

# DECISION TREE: PACKAGING OR PRODUCT



## Introduction

This document provides a decision tree for Brand Owners to utilise, and to further support the Australian Packaging Covenant Organisation's (APCO) interpretation of the definition of 'packaging' versus 'product'. The definition of consumer packaging, which APCO refers to, is set out in the [Australian Packaging Covenant](#). The definition laid out in that document is in accordance with the [National Environment Protection \(Used Packaging Materials\) Measure 2011](#) (NEPM) definition of consumer packaging which states, *"all packaging products made of any material, or combination of materials, for the containment, protection, marketing or handling of retail consumer products. This also includes distribution packaging that contains multiples of products intended for direct consumer purchase."*<sup>1</sup>

APCO has consulted with APCO Members and key stakeholders in the development of this decision tree, including guidance by the Environment Agency UK on what is and is not packaging.<sup>2</sup> APCO continues to develop approaches to support the achievement of the [2025 National Packaging Targets](#). This document supports the 100% reusable, recyclable or compostable packaging Target. Currently, 14% of packaging in Australia is non-recyclable or has poor recyclability by design.<sup>3</sup> The decision tree will inform APCO's strategy on improving recyclability of packaging by aiding with identifying packaging from the non-recyclable materials in the waste stream.

## Limitations

This decision tree has limited use for medicine and medical devices. There is existing policy set out in the [Therapeutic Goods Act 1989](#) defining packaging for these products.<sup>4</sup> It is important that there is consistency in definitions of packaging in this context. While packaging for medicine and medical devices is covered by the NEPM, it may also be regulated by the Therapeutic Goods Administration (TGA) – Members should seek their own legal advice on this.

There may be other compliance and safety regulations that are enforceable on packaging requirements for other types of products, and this decision tree has limited use to components under those regulations.

## Considerations when using the decision tree

✱ Reusable packaging is defined as packaging which proves its capability of accomplishing a minimum number of trips (or reuse cycles) within its lifecycle, in a purposefully designed system of reuse. Importantly, reusable packaging must be used again in the same application for which it was originally designed.

Repurposing is often confused with reuse – for example, a rubber band used to hold vegetables or a glass jar, can both be kept by a consumer and repurposed to hold other items; however, they are not in a purposefully designed system of reuse, designed for the same application. While still a great opportunity to ensure an item does not go directly to the landfill or recycling bin, it is important to understand the difference. An item that can be repurposed but ultimately must go to landfill at end-of-life does not meet the 100% reusable, recyclable, compostable packaging 2025 National Packaging Target.

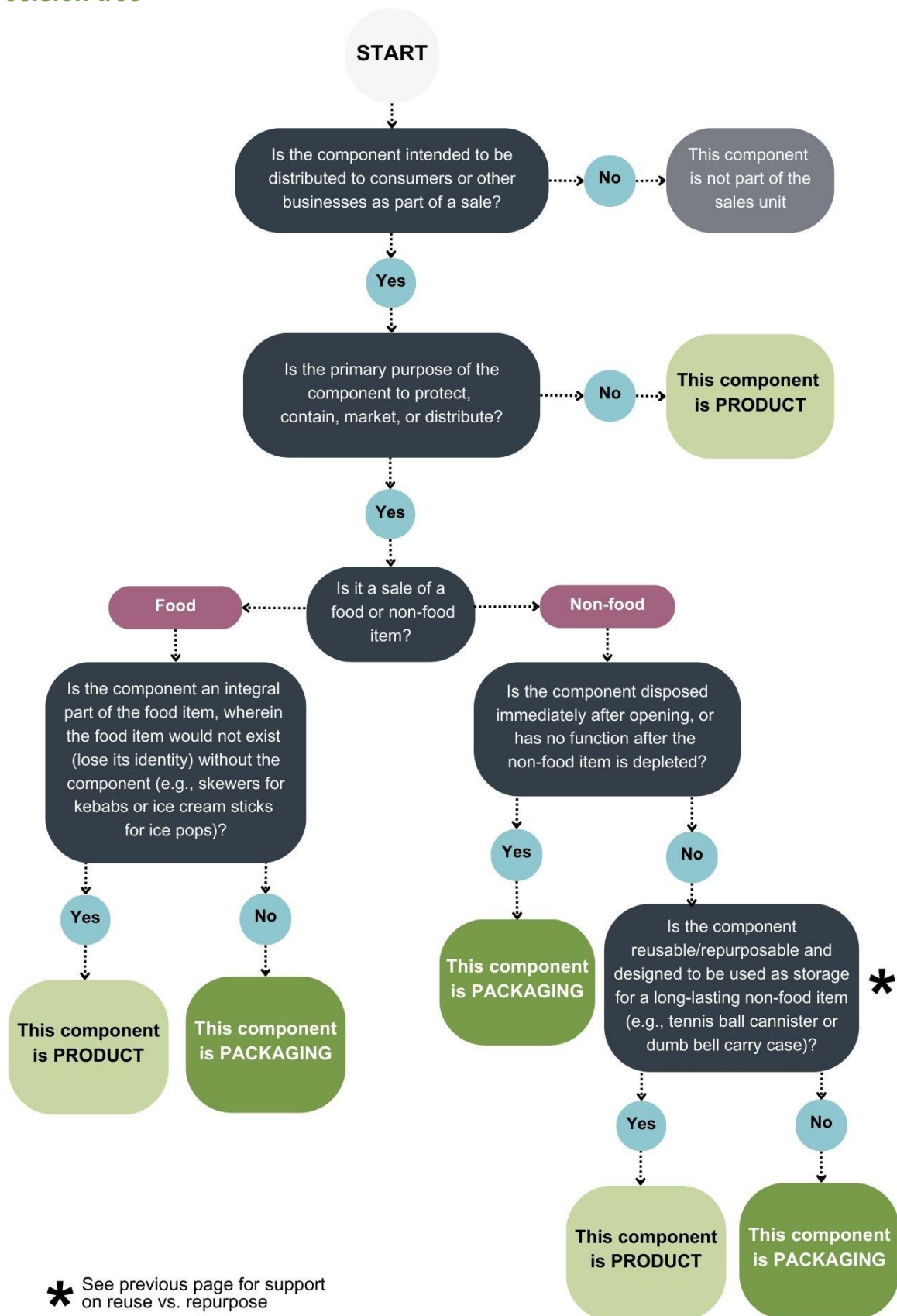
<sup>1</sup> Australian Government, 2011. National Environment Protection (Used Packaging Materials) Measure 2011. Available at: <https://www.legislation.gov.au/Details/F2011L02093>

<sup>2</sup> Environment Agency, 2021. Positions and technical interpretations: producer responsibility for packaging.

<sup>3</sup> Australian Packaging Covenant Organisation, 2023. Australian Packaging Consumption and Recovery Data 2020-21. Available at: <https://documents.packagingcovenant.org.au/public-documents/Australian%20Packaging%20Consumption%20And%20Recovery%20Data%202020-21>

<sup>4</sup> Australian Government, 2021. Therapeutic Goods Act 1989. Available at: <https://www.legislation.gov.au/Details/C2021C00376>

## Decision tree



## Disclaimer

The Australian Packaging Covenant Organisation Ltd (APCO) and the contributing authors have prepared this document with a high-level of care and thoroughness and recommend that it is read in full. This document is based on generally accepted practices and standards at the time it was prepared. It was prepared in accordance with the scope of work and for the purpose outlined in the project brief. The method adopted, and sources of information used are outlined in this document, except where they were provided on a confidential basis. This document has been prepared for use by APCO, and only other third parties who have been authorised by APCO. APCO and the contributing authors are not liable for any loss or damage that may be occasioned from directly or indirectly using, or relying on, the contents of this publication. This report does not purport to give legal or financial advice. No other warranty, expressed or implied, is made as to the professional advice included in this report.



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