

Brussels, 18 November 2024

Call for Clarity on:

**The provisional agreement on the proposal for a Regulation
of the European Parliament and of the Council
on packaging and packaging waste,
amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904,
and repealing Directive 94/62/EC**

The signatories representing the postal, express integrator, transport and logistic sectors welcome the agreement on the EU's proposal to replace the existing Packaging and Packaging Waste Directive with a new, and directly applicable regulation. Specifically, efforts to secure a more harmonised framework on packaging and packaging waste while also ultimately reducing the volume of packaging waste provides a clear and important direction to European operators, and to the rest of the world. Nonetheless, and due to the inherent complexity of the framework further clarity is required in a number of areas to ensure compliant implementation, and the attainment of the framework's goals.

Definitions

Further clarity and guidelines are needed for definitions included within the Packaging and Packaging Waste Regulation (PPWR) framework. Given their broad nature, a number of questions and operational uncertainty remains, making initial identification of obligations and responsibilities, in addition to assessments for implementation preparations, difficult. For example, broad definition relating to importers, manufacturers, producers and other outlined responsible parties make the assessment of respective obligations a challenge. Moreover, broad definitions of transport packaging also do not account for the complexity and range of solutions offered by the transport industry. Without further support in this area, operators will be unnecessarily exposed to the risk of penalties that are due to be established in each Member State level as per article 68 of the consolidated text.

Reuse Targets

Secondly, the signatories to this paper support the European Commission's communication that it will investigate a possible exemption for plastic pallet wrapping under PPWR; however, the swift commencement, and subsequently finalization, of the investigation is strongly urged. Plastic pallet wrapping plays a significant role within transport operations, and whilst efforts are ongoing into finding reusable solutions, it is notably difficult to do so. Therefore, it is of the utmost importance that companies have the operational clarity on whether such packaging is exempted from reuse targets to allow for the maximum preparation time should it be deemed that no exclusion is permitted.

Harmonization

As outlined previously, efforts made under PPWR to reduce fragmentation in the area of packaging waste are warmly welcome by industry. Any reduction in fragmentation reduces costs and administrative burden for operators, and as such should remain a focus of any EU regulatory framework. Whilst for the most part the PPWR represents a significant improvement in harmonization, some concerns remain. For example, under reuse targets, it is possible for Member States to increase reuse targets for economic operators to ensure their national targets are met. In this respect, a harmonized framework of targets should remain a priority.

Specifically, the harmonization of labelling requirements is a particular success within the revised framework, reducing existing uncertainty currently created by diverging Member State legislation. Innovative solutions such as the creation and use of a standard pictogram highlighting key information for end users is also well received by the undersigned parties. Nevertheless, further consideration and guidance is required in relation to the availability and timing of some of the information required as part of provisions under article 12 (5) of the consolidated text. Specifically, in some cases it would not be possible to provide information regarding reusable transport packaging to end-users before the purchase of the product due to complexity within transport networks; such complexities must still be considered. Furthermore, Member States also maintain the possibility to introduce requirements for national logos for packaging included within extender producer responsibility schemes. Such possibilities increase the likelihood of fragmentation and provide significant barriers to the streamlined purchasing of packaging, and as such should be avoided.

Customs Facilitations for Reusable Packaging

To ensure the overarching success of PPWR in reducing packaging waste, and to facilitate the use of reusable packaging within international supply chains, further consideration must be given to PPWR's impact on the EU's customs rules. Particularly, an enhanced customs regime in order to facilitate and encourage the movement of empty packaging designed for reuse must be seriously considered. The ongoing revision of the Union Customs Code (Regulation (EU) (952/2013) (UCC) provides an opportunity to future-proof the EU customs regime in relation to reusable packaging. We therefore call for measures to be included within the revision of the UCC to account for the facilitated clearance of reusable packaging.

Nonetheless, it is also understood that current rules and systems under the UCC will still be in place for the medium-to-long term and as such a solution must be found in the current regulatory framework. Currently, the clearance of empty packaging for individual consignments using an oral declaration is currently only allowed. Some Member States allow authorization for the use of an oral declaration to clear empty packaging in bulk, this is not widespread practice, and therefore fragmented. The undersigned parties therefore encourage a revision of customs guidance documentation in light of PPWR, strongly advocating the allowance of oral declarations by Member States for reusable packaging. Such an approach could also be supplemented via a European Commission communication campaign to highlight the possibility to utilize such as solution. Simplified data sets and simplified declarations

should also be explored to match the ambitious of the proposed PPWR and truly ensuring that trade with the EU from 3rd countries is as sustainable as possible – without facilitations, general customs rules would apply and ultimately result in non-tariff barriers for trade.

Conclusion

The signatories welcome and support efforts to develop and conclude a more harmonized and ambitious framework for the EU's packaging and packaging waste regime. Ultimately, the PPWR represents a significant opportunity to harmonize rules and processes in this area, whilst reducing packaging waste, and accelerating the development of sustainable packaging. However, the complexity of the file warrants the development of thorough European Commission guidelines to support the implementation of the new rules, and to ensure compliance.

About signatories

PostEurop is the association which represents European postal operators since 1993 and is officially recognised as a Restricted Union of the [Universal Postal Union \(UPU\)](#). It is committed to supporting and developing a sustainable and competitive European postal communication market accessible to all citizens and ensuring a modern and affordable universal service. Its 53 Members employ 1.6 million people and deliver billions of items annually to over 295 million homes and 48 million companies across Europe.

European Association for Forwarding Transport Logistics and Customs Services (CLECAT) represents the interests of more than 19.000 companies employing in excess of 1.000.000 staff in logistics, freight forwarding and customs services. Multinational, medium and small freight forwarders and Customs agents are all within its membership, making the organisation the most representative of its kind.

European Express Association (EEA) represents express delivery companies and associations, both large and small, in Europe. By communicating on behalf of the express industry with one single voice, the EEA works to ensure that policy-makers fully understand the challenges we face as an industry and as a result, that policy is implemented in a way which maximises the benefits for all involved.

European Shippers' Council (ESC) is a non-profit European organisation representing cargo owners i.e. freight transport interests of around 100.000 companies throughout Europe, whether manufacturers, retailers, wholesalers (import and export, intercontinental). Collectively they are referred to as 'shippers' as neutral user of transport (all modes: air; road, rail, waterborne).