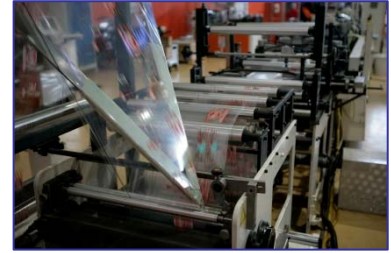


## EU legislation: Packaging and packaging waste

### Introduction

If you want to export to the EU, you have to make sure that the packaging you use for your products meet all EU requirements. These requirements aim to prevent the production of packaging waste, to promote the reuse of packaging (recycling or other forms of recovering packaging waste) and as such to reduce the final disposal of such waste. The requirements mainly relate to maximum concentration levels for heavy metals contained in packaging and to labelling (marking and identification of the materials used).



Besides the legal requirements, it is very well possible that EU importers (or resellers and distributors) may ask their suppliers to comply with other requirements on packaging reduction and/or prefer recycled packaging materials. These requirements are sometimes forced by national economic instruments established by Member States (e.g. UK and the Netherlands), such as packaging tax. As a result, EU importers are pushed to give more attention to packaging (waste). From a competitive point of view, producers outside the EU should be aware of this and consider to implement certain procedures in their production processes either to reduce the need of packaging or to replace packaging materials for other less harmful for the environment.

### Supply Chain Management

*Please note* that your company is also part of a supply chain and therefore your EU buyer might set requirements related to his supply chain management. You might have to pass on some requirements to your supplier as well in order to fulfil the requirements of the EU markets.

➔ [For more information](#) on supply chain management and how it can help you to comply with your EU buyers' requirements, refer to the related document.

### Outline of the legislation



**Directive 94/62/EC** regulates all packaging placed on the EU market and all packaging waste.

#### *Packaging:*

All products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer. 'Non-returnable' items used for the same purposes are also considered to be packaging.

Annex I to Directive 94/62/EC lists some illustrative examples of 'packaging'. According to that list, tea bags and wax layers around cheese, so called 'food contact materials', are considered non-packaging materials, while the film overwrap around a CD case, paper or plastic carrier bags, or labels hung directly on or attached to a product are considered packaging.

➔ [For more information](#) on food contact materials and on Annex I of Directive 94/62/EC refer to the related document and the external links section respectively.

#### *Packaging waste*

Directive 94/62/EC refers to Directive 2006/12/EC for the definition of 'waste': 'Any substance or object which the holder disposes or at some point will or has to dispose'. Examples are: contaminated or soiled materials, materials whose date for appropriate use has expired, spilled, or misshaped materials, adulterated materials. Also are included materials of which the use has been banned by the EU Annex I of Directive 2006/12/EC.

➔ [For more information](#) on Annex I of Directive 2006/12/EC, refer to the external links section.

## Requirements

The Directive lays down some essential requirements related to all packaging placed on the EU market as well as requirements related to marking and identification (labelling of materials).

### *Essential requirements*

Annex II of the Directive specifies the essential requirements which relate to:

- the manufacturing and composition of packaging
- the reusable nature of packaging
- the recoverable nature of packaging (recycling, energy recovering, composting and biodegradable packaging)

➔ [For more information](#) on Annex II, refer to the external links section.

### **Biodegradable packaging**

Driven by consumers and recycling regulations, there is a growing demand for environmentally-friendly packaging in the last years. It is expected that the market for biodegradable packaging will keep on growing in the coming years. Making use of biodegradable materials may therefore form a market opportunity or even a demand from your buyer. Frequently biodegradable plastics are made from plant materials, such as corn or sugar starches.

### *Maximum concentration levels for certain metals*

A maximum concentration level of a total of **100 ppm by weight** is set for lead, cadmium, hexavalent chromium and mercury in packaging or packaging components (except for lead crystal glass).

This maximum concentration level does **not** apply to the following recycled packaging materials:

- **Plastic crates and plastic pallets** made of recycled material originating from other plastic crates or plastic pallets and in which the introduction of external material is just the minimum technically feasible (maximum 20% and none of the covered substances are added during the recycling process (criteria set in Decision 1999/177/EC)).
- **Glass packaging** produced from recycled material is allowed to exceed the limit of 100 ppm by weight if none of the covered substances are added during the recycling process. If the content of the metals exceeds 200ppm, the company placing the product on the market has to submit a report to the competent authorities in the EU Member States, where he places his product on the market (criteria set in Decision 2001/171/EC).

➔ [For more information](#) on Decisions 1999/177/EC and 2001/171/EC, refer to the external links.

### *Marking and identification*

To facilitate collection, reuse and recovery (including recycling), packaging can be marked in such a way that it is possible to identify and classify the nature of the packaging material. At the moment, this identification system is on a voluntary basis. However, if you use this system, you have to use a system of numbers and abbreviations to specify the types of recyclable materials in the packaging. Decision 97/129/EC establishes the basis for this numbering and abbreviation system and lists the materials that are subject to the identification system. The system is commonly used for plastics. It is advised to communicate with your buyer about possible expectations in this matter.



Example of identification mark for PVC

The marking must be clearly visible, easily legible, appropriately durable and lasting (also after the packaging is opened).

Numbers used to identify materials:

- 1-19 (plastic)
- 20-39 (paper and cardboard)
- 40-49 (metal)
- 50-59 (wood)
- 60-69 (textiles)
- 70-79 (glass),
- 80-99 (composites).

➔ [For more information](#) on the identification system (numbers and abbreviations) of Decision 97/129/EC, refer to the external link.

### The Green Dot

In principle, EU producers are responsible for the recovery of the packaging they place on the market. A well known producer responsibility schemes is The Green Dot (German: Der Grüne Punkt)

The Green Dot is a license symbol of a European network of industry-funded system for recycling the packaging materials of consumer goods. Although it is no legal EU requirement, many products marketed in the EU present the symbol on their packaging.



➔ [For more information](#) on the Green Dot symbol, refer to the external links section.

### European Packaging Standards

The European standardisation body (CEN) formulated six European standards that further specified the essential requirements of Directive 94/62/EC. Those standards are not official legislation, but EU buyers broadly accept them as the norm. As such, they can be used as a tool to prove to your EU buyer of your compliance with the essential requirements. If you implement these standards in your production process, you will **not** need to demonstrate conformity with the essential requirements to gain full access to all EU Member States. Unless, of course, your EU buyer has grounds to suspect inconformity otherwise.

Standard No.	Title	Function
EN 13427:2004	Packaging – Requirements for the use of European Standards in the field of packaging and packaging waste	Guidelines
EN 13428:2004	Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction	Optimised use of packaging
EN 13429:2004	Packaging – Reuse	Reusable packaging
EN 13430:2004	Packaging – Requirements for packaging recoverable by material recycling	Material recoverable packaging
EN 13431:2004	Packaging – Requirements for packaging recoverable in the form of energy recovery, including specification of minimum inferior calorific value	Energy recoverable packaging
EN 13432:2000	Packaging - Requirements for packaging recoverable through composting and biodegradation – Test scheme and evaluation criteria for the final acceptance of packaging	Compostable packaging

➔ [For more information](#) on a practical guideline on the EU legislation on packaging and packaging waste, refer to the Industry Council for Packaging & the Environment (INCPEN), a non-profit organisation in the UK, of which a link can be found in the external links section.

### *What are standards and how do I get them?*

Standards are used to prove conformity with technical requirements. They are often not official legislation, but broadly accepted norms. Standards are developed by standardisation bodies and have to be bought. The EU Packaging standards are developed by CEN, the European Committee for Standardization.

EU Member States also have their own national standardisation bodies. These national standardisation bodies can be contacted to buy the text of the standards.

➔ [For an overview of the Member States' standardisation bodies, refer to the external link.](#)

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