



Brussels, 30 November 2001
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M 317 EN

**SECOND STANDARDIZATION MANDATE
TO CEN RELATED TO THE PACKAGING AND PACKAGING WASTE
DIRECTIVE 94/62/EC**

1. JUSTIFICATION AND AIM OF THE MANDATE

In line with the Council Resolution¹ 85/C/136/01 on the New Approach to technical harmonisation and standards, Council Directive 94/62/EC² on packaging and packaging waste prescribes essential requirements which packaging must meet to be placed on the market. Compliance with these essential requirements shall be presumed in the case of packaging that complies with harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Communities (OJEC)*.

In order to elaborate harmonised standards and supporting technical reports on packaging and packaging waste, the Commission addressed in 1996 a mandate³ to the European Committee for Standardisation CEN.

Following this mandate, CEN adopted in 2000 six standards:

- EN 13427:2000, Packaging – Requirements for the use of European Standards in the field of packaging and packaging waste;
- EN 13428:2000, Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction;
- EN 13429:2000, Packaging – Reuse;
- EN 13430:2000, Packaging – Requirements for packaging recoverable by material recycling;

¹ OJ C136, 04.06.1985, p.1

² OJ L365, 31.12.1994, p.10

³ Mandate M/200 Rev.3 dated 8 March 1996

- EN 13431:2000, Packaging - Requirements for packaging recoverable in the form of energy recovery, including specification of minimum inferior calorific value;
- EN 13432:2000, Packaging - Requirements for packaging recoverable through composting and biodegradation – Test scheme and evaluation criteria for the final acceptance of packaging.

The harmonised standards EN 13428:2000 to EN13432:2000 were offered to the Commission for publication of their references in the OJEC. Moreover the Commission has been informed that the standard EN 13427:2000 provides the procedure for applying the harmonised standards. On this basis this standard has to be considered as a basic standard (not giving itself presumption of conformity, but necessary to apply correctly the harmonised standards).

However, two member States, Belgium⁴ and Denmark⁵, have introduced a formal objection to these harmonised standards, pursuant to Article 9(4) of Directive 94/62/EC, indicating that they do not satisfy entirely the essential requirements of the Directive.

In such a case of a formal objection, the Commission has to take a decision to publish or not the references of these standards in the OJEC, according to Article 9(4) of the Directive 94/62/EC. If the references of the standards are published in the OJEC, they give to the manufacturer/suppliers using them, the presumption of compliance with the essential requirements of the Directive, dealt with in these standards. If the reference of a standard is not published in the OJEC, the manufacturers/suppliers of packaging can still use this standard, but have to prove compliance with the essential requirements of the Directive, when required by the competent authorities.

The Commission after consultation of the Committee of the Directive 94/62/CE and the Committee 98/34, took on 28 June 2001 the following Decision C(2001)1681:

- to publish in the OJEC the references of the standard EN 13428:2000 on prevention, with an exception for the essential requirements listed under Annex II, point 1 third indent, for which this standard gives no presumption of conformity;
- to publish in the OJEC the references of the standard EN 13432:2000 on bio-recovery;
- not to publish in the OJEC the references of the standards EN 13429:2000 on re-use, EN 13430:2000 on recycling and EN 13431:2000 on energy recovery.

Although the Commission and most of the member states are of the opinion that CEN has done a lot of work in the right direction, the Commission noted after examination, that the standards EN 13428:2000 to EN 13431:2000 do not comply entirely with the essential requirements of the Directive.

In order:

⁴ to all six standards

⁵ to all standards, except to EN 13427:2000 (which was not explicitly requested by the mandate) and EN 13432:2000

- a. to promote the elaboration and adoption of harmonised standards in support of the objectives of the Directive 94/62/EC and
- b. to allow the manufacturers to make full use of appropriate harmonised standards, which give presumption of conformity to the essential requirements of the 94/62/EC Directive;

it is necessary that CEN revises the standards EN 13428:2000 to EN 13431:2000 in a way so that they comply entirely with the essential requirements. This revision shall be made on the basis of the present second mandate addressed to CEN.

2. DESCRIPTION OF THE MANDATED WORK

2.1 Standard EN 13428:2000 on Prevention

This standard shall be revised in order to comply with the essential requirements as laid down in Annex II point 1 indent 3 of the Directive 94/62/EC. Clarifications have to be given in the standard of how these requirements could be met by the packaging.

The standard shall consider noxious and hazardous substances, in the framework of the evaluation, irrespective of their origin.

As referred to in Article 10 of the Directive 94/62/EC, the standard should contain, or should reference appropriate CEN reports which contain, methods for measuring and verifying the presence and concentration of heavy metals and other dangerous substances in the packaging and their release into the environment from packaging and packaging waste.

Moreover references to the appropriate CEN reports (currently CR 13695-1:2000 and CR 13695-2:2001) must be made in the revised standard. The report CR 13695-2:2001 should be checked and improved to ensure that it includes, by packaging type or packaging material, requirements to identify and justify the use of noxious and hazardous substances in packaging, as well as methods to minimise the presence of such substances in emissions, ash and leachate.

The standard has to make it clear that it cannot by itself provide presumption of conformity and that it must be applied with at least one of the other standards.

2.2 Standard EN 13429:2000 on Reuse

The existing standard EN 13429:2000 on “Packaging – reuse” shall be revised in order to cover the requirement of the Directive (Annexe II point 2 first indent) that packaging shall enable a number of trips or rotations in normally predictable conditions of use, if appropriate by taking into account the use and function of the packaging (e.g. wood pallets, beverage packaging).

The standard shall identify and define test methods for demonstrating compliance of the packaging with this standard.

The requirements according to the third indent of Annex II point 2 can be any or all of those for material recycling, those for energy recovery, and those for organic recovery.

2.3 Standard EN 13430:2000 on Material Recycling

The existing standard EN 13430:2000 on “Packaging - requirements for packaging recoverable by material recycling” shall be revised in order to include the requirement that packaging must be manufactured in such a way as to enable the recycling of a certain percentage by weight of the materials used into the manufacture of marketable products (cf. Annex II point 3 (a) of the Directive 94/62/EC).

The standard shall differentiate between the percentage of weight to be recycled, depending on the packaging material.

To do this, the requirements shall take into account:

- substances or materials that are liable to create problems in the recycling process, including the generation of hazardous waste in the sense of Article 1.4 of Council Directive 91/689/EC on hazardous waste (O.J. L377 of 31.12.1991 p.20-27);
- Materials, combinations of materials or designs of packaging, that are liable to create problems in collecting and sorting before material recycling;
- the presence of substances or materials that are liable to have a negative influence on the quality of the recycled material.

The standard shall incorporate, as appropriate, the findings of the current CEN report CR 13688:2000.

2.4 Standard EN 13431:2000 on Energy Recovery

The existing standard EN 13431:2000 on “Packaging - Requirements for packaging recoverable in the form of energy recovery, including specification of minimum inferior calorific value” shall be revised in order to include a minimum inferior calorific value to allow optimisation of energy recovery (cf. Annex II point 3 (b) of the Directive 94/62/EC). This calorific value could be derived from the data and the calculation methods already contained in the current standard EN 13431:2000.

To do this, the requirements shall take account of :

- substances or materials that are liable to have a negative influence on the energy recovery process, including the generation of hazardous waste in the sense of Article 1.4 of Council Directive 91/689/EC on hazardous waste (O.J. L377 of 31.12.1991 p.20-27);
- materials, combinations of materials or designs of packaging that are liable to create problems during energy recovery.

The standard shall have a minimum inferior calorific value to allow optimisation of energy recovery.

2.5 Other tasks

In addition to these tasks, CEN is requested to check and to adapt if necessary the basic standard EN 13427:2000 with regard to the set of revised standards intended to give presumption of conformity with the essential requirements of the Directive 94/62/EC. This standard shall set and explain the structure and the methodology for the use of the different packaging standards EN 13428:2000 to EN 13432:2000.

Due to the requested revision of the standards EN 13427 to EN 13431, the standard EN13432:2000 have to be checked (and if necessary to be revised) in order to maintain full coherence with the revised standards.

Moreover CEN is requested to check the wording and terminology of all the six standards to ensure full compatibility and coherence with the Directive 94/62/EC.

3. INTERESTED PARTIES TO BE ASSOCIATED

The elaboration of the standards shall be carried out in close association with all interested parties, especially public authorities, industrial organisations, representatives of environmental and consumer groups and scientific organisations.

4. EXECUTION OF THE MANDATE

4.1 The revised European standards shall be adopted by the dates stated in Annex.

4.2 CEN shall send to the Commission, within two months of their adoption, the standards in three linguistic versions (English, French and German) and the titles of these standards in the other languages of the European Union. This information shall be submitted on paper and electronic support.

4.3 The adopted European standards shall be transposed into national standards, and differing national standards shall be withdrawn from the catalogues of the national standards organisations in the Member States within six months from the date of adoption of the European standards.

4.4 The standstill referred to in Article 7 of the Directive 98/34/EC⁶, and indicated in the previous mandate M/200 rev.3 continues to be applicable.

Annex: 1

⁶ OJEC L207/37 of 21.07.98, last amended by Directive 98/48/EC (OJEC L217/18 of 05.08.98)

Timetable for the elaboration and adoption of the revised standards*(to be completed)*

Revised standard	Start date for public enquiry	Date of adoption
EN 13427		
EN 13428		
EN 13429		
EN 13430		
EN 13431		