

European Parliament and Council Directive 94/62/EC of
20 December 1994 on packaging and packaging waste

Article 3

Definitions

For the purposes of this Directive:

1. 'packaging' shall mean all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer. 'Non-returnable' items used for the same purposes shall also be considered to constitute packaging.

'Packaging' consists only of:

- (a) sales packaging or primary packaging, i. e. packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;
- (b) grouped packaging or secondary packaging, i. e. packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale; it can be removed from the product without affecting its characteristics;
- (c) transport packaging or tertiary packaging, i. e. packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packagings in order to prevent physical handling and transport damage. Transport packaging does not include road, rail, ship and air containers^[F1].

^[F2]The definition of 'packaging' shall be further based on the criteria set out below. The items listed in Annex I are illustrative examples of the application of these criteria.

- (i) Items shall be considered to be packaging if they fulfil the abovementioned definition without prejudice to other functions which the packaging might also perform, unless 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.
- (ii) Items designed and intended to be filled at the point of sale and 'disposable' items sold, filled or designed and intended to be filled at the point of sale shall be considered to be packaging provided they fulfil a packaging function.
- (iii) Packaging components and ancillary elements integrated into packaging shall be considered to be part of the packaging into which they are integrated. Ancillary elements hung directly on, or attached to, a product and which perform a packaging function shall be considered to be packaging unless they are an integral part of this product and all elements are intended to be consumed or disposed of together.]

^[F3].....]

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- 1a. ‘^{F4}plastic’ shall mean a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁽¹⁾, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of carrier bags;
- 1b. ‘plastic carrier bags’ shall mean carrier bags, with or without handle, made of plastic, which are supplied to consumers at the point of sale of goods or products;
- 1c. ‘lightweight plastic carrier bags’ shall mean plastic carrier bags with a wall thickness below 50 microns;
- 1d. ‘very lightweight plastic carrier bags’ shall mean plastic carrier bags with a wall thickness below 15 microns which are required for hygiene purposes or provided as primary packaging for loose food when this helps to prevent food wastage;
- 1e. ‘oxo-degradable plastic carrier bags’ shall mean plastic carrier bags made of plastic materials that include additives which catalyse the fragmentation of the plastic material into micro-fragments;]
2. [^{F5}‘packaging waste’ shall mean any packaging or packaging material covered by the definition of waste laid down in Article 3 of Directive 2008/98/EC, excluding production residues;]
- 2a. [^{F6}‘reusable packaging’ shall mean packaging which has been conceived, designed and placed on the market to accomplish within its lifecycle multiple trips or rotations by being refilled or reused for the same purpose for which it was conceived;
- 2b. ‘composite packaging’ shall mean packaging made of two or more layers of different materials which cannot be separated by hand and form a single integral unit, consisting of an inner receptacle and an outer enclosure, that it is filled, stored, transported and emptied as such;
- 2c. the definitions of ‘waste’, ‘waste management’, ‘collection’, ‘separate collection’, ‘prevention’, ‘reuse’, ‘treatment’, ‘recovery’, ‘recycling’, ‘disposal’, and ‘extended producer responsibility scheme’ laid down in Article 3 of Directive 2008/98/EC shall apply;]
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11. ‘economic operators’ in relation to packaging shall mean suppliers of packaging materials, packaging producers and converters, fillers and users, importers, traders and distributors, authorities and statutory organizations;
12. ‘voluntary agreement’ shall mean the formal agreement concluded between the competent public authorities of the Member State and the economic sectors concerned,

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which has to be open to all partners who wish to meet the conditions of the agreement with a view to working towards the objectives of this Directive.

Textual Amendments

- F1** Substituted by [Directive 2004/12/EC](#) of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste.
- F2** Inserted by [Directive 2004/12/EC](#) of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste.
- F3** Deleted by [Directive \(EU\) 2018/852](#) of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (Text with EEA relevance).
- F4** Inserted by [Directive \(EU\) 2015/720](#) of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (Text with EEA relevance).
- F5** Substituted by [Directive \(EU\) 2018/852](#) of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (Text with EEA relevance).
- F6** Inserted by [Directive \(EU\) 2018/852](#) of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (Text with EEA relevance).

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- (1) [^{F4}Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).]

Textual Amendments

- F4** Inserted by [Directive \(EU\) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags](#) (Text with EEA relevance).