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trading standards law explained

# Composition and use of packaging

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

**This guidance is for England, Scotland and Wales**

The Packaging (Essential Requirements) Regulations 2015 are concerned with environmental impacts from packaging and packaging waste. Businesses (including manufacturers, packers, fillers and retailers) that make or use packaging (or its raw materials) are required by law to ensure that packaging placed on the market is capable of being recovered and recycled, in line with the 'essential requirements'. The Regulations also require packaging to comply with concentration limits for heavy metals.

Packaging must satisfy certain 'essential requirements' relating to its size, design and manufacture. Responsibility for compliance lies with the person who places the packaging or packaging components on the market for the first time. This includes anyone who puts their name, mark or trade mark on the package; it also includes the importer.

## Definition of packaging

The Packaging (Essential Requirements) Regulations 2015 define packaging as "all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods". This includes everything "from raw materials to processed goods" and includes packaging at any stage of a product's journey, not just that which is received by a consumer.

Types of packaging:

- **Sales packaging or primary packaging.** This is the packaging used to constitute a final sales unit when the product is presented to the consumer or end user - for example, a plastic bottle containing shampoo, a plastic or paper wrapper around bread, or a coat hanger sold with a garment
- **Grouped packaging or secondary packaging.** This is packaging that presents products in groups at the point of purchase and can be removed from the final product without affecting its characteristics. This could include a cardboard presentation stand holding individual cosmetic items for the consumer to select
- **Transport packaging or tertiary packaging.** This is packaging conceived to facilitate the transport of a number of sales items or grouped packages in order to prevent damage taking place during physical transport or by handling. This could include plastic shrink wrap, wooden pallets, polystyrene beads or bubble wrap, but does not include road, rail, air or ship containers

Further inclusions under the definition of 'packaging':

- Items that perform a secondary function may also be considered packaging when supplied with the product - for example, clothes hangers and match boxes. However, if the item is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or disposed of together (such as tea bags, the wax around cheese or a printer ink cartridge), then this would not be considered packaging. Certain items sold separately, such as clothes hangers, would not be considered packaging on their own
- Items designed or intended to be filled at point of sale, including disposable items for this purpose - for example, plastic carrier bags
- Packaging components or ancillary items integrated into packaging or hung directly on or attached to a product that perform a packaging function - for example, a label or ribbon. Components that are designed to be an integral part of that product and all elements that are intended to be consumed or disposed of together are not considered packaging

## Concentration limits for heavy metals

The concentration limits apply to lead, cadmium, mercury and hexavalent chromium. The sum of the concentration level of these metals in the packaging or in packaging components must not exceed 100 parts per million (subject to certain exemptions).

## The essential requirements

The essential requirements are aimed at minimising packaging weight and volume, and reducing packaging waste in line with the product's safety, hygiene and consumer acceptance.

Packaging is taken to satisfy the essential requirements if it satisfies the national Standards that have been deemed to comply with the essential requirements or that implement the relevant Designated Standards* (BS EN 13427: *Packaging. Requirements for the use of European Standards in the field of packaging and packaging waste and related standards);* or, where no Designated Standard exists, if it complies with recognised quality Standards.

[*'Designated Standards' are those approved by the Secretary of State and published by the British Standards Institution (BSI).]

A summary of the essential requirements is given below.

### Manufacturing and composition

The following requirements must be satisfied:

- Packaging must be manufactured so that the packaging volume and weight is limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer
- Packaging must be designed, produced and sold in such a way to permit reuse or recovery (including recycling), and that packaging waste (packaging that is not reused or recovered) has a minimal impact on the environment
- Packaging must be manufactured so that, when it is incinerated or sent to landfill, the presence of noxious and other hazardous substances in emissions, ash or leachate is minimised

### Specific requirements

All of the following requirements must also be satisfied.

Requirements specific to reusable packaging:

- Packaging must be designed so that it can be reused several times under normal conditions of use
- Processing for reuse must meet health and safety requirements for the workforce
- When it reaches the end of its useful life, packaging must meet one of the recoverability requirements listed below

Requirements specific to the recoverable nature of packaging:

- **Packaging recoverable in the form of recycling.** A certain percentage of weight of the packaging materials must be recyclable, in accordance with targets set out in assimilated law, which in this case means Article 6 of assimilated Directive 94/62/EC *on packaging and packaging waste* (see link in 'Key legislation' below)
- **Packaging recoverable in the form of energy recovery.** Packaging waste processed to produce energy must have a minimum calorific value
- **Packaging recoverable in the form of composting.** Packaging waste processed for the purpose of composting must be so biodegradable that it does not adversely affect the composting process or collection of compost
- **Biodegradable packaging.** Biodegradable packaging waste must ultimately decompose into mainly carbon dioxide, biomass and water

## Who is responsible?

The responsible person is either:

- The person who places the packaging or packaging components on the market, including anyone who puts their name, mark or trade mark on the package

or
- The importer (in the case of packaging or packaging components imported from abroad)

The responsible person has a duty to maintain technical documentation to show that the packaging complies with the essential requirements and heavy metal concentration limits. The documentation must be kept for four years and be produced to the enforcement authority (Trading Standards) within 28 days of a request.

Particular care should be taken when considering 'consumer acceptance' of over-packaging. If it could be argued that consumers are buying goods despite the excessive packaging, then you may not be complying with the Regulations.

The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 apply special rules if you currently handle 50 tonnes or more of packaging a year and you have a turnover of £2 million or more. These rules are referred to as the 'producer responsibilities'.

Producers of packaging in England and Scotland that fall into this category are required to collect and report data on the amount and type of packaging that they place on the market. This information is necessary to calculate the charges that producers need to pay in order to finance the management of packaging materials; this is part of the extended producer responsibility (EPR) for packaging initiative, which started in 2024. EPR has an impact on various business entities within the packaging supply chain, including importers, distributors and online platforms. Further information on extended producer responsibility for packaging and the recycling obligations can be found on the GOV.UK website, along with information on packaging data submission.

There are similar rules for businesses with an annual turnover of less than £2 million, but more than £1 million, if the business also handles over 25 tonnes of packaging annually. Businesses with an annual turnover of £1 million or less and/or those that handle 25 tonnes or less of packaging annually are exempt. This helps monitor the broader landscape of packaging use without imposing reporting requirements on smaller entities.

As part of the EPR scheme, businesses have to pay fees that vary based on the environmental impact of the packaging placed on the market. This reporting and fee structure is intended to incentivise more sustainable packaging choices and fund recycling and waste management systems.

Businesses are encouraged to maintain clear, up-to-date documentation, including records of packaging materials used and the recovery processes they meet, to streamline compliance verification during inspections.

## Further information

Guidance notes on the Packaging (Essential Requirements) Regulations 2015 were produced by the Department for Business, Innovation and Skills (a predecessor of the Department for Business and Trade).

## Trading Standards

For more information on the work of Trading Standards services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

## In this update

General detail added.

Last reviewed / updated: May 2026

## Key legislation

- Assimilated Directive 94/62/EC *on packaging and packaging waste*
- Packaging (Essential Requirements) Regulations 2015
- Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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