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**Specialized Section on Standardization
of Fresh Fruit and Vegetables**

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This note presents the position of the delegation of Poland on the use of the term "packages".

**Polish comments to the document sent by UNECE Secretariat on 18 August 2010
on France request concerning mixes of varieties and definition of term *package*.**

Poland supports France request to clarify definitions of terms concerning packaging used in UNECE marketing standards for fresh fruits and vegetables and OECD Scheme for the application of these standards.

In the Article 3 of the *European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste* (OJ L 365, 31.12.1994, p.10) following definition are given:

“For the purposes of this Directive:

1. ‘packaging’ shall mean all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer. ‘Non-returnable’ items used for the same purposes shall also be considered to constitute packaging.

‘Packaging’ consists only of:

(a) sales packaging or primary packaging, i. e. packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;

(b) grouped packaging or secondary packaging, i. e. packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale; it can be removed from the product without affecting its characteristics;

(c) transport packaging or tertiary packaging, i. e. packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packagings in order to prevent physical handling and transport damage. Transport packaging does not include road, rail, ship and air containers;”

As results from comparison of the definition of term *package* used in OECD Scheme and above mention definitions from the Directive the meaning of the first term is coincident with definition (c) *transport packaging* while term *packaging* according to the Directive has broader meaning covering *transport packaging* and *sales packaging* as well. (It covers also grouped packaging which in fact is a kind of sales packaging).

Poland proposes to adapt the definition of term *package* used in OECD Scheme and UNECE standards to the definition given in the Directive. According to it *the package conceived so as to facilitate handling and transport of a number of sales units or of products loose or arranged, in order to prevent damage by physical handling and transport* – would be named *transport package* (or *packaging*). The term *transport package* would be used in these sections of Standard Layout where current term *package* does not include *sales package*, i.e. in size tolerances (section VI. B.) and general rules on marking (section VI.) (see explanations given in the document INF.52 Proposal of the Bureau to clarify/amend the Standard Layout 2009).

In these sections of SL where provisions refer to both types of packages (*transport package* and *sales package*) the term *package* could be used in the broader meaning according to the Directive. The definition of term *package* used in this context should be added.

Additional information: the term “*transport packaging*” is used in the footnote 2 in Geneva Protocol on standardization of fresh fruit and vegetables and dry and dried fruit:
“Package units of produce pre-packed for direct sale to the consumer shall not be subject to these marking provisions but shall conform to the national requirements. However, the markings referred to shall in any event be shown on the **transport packaging** containing such package units”.