

Packaging and Packaging Waste Directive

94/62/EC of 20 December 1994

Objective

The Directive, which is currently in force, aims to harmonize measures introduced by the European Union member states concerning management of packaging and packaging waste in order to minimize the environmental impact of disposal. To this end the Directive lays down measures to reduce the production of packaging waste, to reuse packaging, and to use recycling or other forms of recovery in order to reduce the final disposal of waste. These measures are laid down in the form of essential requirements to which all packaging must conform. The requirements apply to the supplier and user of the packaging.

"Packaging" includes any material of any nature 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.

"Supplier" is the entity responsible for placing the packaging or packaged product on the market. It relates to any point in the supply chain where a transaction related to packaging or packed product takes place.

Essential Requirements

There are six essential requirements.

- Packaging shall be minimized to the level necessary for safety, hygiene and acceptance for the packaged product and for the consumer
- Packaging shall be designed to permit its reuse or recovery, including recycling, and to minimize its impact on the environment when packaging waste are disposed of
- The presence of noxious and other hazardous substances shall be minimized
- Reusable packaging shall enable a number of trips under normally predictable conditions, comply with health and safety requirements, and fulfil the requirements for recovery once disposed
- Packaging shall be recoverable by at least one of the following methods: composting, recycling or burning for energy
- Lead, mercury, cadmium and hexavalent chromium shall not exceed 100 ppm

Assessing Compliance

The supplier may assess compliance with the essential requirements; or they may assess compliance to harmonized standards, or if they do not exist, with national standards. At this point in time, there are no harmonized standards; however, draft standards exist to enable assessing the packaging to the essential requirements.

The following assessments must be performed:

- Prevention by source reduction - Required
- Heavy metals - Required
- Other hazardous substances - Required
- Reuse - where claimed
- Recovery (recycling, energy, composting) - at least one

Draft Standards and other Normative Documents

CEN has issued six draft standards and one draft committee report. The Council has also issued a hazardous waste list and an identification system for packaging materials. prEN 261265 is the base document that references all of these documents. (The drafts are issued by British Standards Institution [BSI] using "DC" numbers.)

- prEN 261077 (98/710670 DC): Packaging - Requirements for packaging recoverable by material recycling
- prEN 261236 (98/710671 DC): Packaging - Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for the final acceptance of packaging
- prEN 261237 (98/710672 DC): Packaging -Requirements for packaging recoverable in the form of energy recovery - including specification of minimum inferior calorific value
- prEN 261238 (98/710673 DC): Packaging - Reduction of waste (prevention by source reduction)
- prCR 261240 (98/710674 DC): Packaging - Requirements for measuring and verifying heavy metals present in packaging
- prEN 261241 (98/710675 DC): Packaging - Reuse
- prEN 261265 (98/710676 DC): Packaging and the environment - Requirements for the use of European standards in the field of packaging and packaging waste
- Council Decision 94/904/EC: Hazardous Waste List
- Council Decision 97/129/EC: Identification system for packaging materials

Documentation of Assessment Data

The supplier must retain the assessment data for a period of two years following the placing of the last package on the market. The supplier must also issue a statement of conformity to either the essential requirements or harmonized (or national) standards. The supplier is the entity responsible for placing the packaging or packaged product on the market. When the supplier is not the manufacturer of the packaging, they are responsible for ensuring the accuracy and completeness of the documentation and making it available for inspection by the national authorities.

Marking

Marking with material identification to assist in recovery operations is voluntary. However, if marking is present it must comply with Council Decision 97/129/EC.