

# Advice to Businesses on Packaging

**The Packaging (Essential Requirements) Regulations 2003 as amended.**

## What is packaging?

Packaging is anything that is used to contain, protect, deliver or present goods. Goods could be raw materials or processed items.

Packaging includes: boxes, pallets, labels, containers, tubes, bags, sacks, tape, wrapping, binding and tying material.

If an item is integrated into packaging and intended to be used and thrown away with it, it is still considered as packaging. For example, a makeup mascara brush or a measuring cup provided with washing powder.

An item is **not** considered packaging if it is:

- a part of a product and is necessary to preserve, contain or support the product during its lifespan and use, for example tea bags and plant pots for house plants.
- a disposable item designed to be used at the point of sale which does not fulfil a packaging function, for example, drinks stirrers and plastic cutlery.

## Who must comply?

Your business must comply with the Essential Requirements Regulations if you:

- Produce packaged products or packaging
- Design or specify packaging
- Import packaged goods or packaging into the UK

Std46 04/12



- Sell packaged goods or packaging
- Place packaging or packaged goods on the market.

The regulations apply regardless of your business' turnover and the quantities of packaging produced, handled or filled.

### **What you must do**

Under the Essential Requirements, you must

**Limit packaging weight and volume** to the minimum adequate amount to maintain necessary levels of safety, hygiene and acceptance for the packed product and for the consumer. It is important to identify what it is that currently prevents you from reducing your packaging further. When you have identified this 'critical area', you should check if there are ways to remove the barriers.

**Make sure** that packaging can be **recovered**. Some or all of the packaging must be able to be either recycled, have energy recovered from it, or be composted or reused.

**Minimise noxious or hazardous substances** in emissions, ash or leachate from incineration or landfill originating from packaging.

**Make sure** the amount of **cadmium, mercury, lead and hexavalent chromium**, or any combination of these heavy metals, does not exceed 100 ppm by weight. These limits apply to any packaging components, calculated as a whole unit.

**Keep records.** You must have evidence that your packaging complies with the Essential Requirements. This could include:

- A general description of all the product packaging in your packaging system and details of the individual products for which it is used
- Standards and other reference documentation used
- Design calculations
- Test reports
- Evidence from your packaging suppliers
- Evidence of transit damage
- Evidence of suitability for recovery/recycling
- Alternative types of packaging which have been assessed and reasons not suitable

- Specific reason why the packaging cannot be minimised any further with supporting evidence,
- Person responsible for making the final decision that the packaging could not be minimised any further
- Date of last packaging review and next review date

You must keep evidence for at least **4 years** from the date the packaging was first placed on the market.

If requested you must supply these records to a trading standards department within 28 days.

The Regulations introduce criminal offences for non compliance. The penalties are:

- On summary conviction, a fine not exceeding the statutory maximum (currently £5,000) or
- On conviction on indictment, an unlimited fine.

Trading Standards Officers may issue suspension notices prohibiting the supply of packaging which is considered to breach the Regulations.

Packaging intended to be used for **food** must also comply with The Plastic Materials and Articles in Contact with Food (England) Regulations 2009 and The Materials and Articles in Contact with Food (England) Regulations 2010.

Packaging intended to be used for certain **chemical products** must also comply with The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009, as amended.

**Deceptive and misleading packaging** is also controlled by the Consumer Protection from Unfair Trading Regulations 2008. Your packaging must not mislead consumers as to their contents, for example by having false bottoms in opaque jars, over-sized outer boxes, or excessive air in packages of dry goods.

### ***Where can I get further help?***

This leaflet is not an authoritative document on the law and is only intended for guidance. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall  
Chesterfield Road  
Matlock  
Derbyshire  
DE4 3FW

Telephone:

**Businesses:** Call Derbyshire 08 456 058 058  
**Consumers:** Citizens Advice consumer helpline 08454 040506

Fax: 01629 536197

Website: [www.derbyshire.gov.uk/tradingstandards](http://www.derbyshire.gov.uk/tradingstandards)

Legislation can be downloaded from [www.opsi.gov.uk](http://www.opsi.gov.uk).

You can download Government guidance notes on the Packaging (Essential Requirements) Regulations 2003 from <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/p/11-524-packaging-regulations-government-guidance> and a quick start guide from <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/p/11-525-packaging-regulations-quick-start>

Wrap offers UK businesses free, independent and confidential advice and support on a range of issues including packaging minimisation. [www.wrap.org.uk](http://www.wrap.org.uk)

Government guidance notes on legislation relating to food packaging are available at [www.food.gov.uk](http://www.food.gov.uk)

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

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