

# Background | Compliance with the Essential Requirements

October 2015

## Introduction

Your company is obliged to comply with the Essential Requirements<sup>1</sup>. As soon as a company makes a packaged product available on the European market<sup>2</sup>, it automatically declares that the packed product complies with the essential requirements. If not, he is in violation. The Human Environment and Transport Inspectorate (Inspectie Leefomgeving en Transport, ILT) supervises compliance.

To comply with the essential requirements, companies can develop a process themselves, or make use of the NEN standards<sup>3</sup> that can serve as an aid and a guide to understanding your obligations. If you wish to implement your own process, it must meet the same criteria as the process in the standard.

## The Human Environment and Transport Inspectorate (ILT)

The Human Environment and Transport Inspectorate monitors whether companies comply with the Packaging Decree<sup>4</sup> (Besluit Beheer Verpakkingen) and in particular, the essential requirements.

Companies selected for inspection by the Human Environment and Transport Inspectorate receive a letter with a questionnaire<sup>5</sup>. The ILT makes an appointment for an inspection by mutual agreement. An inspection takes a maximum of one day. Failure to comply with the Essential Requirements can result in a financial penalty (if you demonstrate unwillingness). The ILT publishes its findings on its website: [www.ilent.nl](http://www.ilent.nl).<sup>6</sup>

## Focus points

The NEN standard or other methods can be used to demonstrate that packaging complies with the Essential Requirements, see [Factsheet | Essential Requirements](#) and [Guide | Essential requirements process](#). This documentation, for example compiled files, must be available to the ILT. It is essential to use an established method that

explicitly addresses packaging and evaluation against the Essential Requirements.

The following focus points are of importance:

### Reduction of packaging weight

One of the requirements is to reduce packaging weight. In practice, the marketing function of packaging is often also of importance. The reduction of packaging weight is often a point of focus within the context of cost savings. It is essential to guarantee a systematic strategy for the reduction of packaging weight and to document this.

### Recyclability of packaging

The file must record the way in which the packaging can be recycled and how the recycling process is organized. A systematic strategy to increase recyclability is essential.

### Heavy metals in packaging

Research is essential in order to demonstrate that the levels for heavy metals in packaging are not exceeded.

See also: [Factsheet | Heavy metals in packaging](#).

### Use of recycle in packaging

The general explanation of the Packaging Decree states that a producer is obliged to usefully apply and recycle as a material, specific amounts<sup>7</sup> of the packaging made available by him to another in the Netherlands and the imported packaging of which he is disposing.

## Further information

The Netherlands Institute for Sustainable Packaging (KIDV) has produced a series of factsheets on the criteria for packaging, such as the so-called essential requirements. This series consists of seven factsheets. You can download the factsheets from our website, [www.kidv.nl](http://www.kidv.nl) (Library – Factsheets).

You can find the footnotes for this factsheet on the reverse.

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<sup>1</sup> The [Introduction | Criteria for packaging](#) factsheet contains an introduction to the Essential Requirements.

<sup>2</sup> The Essential Requirements apply to all European countries. The Czech Republic, England and France are known to actively uphold the Essential Requirements. More European countries are expected to follow.

<sup>3</sup> The standards for packaging and packing waste are:

- NEN-EN 13427 Packaging – Requirements for the use of European standards in the field of packaging and packaging waste
- NEN-EN 13428 Requirements specific to manufacturing and composition – prevention by source reduction
- NEN-EN 13429 Packaging – Re-use
- NEN-EN 13430 Packaging – Requirements for packaging recoverable by material recycling
- NEN-EN 13431 Packaging – Requirements for packaging recoverable in the form of energy recovery, including specification of the minimum inferior calorific value
- NEN-EN 13432 Packaging – Requirements for packaging recoverable through composting and biodegradation.

Application of the standards is not mandatory, but is recommended in European Directive 94/62/EG for packaging. If you decide to implement your own process, it must be equivalent to the process described in the standard. See [Guide | Essential requirements process](#).

<sup>4</sup> Dutch language version of the Packaging Decree: Besluit beheer Verpakkingen en papier en karton. [www.wetten.nl](http://www.wetten.nl)

<sup>5</sup> For the questionnaire, see Annex I of the ILT's report entitled [Naleving essentiële eisen verpakkingen 2012](#)

<sup>6</sup> You can find previous reports via this link: [Naleving essentiële eisen verpakkingen 2011](#)

<sup>7</sup> See the Packaging Decree for the percentage rates