

## Essential Requirements of Packaging Waste

Companies often feel confused when talking about the 'Essential Requirements of Packaging' and the associated limits of 'Heavy Metals' allowed. The following article is aimed at teasing out what they are and how they apply to Irish companies.

### EU Directive 94/62/EC - The source of 'Essential Requirements'.

The "Essential Requirements of Packaging" of EU Directive 94/62/EC are a set of legal requirements designed to reduce the environmental impact of packaging and avoid 'over-packaging'.

The Directive also sets limits on heavy metals content allowed in packaging. The Essential Requirements were transposed in Ireland on the 1st December 1998 as part of an Amendment to the 1997 Waste Management (Packaging) Regulations. Article 28 of the Regulations refers to the Essential Requirements while Article 29 relates to the concentration of Heavy Metals allowable in packaging.

### Essential Requirements – What are they?

Under the Essential Requirements packaging shall:

1. Have a volume and weight limited to the minimum adequate amount.
2. Be in such a state as to permit its reuse or recovery (including recycling) at the end of its life.
3. Have minimal levels of noxious and other hazardous substances in any potential emissions, ash or leachate.
4. If being declared for reusability be:
  - a. Capable of a minimum of 2 trips.
  - b. Safe for the workforce to process.
  - c. Recoverable when the packaging is no longer used and becomes waste.
5. Be recoverable in one of the following ways:
  - a. Recyclable.
  - b. Energy recoverable.
  - c. Compostable.
  - d. Biodegradable.

### How do I ensure I'm compliant?

The recently launched Self Audit tool on [www.preventandsave.ie](http://www.preventandsave.ie) is an easy to use aid which guides Repak members through the Packaging Regulations. There are four forms to be filled out initially relating to the Essential Requirements and Heavy Metals and in doing so the tool offers feedback relating to any compliance issues which you might have. Further information is available from Repak by calling (01) 467 0190 and asking for Colm or John.

These metals can have harmful effects if released into the environment and therefore must be controlled. Most packaging will not contain levels anywhere near this limit, although some packaging will be well in excess of 100ppm and therefore need to be addressed.



## Who enforces the Essential Requirements?

Local Authorities are responsible for enforcing the Essential Requirements and they may ask for a report of packaging composition and all relevant technical supporting documentation. Local authorities are empowered to bring a prosecution of a company whose packaging breaches the Essential Requirements. Packaged products could be removed from the marketplace and/or fines imposed, yet up until now this has not been addressed as a top priority.

## Repak's Self Audit Tool.

As mentioned above, Repak have designed a Self Audit Tool on [www.preventandsave.ie](http://www.preventandsave.ie) to aid member companies address this aspect of the legislation. By completing this process companies will be asked to ensure the relevant packaging meets the required regulations.

In the case where companies are not currently testing their materials for these limits many will now seek to do so. To this end we have compiled a list of Heavy Metals testing facilities available in the Links section of our website.

Packaging that complies with the Essential Requirements and Heavy Metals limits should be guaranteed free access throughout the EU internal market.

## CEN Standards.

The CEN Standards on packaging and the environment were formally recognised by the European Commission in 2005 as being suitable to demonstrate compliance with the Essential Requirements. In other words, unless they can prove otherwise, Member States must assume that packaging which conforms to these Standards is legally compliant and grant it access to their markets. Their use is voluntary and companies are free to choose alternative methods if they wish.



## Heavy Metals concentration levels.

Article 29, sub-article (1) of the Waste Management (Packaging) Regulations 2007 states that packaging must contain no more than an aggregate of 100ppm of the following Heavy Metals - Lead, Cadmium, Mercury or Hexavalent Chromium. This applies to all types of packaging apart from glass where there are further provisions due to the nature of the material.

## Why focus on them now?

A survey was carried out by the European Commission in late 2009 to gauge how effective the various member Countries were in enforcing this aspect of the 'Directive 94-62-EC on Packaging and Packaging Waste' – the source Directive for the Irish Packaging Regulations. This research identified monitoring of compliance with the Essential Requirements by member states as deficient. In Ireland Local Authorities have the responsibility for enforcement of the Heavy Metals limits in packaging. With the information gathered, the EC now intend to push for much more stringent enforcement of these Heavy Metal limits, and as such Irish Companies should be prepared as soon as possible.

## Where can I get more information?

For more information contact Repak or check out the [www.preventandsave.ie](http://www.preventandsave.ie) website.