



STATUTORY INSTRUMENTS.

**S.I. No. 363 of 2013**



EUROPEAN UNION (PACKAGING) (AMENDMENT) REGULATIONS  
2013

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EUROPEAN UNION (PACKAGING) (AMENDMENT) REGULATIONS  
2013

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Commission Directive 2013/2/EU<sup>1</sup> of 7 February 2013 on packaging and packaging waste, hereby make the following Regulations:

*Citation*

1. These Regulations may be cited as the European Union (Packaging) (Amendment) Regulations 2013.

*Purpose of Regulations*

2. The purpose for which these Regulations are made is to give effect to the provisions of Commission Directive 2013/2/EU of 7 February 2013 amending Annex I to Directive 94/62/EC<sup>2</sup> of the European Parliament and of the Council on packaging and packaging waste.

*Commencement*

3. These Regulations shall come into operation on the day after the date on which notice of their making is published in the *Iris Oifigiúil*.

*Interpretation generally*

4. (1) In these Regulations-

“Principal Regulations” means the Waste Management (Packaging) Regulations 2007 (S.I. No. 798 of 2007).

*Amendment to the Principal Regulations*

5. The Principal Regulations are amended by substituting for the First Schedule the following:

“FIRST SCHEDULE

ILLUSTRATIVE EXAMPLES OF THE APPLICATION OF  
CRITERIA

TO CLARIFY THE DEFINITION OF PACKAGING IN ARTICLE 4(3)

PART 1

Illustrative examples for criterion (i).

<sup>1</sup>O.J. No. L37, 8.2.2013, page 10

<sup>2</sup>O.J. No. L365, 31.12.1994, page 10

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 27th September, 2013.*

*Packaging*

Sweet boxes

Film overwrap around a CD case

Mailing pouches for catalogues and magazines (with a magazine inside)

Cake doilies sold with a cake

Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit

Flower pots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its life time

Glass bottles for injection solutions

CD spindles (sold with CDs, not intended to be used as storage)

Clothes hangers (sold with a clothing item)

Matchboxes

Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product)

Beverage system capsules (e.g. coffee, cacao, milk) which are left empty after use

Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers

*Non-packaging*

Flower pots intended to stay with the plant throughout its life time

Tool boxes

Tea bags

Wax layers around cheese

Sausage skins

Clothes hangers (sold separately)

Beverage system coffee capsules, coffee foil pouches, and filter paper coffee pods disposed together with the used coffee product

Cartridges for printers

CD, DVD and video cases (sold together with a CD, DVD or video inside)

CD spindles (sold empty, intended to be used as storage)

Soluble bags for detergents

Grave side lights (containers for candles)

Mechanical quern (integrated in a refillable recipient, e.g. refillable pepper mill)

PART 2

Illustrative examples for criterion (ii)

*Packaging, if designed and intended to be filled at the point of sale*

Paper or plastic carrier bags

Disposable plates and cups

Cling film  
Sandwich bags  
Aluminium foil  
Plastic foil for cleaned clothes in laundries

*Non-packaging*

Stirrer  
Disposable cutlery  
Wrapping paper (sold separately)  
Paper baking cases (sold empty)  
Cake doilies sold without a cake

PART 3

Illustrative examples for criterion (iii).

*Packaging*

Labels hung directly on or attached to a product

*Part of packaging*

Mascara brush which forms part of the container closure  
Sticky labels attached to another packaging item  
Staples  
Plastic sleeves  
Device for measuring dosage which forms part of the container closure for detergents  
Mechanical quern (integrated in a non-refillable recipient, filled with a product, e.g. pepper mill filled with pepper)

*Non-packaging*

Radio frequency identification (RFID) tags”



Given under my Official Seal  
25 September 2013.

PHIL HOGAN,  
Minister for the Environment, Community and  
Local Government.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations amend the Waste Management (Packaging) Regulations 2007 and are intended to give effect to Commission Directive 2013/2/EU of 7 February 2013 amending Annex I to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste.

Article 3(1) of Directive 94/62/EC of 20 December 1994 on packaging and packaging waste, defines “packaging” by setting out a number of criteria. The items listed in Annex I to that Directive are illustrative examples of the application of those criteria.

For reasons of legal certainty and harmonisation of the interpretation of the definition of “packaging”, it is necessary to review and amend the list of illustrative examples to clarify additional cases where the borderline between what is packaging and what is not remains unclear.

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