

Brussels, 17th September 2020

To: Ursula von der Leyen, President of the European Commission

CC:

Frans Timmermans, Executive Vice-President in charge of the European Green Deal

Thierry Breton, Commissioner for the Internal Market

Virginijus Sinkevičius, Commissioner for the Environment, Oceans and Fisheries

Re: Protecting the integrity of the Single Market for packaging and packaged goods to deliver on the Green Deal and circular economy

Dear President von der Leyen,

EUROPEN - The European Organization for Packaging and the Environment - wishes to congratulate you on your State of the Union address and to thank you for confirming your strong commitment to the Single Market.

We share your views that the Single Market cannot be taken for granted. We also believe that a well-functioning Single Market is essential to achieve a Green Recovery and build a competitive and sustainable Europe. The scale of the Single Market is a key driver for investments in innovative technologies and products. The European packaging value chain relies on the integrity of the Single Market to make the sustainable investments needed to enable the transition towards a circular economy.

Yet we note with concern the progressive erosion of the Single Market for packaging and packaged goods, due to the uneven transposition of EU laws¹ by the Member States. This is resulting in a proliferation of disparate national measures, which risk creating real obstacles to the free movement of packaging and by extension, packaged goods, including food, medicines and other essential goods.

These concerns are expressed in more detail in the joint industry statement, enclosed with this letter, which we have issued alongside 58 European and national organisations in representation of the European packaging value chain.

Together with the signatories of the joint statement, we are calling on the Commission and on Member States to prioritise the defense of the Single Market as the key ingredient of the European Green Deal and economic recovery.

¹ Revised Packaging and Packaging Waste Directive (PPWD), revised Waste Framework Directive (WFD), Single Use Plastics Directive (SUP).

In particular, we call on the European Commission to:

1. Ensure that the Internal Market legal basis (Article 114 TFEU) is maintained in the upcoming review of the Packaging and Packaging Waste Directive, to protect the free movement of packaging and packaged goods across the EU.
2. Ensure a predictable legal environment with common EU rules on packaging and packaged goods that are transposed, implemented and enforced uniformly. This requires enshrining core principles, targets and clear definitions in the body of the legislation or its implementing acts, thus preventing diverging national measures from occurring in the first place.
3. Systematically intervene against any national provisions on packaging and packaged goods that fail to comply with Single Market principles.
4. Duly screen national transposition measures to ensure that they are adequate, proportionate to the objective of EU legislation, and do not create undue restrictions to free movement or cause unfair market distortions.

We have sent the joint statement also to Minister Altmaier, in view of the upcoming discussion on deepening the Single Market during tomorrow's Competitiveness Council meeting.

We would very much appreciate the opportunity to exchange views on this critical issue with you and your services, as well as with Vice-President Timmermans, Commissioner Breton and Commissioner Sinkevičius. Meanwhile, we thank you for your consideration and remain at your disposal for any clarifications you may need.

Yours sincerely,



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