

Packaging and packaging waste – rules on national registers of producers

While the EU Packaging and Packaging Waste Regulation (PPWR) certainly contains many sensible measures to tackle the pressing concern regarding packaging waste, the proposed rules regarding the registration and reporting formats do not address the highly problematic issues caused by the regulation. Risks persist when it comes to damaging the European Single Market due to needless complexity and fragmentation, which still need to be addressed. In the specific case of print publications, it will also damage Europe's cultural diversity and democratic resilience by jeopardising the economic viability of their circulation across borders. Small and micro enterprises will be subject to outsized bureaucratic and financial burdens, while at the same time, any company dealing with small packaging quantities will find itself in the position of debating whether to end shipping across borders entirely. If these effects are not avoided, European competitiveness will be damaged.

The decision to forego the setting up of a joint, EU-wide reporting body and instead forcing companies to register separately in each EU country will impose upon all companies which ship orders to consumers a significantly increased workload, both in registration and reporting, in addition to generating one-off and recurring costs. With a few exceptions, all companies are currently required to report shipments, regardless of size, starting with the first paper envelope or small box sent to another EU country.

In the current situation, with high entry and licensing costs, recurring fees and no *de minimis* thresholds, a small publisher sending a low volume of publications to consumers across a number of EU Member States might end up having to register independently in a dozen or more countries (possibly 26) and submit annual reporting to each of them. To make things more complicated, some Member States require the engagement of an authorised representative, while others also require notarisation, which will usually double the basic costs per country. Moreover, the costs for each country vary widely, and include both one-off and recurrent fees, which may amount to several thousand euros – even for a company which may need to pay just a few euros (or even less) in actual fees for the packaging they effectively use. In some cases, the base costs exceed the pure licensing costs for the packaging involved by a factor of 6,000.

These problems are common to businesses across the continent and will ultimately force them to halt the shipping of their products to customers in various EU countries.

To prevent these unintended consequences, we ask that the following steps be considered:

- **Establishing a Joint Reporting Body**
 - Establishing a joint reporting body is essential, like the existing *One-Stop Shop* system for VAT reporting on supplies to private individuals in other EU countries to encourage further harmonisation, simplification and digitalisation.
- **Setting up *de minimis* thresholds based on packaging quantities and company size**
 - *De minimis* thresholds should be set regarding packaging quantities, irrespective of company size, to avoid the decreased circulation of goods across borders due to financial and bureaucratic burdens.
 - *De minimis* thresholds should also apply based on the size of companies, with an exemption for micro-enterprises and simplified requirements for small ones, which are the most vulnerable to seeing their businesses disproportionately affected by the reporting requirements and additional fees.
- **Cutting requirements on EPR schemes**
 - For EU-based companies, onerous and costly authorised representative requirements should be removed from EPR schemes. These include, for example,

obligations requiring producers to appoint authorised representatives in member states where they are not established but still place goods on the market. Furthermore, reporting obligations should be once again proportionate to company size and resources, with simplified reporting for smaller enterprises and exemptions for microenterprises.

- **Introducing a moratorium on the entry into force of the PPWR**

- A moratorium would allow companies enough time to prepare for legal compliance, essential to avoid operational chaos and ensure that businesses can meet requirements without facing unreasonable burdens, as well as to avoid disruptions to trade across member states.

These demands are not made from a desire to evade responsibility, on the contrary: we are calling for adequate space and breathing room for businesses to establish sustainable practices at a realistic pace, according to their resources, instead of pushing them out of the market. We are not rejecting the sustainability goals of the PPWR, but we are instead demanding a more phased, practical, proportionate and legally secure approach to its enforcement. Pragmatic solutions for the internal market should be pursued, while simultaneously introducing corrections for smaller businesses as well as smaller volumes of packaging being shipped across borders.

We are always available in case of any doubts or questions and thank you in advance for your consideration of this pressing issue faced by the European book sector.

Kind regards,

The European and International Booksellers Federation (EIBF) and the Federation of European Publishers (FEP)

Who are we?

About EIBF: The European and International Booksellers Federation (EIBF) is a Brussels-based non-commercial organisation that serves as the voice of booksellers at a European level and on the global stage. Through its members, national booksellers' associations, EIBF represents the interests of booksellers of all types, from brick and mortar and independent bookshops to online booksellers and chains.

About FEP: The Federation of European Publishers (FEP) is the umbrella association of book publishers in the European Union and the voice of the great majority of publishers in Europe. FEP represents 31 national associations of publishers of books, learned journals and educational materials of the European Union, the European Economic Area and other European countries.