

Call for correction of unintended legal contradiction: Paragraphs 1-3 of Article 26 of the Regulation on packaging and packaging waste

The signatories of this letter recognise that the provisional agreement on the Regulation on packaging and packaging waste foresees a usage target of 40% for re-usable packaging for transport and sales packaging for transport (Article 26, paragraph 1). However, **we would like to alert you to the fact that the reorganisation of the reusable quotas for these types of packaging in the B2B context (Article 26, paragraphs 2-3) results in a - possibly unintended - requirement for sales packaging for transport to become 100% reusable!**

Given that paragraphs 2 and 3 from Article 26, derogate from the general quota of 40% usage in paragraph 1, this quota would no longer apply in a B2B situation. Instead, *all* transport packaging and sales packaging for transport that is used in a B2B context within a Member State and between locations of the same company in the EU (Article 26, paragraphs 2 and 3) will have to be re-used.

This leads to problems for businesses in the application of the new rules as certain transport packaging, like pallet wraps and pallet straps, cannot technically be reused “for the same purpose” as required by the definition of “reuse” in the Regulation, these amendments would therefore result in a practical ban of this type of transport packaging. This is problematic as no suitable reusable alternatives exist. This would mean that adequate transport and product protection as well as pallet stability could no longer be guaranteed.

In addition, the application of this requirement, for sales packaging used for transport, means that this type of packaging will, de facto, have to become 100% re-usable by 2030, irrespectively of whether it is used in a B2B or B2C context. This presents problems as companies, other than the manufacturer, cannot repackage these products before they are sold to consumers. In addition, it would be too expensive for manufacturers to repackage these products into recyclable packaging before delivering them to distributors, the products will have to be sold to consumers in their reusable sales packaging. This would cause serious complications with the collection of this packaging from consumers, particularly for large (household) products, and render the “reuse for the same purpose”, as required by the definition of reuse, impossible.

We believe that these effects are unintended since the original proposal of the EU Commission, as well as the general approach of the Council and the position of the European Parliament, all foresaw much lower targets for certain types of packaging that are now consolidated in paragraph 1. Both the Parliament and the Council called for a 30% target for transport or sales packaging used for transportation within the territory of the Union in the form of pallets, plastic crates, foldable plastic boxes, pails or drums, and for a 10% target for transport packaging within the territory of the Union for stabilisation and protection of products put on pallets during transport, including, but not limited to, pallet wrappings or straps.

On the basis of the above, and given that these are likely unintended effects, we urge you to call for a correction to ensure that the derogations of article 26 2) and 3) do not apply to sales packaging used for transport and for transport packaging for which no adequate reusable alternatives exist, such as for pallet wraps and pallet straps.

We thank you in advance for your attention and respectfully request the opportunity to meet with you, at your earliest convenience, to discuss these matters further.

Yours sincerely,



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Director General, EuroCommerce



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Director General, Independent Retail Europe

About EuroCommerce

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[Independent Retail Europe](#) is the European association that acts as an umbrella organisation for groups of independent retailers in the food and non-food sectors. Our members are groups of independent retailers, associations representing them as well as wider service organizations built to support independent retailers. Independent Retail Europe represents 23 groups and their 462.000 independent retailers, who manage more than 737.000 sales outlets, with a combined retail turnover of more than 1,385 billion euros and generating a combined wholesale turnover of 604 billion euros. This represents a total employment of around 6,4 million persons. Find more information on our [website](#), on [X](#), and on [LinkedIn](#).