

## **OPERATING RULES FOR THE TRANSPORT PACKAGING RECYCLING SYSTEM 2012**

### **INTRODUCTION**

The Operating Rules for the Transport Packaging Recycling System 2012 of the non-profit association Estonian Logistics and Freight Forwarding Association (ELFA), Estonian abbreviation ELEA VRT 2012 (hereinafter referred to as the Operating Rules), establish and supplement the rights, obligations and liabilities of the users of transport packaging, including the sellers and buyers of goods, according to the Packaging Act and environmental laws. The General Meeting of ELFA approved the Operating Rules on April 2, 2012. The Operating Rules will enter into force on May 1, 2012.

Supervision over the functioning of the Operating Rules and updating thereof is the responsibility of the Transport Packaging Committee of ELFA.

### **I APPLICATION OF THE OPERATING RULES**

#### **§ 1. Recycling system**

(1) The Operating Rules regulate the relationships of users with regard to the calculation of handling charges, the selection of the method of payment, the ownership, reception and repair of transport packaging, and other matters in the transportation process (recycling system) of standard and reusable transport packaging in public circulation. For the purposes of the Packaging Act, transport packaging used in the recycling system means tertiary packaging.

(2) Transport packaging used in the recycling system has an owner at any point of time. Unless agreed upon otherwise, transport packaging belongs to the person in possession thereof.

(3) The recycling system is based on cooperation with the handlers of transport packaging (hereinafter referred to as transport packaging centres) and recovery organisations.

#### **§ 2. Purpose of the recycling system**

(1) To create an efficient framework for the use and administration of transport packaging in public circulation and reuse.

(2) To optimise the recycling of transport packaging.

(3) To optimise the amount of transport packaging necessary for public circulation and the associated costs.

(4) To allocate costs fairly, proceeding from the principle of the occurrence thereof.

(5) To take into account requirements arising from environmental laws and the Packaging Act and to supplement these requirements.

#### **§ 3. Scope of application**

(1) By agreement, these Operating Rules may be applied by anyone with regard to standard transport packaging in public circulation and reuse, and the transportation and other kind of handling thereof within Estonia.

(2) By a separate agreement between the parties, the Operating Rules may also be applied to one-way or non-standard etc. transport packaging belonging to only one party or being in their sole possession.

**§ 4. Binding effect**

The Operating Rules are binding on parties who have agreed upon the application thereof in trade or transport contracts.

## II DEFINITIONS

**§ 5. In the Operating Rules, terms are used as follows:**

- 1) **user** –  
a person who applies these Operating Rules and uses transport packaging;
- 2) **consignor** –  
a seller, importer, packager, manufacturer or handler of goods or some other person who hands over transport packaging to the carrier for transportation with or without goods;
- 3) **consignee** –  
a seller, importer, packager, manufacturer or handler of goods or some other person who receives transport packaging from the carrier with or without goods;
- 4) **carrier** –  
a transport or logistics company or some other person transporting transport packaging;
- 5) **repairer** –  
a person authorised to repair transport packaging;
- 6) **consignment note** –  
a letter of consignment containing information which the carrier needs to transport goods from the consignor to the consignee; consignment notes include the number of transport packaging and comments;
- 7) **comment** –  
a notation made by the carrier or consignee on the consignment note regarding the non-conformity of transport packaging received for transportation or delivered to the consignee, or other circumstances which may fall under the liability of the other party;
- 8) **transport packaging** –  
a product made of any material and meant for the handling and transportation of a certain number of sales units or grouped packaging in order to prevent transport damage;
- 9) **standard transport packaging** –  
transport packaging conforming to the rules and descriptions of a party with corresponding rights; e.g. EUR-pallet or FIN-pallet;
- 10) **one-way packaging** –  
transport packaging only meant for one-time use;
- 11) **usability specification for transport packaging** –  
instructions for assessing the conformity of the condition of transport packaging to a relevant standard; usability specifications for various types of transport packaging are provided in Annex 2 to these Operating Rules;
- 12) **balance and debt of transport packaging** –  
a difference in the quantities of transport packaging sent by the consignor to the consignee and returned by the consignee, and the consequent debt;

**13) recovery organisation –**

a party organising the collection and recovery of transport packaging and transport packaging waste; the activity and accreditation of this party is subject to the Packaging Act;

**14) transport packaging centre –**

any company that follows these Operating Rules and has declared to ELFA to perform the following duties of a transport packaging centre: on the basis of corresponding authorisation, manufactures, buys, sorts, sells, rents and delivers transport packaging to users and provides or commissions repair services for transport packaging. Transport packaging centres assume personal liability for contracts and business activity before their clients and cooperation partners. By agreement with a recovery organisation, transport packaging centres may organise the recovery of transport packaging waste or the use thereof as an energy source according to the laws currently in force;

**15) Transport Packaging Committee -**

a body formed at ELFA; the users of the recycling system authorise the Transport Packaging Committee of ELFA to collect information about the functioning of the Operating Rules and prepare propositions regarding updates to the Operating Rules.

**III METHODS OF PAYMENT****§ 6. Different methods for paying for transport packaging**

(1) The consignor and the consignee of goods agree upon the handling of transport packaging and the method of paying for transport packaging in the sales contract of the goods. Unless agreed upon otherwise, transport packaging belongs to the person currently in possession thereof.

(2) When agreeing upon the method of payment, the contracting parties may also use the following alternative methods of payment:

1) option A – transport packaging is not paid for by single deliveries, but accounts over packaging is kept in a manner agreed upon by the parties. According to the agreement, the balance is settled or an invoice is presented for payment. The ownership of transport packaging and the transfer thereof is established in an agreement entered into between the consignor and the consignee of goods;

2) option B – an invoice for transport packaging is presented together with the delivery of goods. The cost of goods and transport packaging are indicated separately on the invoice. The user is the owner of transport packaging in their possession.

3) option C – the price of transport packaging is included in the price of goods indicated on the invoice. The user is the owner of transport packaging in their possession.

**IV DESCRIPTION OF THE RECYCLING SYSTEM****§ 7. Acquisition of transport packaging**

The user acquires standard transport packaging from manufacturers with a corresponding manufacturing authorisation or other users of the recycling system or transport packaging centres.

- § 8. Payment for transport packaging**  
Payment for transport packaging will take place according to options specified in § 6.
- § 9. Ownership of transport packaging**  
Ownership relations are determined according to options specified in § 6.
- § 10. Sending goods in transport packaging**
- (1) Delivery of transport packaging burdened with goods  
Transport packaging burdened with goods, i.e. loaded transport packaging, is delivered in the same manner as goods.
- (2) The use and preparation of the consignment note  
The consignor prepares a consignment note regarding the consignment where, by a special agreement with the consignee, they may also add the number and type of packaging. With regard to additional procedures that may accompany transport packaging being transported, the consignor and the consignee may enter into a special agreement which must be reflected on the consignment note.
- (3) The use and loading of transport packaging  
The consignor of goods may only use intact and standard or other transport packaging separately agreed upon. The consignor of goods assumes liability for the quality of transport packaging delivered to the consignee of goods.
- (4) Loading inspection  
The carrier must inspect the number of loaded transport packaging and comments on the consignment note on the basis of the transport contract, these Operating Rules and the usability specification. The carrier must record possible non-conformities on the consignment note.
- (5) Carriage  
The carrier transports loaded transport packaging according to the transport contract and assumes liability for the transport packaging in the same manner as for the transported goods. According to the transport contract, the carriage charge will be calculated on the basis of the estimated weight, piece price or some other aspect agreed upon.
- (6) Inspection upon reception  
The consignee of goods must inspect the delivered goods, transport packaging and information provided on the consignment note. The usability of standard transport packaging is assessed on the basis of the usability specification. If necessary, the consignee records any non-conformities on the consignment note.
- § 11. Return of empty transport packaging**
- (1) General provisions  
The return of empty transport packaging is organised according to an agreement entered into between the consignor and the consignee. The user may return transport packaging to the consignor or another user agreed upon, or sell it to a transport packaging centre. The party returning transport packaging must prepare a corresponding consignment note where they must mark the types and quantities of packaging. The consignment note will serve as the basis for paying for the packaging and calculating the carriage charge.

(2) The user may only be returned usable transport packaging. Damaged but reparable transport packaging may be sold to a transport packaging centre or the user may repair the packaging themselves, provided that they have a corresponding authorisation. The carriage charge of transport packaging and the payer thereof is determined in an agreement entered into between the parties.

(3) Liability

The consignor of transport packaging assumes liability for transport packaging delivered to the consignee. The carrier assumes liability for transport packaging during transportation according to the transport contract.

(4) Combination of transport packaging for transportation purposes

Empty transport packaging must be set ready for transportation, e.g. into heaps, in a manner and height specified in the transport contract. Transport packaging to be returned must be available for the carrier immediately at the place of loading and be packed just as other goods.

(5) Loading inspection

Empty transport packaging, e.g. heaps, loaded on the means of transport must be fixed as agreed upon. The carrier must check the conformity of the quantity and quality of empty transport packaging ready for transport to the consignment note. If necessary, the carrier must add corresponding comments on the consignment note.

(6) Carriage

The carrier transports transport packaging according to the transport contract and order. The carrier assumes liability for empty transport packaging in the same manner as for the delivered goods. According to the transport contract, the carriage charge will be calculated on the basis of the estimated weight, piece price or some other aspect agreed upon.

(7) Inspection upon reception

The consignee of transport packaging must examine empty transport packaging ready for use on the basis of the usability specification, confirm the reception and add comments on the consignment note, if necessary.

**§ 12. Repair of transport packaging**

(1) Transport packaging may only be repaired by repairers with corresponding authorisation. Transport packaging must be repaired according to the construction and repair standard specified for every type of packaging.

(2) The repairer will decide if transport packaging can be repaired according to the usability specification for transport packaging.

(3) The parties may agree upon who will deliver damaged transport packaging to repair or recovery. Transport packaging centres will not pay for transport packaging which cannot be repaired, but are authorised to collect the costs of the recovery thereof according to the contract entered into with a recovery organisation.

**§ 13. Obligations of manufacturers and users**

Operation within the recycling system is subject to the Packaging Act.

**§ 14. Settlement of disputes**

Any differences and disputes arising from the Operating Rules must be settled by means of negotiations proceeding from the laws of the Republic of Estonia. If the parties are not able to reach an agreement, disputes will be settled at Harju County Court.

## **V INFORMATION ABOUT AND AMENDMENTS TO THE OPERATING RULES**

### **§ 15. Transport Packaging Committee of ELFA**

(1) The Transport Packaging Committee operates at ELFA, while the technical servicing of the committee and the collection of necessary information is ensured by ELFA.

(2) The Transport Packaging Committee of ELFA is formed on the basis of the decision of the Management Board of ELFA for two years and with 5 to 9 members. The Management Board of ELFA appoints 4 members. The rest of the members are appointed by the users of the Operating Rules or associations of users. The duties of the Chairperson of the committee are performed by the current Chairperson of the Management Board of ELFA who will summon the committee once a year and more frequently, if necessary. The work of the committee may be subject to the work organisation adopted by the Transport Packaging Committee of ELFA.

### **§ 16. Information about the Operating Rules**

ELFA must ensure the availability of information about the Operating Rules, the members of the Transport Packaging Committee and services on its homepage [www.elea.ee](http://www.elea.ee). The homepage must also include the contact data of organisations related to the recycling system and other affiliated groups necessary for the users. The homepage of ELFA serves as a general information channel for those who have joined the recycling system.

### **§ 17. Amendments to the Operating Rules**

(1) The Transport Packaging Committee of ELFA will analyse the functioning of the Operating Rules and, if necessary, prepare propositions for the amendment thereof and present these propositions via the Management Board of ELFA to the General Meeting for approval.

(2) ELFA will publish the Operating Rules together with amendments thereto on its homepage. The amendments will enter into force within 3 months as of the publication thereof.

### **§ 18. Annexes to the Operating Rules**

Annexes include the following:

- 1) activity scheme;
- 2) usability specification for transport packaging.