
STATUTORY INSTRUMENTS

2015 No. 1640

The Packaging (Essential Requirements) Regulations 2015

PART 2

Application

Packaging

3.—(1) These Regulations apply to any packaging.

(2) In these Regulations “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, and which 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 packagings 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.

(3) The following items must also be considered to be packaging on the basis of the criteria set out below—

- (a) items that fulfil the above 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.
- (b) 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 provided they fulfil a packaging function.
- (c) packaging components and ancillary elements integrated into packaging, and ancillary elements hung directly on, or attached to, a product and which perform a packaging function, unless they are an integral part of that product and all elements are intended to be consumed or disposed of together.

(4) Schedule 5 to these Regulations lists the illustrative examples of packaging referred to in paragraph (3) and set out in Annex 1 of the Directive as amended by Commission Directive 2013/2/

EU amending Annex I to [Directive 94/62/EC](#) of the European Parliament and of the Council on packaging and packaging waste⁽¹⁾.

(5) Nothing in these Regulations with regard to packaging affects the application of existing quality requirements for packaging, including those regarding safety, the protection of health and hygiene of the packed products, existing transport requirements, or the provisions of the Hazardous Waste (England and Wales) Regulations 2005⁽²⁾ in England and Wales, the Hazardous Waste Regulations (Northern Ireland) 2005⁽³⁾ in Northern Ireland, the Hazardous Waste (Wales) Regulations 2005⁽⁴⁾ in Wales, and the Special Waste Regulations 1996⁽⁵⁾ in Scotland.

(1) OJ No L 37, 8.2.2013, p10.

(2) S.I. 2005/894, amended by S.I. 2006/937, 2007/3538, 2009/507, 2010/675, 2011/556, 2011/988, 2011/2043, 2013/755 (W. 90).

(3) S.R.(N.I.) 2005 No.300, amended by S.R. (N.I.) 2005/461, 2006/280, 2009/159, 2011/127 (W. 141), 2015/288.

(4) S.I. 2005/1806 (W. 138), amended by S.I. 2006/937, 2007/3538, 2009/2861 (W. 250), 2010/675, 2011/556, 2011/971 (W. 141), 2011/2043, 2013/755 (W. 90).

(5) S.I. 1996/972, amended by S.I. 1996/2019, S.S.I. 2004/112, 2000/323, 2011/226, 2012/360.