

Proposal for a Packaging and Packaging Waste Regulation (2022/ 0396 (COD))

Clarification note

Sales versus Transport packaging

[SEFA](#) is the leading organisation representing Europe's steel drum industry. Our members specialise in manufacturing steel drums and a diverse range of industrial sales packaging for various sectors, including lubricants, chemicals, agrochemicals, and food. In this explanatory note we wish to clarify and visualise that **drums, canisters, pails and IBCs are sales packaging, and not transport packaging.**

The Commission's proposal for the PPWR states in **recital 10** that it aims to ensure legal clarity, by restructuring the definition of packaging outlined in the previous Directive 94/62/EC. Here, it recommends establishing distinct definitions for sales packaging, grouped packaging, and transport packaging, **eliminating any unnecessary repetition of terminology.** Regardless, Article 26 of the forthcoming PPWR includes in paragraphs (7), (12), and (13) references to drums, canisters, pails, and IBCs as examples of transport packaging. Consequently, **this creates legal uncertainty** for the steel drum manufacturing industry. **We therefore call for the removal of any references to drums, canisters, pails and IBCs from these paragraphs to ensure legal clarity in the forthcoming regulation.** As it stands, the definitions in **Article 3** read as follows:

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| (2) 'sales packaging' | means packaging conceived so as to constitute a sales unit consisting of products and packaging to the final user or consumer at the point of sale; |
| (3)' grouped packaging | means packaging conceived so as to constitute a grouping of a certain number of sales units at the point of sale whether the latter is sold as such to the end user or it serves only as a means to replenish the shelves at the point of sale or create a stock-keeping or distribution unit, and which can be removed from the product without affecting its characteristics; |
| (4)transport packaging | means packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent physical handling and transport damage; |

Sales packaging is typically characterised by the fact that it comes in **direct contact with its content** (CEN standard EN 14182), the filling product. In the case of drums, these products can be liquid, solid or pasty products, or industrial products such as chemicals and hazardous substances. Sales packaging protects the filled product, ensures its shelf life and – in case of dangerous goods – **protects the environment against the filling product.** Given the above, a soda can, a food can or a steel drum are to be seen similarly, as they are all sales packaging. Please have a look at the visualisation below.

Visualisation of sales, grouped and transport packaging

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|  | <p>Sales Packaging (primary) : steel drum Grouped packaging (secondary) : wrapping foil Transport packaging (tertiary) : wooden pallet</p> |
|  | <p>Sales Packaging (primary) : soda can Grouped packaging (secondary) : wrapping foil and carton tray Transport packaging (tertiary): the pallet</p> |
|  | <p>Sales Packaging (primary) : food can Grouped packaging (secondary) : wrapping foil and carton tray Transport packaging (tertiary): transported on a pallet (not in the picture)</p> |