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STATUTORY INSTRUMENTS

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**2015 No. 1640**

**The Packaging (Essential Requirements) Regulations 2015**

**PART 1**

Preliminary

**Interpretation**

**2.—(1) In these Regulations—**

“the Directive” means the European Parliament and Council [Directive 94/62/EC](#) on packaging and packaging waste<sup>(1)</sup>;

“the 1987 Act” means the Consumer Protection Act 1987<sup>(2)</sup>;

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

“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” has the meaning set out in regulation 7;

“essential requirements” means the essential requirements in Annex II of the Directive and which are set out in Schedule 1;

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

“incidental presence” means the presence of a metal as an unintended ingredient of a packaging or packaging component;

“intentionally introduced” means the act of deliberately utilising a substance in the formulation of packaging or a packaging component where its continued presence is desired in the final packaging or packaging component to provide a specific characteristic, appearance or quality; but the use of recycled materials as a feedstock for the manufacture of new packaging materials where some portion of the recycled materials may contain amounts of regulated metals is not intentional introduction;

“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; but landfill is not be considered a form of organic recycling;

“packaging” has the meaning set out in regulation 3(2);

“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;

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(1) OJ No L 365, 31.12.94, p10.

(2) [1987 c.43](#). Sections 31, 32 and 44 were amended by the Consumer Rights Act [2015 \(c.15\)](#), section 77 and Schedule 6, paragraphs 37, 42, 43 and 46.

“packaging waste” means any packaging or packaging material covered by the definition of waste in Article 3(1) of the Waste Directive but not including production residues;

“packaging waste management” means the management of waste as defined in Article 3(9) of the Waste Directive;

“plastic” means a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council 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<sup>(3)</sup>, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of carrier bags;

“plastic carrier bag” means a carrier bag with or without a handle, made of plastic, which is supplied to consumers at the point of sale of goods or products;

“ppm” means parts per million by weight;

“product loops which are in a closed and controlled chain” means product loops in which products circulate with a controlled reuse and distribution system and in which the recycled material originates only from these entities in the chain so that the introduction of external material is the minimum which is technically feasible and from which these entities may only be removed in a specially authorised procedure so that return rates are maximised;

“recovery” has the meaning given by Article 3(15) of the Waste Directive;

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

“regulated metals” means lead, cadmium, mercury or hexavalent chromium or a combination of two or more of these metals, as the case may be;

“responsible person” means, in relation to packaging, the person who is—

- (a) responsible for packing or filling products into packaging,
- (b) any person presented as responsible by affixing to the packed or filled packaging that person’s name, trade mark or other distinctive mark,
- (c) the person who reconditions the packaging for reuse (except that reuse in itself shall not constitute reconditioning of the packaging),
- (d) the importer; or
- (e) for the purposes of regulation 6(2) only, the manufacturer or the manufacturer’s authorised representative in the European Union;

“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; and

“the Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives<sup>(4)</sup>.

(2) In these Regulations, except for the references to the European Union in the definition of “the Commission” and in relation to the Official Journal, a reference to the European Union (“EU”)

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(3) OJ No L 396, 30.12.2006, p1.

(4) OJ No L 312, 22.11.2008, p 3.

includes a reference to the EEA, and a reference to a member State includes a reference to an EEA State.