



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT

**Frequently Asked Questions on**  
**the scope of Directive 94/62/EC on packaging and packaging waste**

## *Foreword*

*Directive 94/62/EC on packaging and packaging waste<sup>1</sup> is based on article 114 of Treaty on the Functioning of the European Union (former article 95 ECT). The purpose of this Directive is to harmonize national measures concerning the management of packaging and packaging waste in order to prevent any impact thereof on the environment or to reduce such impact, as well as to ensure the functioning of the internal market and to avoid obstacles to trade and distortion and restriction of competition within the Community.*

*The Frequently Asked Questions (FAQ) in this document are intended to provide guidance to the Member States in the interpretation of the definition of packaging laid down in the Packaging Directive. They could also be used as a reference by economic operators, as they will have to comply with the national laws transposing the Directive. The present guidelines clarify the classification of a number of items brought to the attention of the Commission by the Member States and the economic operators, additional to the illustrative examples defined in Annex I of the Packaging Directive.*

*The objective of the clarification is to address discrepancies in the interpretation of the criteria for the definition of packaging in order to facilitate the implementation and enforcement of the packaging legislative framework and create a level playing field for economic operators across the EU's internal market.*

*This FAQ document is informative and advisory, reflects the views of the Commission, and as such is not legally binding; binding interpretation of Community legislation is the exclusive competence of the Court of Justice of the European Union. Any legal analysis set out in this FAQ document does not in any way preclude a different interpretation by the Court of Justice of the European Union in a particular case, and does not in any way commit the European Commission.*

*The interpretation of the illustrative examples is based on the legally binding criteria of Article 3 (1) of Directive 94/62/EC and has been developed in consultation with the Member States. The FAQ document cannot go beyond or substitute for the requirements of the Packaging Directive. The Packaging Directive is binding on the Member States as regards the objectives to be achieved but leaves them scope to decide how the agreed Community objective is to be incorporated into their legal system(s).*

*Directives, including the Packaging Directive, are addressed to the Member States and do not, as a rule, directly confer rights or impose obligations on the Union citizens). They are addressed to Member States and the rights and obligations for the citizen flow from the measures enacted by the authorities of the Member States to implement them.*

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<sup>1</sup> Official Journal L 365, 31.12.1994 p.10-23.

## Is my product covered by the Packaging Directive?

This FAQ document provides guidance on the interpretation of the definition of packaging and the accompanying criteria for determining whether a product falls under the scope of Directive 94/62/EC on packaging and packaging waste.

Article 3(1) of the Directive defines what constitutes packaging:

*‘packaging’ shall mean 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.*

*‘Packaging’ consists only of:*

*(a) sales packaging or primary packaging, i. e. 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, i. e. 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;*

*(c) transport packaging or tertiary packaging, i. e. 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. Transport packaging does not include road, rail, ship and air containers.*

Article 3(1) provides a series of criteria on which the definition of ‘packaging’ shall be further based:

*(i) Items shall be considered to be packaging if they fulfil the abovementioned 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.*










*(ii) 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 shall be considered to be packaging provided they fulfil a packaging function.*

*(iii) Packaging components and ancillary elements integrated into packaging shall be considered to be part of the packaging into which they are integrated. Ancillary elements hung directly on, or attached to, a product and which perform a packaging function shall be considered to be packaging unless they are an integral part of this product and all elements are intended to be consumed or disposed of together.*

In addition, Annex I to the Directive provides a list of illustrative examples of the application of these criteria.





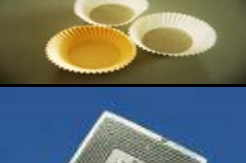


The Annex to the present FAQ document provides additional illustrative examples clarifying the interpretation of the criteria of the definition of packaging of Article 3(1) of Directive 94/62/EC for a series of new items.

The onus to determine if a product falls within the scope of the Packaging Directive is on the producer who is the person best placed to assess the characteristics of his product. In case of doubt, producers should as a first step consult national authorities responsible for the implementation and enforcement of the national legislation transposing the provisions of the Packaging Directive.

		DG Environment Interpretation	Criteria definition	DG Environment interpretation
Illustrative example	Description			
	Mailing pouches for catalogues and magazines (sold with a magazine inside)	Packaging	(i)	Mail pouches are used for the containment, protection, handling, delivery and presentation of paper magazines from the producer to the user or consumer and therefore comply with the definition of packaging of Article 3(1), first paragraph. Mail pouches do not form an integral part of the product and are not necessary to contain, support or preserve magazines throughout their life-time. They are not an integral part of the product and are not intended to be used, consumed and disposed of together with the magazines. Instead, they are removed from the magazine and disposed of before the magazine is used. Therefore, mail pouches constitute packaging within the meaning of criterion (i) of the packaging definition.
	Cake dollies (sold with a cake)	Packaging	(i)	Cake dollies sold together with cakes are used for containment, protection, handling, delivery and presentation of cakes from the producer to the user or the consumer, thus complying with the definition of Article 3(1), first paragraph. Although such cake dollies appear to contain, support or preserve cakes throughout their life-time (i.e. until the moment of the consumption of the cake), they are not an integral part of the product and are not intended to be used, consumed and disposed of together with the cake: after the consumption of the cake, the dollies are disposed of. Pursuant to criterion (i) of the packaging definition, such cakes constitute packaging as they fulfil a packaging function.
	Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper, toilet paper) is wound	Packaging	(i)	Tubes and cylinders around which flexible material is wound are to be used for containment, protection, handling, delivery and presentation of flexible material and therefore comply with the definition of packaging of Article 3(1), first paragraph. These tubes and cylinders are not an integral part of the product and are not necessary to contain, support or preserve the flexible material throughout its life-time. The flexible material and the tubes and cylinders are disposed of separately. Criterion (i) provides that such items shall be considered to be packaging if they fulfil the packaging definition without prejudice to other functions which the packaging might also perform.
	Flower pots (intended to sell and transport plants to the next owner without staying with the plant throughout its life time)	Packaging	(i)	Flower pots have a function to contain, protect, handle, deliver and present plants and therefore comply with the definition of packaging of Article 3(1), first paragraph. They are not an integral part of a product. Flower pots used to sell plants and transport them to the owner, where the plants are taken out and planted into soil or other flower pots, are not necessary to contain, support or preserve the plants throughout their life-time. The flower pots are normally disposed of before the plant. Therefore, criterion (i) provides that such items shall be considered to be packaging if they fulfil the abovementioned definition without prejudice to other functions which the packaging might also perform. In this context, it is important to note that at the moment of sale, the effective use of a flower pot cannot always be determined exactly. Therefore, the classification of specific types of flower pots as packaging or non-packaging needs to be done on the basis of their normal intended use rather than the actual use of individual items.
	Glass bottles for injection solutions	Packaging	(i)	Glass bottles for injection solutions are necessary for the containment, protection, handling, delivery and presentation of the product from the producer to the user or consumer and therefore comply with the definition of packaging of Article 3(1), first paragraph. They are not an integral part of a product. The glass bottles are not consumed and disposed of together with the injection solutions and therefore they constitute packaging within the meaning of criterion (i) of the definition of packaging.
	CD spindles (sold with CDs, not intended to be used as storage)	Packaging	(i)	CD spindles sold together with CDs but not intended to serve as storage have a function to contain, protect, handle, deliver and present CDs from the producer to the user or the consumer and therefore comply with the definition of packaging of Article 3(1), first paragraph. CD spindles do not form an integral part of the product and are not necessary to contain, support or preserve CDs throughout their life-time. They are not intended to be used, consumed or disposed of together with the CDs – they are disposed of once the CDs are taken away. Therefore, such CD spindles constitute packaging within the meaning of criterion (i) of the packaging definition.
	Clothes' hangers (sold with a clothing item)	Packaging	(i)	Clothes' hangers sold together with a clothing item are used for the containment, protection, handling, delivery and presentation of clothes at the moment of their purchase, to the user or the consumer and therefore fulfil the packaging definition of Article 3(1), first paragraph. Such hangers do not form an integral part of the clothing item and are not intended to be used, consumed or disposed of together with it, but they are removed before the clothing is used and disposed of separately. Therefore, clothes' hangers sold together with a clothing item constitute packaging within the meaning of criterion (i) of the packaging definition.
	Release paper of self-adhesive labels	Packaging	(i)	Release paper of self-adhesive labels are used for the containment, protection, handling, delivery and presentation of self-adhesive labels and therefore complies with the definition of packaging of Article 3(1), first paragraph. Release paper is not an integral part of the product and is not necessary to contain, support or preserve the self-adhesive labels throughout their life-time. Release paper is used to sell self-adhesive labels to the user, where the labels are eventually detached and used, and the release paper is disposed of separately. Criterion (i) provides that such items shall be considered to be packaging if they fulfil the packaging definition without prejudice to other functions which the packaging might also perform.
	Grave side lights (containers for candles)	Packaging	(i)	Plastic, metal or glass containers are used for the containment, protection, handling, delivery and presentation of candles from the producer to the user or the consumer and therefore comply with the definition of packaging of Article 3(1), first paragraph. The containers for candles have a decorative value and protect candles from wind and rain. They can be intended to be used, consumed and disposed of together with the candles, but can also be reused once a candle is burnt (refilled with a new candle). At the moment of sale, the effective use of a container cannot always be determined exactly. Therefore, the classification of containers as packaging or non-packaging needs to be done on the basis of their normal intended use. The fact that containers significantly extend the burning time of candles and prevent the spillage of melted wax cannot be considered as a factor which determines that such containers form an integral part of the product or are necessary to contain, support or preserve that product throughout its life-time, since life extension and containment are inherent functions of packaging (e.g. metal cans, jars, bottles etc). Therefore, plastic, metal or glass containers for candles constitute packaging within the meaning of criterion (i) of the packaging definition.

	Clothes' hangers (sold separately)	Non-Packaging	(i)	Empty clothes' hangers are sold to consumers to be used for containment, support or preservation of clothing items in the future (e.g. at home). Clothes' hangers are not used for the containment, protection, handling, delivery and presentation of a good at the moment of purchase and therefore do not fulfil the packaging definition of Article 3(1), first paragraph.
	Filter paper coffee pods	Non-Packaging	(i)	Coffee containers have a function to contain, protect, handle, and deliver coffee portions. They are, however, an integral part of a product and are necessary to contain, support or preserve that product throughout its lifetime. All elements are intended to be used, consumed and disposed of together (e.g. the filter paper pod surrounding the coffee is placed in the machine, used during the brewing process and disposed with the used coffee product). Therefore, paper coffee pods are to be considered non-packaging within the meaning of criterion (i) of the definition of packaging. On the other hand, the plastic bags which contain the coffee pods are used for the containment, protection, handling, delivery and presentation of coffee pods from the producer to the user or the consumer and thus shall be considered packaging within the meaning of the packaging definition of Article 3(1), first paragraph.
	Plastic coffee capsules	Non-Packaging	(i)	Coffee containers have a function to contain, protect, handle, and deliver coffee portions. They are, however, an integral part of a product and are necessary to contain, support or preserve that product throughout its lifetime. All elements are intended to be used, consumed and disposed of together (e.g. the plastic capsule holding the coffee and the filter paper is placed in the machine, used during the brewing process and disposed with the used coffee product). Therefore, plastic coffee capsules are to be considered non-packaging within the meaning of criterion (i) of the definition of packaging. On the other hand, the plastic bags which contain the coffee capsules are used for the containment, protection, handling, delivery and presentation of coffee pods from the producer to the user or the consumer and thus shall be considered packaging within the meaning of the packaging definition of Article 3(1), first paragraph.
	Cartridges for printers	Non-Packaging	(i)	Cartridges are used to protect, handle, and deliver ink from the producer to the user or the consumer – as such, they comply with the definition of packaging of Article 3(1), first paragraph. However, cartridges are necessary to contain, support or preserve ink throughout its life-time (i.e. until the moment it is used for printing). Although cartridges are not disposed of together with ink, they are used together with ink: they form an inseparable part of a printing unit as they contain such elements necessary for printing as cogwheels, gears, rolls, chips, etc. As such, they are an integral part of the product. Cartridges are not designed or intended to be filled at the point of sale – instead, they are filled in dedicated industrial facilities. Therefore, cartridges shall be considered non-packaging in light of criteria (i) and (ii) of the packaging definition, despite their packaging function.
	Coffee foil pouches	Non-Packaging	(i)	Coffee containers have a function to contain, protect, handle, and deliver coffee portions. They are, however, an integral part of a product and are necessary to contain, support or preserve that product throughout its lifetime. All elements are intended to be used, consumed and disposed of together (e.g. the foil pouch, the attached plastic nozzle and the filter paper are to be placed in the machine, used during brewing, and disposed with the used coffee product). Therefore, coffee foil pouches shall be considered non-packaging within the meaning of criterion (i) of the definition of packaging.
	CD, DVD, video cases (sold together with a CD, DVD, video inside)	Non-Packaging	(i)	CD, DVDs and video cases are used for the containment, protection, handling, delivery and presentations of CDs, DVDs and videos and therefore comply with the definition of packaging of Article 3(1), first paragraph. Nevertheless, they are necessary to contain, support and preserve the CDs, DVDs or videos throughout their life-time in order to avoid damages caused by e.g. extreme weather conditions or other storage conditions. Furthermore, the CD, DVDs and video cases are normally used and disposed of together. Pursuant to criterion (i) CDs, DVDs and video cases shall be considered as non-packaging despite their packaging function.
	CD spindles (sold empty, intended to be used as storage)	Non-Packaging	(i)	Empty CD spindles are sold to users or consumers with an intention to contain, support and preserve CDs in the future (e.g. home or office storage). Therefore, CD spindles are not used for containment, protection, handling, delivery and presentation of a good at the moment of purchase, from the producer to the consumer and therefore do not fulfil the packaging definition of Article 3(1), first paragraph.
	Soluble bags for detergents	Non-Packaging	(i)	Soluble bags for detergents are used for containment, protection, handling, delivery and presentation of detergents from the producer to the user or the consumer and therefore comply with the definition of Article 3(1). However, they are an integral part of the product as they are necessary to contain the product throughout its lifetime. Soluble bags are intended to be used, consumed disposed with the detergent. Therefore, soluble bags for detergents are to be considered non-packaging within the meaning of criterion (i) of the definition of packaging.
	Matchboxes	Non-Packaging	(i)	Matchboxes are used for containment, protection, handling, delivery and presentation of matches from the producer to the user or consumer and therefore comply with the definition of packaging of Article 3(1), first paragraph. However, matchboxes contain a striker which is indispensable for the ignition of matches. A box with a striker forms an integral part of the product, as it is necessary to contain, support or preserve that product throughout its life-time, and all elements are intended to be consumed and disposed of together. Therefore, matchboxes shall be considered as non-packaging in light of criteria (i) of the packaging definition, despite their packaging function.
	RFID tags not attached to a packaging item	Non-Packaging	(i)	RFID tags not attached to a packaging item are not used for the containment, protection, handling, delivery and presentation of a good from the producer to the user or consumer. They are information barers/transmitters and therefore do not fulfil the packaging definition of Article 3(1), first paragraph.
	Mechanical quern (integrated in a re-fillable jar)	Non-Packaging	(i)	A mechanical quern is a machine or device that reduces a solid or coarse substance into pulp or minute grains by crushing, grinding, or pressing: e.g. a mechanical quern integrated into a pepper mill. When mechanical querns are integrated in a re-fillable jar (e.g. pepper mill), they form an integral part of the product (e.g. pepper mill) and they are intended to be used, consumed or disposed of together with it. In this case, the pepper mill is sold as a product in itself, which is designed to be re-filled and re-used in the future. Therefore, mechanical querns integrated in a re-fillable jar are to be considered as non-packaging in light of criteria (i) of the packaging definition.



	Plastic foil for cleaned clothes in laundries	Packaging	(ii)	Plastic foil is used to wrap cleaned clothes in laundries. It is used for containment, protection, handling and presentation of cleaned clothes at the moment of their delivery (purchase of the cleaning service) to the user or the consumer and therefore fulfil the packaging definition of Article 3(1), first paragraph. The plastic foil does not form an integral part of clothing and it is not intended to be used, consumed or disposed of together with the clothing – it will be removed before the clothing is used and disposed of separately. Furthermore, such foil is designed and intended to be filled at the point of sale (a cleaning service) and therefore constitutes packaging within the meaning of criterion (ii) of the packaging definition.
	Reusable steel and plastic cylinder used for various kinds of gas	Packaging	(ii)	Reusable steel and plastic cylinders are used for the containment, protection, handling, delivery and presentation of a good from the producer to the user or consumer and therefore fulfil the packaging definition of Article 3(1), first paragraph. They do not form an integral part of a product and are not intended to be used, consumed or disposed of together with the gas – they are refilled or disposed of once the gas is used. Reusable plastic and steel cylinders are designed and intended to be filled at the point of sale and therefore constitute packaging within the meaning of criterion (ii) of the packaging definition.
	Wrapping paper (sold separately)	Non-Packaging	(ii)	Wrapping paper sold separately to the final user is not used for the containment, protection, handling, delivery and presentation of a good at the moment of purchase, from the producer to the consumer. The wrapping paper is in fact sold as a product in itself and it is packed in its own packaging. Furthermore, it is not intended to be filled at the point of sale. Therefore, wrapping paper sold separately to the final user, shall be considered non-packaging pursuant to criterion (ii) of the packaging definition.
	Paper baking cases (sold empty, without a cake inside)	Non-Packaging	(ii)	Empty paper baking cases sold separately to consumers with an intention to contain, support or preserve cakes in the future, are not used for the containment, protection, handling, delivery and presentation of a good from the producer to the user or consumer and therefore do not fulfil the packaging definition of Article 3(1), first paragraph. They are also not intended to be filled at the point of sale. Therefore, empty paper baking cases sold separately to the final user shall not be considered to be packaging pursuant to criterion (ii) of the packaging definition.
	Cake dollies (sold without a cake)	Non-Packaging	(ii)	Cake dollies sold separately to the final user are not used for containment, protection, handling, delivery and presentation of a good at the moment of purchase, from the producer to the consumer and therefore do not fulfil the packaging definition of Article 3(1), first paragraph. They are also not intended to be filled at the point of sale. Therefore, empty cake dollies sold separately to the final user shall be considered as non-packaging pursuant to criterion (ii) of the packaging definition.
	RFID tags attached to a packaging item	Packaging	(iii)	If RFID tags are hung directly on, attached, integrated or connected to a packaging item they fulfil the criterion (iii) of Article 3(1) of the packaging definition, representing a part of packaging onto which it is integrated.
	Mechanical quern (integrated in a non-refillable jar, filled with a product)	Packaging	(iii)	A mechanical quern is a machine or device that reduces a solid or coarse substance into pulp or minute grains by crushing, grinding, or pressing: e.g. a pepper mill. When mechanical querns are integrated in a non-refillable jar filled with a product (e.g. pepper mill filled with pepper), they are ancillary elements integrated into packaging and they shall be considered to be part of the packaging into which they are integrated. In this case, the product sold is the pepper and the pepper mill is the packaging used for the containment, protection, handling, delivery and presentation of the pepper. Therefore, mechanical querns integrated in a non-refillable jar, filled with a product are to be considered as packaging in light of criteria (iii) of the packaging definition.