
STATUTORY INSTRUMENTS

1998 No. 1165

The Packaging (Essential Requirements) Regulations 1998

PART 1

PRELIMINARY

Interpretation

2.—(1) In these Regulations—

- (a) “the Directive” means Directive [94/62/EC](#) of the European Parliament and the Council on packaging and packaging waste⁽¹⁾;
- (b) “the 1987 Act” means the Consumer Protection Act 1987⁽²⁾; and
- (c) except for the references to the European Communities in the definition of “the Commission” and in relation to the Official Journal, a reference to the Community includes a reference to the EEA, and a reference to a member State includes a reference to an EEA State: for this purpose—
 - (i) the “EEA” means the European Economic Area;
 - (ii) an “EEA State” means a State which is a Contracting Party to the EEA Agreement; and
 - (iii) the “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993⁽³⁾.

(2) In these Regulations, unless the context otherwise requires—

“the Commission” means the Commission of the European Communities;

“energy recovery” means the use of combustible packaging waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;

“enforcement authority” shall be construed in accordance with regulation 13;

“essential requirements” means the essential requirements in Annex II of the Directive and which are set out in the Schedule hereto;

“importer” means an importer of packaging which is packed or filled packaging into the United Kingdom;

“organic recycling” means the aerobic (composting) or anaerobic (biomethanization) treatment, under controlled conditions and using micro-organisms, of the biodegradable parts of packaging waste, which produces stabilised organic residues or methane; for the purpose of these Regulations landfill shall not be considered a form of organic recycling;

(1) O.J. No. L365, 31.12.94. p.10.

(2) [1987 c. 43](#).

(3) The application of the Directive was extended to the EEA from 1st December 1995 by virtue of Decision No. 67/95 of the EEA Joint Committee O.J. No. L8/38 which inserted a reference to that Directive after point 6 in Chapter XVII of annex II to the EEA Agreement.

“packaging” means 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, including non-returnable items used for the same purposes, but only where the products are—

- (a) sales packaging or primary packaging, that is to say 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, that is to say 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; or
- (c) transport packaging or tertiary packaging, that is to say packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packaging in order to prevent physical handling and transport damage; for the purposes of these Regulations transport packaging does not include road, rail, ship and air containers;

“packaging component” means any part of packaging that can be separated by hand or by using simple physical means;

“packaging materials” means materials used in the manufacture of packaging and includes raw materials and processed materials prior to their conversion into packaging;

“packaging waste” means any packaging or packaging material covered by the definition of waste in Article 1 of the Waste Directive but not including production residues;

“packaging waste management” means the management of waste as defined in the Waste Directive;

“ppm” means parts per million by weight;

“recovery” means any of the applicable operations provided for in Annex II B to the Waste Directive;

“recycling” means the reprocessing in a production process of the waste materials for the original purpose or for other purposes including organic recycling but excluding energy recovery;

“responsible person” means in relation to packaging, the person who is responsible for packing or filling products into packaging (including, as the case may be, any person presenting himself as being so responsible by affixing to the packed or filled packaging his name, trade mark or other distinctive mark or the person who reconditions the packaging for reuse except that reuse in itself shall not constitute reconditioning of the packaging), or the importer;

“reuse” means any operation by which packaging, which has been conceived and designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market enabling the packaging to be refilled and reused packaging shall be construed accordingly; such reused packaging will become packaging waste when no longer subject to reuse;

“Waste Directive” means Council Directive [75/442/EEC](#) on waste⁽⁴⁾

(3) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations.

(4) O.J. No. L194, 25.7.75, p. 39; Articles 1 to 12 and Annexes I and IIB were amended by Directive [91/156/EEC](#), O.J. No. L78, 26.3.91, p. 32.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
