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STATUTORY INSTRUMENTS

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**2006 No. 1492**

**ENVIRONMENTAL PROTECTION**

**The Packaging (Essential Requirements)  
(Amendment) Regulations 2006**

<i>Made</i>	- - - -	<i>2nd June 2006</i>
<i>Laid before Parliament</i>		<i>7th June 2006</i>
<i>Coming into force</i>	- -	<i>1st July 2006</i>

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> relating to the management of packaging and packaging waste.

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 2(2) of that Act.

**Citation and commencement**

1. These Regulations may be cited as the Packaging (Essential Requirements) (Amendment) Regulations 2006 and shall come into force on 1st July 2006.

**Amendments to the Packaging (Essential Requirements) Regulations 2003**

2.—(1) The Packaging (Essential Requirements) Regulations 2003<sup>(3)</sup> are amended as follows.

(2) In regulation 2(2), in the definition of packaging, for paragraph (i) substitute—

“(i) items shall be considered to be packaging if they 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;”.

(3) In regulation 6(3)(b), delete the words “on or before 30th June 2006,”.

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(1) [S.I. 1996/266](#).

(2) [1972 c. 68](#).

(3) [S.I. 2003/1941](#), amended by [SI2004/1188](#).

2nd June 2006

*Sainsbury of Turville*  
Parliamentary Under-Secretary of State for  
Science and Innovation  
Department of Trade and Industry

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Packaging (Essential Requirements) Regulations 2003 (S.I. 2003/1941) as amended by S.I. 2004/1188, which implemented Articles 9 and 11 of Directive 94/62/EC of the European Parliament and the Council on packaging and packaging waste (O.J. No. L365, 31.12.94, p.10) (“the 1994 Directive”), as amended by Directive 2004/12/EC (O.J. No. L47, 18.2.04, p.26) (“the 2004 Directive”), Commission Decision 1999/177/EC (O.J. L056, 4.03.98, p.47), Commission Decision 2001/171/EC (O.J. L062, 2.03.01, p.20) and Commission Decision 2006/340/EC (O.J. No. L125 12.05.06, p.43) amending Decision 2001/171/EC.

Regulation 2(2) amends the definition of packaging to reflect the wording in the 2004 Directive.

Regulation 2(3) removes the date of 30th June 2006 for the expiry of the derogation for glass packaging in relation to the heavy metal concentration levels established in the 1994 Directive, which was set by Commission Decision 2001/171/EC, in accordance with Decision 2006/340/EC prolonging the validity of conditions for a derogation for glass packaging in relation to those levels.

A regulatory impact assessment (“RIA”) has not been produced in relation to regulation 2(2) as the impact of this regulation on business is negligible. As regards regulation 2(3) an RIA submitted in July 2003 for the derogation for glass packaging established by Commission Decision 2001/171/EC does not need to be revised. A revised transposition note (“TN”) has been prepared. A copy of the RIA and TN are available from Science and Innovation Group, Department of Trade and Industry, 151 Buckingham Palace Road, London SW1 9SS. Copies of these documents have been placed in both Houses of Parliament.