</p>

Changes to legislation:

There are currently no known outstanding effects for the The Packaging (Essential Requirements) Regulations 2015, PART 3.