

Complying with the "Essential Requirements"

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Product manufacturers and packaging suppliers whose products and/or packaging is sold in Europe, should begin incorporating the "essential requirements" into their packaging design protocol.

The Directive on Packaging and Packaging Waste calls for the establishment of standards to be used to implement the "Essential Requirements" for packaging sold in the EU. Packaging that does not comply with these "Essential Requirements" was supposed to have been banned from EU markets as of January 1, 1998. These requirements, however, can not be enforced until the standards on how to comply are adopted, which probably will take place in 2000.

The European Committee for Standardization (CEN) has developed Draft Standards that address the "essential requirements". Though these standards are not final, they indicate the direction the European Community will pursue in order to establish minimum criteria for packaging sold in the European market. The Draft is presently opposed by a number of member States (mainly Germany and Austria) because they feel that the standards should provide pass or fail criteria for each standard, where the existing draft provides for a self-assessment process. Presently, the United Kingdom and France favor the existing draft.

The "essential requirements" as presently drafted, include the following six individual standards:

1. Packaging - Requirements for packaging recoverable by material recycling

This Standard will require that the person responsible for placing the packaging on the market ensure that the design of the packaging includes consideration for the recycling of the materials from which it is produced and that the selection of raw materials used ensure that recycling processes are not negatively affected (i.e. PVC labels on PET containers). Additionally, the standard will require that the design of the packaging is compatible with the available recycling technology and that the environmental

impact caused by recycling of the packaging is taken into account.

2. Packaging - Requirements for packaging recoverable through composting and biodegradation B Test scheme and evaluation criteria for final acceptance of packaging

This Standard requires that constituents known to be harmful to the environment during biological treatment not be deliberately introduced into packaging or packaging materials. The Standard establishes tests and guidelines for packaging and packaging materials to be designated as organically recoverable.

3. Packaging - Requirements for packaging recoverable in the form of energy, including specification of minimum inferior calorific value

This Standard defines and specifies the requirements for packaging to allow the overall optimization of energy recovery.

4. Packaging - Reduction of waste (prevention by source reduction)

This Standard require that the person responsible for placing the packaging on the market demonstrate that the minimum adequate amount of packaging has been used, taking into account the critical functions of the packaging (protection, safety, storage, application and marketing).

5. Packaging - Reuse

This Standard outlines the requirements for packaging to be deemed to be recoverable.

6. Packaging - Requirements for measuring and verifying heavy metals present in packaging (CEN report)

This report addresses the environmental impact from heavy metals in packaging after incineration or landfilling. The report confirms the heavy metals limits outlined in the Packaging Directive. (i.e. packaging must contain less than 100 ppm of the sum of the concentration levels of lead, cadmium, mercury and hexavalent).

And a Standard that links all the elements together:

Packaging and the environment - Requirements for the use of
European standards in the field of packaging and packaging waste

As presently structured, all packaging will be required to meet the standard for prevention by source reduction (still draft) and the standard for heavy metals and other hazardous substances requirements (CEN report). If you claim that your packaging is reusable, than you would be required to meet the reuse standard. Finally, you will be required to meet at least one (and sometimes all) of the recovery standards (Material, Energy and/or Organic).

Applicability of Standard to Packaging

ASSESSMENT		APPLICABILITY
Prevention by Source Reduction		ALL
Heavy Metal and Other Hazardous Substances		ALL
Reuse		Where claimed
	Material Recovery	
Recovery	Energy Recovery	At Least One (sometimes all)
	Organic Recovery	

Member States will require companies to use these standards to assess packaging for compliance. The draft requires that an assessment be prepared for each packaging type and retained for at least two years after a package is placed on the market. This self-assessment process is intended to be incorporated into the packaging design process. Additionally, this process should be part of a company=s ISO 9000 or 14000 program. The assessment will review each packaging component, functional packaging unit and each complete packaging system in terms of the above criteria. For example, for source reduction, the company must determine which functions of the package (protection, safety, storage, application and marketing) are critical and how the package can be further reduced without negative impacts. For recyclability, the company would be required to determine which technologies are needed to recycle each functional unit of the package and if those recycling technologies exist in the country in which the package is being sold.

As a “Supplier” (the entity responsible for placing packaging or packed products on the market) designs new packaging for the European market, they should be incorporating the “Essential Requirements” into their packaging design systems

and establishing a paper trail showing how each standard was incorporated into their packaging design protocol.

A 6-month comment period is tentatively scheduled (by CEN) to began November 2, 1998.

Product manufacturers and packaging suppliers whose products and/or packaging is sold in Europe should be incorporating an environmental packaging design protocol for their packaging now and maintaining a written paper trail.

FRENCH and UK “Essential requirements” Already Passed

France passed its own “essential requirements” - A DECREE OF 20 JULY 1998 CONCERNING CONSIDERATION FOR ENVIRONMENTAL REQUIREMENTS IN THE DESIGN AND MANUFACTURE OF PACKAGING. These go into effect on October 20, 1998 and are similar to, but not as detailed as the CEN Standards.

The French standard requires that the manufacturer of the packaging (if from the EU or the person responsible for placing the packaging on the market, if the manufacturer is not from the EU) have a written declaration stating that the packaging conforms to the requirements. Upon request the responsible party will have 15 days to produce the file, which must show that the package meets the French requirements.

Companies that meet the CEN Standards, will than be in compliance with the French requirements.

Packaging that was packed or filled before 1995, is exempt from the requirements and packaging materials (i.e. packaging components) that are manufactured in accordance with the rules in force before January 1, 1995 shall be permitted until January 1, 2000.

The UK standards like the French, outlines the requirements and will rely on the CEN (EU) standards once they are approved. In the absence of harmonized CEN (EU) standards, it will be the responsibility of the responsible party to ensure that information which shows that the packaging complies with the requirements is presented. How and when such documentation is generated is not specified and is left to the party concerned. Once the CEN (EU) standards are adopted, their use will demonstrate compliance. Enforcement action can only be taken after January 1, 1999.