

TRANSPOSITION NOTE

Directive 94/62/EC on Packaging and Packaging Waste (the “Packaging Directive”), transposed by The Packaging (Essential Requirements) Regulations 2015 (the Regulations”)

1. This Transposition Note has been prepared by the Department for Business, Innovation & Skills and is intended to explain how the 1994 Packaging Directive, amending Directives and Decisions are implemented in the UK.

2. The Packaging (Essential Requirements) Regulations 2015 consolidate and revoke the Packaging (Essential Requirements) Regulations 2003 (S.I. 2003/1971) as amended by various amending instruments. They implement Articles 9 and 11 of the Packaging Directive and incorporate the provisions of two Commission Decisions providing for derogations in respect of plastic crates and pallets and in respect of glass packaging (Commission Decisions 1999/177/EC and 2001/171/EC). They also implement provisions of various amending directives that relate to articles 9 and 11.

3. The Regulations do not go beyond what is necessary to implement the Directives and Decisions.

4. The Secretary of State is responsible for taking measures to implement the Directives and Decisions.

TRANSPOSITION OF COMMISSION DIRECTIVE 94/62/EC AS AMENDED

Article	Objective of the Article	Implementation
Art 2 Directive 94/62/EC	Sets the scope of the directive	Regulation 3(1) and 4(1)
Art 3 Directive 94/62/EC various definitions	To set out the meaning of terms used in the directive	Regulation 2
Art 3 definition of packaging Amended by Directive 2004/12/EC Amended by Article 1 of Directive 2013/2/EU	To set out what constitutes packaging within scope of the Directive Adding criteria for definition of packaging. Provides that Annex I of the Packaging Directive is replaced by the text set out in the Annex of the 2013 Directive.	Regulation 3 Regulation 2(2) provides that an amended definition of “packaging” refers to Schedule V of the Packaging Regulations which lists the illustrative examples of

		packaging stated in Annex I of the 2 Packaging Directive as amended by the 2013 Directive.
Art 3 definition of “plastic” and “plastic bags” introduced by Directive (EU) 2015/720	To set out the meaning of these terms as used in the directive	Regulation 2
Art 9 Directive 94/62/EC	Essential requirements	Regulations 4
Art 11 Directive 94/62/EC Amended by Decision 1999/177/EC and Commission Decision 2009/292/EC Amended by Decision 2001/171/EC and Commission Decision 2006/340/EC	Concentration levels of heavy metals present in packaging Derogation for heavy metals in plastic crates and pallets 2Derogation for heavy metals in glass packaging	Regulation 5 Regulation 5 and Schedule 2 Regulation 5 and Schedule 3
Art 18 Directive 94/62/EC	Freedom to place on the market	Regulation 4
Art 22 Directive 94/62/EC	Implementation in national law	Regulations 1, 7, 8 and 9 and schedule 4.