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A9-0319/ 001-341

AMENDMENTS 001-341

by the Committee on the Environment, Public Health and Food Safety

Report

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A9-0319/2023

Packaging and packaging waste

Proposal for a regulation (COM(2022)0677 – C9-0400/2022 – 2022/0396(COD))

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

Amendment

(1) Products need packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause additional cost to the economic operators.

(1) Products need **appropriate** packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause **uncertainty and** additional cost to the economic operators.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) In addition, packaging uses high amounts of virgin materials (40 % of plastics and 50 % of paper use in the Union

(2) In addition, packaging uses high amounts of virgin materials (40 % of plastics and 50 % of paper use in the Union

is for packaging) and represents 36 % of municipal solid waste³⁰. High and constantly growing levels of packaging generated as well as low levels of re-use and poor recycling, present significant barriers to achieving a low-carbon circular economy. For these reasons, this Regulation should establish rules over the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health. By laying measures in line with the hierarchy of waste, it should contribute to the transition to a circular economy.

³⁰ Eurostat, Packaging waste statistics: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics

is for packaging) and represents 36 % of municipal solid waste³⁰. High and constantly growing levels of packaging generated as well as low levels of re-use **and collection** and poor recycling, present significant barriers to achieving a low-carbon circular economy. For these reasons, this Regulation should establish rules over the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health. By laying measures in line with the hierarchy of waste, it should contribute to the transition to a circular economy.

³⁰ Eurostat, Packaging waste statistics: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics

Amendment 3

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) In line with the Green Deal³³, the new Circular Economy Action Plan (CEAP)³⁴ commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials **and** introduce requirements for recycled content in plastic packaging. **It** commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.

Amendment

(5) In line with the Green Deal³³, the new Circular Economy Action Plan (CEAP)³⁴ commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials, introduce requirements for recycled content in plastic packaging, **and assess the need for recycled content requirements for packaging made of materials other than plastic. It highlights the necessity to reduce food waste and**

encourages circular approaches to the use of water and commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.

³³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

³⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter

³³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

³⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter

Amendment 4

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) This Regulation is in line with the objectives set out in ...[the forthcoming directive on environmental claims (2023/0085(COD))], and ...[the forthcoming directive on empowering consumers in the green transition (2022/0092(COD))]. It aims to promote and support substantiated alternatives for more sustainable packaging solutions.

Amendment 5

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal

(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal

behaviour of consumers regarding tea and coffee bags *as well as coffee or tea* system *single-serve units*, which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council⁴¹. Furthermore, to ensure coherence regarding end-of-life financial and operational obligations, also all coffee or tea system single-serve units necessary to contain coffee or tea should be treated as packaging.

⁴¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

behaviour of consumers regarding tea and coffee bags *or soft after-use* system which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council⁴¹. Furthermore, to ensure coherence regarding end-of-life financial and operational obligations, also all coffee or tea system single-serve units necessary to contain coffee or tea should be treated as packaging.

⁴¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 6

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, *especially*

Amendment

(12) In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, *in*

in plastic packaging where the uptake of recycled content is very low, **as well as higher** recycling rates for all packaging and **high** quality of the resulting secondary raw materials while reducing other forms of recovery and final disposal.

particular in plastic packaging where the uptake of recycled content is very low, **by strengthening high-quality recycling systems, thereby increasing** recycling rates for all packaging and **improving the** quality of the resulting secondary raw materials, while reducing other forms of recovery and final disposal.

Amendment 7

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) In line with the waste hierarchy which places waste disposal through landfills as the least preferred option, the measures provided for under this Regulation should be complemented by a review of Council Directive 1999/31/EC^{1a} with the aim to accelerate the phasing-out of landfill of packaging waste.

^{1a} Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

Amendment 8

Proposal for a regulation Recital 13

Text proposed by the Commission

Amendment

(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed.

(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use **as many times as possible** or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed. **The Commission should be empowered the power to adopt acts in accordance with Article 290 of the Treaty**

on the Functioning of the European Union in order to supplement this Regulation by establishing a minimum number of rotations for reusable packaging in specific packaging categories.

Amendment 9

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Per- and polyfluorinated alkyl substances (PFASs) are a large family of more than 4 700 man-made chemicals in accordance with 2018 OECD definitions^{1a}. Since their emergence in the late 1940s, PFASs have been used in an increasingly wide range of consumer products and industrial applications, from food packaging and clothing to electronics, aviation and firefighting foams. They are used for their ability to repel grease and water, as well as for their high stability and resistance to high temperatures, due to their carbon-fluorine bond. That bond is also responsible for their extreme persistence in the environment. Exposure to the most studied PFASs has been associated with a range of adverse health effects^{1b}, including thyroid disease, liver damage, reduced birth weight, obesity, diabetes, hypercholesterolaemia and reduced response to routine vaccinations, as well as increased risk of breast, kidney and testicular cancer.

Amendment 10

Proposal for a regulation Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) On 27 May 2020, Denmark published Order No. 681 of May 25, 2020 'Executive Order on Food Contact Materials and Penal Code for Violation of Related EU Acts' in its Official Gazette (Lovtidende A) to prohibit PFASs chemicals in food contact paper and board materials and articles. Following that example, in light of the health and environmental emergency represented by PFASs and awaiting ECHA's opinion on a wider ban on PFASs for all packaging and for other sectors all paper, cardboard food packaging containing intentionally added PFASs should not be placed on the Union market.

Amendment 11

Proposal for a regulation Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) Bisphenol A (BPA) is a chemical compound used in the manufacture of materials that come into contact with food, such as reusable plastic tableware or linings for cans, mainly as a protective layer. BPA residues can migrate into food and drink and be ingested by consumers. BPA from sources other than food, including thermal paper, cosmetics and dust, can be absorbed through the skin and by inhalation.

Amendment 12

Proposal for a regulation Recital 15 d (new)

Text proposed by the Commission

Amendment

(15d) In a scientific opinion^{1a} published in

January 2015, and in light of the availability of new data EFSA's expert groups indicated that exposure to Bisphenol A was likely to have adverse effects on the kidneys and liver,. The findings led EFSA experts to significantly reduce the safe level of BPA - from 50 micrograms per kilogram of body weight per day ($\mu\text{g}/\text{kg}$ bw/day) to 4 $\mu\text{g}/\text{kg}$ bw/day.

1a

<https://www.efsa.europa.eu/en/efsajournal/pub/3978>

Amendment 13

Proposal for a regulation Recital 15 e (new)

Text proposed by the Commission

Amendment

(15e) Considering the danger posed by the presence of Bisphenol A and the risk of migration into food, the presence of intentionally added BPA should be prohibited in packaging that comes into contact with food.

Amendment 14

Proposal for a regulation Recital 19

Text proposed by the Commission

Amendment

(19) This Regulation should not enable the restriction of substances based on reasons of chemical safety, or for reasons related to food safety, ***with the exception of*** the restrictions on lead, cadmium, mercury and hexavalent chromium that were already established on the basis of Directive 94/62/EC and should continue to be addressed under this Regulation, given that such restrictions are addressed under other Union legislation. It should, ***however***

(19) ***Without prejudice to the restriction of PFAS and Bisphenol A***, this Regulation should not enable the restriction of substances based on reasons of chemical safety, or for reasons related to food safety, ***unless there is an unacceptable risk to human health or the environment, including but not limited to*** the restrictions on lead, cadmium, mercury and hexavalent chromium that were already established on the basis of Directive 94/62/EC and should

allow for the restriction, ***primarily for reasons other than chemical or food safety***, of substances present in packaging and packaging components or used in their manufacturing processes, which negatively affect the sustainability of packaging, in particular as regards its circularity, especially re-use or recycling.

continue to be addressed under this Regulation, given that such restrictions are addressed under other Union legislation. It should ***also*** allow for the restriction of substances present in packaging and packaging components or used in their manufacturing processes, which negatively affect the sustainability of packaging, in particular as regards its circularity, especially re-use or recycling ***processes***.

Amendment 15

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of five years to comply with the recyclability requirements. The innovative features should be explained in the technical documentation accompanying the packaging.

Amendment

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of five years to comply with the recyclability requirements. The innovative features should be ***justified, especially concerning the use of new or innovative materials and*** explained in the technical documentation accompanying the packaging.

Amendment 16

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) In order to protect human and animal health and safety, due to the nature of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the

Amendment

(24) In order to protect human and animal health and safety, due to the nature of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the

European Parliament and of the Council⁵⁰ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council⁵¹, which are in direct contact with the medicinal product, *as well as* contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council⁵² *and* of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁵³. These exemptions should apply until 1 January 2035.

⁵⁰ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁵¹ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁵² Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

European Parliament and of the Council⁵⁰ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council⁵¹, which are in direct contact with the medicinal product, *of* contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council⁵² of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁵³, *of contact sensitive plastic packaging for foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013 of the European Parliament and of the Council^{53a} as well as packaging of supplies, components, and immediate packaging components for the manufacturing of medicinal products under Directive 2001/83/EC and for veterinary medicinal products under Regulation (EU) 2019/6 where such packaging needs to comply with the quality standards of the medicinal product*. These exemptions should apply until 1 January 2035.

⁵⁰ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁵¹ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁵² Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

⁵³ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

⁵³ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

^{53a} Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).

Amendment 17

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not

Amendment

(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not

setting the actual amounts of such fees. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

setting the actual amounts of such fees **and to ensure that such fees are earmarked to finance the net cost of collection, sorting and recycling of packaging**. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

Amendment 18

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 **and** for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product.

Amendment

(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745, for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 **and for contact-sensitive plastic packaging of foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013**. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product. **Finally,**

that exclusion should apply to inks, adhesives, paints, varnishes and lacquers used on packaging and for any plastic part representing less than 5% of the total weight of the whole packaging unit.

Amendment 19

Proposal for a regulation Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) In order to achieve the targets for the integration of recycled content referred to in this Regulation, the Commission should publish, no later than 31 December 2025, a report assessing the possibility of setting targets for the use of bio-based plastic raw materials in packaging in order to achieve the target up to a maximum of 50%, based on sustainability requirements.

Amendment 20

Proposal for a regulation Recital 29

Text proposed by the Commission

Amendment

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that **the plastic part of each unit of** packaging contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that plastic packaging, **on average per format, per manufacturing plant, and per year** contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

Amendment 21

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, per **unit of** post-consumer plastic waste in packaging, the share of recycled content recovered from post-consumer plastic waste present and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁵.

⁵⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 22

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) ***In order to take into account the risks related to a possible insufficient supply of a specific plastic waste for recycling that might lead to excessive prices or adverse effects on health, safety and the environment***, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***temporarily*** amending the targets for mandatory recycled content in plastic packaging. In

Amendment

(31) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, per post-consumer plastic waste in ***the*** packaging ***format, per manufacturing plant, and per year***, the share of recycled content recovered from post-consumer plastic waste present, ***considering the environmental impact of the recycling process*** and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁵.

⁵⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment

(33) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the targets for mandatory recycled content in plastic packaging. In evaluating the justification of such a delegated act, the Commission should assess well-reasoned requests from natural and legal persons.

evaluating the justification of such a delegated act, the Commission should assess well-reasoned requests from natural and legal persons.

Amendment 23

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) The Union packaging recycling market should be strengthened in order to improve the recycling rate, avoid landfill and minimise the export of waste to third countries. The development of Union recycling capacities should occur in cooperation with the sector's actors and industries, and be based on a regulated value chain allowing for quality checks, quality assurance, certification, logistics and pricing.

Amendment 24

Proposal for a regulation Recital 35

Text proposed by the Commission

Amendment

(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources, lower quality secondary raw materials and should be prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging, mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case

(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources, lower quality secondary raw materials and should be prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging, mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case

when the use of compostable packaging helps collect or dispose of bio-waste.

when the use of compostable packaging helps collect or dispose of bio-waste, *for example for products where the separation between the content and packaging is particularly complex, such as tea bags or coffee pods.*

Amendment 25

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. *Furthermore, where appropriate waste collection schemes and waste treatment infrastructures are available in a Member State, there should be a limited flexibility in deciding whether to mandate the use of compostable plastics for lightweight plastic carrier bags on its territory. In order to avoid consumer confusion about the correct disposal and considering the environmental benefit of circularity of the carbon, all other plastic packaging should go into material recycling and the design of such packaging should ensure that it does not affect the recyclability of other waste streams.*

Amendment

(36) For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. *In addition, the biodegradable waste should not lead to the presence of contaminants in the compost. To facilitate the use of compostable packaging that helps collect or dispose of bio-waste, the requirements of EN 13432 "Packaging - Requirements for packaging recoverable by composting and biodegradation - Test scheme and evaluation criteria for final acceptance of packaging" should be revised with regard to composting times, permissible levels of contamination and restrictions on the release of microplastic to allow these materials to be processed in bio-waste treatment facilities in an appropriate manner. In addition, a similar standard for home-composting should be established in the Union.*

Amendment 26

Proposal for a regulation Recital 40

(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000⁵⁷, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.

(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000⁵⁷, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how, ***or packaging design that is subject to legal protection under Council Regulation (EC) No 6/2002^{57a}***. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.

⁵⁷ Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.

⁵⁷ Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.

^{57a} *Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1).*

Amendment 27

Proposal for a regulation Recital 44

Text proposed by the Commission

(44) It is necessary to inform consumers and to enable them to appropriately dispose of packaging waste, ***including compostable lightweight and very lightweight plastic carrier bags***. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.

Amendment

(44) It is necessary to inform consumers and to enable them to appropriately dispose of ***any*** packaging waste. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles. ***The need for such a harmonised labelling system to be recognised by all citizens irrespective of their circumstances, such as age and language knowledge, should be a guiding factor in their design. This can be achieved through the use of pictograms with minimal language used. This would also serve to minimise the costs for translation of language used, which would otherwise be required.***

Amendment 28

Proposal for a regulation Recital 44 a (new)

Text proposed by the Commission

Amendment

(44a) Sorting is an essential step to ensure greater circularity of packaging. The improvement of sorting capacities, notably through technological innovations, should be encouraged in order to allow a

better quality of sorting, and thus a better quality of feedstock for recycling.

Amendment 29

Proposal for a regulation

Recital 49

Text proposed by the Commission

(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. *It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging. To this end, it could be considered that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system⁵⁸, could mislead consumers to believe that packaging bearing such a symbol is always recyclable.*

⁵⁸ <https://www.pro-e.org/the-green-dot-trademark>

Amendment

(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation

⁵⁸ <https://www.pro-e.org/the-green-dot-trademark>

Amendment 30

Proposal for a regulation

Recital 50 a (new)

Text proposed by the Commission

Amendment

(50a) An expert group should be set up with a balanced participation of

representatives of Member States and all parties concerned with packaging. The group should be referred to as the "Packaging Forum" and should contribute in particular to preparing, developing and clarifying sustainability requirements, reviewing the effectiveness of established market surveillance mechanisms and assessing any self-regulatory measures.

Amendment 31

Proposal for a regulation

Recital 60

Text proposed by the Commission

(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.

Amendment

(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation. ***That obligation shall not apply to reusable packaging.***

Amendment 32

Proposal for a regulation

Recital 65

Text proposed by the Commission

(65) To incentivise waste prevention, a new concept of 'refill' should be introduced. Refill should be considered as a specific waste prevention measure that

Amendment

(65) To incentivise waste prevention, a new concept of 'refill' should be introduced. Refill should be considered as a specific waste prevention measure that

counts towards and is necessary for meeting *of the re-use and refill* targets. ***However, containers owned by the consumer, performing a packaging function in the context of refill, such as reusable cups, mugs, bottles or boxes are not packaging in the sense of*** this Regulation.

counts towards and is necessary for meeting *the prevention* targets ***as set out in*** this Regulation.

Amendment 33

Proposal for a regulation

Recital 66

Text proposed by the Commission

(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations.

Amendment

(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations. ***Economic actors should be exempted from liability for food safety problems that could arise from the use of containers provided by consumers.***

Amendment 34

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use ***and refill*** targets on

Amendment

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use targets on packaging in

packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. ***The use of single use packaging for food and beverages filled and consumed within the premises in the HORECA sector should not be allowed.***

sectors, which have been assessed as having the greatest potential for packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. Single use packaging for food and beverages filled and consumed, within the premises in the HORECA sector should not be allowed. ***Consumers should always have the option to purchase food and beverages for take-away in reusable or their own containers at conditions not less favourable than food and beverages offered in single-use packaging. Economic operators selling food or beverages for take-away should offer consumers the option to purchase the food or beverages in their own containers and the option to purchase beverages in reusable packaging.***

Amendment 35

Proposal for a regulation Recital 68

Text proposed by the Commission

(68) To increase their effectiveness and ensure the equal treatment of economic operators, ***the re-use and refill targets should be placed on the economic operators. In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer.*** The targets should be calculated

Amendment

(68) To increase their effectiveness and ensure the equal treatment of economic operators, ***re-use*** targets should be placed on the ***final distributors***. The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the

as a percentage of sales in reusable packaging within a system for re-use *or through refill* or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be *delegated* to the Commission.

implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be *conferred* to the Commission.

Amendment 36

Proposal for a regulation Recital 71

Text proposed by the Commission

(71) To enable the verification of compliance with the re-use *and refill* targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.

Amendment

(71) To enable the verification of compliance with the re-use targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.

Amendment 37

Proposal for a regulation Recital 73 a (new)

Text proposed by the Commission

Amendment

(73a) As very lightweight plastic carrier bags, below 15 microns, have a high potential to become waste and contribute to marine pollution, measures should be taken to restrict their placing on the market except for strictly necessary uses. Those plastic bags should not be placed on the market as packaging for bulk foodstuffs, except for hygienic reasons or for packaging wet bulk foodstuffs such as

raw meat, fish or dairy products.

Amendment 38

Proposal for a regulation

Recital 74 a (new)

Text proposed by the Commission

Amendment

(74a) A reduction in the use of plastic carrier bags should not lead to a substitution with paper carrier bags. The Commission should monitor the use of paper carrier bags and propose a target, and, if appropriate, measures for the reduction of the consumption of paper carrier bags.

Amendment 39

Proposal for a regulation

Recital 91

Text proposed by the Commission

Amendment

(91) To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018 should entail an overall absolute reduction of approximately 19 % on average across the Union in 2030 compared to the 2030 baseline. Member States should reduce packaging waste generation by 10 %, compared to 2018, by 2035; this is estimated to reduce packaging waste by 29 % compared to the 2030 baseline. In order to ensure that the reduction efforts continue beyond 2030, a reduction target of 10 % from 2018, which would mean a reduction of 29 % compared to baseline, should be set for 2035 and, for 2040, a reduction target of 15 % from 2018, which means a reduction of 37 % compared to baseline

(91) To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018 should entail an overall absolute reduction of approximately 19 % on average across the Union in 2030 compared to the 2030 baseline. Member States should reduce packaging waste generation by 10 %, compared to 2018, by 2035; this is estimated to reduce packaging waste by 29 % compared to the 2030 baseline. In order to ensure that the reduction efforts continue beyond 2030, a reduction target of 10 % from 2018, which would mean a reduction of 29 % compared to baseline, should be set for 2035 and, for 2040, a reduction target of 15 % from 2018, which means a reduction of 37 % compared to baseline

should be established.

should be established. *Member States which have established a different system for the management of household packaging waste, on one hand, and of industrial and commercial packaging waste, on the other, should have the opportunity to retain their specificity.*

Amendment 40

Proposal for a regulation Recital 91 a (new)

Text proposed by the Commission

Amendment

(91a) As part of its Circular Economy Action Plan, the Commission adopted the communication of 16 January 2018 on a European Strategy for Plastics in a Circular Economy to reduce marine pollution, greenhouse gas emissions and our European dependence on fossil fuels. With plastic consumption on the rise, the strategy calls for better circularity of plastics and effective prevention measures. In line with that strategy, this Regulation should be an instrument to fight against superficial, unnecessary plastics, in order to reverse the trend of production and consumption of plastics, especially single-use plastics.

Amendment 41

Proposal for a regulation Recital 92

Text proposed by the Commission

Amendment

(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-

(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-

use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use **and** refill **targets**, volume thresholds and measures to achieve the sustained reduction of consumption of lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation.

use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use **targets**, refill **obligations**, volume thresholds and measures to achieve the sustained reduction of consumption of lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation.

Amendment 42

Proposal for a regulation Recital 96

Text proposed by the Commission

(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is essential that the producers placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for producers of packaging, and be

Amendment

(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is essential that the producers, **including e-commerce actors**, placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for

complemented by further specific provisions where this is necessary and appropriate.

producers of packaging, and be complemented by further specific provisions where this is necessary and appropriate.

Amendment 43

Proposal for a regulation Recital 98

Text proposed by the Commission

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council⁶⁶ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should obtain from those producers information about their compliance with the extended producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.

Amendment

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council⁶⁶ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should ***be bound by certain obligations applicable to producers, unless they prove that the third party for which it facilitates distance selling or delivery has already fulfilled those obligations. Furthermore, they should*** obtain from those producers information about their compliance with the extended producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.

⁶⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of

⁶⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of

19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

Amendment 44

Proposal for a regulation Recital 101 a (new)

Text proposed by the Commission

Amendment

(101a) The separate collection of packaging is a crucial step to ensure its circularity, and to ensure a strong market for secondary raw materials. The establishment of a mandatory collection rate is an incentive to develop efficient and targeted collection systems at national level, and thus increase the quantity of waste sorted and potentially recycled.

Amendment 45

Proposal for a regulation Recital 103 a (new)

Text proposed by the Commission

Amendment

(103a) This Regulation should take into account the diversity of deposit and return systems that exist in the Union, and ensure that technological developments in these systems are not hindered when they meet the conditions and criteria for increasing collection rates and ensuring better quality recycling. For example, digital deposit and return system offers consumers a QR code system, with a refund of the deposit when deposited at a separate collection point at home or on-the-go.

Amendment 46

Proposal for a regulation
Recital 107

Text proposed by the Commission

(107) Member States which achieve **90 %** collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.

Amendment

(107) Member States which achieve **at least 85%** collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.

Amendment 47

Proposal for a regulation
Recital 108

Text proposed by the Commission

(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use and refill **targets** in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

Amendment

(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use **targets** and refill **obligations** in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

Amendment 48

Proposal for a regulation
Recital 113 a (new)

Text proposed by the Commission

Amendment

(113a) *While it is important for the Commission to take into account all processing technologies when drafting the delegated acts establishing the recyclability criteria, as well as the criteria for recyclability at scale, it is essential that the Commission further assess the added value of chemical recycling for those fractions that cannot be processed by mechanical recycling technologies. In the context of the objectives that have been set by Regulation (EU) 2021/1119 of the European Parliament and of the Council^{1a}, the Commission should take into account the energy consumption of new technologies, water consumption, material losses and, in the context of the revision of the Union legislative framework on environmental claims, and avoid misleading environmental claims, by limiting those applications to a truly circular approach, excluding, for example, approaches to converting materials into fuel.*

^{1a} *Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')(OJ L 243, 9.7.2021, p. 1).*

Amendment 49

Proposal for a regulation Recital 113 b (new)

Text proposed by the Commission

Amendment

(113b) *An economic operator should be able to make environmental claims on packaging placed on the market only if*

they are substantiated in accordance with the Directive on Green Claims. As regards recyclability, the level of recycled content and reusability, those claims should be possible only for packaging properties exceeding the applicable minimum requirements set out in this Regulation.

Amendment 50

Proposal for a regulation Recital 117 a (new)

Text proposed by the Commission

Amendment

(117a) Separate out-of-home collection is an important element in order to increase collection rates of packaging, and improve its circularity. Member States and economic actors should be able to take specific measures for separate out-of-home collection, adapted to the location and habits of consumers.

Amendment 51

Proposal for a regulation Recital 123

Text proposed by the Commission

Amendment

(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 of the European Parliament and of the Council⁷³ setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to packaging for which sustainability requirements are set pursuant to this Regulation.

(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, ***a minimum number of checks of economic operators placing packaging on the Union market should be established***, and Regulation (EU) 2019/1020 of the European Parliament and of the Council⁷³ setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to

packaging for which sustainability requirements are set pursuant to this Regulation.

⁷³ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

⁷³ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

Amendment 52

Proposal for a regulation Recital 130

Text proposed by the Commission

(130) *When it comes to* packaging entering the Union market, priority should be given to cooperation in the market between market surveillance authorities and economic operators. Therefore, whereas they may concern any packaging entering the Union market, interventions by authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 should focus primarily on packaging subject to prohibition measures taken by market surveillance authorities. In case they take such prohibition measures, and they are not restricted to the national territory, market surveillance authorities should communicate to authorities designated for the controls on packaging entering the Union market the details necessary for the identification of such non-compliant packaging at the borders, including information on the packaged products and the economic operators to enable a risk-based approach for products entering the Union market. In such cases, customs will aim at identifying and stopping this packaging at the borders.

Amendment

(130) ***In order to safeguard the functioning of the internal market, and create a level playing field, it is necessary to ensure that packaging from third countries entering the Union market complies with this Regulation, whether it is imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging.*** Priority should be given to cooperation in the market between market surveillance authorities and economic operators. Therefore, whereas they may concern any packaging entering the Union market, interventions by authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 should focus primarily on packaging subject to prohibition measures taken by market surveillance authorities. In case they take such prohibition measures, and they are not restricted to the national territory, market surveillance authorities should communicate to authorities designated for the controls on packaging entering the Union market the details

necessary for the identification of such non-compliant packaging at the borders, including information on the packaged products and the economic operators to enable a risk-based approach for products entering the Union market. In such cases, customs will aim at identifying and stopping this packaging at the borders.

Amendment 53

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, collection, treatment and recycling of packaging waste.

Amendment

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, ***prevention, reduction in unnecessary packaging, reuse or refill of packaging***, collection, treatment and recycling of packaging waste.

Amendment 54

Proposal for a regulation Article 1 – paragraph 3

Text proposed by the Commission

3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC.

Amendment

3. This Regulation contributes to the transition to a circular economy ***and achieving climate neutrality at the latest by 2050 as provided for under Regulation (EU) 2021/1119***, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC ***and by providing a supportive legal framework which gives certainty to European industry for their investments towards achieving circularity of packaging***.

Amendment 55

Proposal for a regulation Article 2 – paragraph 2

Text proposed by the Commission

2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste.

Amendment

2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste ***and, in accordance with Article 4 of that Directive, the application by Member States of measures relating to the waste hierarchy which allow the best environmental result to be achieved.***

Amendment 56

Proposal for a regulation Article 3 – paragraph 1 – point 1 – point f

Text proposed by the Commission

(f) tea or coffee bags ***necessary to*** contain a tea or coffee product and intended to be used and disposed of together with the product;

Amendment

(f) ***permeable*** tea or coffee bags ***or soft after-use system and single-serve units that*** contain a tea or coffee product and ***are*** intended to be used and disposed of together with the product;

Amendment 57

Proposal for a regulation Article 3 – paragraph 1 – point 1 – point g

Text proposed by the Commission

(g) coffee or tea system single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the product;

Amendment

(g) ***non-permeable*** coffee or tea system single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the

product;

Amendment 58

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

(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**;

Amendment

(4) ‘transport packaging’ means packaging conceived so as to facilitate handling and transport of **any** number of sales units or grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent **damage from** physical handling and transport **to the product**;

Amendment 59

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘final distributor’ means the distributor who delivers packaged products or products that can be purchased through refill to the end user;

Amendment

(16) ‘final distributor’ means the distributor who delivers packaged products or products that can be purchased through refill **or re-use** to the end user;

Amendment 60

Proposal for a regulation

Article 3 – paragraph 1 – point 19

Text proposed by the Commission

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, closures and sealing, which cannot be separated manually and therefore form a single integral unit;

Amendment

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, **paints, inks, adhesives, lacquers**, closures and sealing **which are part of the weight of the main packaging material**, which cannot be separated manually and therefore form a single

integral unit;

Amendment 61

Proposal for a regulation

Article 3 – paragraph 1 – point 22

Text proposed by the Commission

(22) ‘re-use’ means any operation by which reusable packaging is used again for the same purpose for which it was conceived;

Amendment

(22) ‘re-use’ means any operation by which reusable packaging is used again ***several times*** for the same purpose for which it was conceived ***and made possible by adequate logistics and promoted by suitable incentive systems, usually by a deposit scheme***;

Amendment 62

Proposal for a regulation

Article 3 – paragraph 1 – point 26

Text proposed by the Commission

(26) ‘systems for re-use’ means organisational, technical */or* financial arrangements, ***which enable*** the re-use either in a closed loop or open loop system. Deposit and return systems, when they ensure that packaging is collected for re-use, are considered as part of a ‘system for re-use’;

Amendment

(26) ‘systems for re-use’ means organisational, technical ***and/or*** financial arrangements, ***together with incentives, that allow*** the re-use either in a closed loop or open loop system. Deposit and return systems, when they ensure that packaging is collected for re-use, are considered as part of a ‘system for re-use’;

Amendment 63

Proposal for a regulation

Article 3 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘refill’ means an operation by which an end user fills its own container, which fulfils the packaging function, with a product or several products ***offered by the final distributor in the context of a***

Amendment

(28) ‘refill’ means an operation by which an end user fills its own container ***or a container provided at the point of sale by the final distributor***, which fulfils the packaging function, with a product or several products ***purchased through a final***

commercial transaction;

distributor;

Amendment 64

Proposal for a regulation

Article 3 – paragraph 1 – point 31

Text proposed by the Commission

(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with state-of-the-art collection, sorting and recycling processes;

Amendment

(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with state-of-the-art collection, sorting and recycling processes, ***giving priority to mechanical recycling processes;***

Amendment 65

Proposal for a regulation

Article 3 – paragraph 1 – point 31 a (new)

Text proposed by the Commission

Amendment

(31a) ‘recyclability’ means the assessment of the compatibility of packaging with the management and processing of waste by design, based on separate collection, sorting in separate streams, recycling at scale, and use of recycled materials to replace primary raw materials in new packaging;

Amendment 66

Proposal for a regulation

Article 3 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘recycled at scale’ means collected, ***sorted and recycled*** through ***installed state-of-the-art infrastructure and processes, covering at least 75 % of the Union population,*** including packaging waste exported from the Union that meets

Amendment

(32) ‘recycled at scale’ means ***the existence of a sufficient capacity for the collected packaging waste to be directed to defined and recognised waste streams*** through ***established industrial*** processes ***for reprocessing in actual systems proven***

the requirements of Article 47(5);

in operational environment, including packaging waste exported from the Union that meets the requirements of Article 47(5);

Amendment 67

Proposal for a regulation Article 3 – paragraph 1 – point 32 a (new)

Text proposed by the Commission

Amendment

(32a) 'high quality recycling' means any recovery operation, as defined in Article 3, point (17), of Directive 2008/98/EC, that ensures that the distinct quality of the waste collected is preserved or recovered during that recovery operation, so that it can be subsequently recycled and used in the same way or for a similar application, with minimal loss of quantity, quality or function;

Amendment 68

Proposal for a regulation Article 3 – paragraph 1 – point 34

Text proposed by the Commission

Amendment

(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit ***in order to consume the product*** and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;

(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;

Amendment 69

Proposal for a regulation Article 3 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit ***in order to access the product***, and that is typically discarded prior to and separately from the packaging unit;

Amendment

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit, and that is typically discarded prior to and separately from the packaging unit;

Amendment 70

Proposal for a regulation

Article 3 – paragraph 1 – point 37

Text proposed by the Commission

(37) ‘innovative packaging’ means a form of packaging that is manufactured using new materials, design or production processes, resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, delivery ***or presentation*** of products, and in demonstrable environmental benefits, with the exception of packaging that is the result of modification of existing packaging for the ***sole*** purpose of improved presentation of products and marketing;

Amendment

(37) ‘innovative packaging’ means a form of packaging that is manufactured using new ***and innovative*** materials, design or production processes, resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, delivery of products, and in demonstrable environmental benefits ***overall***, with the exception of packaging that is the result of modification of existing packaging for the ***main*** purpose of improved presentation of products and marketing;

Amendment 71

Proposal for a regulation

Article 3 – paragraph 1 – point 38

Text proposed by the Commission

(38) ‘secondary raw materials’ means materials that have been obtained through recycling processes and can substitute primary raw materials;

Amendment

(38) ‘secondary raw materials’ means materials that have been obtained through recycling processes ***and have undergone all necessary checking and sorting*** and can substitute primary raw materials;

Amendment 72

Proposal for a regulation Article 3 – paragraph 1 – point 40

Text proposed by the Commission

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive 2008/68/EC;

Amendment

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, **Directive 2002/46/EC of the European Parliament and of the Council^{1a}**, or Directive 2008/68/EC;

^{1a} **Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).**

Amendment 73

Proposal for a regulation Article 3 – paragraph 1 – point 41

Text proposed by the Commission

(41) ‘compostable packaging’ means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article 47(4), and does not hinder the separate collection and the composting process or activity into which it is introduced in industrially controlled conditions;

Amendment

(41) ‘compostable packaging’ means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article 47(8), and does not hinder the separate collection and the composting **or anaerobic digestion** process or activity into which it is introduced in industrially controlled conditions, **in accordance with the applicable requirements laid down in the harmonised European standards EN 13432;**

Amendment 74

Proposal for a regulation

Article 3 – paragraph 1 – point 41 b (new)

Text proposed by the Commission

Amendment

(41b) ‘home compostable packaging’ means packaging that can also biodegrade in non-controlled conditions compared to industrial scale composting facilities and the composting process of which is performed by private individuals with the aim of producing compost for their own use.

Amendment 75

Proposal for a regulation

Article 3 – paragraph 1 – point 41 a (new)

Text proposed by the Commission

Amendment

(41a) ‘bio-based plastic’ means a plastic whose raw materials are made from biomass^{1a};

^{1a} Communication for an EU policy framework on bio-based, biodegradable and compostable plastics, COM(2022), 682 final, 30/11/2022.

Amendment 76

Proposal for a regulation

Article 3 – paragraph 1 – point 50

Text proposed by the Commission

Amendment

(50) ‘deposit’ means a ***fixed*** sum of money, not being part of the price of a packaged or filled product that is collected from the end user when purchasing such packaged or filled product, covered by a

(50) ‘deposit’ means a ***defined*** sum of money, not being part of the price of a packaged or filled product that is collected from the end user when purchasing such packaged or filled product, covered by a

deposit and return system in a given Member State and redeemable when the end user returns the deposit bearing packaging to a collection point established for that purpose;

deposit and return system in a given Member State and redeemable when the end user, ***or any other person***, returns the deposit bearing packaging to a collection point established for that purpose;

Amendment 77

Proposal for a regulation Article 3 – paragraph 1 – point 51

Text proposed by the Commission

(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose;

Amendment

(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose ***or properly deposited in the type of waste receptacle provided for that purpose, at home or in public spaces;***

Amendment 78

Proposal for a regulation Article 3 – paragraph 1 – point 57

Text proposed by the Commission

(57) ‘packaging presenting a risk’ means a packaging that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 56(1), may adversely affect the environment or other public interests protected by that requirement;

Amendment

(57) ‘packaging presenting a risk’ means a packaging that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 56(1), may adversely affect the environment, ***health***, or other public interests protected by that requirement;

Amendment 79

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1).

deleted

Amendment 80

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Packaging shall be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal.

1. Packaging shall be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal, **and the adverse impact on the environment due to micro-plastics.**

Amendment 81

Proposal for a regulation Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Food contact packaging containing intentionally added per- and polyfluorinated alkyl substances (PFASs) shall not be placed on the market from ... [OP: Please insert the date = 18 months from the date of entry into force of this Regulation].

Amendment 82

Proposal for a regulation Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Food contact packaging containing intentionally added Bisphenol A (BPA, CAS 80-05-7) shall not be placed on the market from ... [OP: Please insert the date = 18 months from the date of entry into force of this Regulation].

Amendment 83

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. Compliance with the requirements set out in *paragraph 2* shall be demonstrated in the technical documentation drawn up in accordance with Annex VII.

3. Compliance with the requirements set out in *paragraphs 1, 2, 2a and 2b* shall be demonstrated in the technical documentation drawn up in accordance with Annex VII.

Amendment 84

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Recyclability requirements established in delegated acts adopted pursuant to Article 6(5) shall not restrict the presence of substances in packaging or packaging components for reasons *relating* primarily to chemical safety. They shall address, *as appropriate*, substances of concern that *negatively affect* the re-use and recycling of materials in the packaging in which they are present, and *shall, as appropriate*, identify the specific substances concerned and *their associated* criteria and limitations.

4. ***Without prejudice to paragraphs 2a and 2b***, recyclability requirements established in delegated acts adopted pursuant to Article 6(5) shall not restrict the presence of substances in packaging or packaging components for reasons primarily *related* to chemical safety, ***unless there is an unacceptable risk to human health or to the environment arising from the use of a substance in the packaging at any stage of its life cycle***. They shall ***also*** address substances of concern that ***have a negative impact on*** the re-use, *sorting* and

recycling of materials in the packaging in which they are present, and identify the specific substances concerned and *the* criteria and limitations *associated with them*.

Amendment 85

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

All packaging shall be recyclable.

Amendment

All packaging *placed on the market* shall be recyclable *in accordance with paragraph 2*.

Amendment 86

Proposal for a regulation Article 6 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) it is designed for recycling;

Amendment

(a) it is designed for recycling, *as set out in the delegated acts adopted by the Commission pursuant to paragraph 4* ;

Amendment 87

Proposal for a regulation Article 6 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

(e) it *can be recycled* at scale.

Amendment

(e) it *is recyclable* at scale *in accordance with the methodology established in the delegated acts adopted by the Commission pursuant to paragraph 6*.

Amendment 88

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Point (a) shall apply **from 1 January 2030** and point (e) shall apply **from 1 January 2035**.

Amendment

Points (a) to (d) shall apply **from 36 months after the date of publication of the delegated acts referred to in paragraph 4** and point (e) shall apply **from 36 months after the date of publication of the delegated acts referred to in paragraph 6**.

Amendment 89

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. Recyclable packaging shall, **from 1 January 2030**, comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 **and, from 1 January 2035**, **also** with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6. Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e).

Amendment

3. Recyclable packaging shall :

(a) comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 **no later than 36 months after the date of publication of the delegated acts referred to in paragraph 4; and**

(b) comply with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6 **no later than 36 months after the date of publication of the delegated acts referred to in paragraph 6, in addition to point (a) of this paragraph.**

Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and

(e).

Amendment 90

Proposal for a regulation

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The criteria and requirements referred to in paragraph 3 shall establish:

(a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as set out in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable in accordance with paragraph 1;

(b) detailed design for recycling criteria, including specific requirements for high quality recycling, where appropriate, for each packaging material and category listed in Table 1 of Annex II;

(c) a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;

(d) the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;

(e) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish updated recyclability performance grades.

Amendment 91

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Commission **is empowered to** adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in **Table 2** of Annex II for packaging categories listed in Table 1 of that Annex, **as well as** rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and **for plastic packaging**, the percentage of recycled content. **Design-for-recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components.**

Amendment

By 1 January 2027 the Commission **shall, after consulting the Packaging Forum established under Article 12a and taking into consideration standards developed by the European Standards Organisations,** adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to :

- (a)** establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in **Tables 2 and 2a** of Annex II for packaging categories listed in Table 1 of that Annex; **design-for-recycling criteria shall consider state-of-the-art collection, sorting and recycling processes and shall cover all packaging components;**
- (b)** **establish** rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and **where applicable**, the percentage of recycled content.

Amendment 92

Proposal for a regulation
Article 6 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex **II** in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.

Amendment 93

Proposal for a regulation

Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

From 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.

Amendment

From 36 months after the date of publication of the delegated acts referred to in paragraph 4, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.

Amendment 94

Proposal for a regulation

Article 6 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

From 96 months after the date of publication of the delegated acts referred to in paragraph 4, packaging shall not be considered recyclable if it corresponds to performance grade D or below under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.

Amendment 95

Proposal for a regulation
Article 6 – paragraph 5 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

From 36 months after the date of publication of the delegated acts referred to in paragraph 6, packaging shall not be considered recyclable if it does not comply with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6.

Amendment 96

Proposal for a regulation
Article 6 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

These criteria shall be based at least on the parameters as listed in Table 2 of Annex II.

deleted

Amendment 97

Proposal for a regulation
Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

6. The Commission shall, for each packaging type listed in Table 1 of Annex II, establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

6. No later than 60 months after the date of publication of the delegated acts referred to in paragraph 4 the Commission shall adopt delegated acts in accordance with Article 58 to supplement this Regulation , for each packaging type listed in Table 1 of Annex II, ***in order to*** establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

Amendment 98

Proposal for a regulation
Article 6 – paragraph 6 – point b

Text proposed by the Commission

(b) amounts of separately collected packaging waste, per packaging material listed in Table 1 of Annex II, in the Union as whole and in each Member State;

Amendment

(b) amounts of separately collected packaging waste, per packaging material listed in Table 1 of Annex II, in the Union as whole and in each Member State, ***taking into account Member States obligations under Article 43 of this Regulation;***

Amendment 99

Proposal for a regulation
Article 6 – paragraph 6 – point d

Text proposed by the Commission

(d) installed infrastructure capacities for sorting and recycling in the Union as a whole for each packaging type listed in Table 1 of Annex II.

Amendment

(d) installed infrastructure capacities for sorting and recycling in the Union as a whole for each packaging type listed in Table 1 of Annex II, ***taking into account Member States' obligations under Article 43 of this Regulation.***

Amendment 100

Proposal for a regulation
Article 6 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The data referred to in points (a) to (d) shall be available and easily accessible by the public.

Amendment 101

Proposal for a regulation
Article 6 – paragraph 7

Text proposed by the Commission

Amendment

7. ***The criteria and requirements***

deleted

referred to in paragraph 3 shall establish:

- (a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;*
- (b) detailed design for recycling criteria for each packaging material and category listed in Table 1 of Annex II;*
- (c) a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;*
- (d) the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;*
- (e) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish, as of 2035, updated recyclability performance grades.*

Amendment 102

Proposal for a regulation

Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where proven to be environmentally beneficial and technically feasible, Member States may, especially through design of schemes established in compliance with Article 44, prioritise recycling of packaging so that it can be subsequently recycled and used in the same way or for a similar application, with minimal loss of quantity, quality or function, whereby producers obliged to meet recycled content targets can benefit from fair access to the material derived

from the recycled packaging.

Amendment 103

Proposal for a regulation

Article 6 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.

Amendment

Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII **and take into consideration the following elements:**

Amendment 104

Proposal for a regulation

Article 6 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.

Amendment

(a) where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components;

Amendment 105

Proposal for a regulation

Article 6 – paragraph 8 – subparagraph 3

Text proposed by the Commission

Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component.

Amendment

(b) where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component; **if an integrated component of the packaging unit is easily separable by hand and there are clear instructions for the consumer,**

the overall recyclability shall be a combination of the assessments for each individual component;

Amendment 106

Proposal for a regulation

Article 6 – paragraph 8 – subparagraph 4

Text proposed by the Commission

All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.

Amendment

(c) all components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.

Amendment 107

Proposal for a regulation

Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

From 1 January 2030, and by way of derogation from *paragraphs 2 and 3*, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.

Amendment

From 36 months after the date of publication of the delegated acts referred to in paragraph 4, and by way of derogation from *the requirements set out in this Article*, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.

Amendment 108

Proposal for a regulation

Article 6 – paragraph 9 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall constantly monitor the impact of the derogation referred to in the first subparagraph on the amount of packaging placed on the market. The Commission shall, where appropriate,

adopt a legislative proposal with a view to amending the first subparagraph.

Amendment 109

Proposal for a regulation Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Where use is made of this derogation, innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature and showing compliance with the definition in Article 3(34) of this Regulation.

Amendment

Innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature, *its overall environmental benefit* and showing compliance with the definition in Article 3(37) of this Regulation.

Amendment 110

Proposal for a regulation Article 6 – paragraph 9 – subparagraph 3

Text proposed by the Commission

After the period referred to in the first subparagraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8.

Amendment

After the period referred to in the first subparagraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8 *and shall therefore be in compliance with the requirements set out in this Article.*

Amendment 111

Proposal for a regulation Article 6 – paragraph 10 – introductory part

Text proposed by the Commission

10. Until *31 December 2034*, this Article shall not apply to the following:

Amendment

10. Until *72 months after the date of publication of the delegated act referred to in paragraph 6*, this Article shall not apply to the following:

Amendment 112

Proposal for a regulation Article 6 – paragraph 10 – point b

Text proposed by the Commission

(b) contact sensitive **plastic** packaging of medical devices covered by Regulation (EU) 2017/745;

Amendment

(b) contact sensitive packaging of medical devices covered by Regulation (EU) 2017/745;

Amendment 113

Proposal for a regulation Article 6 – paragraph 10 – point c

Text proposed by the Commission

(c) contact sensitive **plastic** packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746.

Amendment

(c) contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746.

Amendment 114

Proposal for a regulation Article 6 – paragraph 10 – point c a (new)

Text proposed by the Commission

Amendment

(ca) contact sensitive packaging for infant formula and follow-on formula, processed cereal-based food and baby food, and food for special medical purposes as defined in Article 1, points (a), (b) and (c), of Regulation (EU) No 609/2013.

Amendment 115

Proposal for a regulation Article 6 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. The Commission shall assess the need to extend the derogation established

under paragraph 10. That assessment shall take into account the available scientific guidelines of the relevant regulatory authorities, the state of scientific and technical progress, and the availability and prices of recyclable materials. On that basis and after consultation with relevant stakeholders, the Commission shall present, if appropriate, a legislative proposal.

Amendment 116

Proposal for a regulation Article 6 – paragraph 11

Text proposed by the Commission

11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6).

Amendment

11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6).

Financial contributions shall, in accordance with Article 8a of Directive 2008/98/EC, be earmarked to finance the net cost of collection, sorting and recycling infrastructures of the packaging type it is paid for, following the categories set in Annex II, Table 1.

Amendment 117

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Inert packaging

By 1 January 2029, the Commission shall

adopt delegated acts in accordance with Article 21a in order to supplement this Regulation where necessary to deal with any difficulties encountered in applying the provisions of this Regulation, in particular, to inert packaging materials placed on the market in very small quantities (i.e. approximately 0,1 % by weight) in the Union.

Amendment 118

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. From 1 January 2030, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per *unit of* packaging:

Amendment

1. From 1 January 2030, the plastic part in packaging *placed on the market* shall, *unless this results in non-compliance with food safety requirements laid down at Union level*, contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging *format as referred to in Table 1 of Annex II, calculated as an average per manufacturing plant, per year*:

Amendment 119

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;

Amendment

(a) 30 % for contact sensitive packaging, *except single use beverage bottles*, made from polyethylene terephthalate (PET) as the major component;

Amendment 120

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) **10** % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;

Amendment

(b) **7,5** % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;

Amendment 121

Proposal for a regulation

Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) 35 % for packaging other than those referred to in points (a), (b) and (c).

Amendment

(d) 35 % for **plastic** packaging other than those referred to in points (a), (b) and (c).

Amendment 122

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per **unit of** packaging:

Amendment

2. From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging **format as referred to in Table 1 of Annex II, per manufacturing plant, per year:**

Amendment 123

Proposal for a regulation

Article 7 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) 25% for contact sensitive packaging made from plastic materials other than PET.

Amendment 124

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Economic operators shall be exempted from the obligation to meet the targets in paragraphs 1 and 2 if, during a calendar year, they fall within the definition of microenterprise set out in the Commission Recommendation 2003/361/EC^{1a}.

^{1a} **Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).**

Amendment 125

Proposal for a regulation
Article 7 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;

(b) contact sensitive plastic packaging of medical devices, **or devices exclusively destined for research use and investigational devices** covered by Regulation (EU) 2017/745;

Amendment 126

Proposal for a regulation
Article 7 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) contact sensitive plastic packaging for food intended for infants and young children, food for special medical purposes and packaging for drinks and food typically used for young children as defined in Article 1, points (a), (b) and (c), of Regulation (EU) No 609/2013;

Amendment 127

Proposal for a regulation Article 7 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) packaging of supplies, components, and immediate packaging components for the manufacturing of medicinal products under Directive 2001/83/EC and for veterinary medicinal products under Regulation (EU) 2019/6 where such packaging is needed to be in line with the quality standards of the medicinal product.

Amendment 128

Proposal for a regulation Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Paragraphs 1 and 2 shall not apply to compostable plastic packaging.

4. Paragraphs 1 and 2 shall not apply to:

(a) compostable plastic packaging;

(b) inks, adhesives, paints, varnishes and lacquers used on packaging;

(c) any plastic part representing less than 5% of the total weight of the whole packaging unit.

Amendment 129

Proposal for a regulation Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that comprehensive collection and sorting infrastructures are in place to facilitate recycling and to ensure availability plastic

feedstock for recycling.

Amendment 130

Proposal for a regulation Article 7 – paragraph 5

Text proposed by the Commission

5. Compliance with the requirements set out in paragraphs 1 and 3 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

Amendment

5. Compliance with the requirements set out in paragraphs 1 and 3 shall be demonstrated **by economic operators** in the technical information concerning the packaging referred to in Annex VII.

Amendment 131

Proposal for a regulation Article 7 – paragraph 7

Text proposed by the Commission

7. By 31 December 2026, the Commission **is empowered to** adopt **implementing acts** establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, **per unit of plastic packaging**, and the format for the technical documentation referred to in Annex VII. Those **implementing** acts shall **be adopted in accordance with the examination procedure referred to in Article 59(3)**.

Amendment

7. By 31 December 2026, the Commission **shall** adopt **delegated acts in accordance with Article 58 in order to supplement this Regulation by** establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste and the format for the technical documentation referred to in Annex VII. Those **delegated** acts shall **take into account the environmental impact of the recycling process**.

Amendment 132

Proposal for a regulation Article 7 – paragraph 8

Text proposed by the Commission

8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in packaging

Amendment

8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in packaging

under paragraph 1 shall comply with the rules laid down in the *implementing* act referred to in paragraph 7.

under paragraph 1 shall comply with the rules laid down in the *delegated* act referred to in paragraph 7.

Amendment 133

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

By 1 January **2028**, the Commission shall assess the *need for derogations from the minimum percentage laid down in paragraph 1, points b and d, for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.*

Amendment

By 1 January **2032**, the Commission shall assess the *situation regarding the use of recycled packaging materials in plastics, focusing on the lack of availability of recycled plastics or on adverse effects on human or animal health, security of food supply or the environment, where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice, or are not sufficiently resource and energy efficient.*

Amendment 134

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 2 – point a

Text proposed by the Commission

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, *points b and d, for specific plastic packaging, and, as appropriate,*

Amendment

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 2,

Amendment 135

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) modify the targets established in paragraphs 1 and 2,

Amendment 136

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 3

Text proposed by the Commission

Amendment

where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice.

deleted

Amendment 137

Proposal for a regulation Article 7 – paragraph 10

Text proposed by the Commission

Amendment

10. Where justified by the lack of availability or excessive prices of specific recycled plastics that may have adverse effects on human or animal health, security of food supply or the environment, making compliance with the minimum percentages of recycled content set out in paragraphs 1 and 2 excessively difficult, the Commission shall be empowered to adopt a delegated act in accordance with Article 58 to amend paragraphs 1 and 2 by adjusting the minimum percentages accordingly. In evaluating the justification of such adjustment, the Commission shall assess requests from natural or legal persons to be accompanied by relevant information and data on the market situation for this post-consumer plastic waste and best available evidence regarding the related risks to human or animal health, to the

deleted

security of food supply or to the environment.

Amendment 138

Proposal for a regulation Article 7 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

11a. By 31 December 2025, the Commission shall publish a report assessing the possibility of laying down targets for the use of bio-based plastic feedstock in packaging in order to meet the targets set out in of Article 7(1) and (2).

Where appropriate and based on the report referred to in paragraph 1, the Commission shall present a legislative proposal in order to:

(a) lay down targets for the use of bio-based plastic feedstock in packaging;

(b) lay down sustainability requirements for bio-based plastic feedstock to become eligible to contribute to the targets, considering the existing sustainable criteria laid down in Article 29 of Directive (EU) 2018/2001;

(c) introduce the possibility to meet up to a maximum of 50% of the targets set out in Article 7(1) and (2) by using bio-based plastic feedstock.

Amendment 139

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. By [OP: please insert the date = 24 months from the entry into force of this Regulation], packaging referred to in Article 3(1), ***points (f) and (g)***, sticky

1. By [OP: please insert the date = 36 months from the entry into force of this Regulation], packaging referred to in Article 3(1), ***point (f)***, sticky labels

labels attached to fruit and vegetables **and very lightweight plastic carrier bags** shall be compostable in industrially controlled conditions in bio-waste treatment facilities.

attached to fruit and vegetables shall be compostable **to home composting standards or** in industrially controlled conditions in bio-waste treatment facilities.

Amendment 140

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By ... [OP: please insert the date = 36 months from the entry into force of this Regulation], very lightweight plastic carrier bags required for loose food for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage, shall be compostable in industrially controlled conditions in bio-waste treatment facilities and therefore allowed to be collected in bio-waste receptacles.

Amendment 141

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that packaging referred to in paragraph 1 enters the organic waste management stream, Member States **are empowered to** require that lightweight plastic carrier bags shall be made available on their market for the first time only if it can be demonstrated that those lightweight plastic carrier bags **have been entirely manufactured from biodegradable plastic polymers, which** are compostable **in industrially controlled conditions**.

2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that packaging referred to in paragraph 1 enters the organic waste management stream, Member States **having implemented Article 22 of Directive 2008/98/EC may** require that lightweight plastic carrier bags shall be made available on their market for the first time only if it can be demonstrated that those lightweight plastic carrier bags are compostable.

Amendment 142

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. By [OP: Please insert the date = **24** months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, including packaging made of biodegradable plastic polymers, shall allow material recycling without affecting the recyclability of other waste streams.

Amendment

3. By ... [OP: Please insert the date = **36** months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, including packaging made of biodegradable plastic polymers **and other biodegradable materials**, shall allow material recycling, **in accordance with Article 6, and** without affecting the recyclability of other waste streams.

Amendment 143

Proposal for a regulation Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By way of derogation from Article 8(3), Member States are empowered to require that those packaging that are compostable in their territory may be processed under the bio-waste stream process.

Amendment 144

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments

Amendment

5. **After consulting expert groups**, the Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1, **1a** and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and

impacting the disposal of compostable packaging and under the conditions set out in Annex III.

regulatory developments, **including on labelling of compostability**, impacting the disposal of compostable packaging and under the conditions set out in Annex III.

Amendment 145

Proposal for a regulation Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By 31 May 2025, the Commission shall request the European standardisation organisations to update the harmonised standard (EN 13432) on the "Requirements for packaging recoverable through composting and biodegradation - testing schemes and evaluation criteria".

By 31 May 2025, the Commission shall also request the European standardisation organisations to prepare harmonised standards laying down the detailed technical specifications of the requirements on home compostable packaging in this Article.

Amendment 146

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its **functionality** taking account of the material that the packaging is made of.

1. **By 1 January 2030**, packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its **functions, as listed in Annex IV, part 1**, taking account of **the shape and** the material that the packaging is made of.

Amendment 147

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin *protected* under Union legislation.

Amendment

2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV, and packaging with characteristics that are only aimed to increase the perceived volume of the product including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin under Union legislation *or it is subject to legal protection under Regulation (EC) No 6/2002.*

Amendment 148

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By ... [OP: Please insert the date = 36 months from the date of entry into force of this Regulation], the Commission shall request the European standardisation organisations, as appropriate, to prepare or update harmonised standards laying down the methodology for the calculation and measurement of compliance with the requirements concerning packaging minimisation under this Regulation. For most common packaging types and formats such standards should specify maximum adequate weight and volume limits, and, if appropriate, wall thickness and maximum empty space.

Amendment 149

Proposal for a regulation
Article 9 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) any test results, studies or other relevant sources used to assess the minimum necessary volume or weight of the packaging.

(c) any test results, studies or other relevant sources, ***such as modelling and simulation***, used to assess the minimum necessary volume or weight of the packaging.

Amendment 150

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Micro-companies referred to in Article 22(3) shall be exempted from the obligation set out in this paragraph.

Amendment 151

Proposal for a regulation

Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Packaging shall be considered reusable where it fulfils the following conditions:

1. Packaging ***placed on the market*** shall be considered reusable where it fulfils the following conditions:

Amendment 152

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) it has been conceived, designed and placed on the market with the objective to be re-used ***or refilled***;

(a) it has been conceived, designed and placed on the market with the objective to be re-used ***for multiple times***;

Amendment 153

Proposal for a regulation
Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) it has been conceived and designed to accomplish as many *trips or* rotations as possible in normally predictable conditions of use;

Amendment

(b) it has been conceived and designed to accomplish as many rotations as possible in normally predictable conditions of use;

Amendment 154

Proposal for a regulation
Article 10 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) it fulfils the requirements regarding consumer health, safety and hygiene.

Amendment 155

Proposal for a regulation
Article 10 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a By ... [OP: please insert the date 24 months after the entry into force of this Regulation], the Commission shall adopt delegated act setting a minimum number for the rotations referred to in paragraph 1, point (b), for reusable packaging in different and relevant material and packaging categories.

Amendment 156

Proposal for a regulation
Article 10 b (new)

Text proposed by the Commission

Amendment

Article10b
Just Transition

Member States shall, every two years from 2025 onwards, carry out Employment Impact Assessments (EIA) that evaluate the impact of the obligations laid down in this Regulation on the number of jobs created, transformed, and eliminated, as well as on skills and competences anticipation, working conditions, including health and safety at work, and gender equality both at national and regional levels in all sectors covered by this Regulation and submit them to the Commission and the European Parliament. EIAs shall lay down how the Member State intends to address its findings with legislative and non-legislative measures, including public and private investments.

Before submitting the EIAs to the Commission and the European Parliament, Member States shall inform and consult national social partners representing workers and employers in the sectors covered by this Regulation on the EIAs.

Amendment 157

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

From [OP: Please insert the date = 42 months after the **entry into force of this Regulation**], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

Amendment

From [OP: Please insert the date = 24 months after the **adoption of the implementing acts referred to in paragraph 5 and 6**], packaging **placed on the market** shall be marked with a label containing information on its material composition **in order to facilitate consumer sorting. The label shall be exclusively based on pictograms and be easily understandable, including for persons with disabilities.** This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

Amendment 158

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The label may be accompanied by a QR code or other type of digital data carrier placed on the packaging that contains information on the destination of each separate component of the packaging in order to facilitate consumer sorting.

Amendment 159

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Packaging subject to deposit and return systems referred to in Article 44(1) shall, ***in addition to the labelling referred to in the first subparagraph***, be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.

Packaging subject to deposit and return systems referred to in Article 44(1) shall be marked with a ***colour*** harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.

Amendment 160

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Labels of deposit and return systems established before the entry into force of this Regulation may be used together with the harmonised label until 36 months after the adoption of the implementing act pursuant to paragraph 5.

Amendment 161

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. From [OP: Please insert the date = **48** months after the ***date of*** entry into force of ***this Regulation***], packaging shall bear a label on packaging reusability ***and*** a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

Amendment

2. From [OP: Please insert the date = **30** months after the entry into force of ***the implementing act referred to in paragraph 5***], ***reusable*** packaging ***placed on the market*** shall bear a label on packaging reusability. ***Further information on reusability may be made available through*** a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

Amendment 162

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. Where ***a unit of*** packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). Where ***a unit of plastic*** packaging is marked with a label containing information on the share of ***biobased*** plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).

Amendment

3. Where packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label ***and, where applicable, the QR code or other type of digital data carrier*** shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). Where packaging is marked with a label containing information on the share of ***bio-based*** plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).

Amendment 163

Proposal for a regulation Article 11 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in *paragraph 2* shall be placed, printed or engraved visibly, clearly legibly **and indelibly** on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.

Amendment

Labels referred to in paragraphs 1 to 3 and, **where applicable**, the QR code or other type of digital data carrier referred to in **paragraphs 1 and 2** shall be placed, printed or engraved visibly, clearly legibly, **and accessible** on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.

Amendment 164

Proposal for a regulation Article 11 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where information is provided by electronic means in accordance with paragraphs 2 to 3, the following requirements shall apply:

- (a) adequate, relevant personal data is collected only for the limited purpose of giving the user access to relevant compliance information referred to in paragraphs 2 to 3 of this Article in respect of Article 5(1) of Regulation 2016/679/EU***
- (b) the information is not displayed with other information intended for sales or marketing purposes.***

Amendment 165

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment

5. By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats, ***including when provided through digital means***, for the labelling of packaging, referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment 166

**Proposal for a regulation
Article 11 – paragraph 6**

Text proposed by the Commission

6. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment

6. By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment 167

**Proposal for a regulation
Article 11 – paragraph 7**

Text proposed by the Commission

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or

Amendment

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or

display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.

display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.

From ... [OP: Please insert the date = 24 months after the entry into force of this Regulation], the Commission shall adopt guidelines in order to clarify aspects that are likely to mislead or confuse consumers or other end users.

Amendment 168

Proposal for a regulation Article 11 – paragraph 8

Text proposed by the Commission

8. Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) **may** be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.

Amendment

8. Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) **shall** be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.

Amendment 169

Proposal for a regulation Article 11 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Packaging as referred to in paragraphs 1, 2 and 3, that is manufactured or imported before the deadlines referred in those paragraphs,

may be marketed until 36 months after the date of entry into force of the labelling requirements laid down in paragraphs 1, 2 and 3.

Amendment 170

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

By **1 January 2028**, labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate receptacles shall be affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of packaging waste.

Amendment

By **[OP: Please insert the date = 30 months after the adoption of the implementing acts referred to in paragraph 5 and 6]** labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate receptacles shall be affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of packaging waste.

Amendment 171

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Packaging forum

The Commission shall ensure that, when conducting its activities, there is a balanced participation of Member States' representatives and all interested parties involved with the packaging industry, including waste treatment industry representatives, manufacturers and packaging suppliers, distributors, retailers, importers, SMEs, environmental protection groups and consumer organisations. Those parties shall be consulted in particular to prepare the delegated and implementing acts provided

for in this Regulation to develop and further detail the sustainability requirements and examining the effectiveness of the established market surveillance mechanisms. To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the 'Packaging Forum'.

Amendment 172

Proposal for a regulation Article 12 b (new)

Text proposed by the Commission

Amendment

Article 12b

Claims

Environmental claims as defined in Article 2, point (o), of Directive 2005/29/EC may be made in relation to packaging placed on the market only if they comply with the following requirements:

(a) they are substantiated in accordance with [Article 3 of Directive on Green Claims]; in particular, they shall specify whether they relate to the packaging unit, part of the packaging unit or to all packaging placed on the market by the producer;

(b) they are for packaging properties exceeding the applicable minimum requirements set out in this Regulation.

Compliance with the requirements set out in point (b) of this Article shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.

Amendment 173

Proposal for a regulation Article 13 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) it complies with the applicable requirements regarding food hygiene and the safety of consumers.

Amendment 174

Proposal for a regulation Article 13 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. For medicinal products, as defined in Directive 2001/83/EC, the marketing authorisation holder shall be responsible for the information provided.

Amendment 175

Proposal for a regulation Article 13 – paragraph 8

Text proposed by the Commission

Amendment

8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market ***from the date of entry into force of this Regulation*** is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

Amendment 176

Proposal for a regulation Article 13 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. By way of derogation from paragraph, the obligation to bring into conformity, withdraw or recall packaging which is believed not to be in conformity with applicable requirements shall not apply to reusable packaging placed on the market before the entry into force of this Regulation.

Amendment 177

Proposal for a regulation Article 13 – paragraph 9

Text proposed by the Commission

Amendment

9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in ***either paper or*** electronic form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.

9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in electronic form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.

Amendment 178

Proposal for a regulation Article 13 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Paragraphs 1 to 6 shall not apply to custom-made transport packaging for configurable medical devices and medical

systems that are to be used in industrial and healthcare environments.

Amendment 179

Proposal for a regulation Article 16 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. In order to meet the obligations laid down in this Article, Member States may provide tools to support economic operators importing products into the territory of the Union.

Amendment 180

Proposal for a regulation Article 17 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article **40**;

(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article **39**;

Amendment 181

Proposal for a regulation Article 17 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Information disclosed by the producer shall not be used by the distributor for any purpose other than to verify compliance with applicable requirements. The misuse of such information by distributors for commercial purposes shall be prohibited.

Amendment 182

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

Fulfilment service providers shall ensure that for packaging that they handle, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the requirements set out in Articles 5 to 11.

Amendment

Fulfilment service providers **and online platforms** shall ensure that for packaging that they handle **or offer on their online platforms**, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the **applicable** requirements set out in Articles 5 to 11.

Amendment 183

Proposal for a regulation
Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Obligations of providers of online platforms

Providers of online platforms shall comply without undue delay with the relevant requirements of Regulation (EU) 2022/2065 and shall ensure that they have internal processes in place for compliance.

Amendment 184

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

Amendment

An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article **14**, where they place packaging on the market under their own name or

An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article **13**, where they place packaging on the market under their own name or

trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.

trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.

Amendment 185

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 %.

Amendment

1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 % ***in accordance with the provisions laid down by Parts 1 and 2 of Annex IV.***

Amendment 186

Proposal for a regulation Article 21 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Economic operators using reusable packaging within a system of reuse shall be exempted from the obligation laid down in paragraph 1.

Amendment 187

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.

Amendment

1. ***By 31 December 2027 at the latest,*** economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.

Amendment 188

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

3. *Member States may exempt* economic operators *from* point 3 of Annex V if they *comply with* the definition of micro-company in accordance with rules set out in *the* Commission Recommendation 2003/361, as applicable on [OP: Please insert *the* date = *the* date of entry into force of this Regulation], *and* where it is not technically feasible not to use packaging or to obtain access to infrastructure *that is* necessary for the functioning of a reuse system.

Amendment

3. Economic operators *shall be exempted from the application of* point 3 of Annex V if they *meet* the definition of a micro-company in accordance with rules set out in Commission Recommendation 2003/361, as applicable on [OP: Please insert date = date of entry into force of this Regulation]. *In addition, Member States shall grant an exemption where it has been demonstrated that* it is not technically feasible not to use packaging or to obtain access to *the* infrastructure necessary for the functioning of a reuse system.

Amendment 189

Proposal for a regulation Article 22 – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific progress with the objective to reducing packaging waste. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific progress with the objective to reducing packaging waste *and improving the overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by an independent and peer reviewed life-cycle assessment*. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements

set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.

Amendment 190

Proposal for a regulation Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

Restriction on the use of certain very lightweight plastic bags packaging

- 1. Economic operators shall not place very lightweight plastic carrier bags on the market.***
- 2. Without prejudice to Article 8(1a), paragraph 1 of this Article shall not apply to very lightweight plastic carrier bags required for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage.***

Amendment 191

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, which meets the requirements laid down in Article 24 and Annex VI.

1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, ***including an incentive to ensure collection***, which meets the requirements laid down in Article 24 and Annex VI. ***This paragraph shall be considered fulfilled by existing systems for reuse already in place in the Member States.***

Amendment 192

Proposal for a regulation
Article 24 – paragraph 2 a +

Text proposed by the Commission

Amendment

2a. Economic operators making use of reusable packaging may designate third parties responsible of one or more mutualised systems for re-use. The appointed third parties shall ensure that the systems for reuse, which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.

Where economic operators have appointed a third party as referred in paragraph 2a, the obligations set out in this Article shall be met by the third parties on their behalf.

Amendment 193

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. Economic operators enabling refill shall ensure that packaging offered to the end users at the refill stations is not provided free of charge or is provided as a part of a deposit and return system.

3. Economic operators enabling refill shall ensure that **if a** packaging **is** offered to the end users at the refill stations, **it** is not provided free of charge or is provided as a part of a deposit and return system.

Amendment 194

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

Amendment

4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with

4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with paragraph 1, **in particular if they deem it**

paragraph 1.

unhygienic or unsuitable for the food or drink being sold.

Economic operators shall bear no liability for hygiene or food safety issues that may arise from the use of containers provided by the end user.

Amendment 195

Proposal for a regulation

Article 25 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. From 1 January 2030, final distributors with an area, excluding all storage and dispatch areas, of more than 400m² shall endeavour to dedicate 10% of their sales area to refill stations for both food and non-food products.

Amendment 196

Proposal for a regulation

Article 26 – title

Text proposed by the Commission

Amendment

Re-use *and refill* targets

Re-use targets

Amendment 197

Proposal for a regulation

Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. *From 1 January 2030*, economic operators making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that **90 %** of those products are made available in reusable transport packaging within a

1. Economic operators, *including online platforms*, making large household appliances listed in point 1 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State :

system for *re-use*.

(a) shall ensure that from 1 January 2030, 50% of those products are made available in reusable transport packaging within a system for reuse;

(b) shall aim to ensure that from 1 January 2040, 90% of those products are made available in reusable transport packaging within a system for reuse.

Amendment 198

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that:

deleted

(a) from 1 January 2030, 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 80 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 199

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate

deleted

consumption without the need of any further preparation, and typically consumed from the receptacle, shall ensure that:

(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 40 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 200

Proposal for a regulation Article 26 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where a final distributor makes non-alcoholic beverages in sales packaging available on the market:

(a) it shall ensure that, within the territory of a Member State from 1 January 2030, at least 20 % of those products are made available in reusable packaging within a system for re-use;

(b) it shall aim to ensure that from 1 January 2040, at least 35 % of those products are made available in reusable packaging within a system for re-use.

Amendment 201

Proposal for a regulation Article 26 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Where a final distributor makes alcoholic beverages, with the exception of wine and sparkling wines, in sales packaging available on the market within the territory of a Member State :

(a) it shall ensure that from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use;

(b) it shall aim to ensure that from 1 January 2040, at least 25 % of those products are made available in reusable packaging within a system for re-use;

(c) shall meet the targets referred to in points (a) and (b) of this paragraph in a manner that other alcoholic beverage category, as defined in Council Directive 92/83/EEC, fairly contributes to the re-use target;

(d) it shall ensure that brands owned by the final distributor contribute fairly to the re-use target;

(e) it shall allow manufacturers the flexibility to achieve reuse targets across their portfolio.

Amendment 202

Proposal for a regulation Article 26 – paragraph 4

Text proposed by the Commission

Amendment

4. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:

deleted

(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 25 % of those products are made available in reusable

packaging within a system for re-use or by enabling refill.

Amendment 203

Proposal for a regulation Article 26 – paragraph 5

Text proposed by the Commission

Amendment

5. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of wine, with the exception of sparkling wine, shall ensure that: *deleted*

(a) from 1 January 2030, 5 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 15 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 204

Proposal for a regulation Article 26 – paragraph 6

Text proposed by the Commission

Amendment

6. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages which are immediately ready to drink, pure juice, juice or must of fruits or vegetables and smoothies without milk and non-alcoholic beverages containing milk fat, shall ensure that: *deleted*

(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 205

Proposal for a regulation

Article 26 – paragraph 7 – introductory part

Text proposed by the Commission

7. Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails **and** drums for the conveyance or packaging of products in conditions other than provided for under paragraphs **12 and 13 shall ensure that:**

Amendment

7. Economic operators using transport packaging **or sales packaging only used for transportation within the territory of the Union** in the form of pallets, plastic crates, foldable plastic boxes, pails **or** drums for the conveyance or packaging of products in conditions other than provided for under paragraphs **5 and 6:**

Amendment 206

Proposal for a regulation

Article 26 – paragraph 7 – point a

Text proposed by the Commission

(a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use;

Amendment

(a) **shall ensure that** from 1 January 2030, **at least** 30 % of such packaging used is reusable packaging within a system for re-use;

Amendment 207

Proposal for a regulation

Article 26 – paragraph 7 – point b

Text proposed by the Commission

(b) from 1 January 2040, 90 % of such

Amendment

(b) **shall aim to ensure that** from 1

packaging used is reusable packaging within a system for re-use.

January 2040, **at least** 90 % of such packaging used is reusable packaging within a system for re-use.

Amendment 208

Proposal for a regulation Article 26 – paragraph 8 – introductory part

Text proposed by the Commission

Amendment

8. Economic operators using transport packaging for the transport and delivery of non-food items made available on the market for the first time via e-commerce **shall ensure that**:

8. Economic operators using transport packaging **within the territory of the Union** for the transport and delivery of non-food items made available on the market for the first time via e-commerce:

Amendment 209

Proposal for a regulation Article 26 – paragraph 8 – point a

Text proposed by the Commission

Amendment

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

(a) **shall ensure that** from 1 January 2030, **at least** 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment 210

Proposal for a regulation Article 26 – paragraph 8 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 50 % of such packaging used is reusable packaging within a system for re-use;

(b) **shall aim to ensure that** from 1 January 2040, **at least** 50 % of such packaging used is reusable packaging within a system for re-use;

Amendment 211

Proposal for a regulation
Article 26 – paragraph 9 – introductory part

Text proposed by the Commission

9. Economic operators using transport packaging ***in the form of pallet wrappings and straps*** for stabilization and protection of products put on pallets during transport ***shall ensure that:***

Amendment

9. Economic operators using transport packaging ***within the territory of the Union*** for stabilization and protection of products put on pallets during transport, ***including, but not limited to, pallet wrappings or straps:***

Amendment 212

Proposal for a regulation
Article 26 – paragraph 9 – point a

Text proposed by the Commission

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment

(a) ***shall ensure that*** from 1 January 2030, ***at least*** 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment 213

Proposal for a regulation
Article 26 – paragraph 9 – point b

Text proposed by the Commission

(b) from 1 January 2040, 30 % of such packaging used for transport is reusable packaging within a system for re-use;

Amendment

(b) ***shall aim to ensure that*** from 1 January 2040, ***at least*** 30 % of such packaging used for transport is reusable packaging within a system for re-use;

Amendment 214

Proposal for a regulation
Article 26 – paragraph 10 – introductory part

Text proposed by the Commission

10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging

Amendment

10. Economic operators, ***including online platforms,*** using grouped packaging ***within the territory of the Union*** in the

to group a certain number of products to create a stock-keeping unit ***shall ensure that***:

form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping ***or distribution*** unit:

Amendment 215

Proposal for a regulation Article 26 – paragraph 10 – point a

Text proposed by the Commission

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment

(a) ***shall ensure that*** from 1 January 2030, ***at least*** 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment 216

Proposal for a regulation Article 26 – paragraph 10 – point b

Text proposed by the Commission

(b) from 1 January 2040, 25 % of such packaging they used is reusable packaging within a system for re-use.

Amendment

(b) ***shall aim to ensure that*** from 1 January 2040, ***at least*** 25 % of such packaging they used is reusable packaging within a system for re-use.

Amendment 217

Proposal for a regulation Article 26 – paragraph 11

Text proposed by the Commission

11. Targets laid down in ***paragraphs 1 to 10*** shall be calculated for the period of a calendar year.

Amendment

11. Targets laid down in ***this Article*** shall be calculated for the period of a calendar year.

Amendment 218

Proposal for a regulation Article 26 – paragraph 12 – subparagraph 1 – introductory part

Text proposed by the Commission

Transport packaging used by an economic operator shall be reusable where it is used for transporting products:

Amendment

From 1 January 2030, 95% of the transport packaging used by an economic operator shall be reusable where it is used for transporting products:

Amendment 219

Proposal for a regulation

Article 26 – paragraph 13 – subparagraph 1

Text proposed by the Commission

Economic operators delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products.

Amendment

From 1 January 2030, economic operators, ***including online platforms,*** delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products.

Amendment 220

Proposal for a regulation

Article 26 – paragraph 14 – introductory part

Text proposed by the Commission

14. Economic operators shall be exempted from the obligation to meet the targets in ***paragraphs 2 to 10*** if, during a calendar year, they:

Amendment

14. Economic operators shall be exempted from the obligation to meet the targets in ***this Article*** if, during a calendar year, they:

Amendment 221

Proposal for a regulation

Article 26 – paragraph 15

Text proposed by the Commission

15. Economic operators shall be exempted from the obligation to meet the targets in paragraphs ***2 to 6*** if, during a calendar year, they have a sales area of not

Amendment

15. Economic operators shall be exempted from the obligation to meet the targets in paragraphs ***3a and 3b*** if, during a calendar year, they have a sales area of not

more than 100 m², including also all storage and dispatch areas.

more than 100 m², including also all storage and dispatch areas.

Amendment 222

Proposal for a regulation

Article 26 – paragraph 16 – introductory part

Text proposed by the Commission

16. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:

Amendment

16. ***In order to take account of the latest scientific and economic data and developments, and improving the overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by an independent and peer reviewed life-cycle assessment,*** the Commission shall be empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:

Amendment 223

Proposal for a regulation

Article 26 – paragraph 16 – point a

Text proposed by the Commission

(a) targets for other products than those covered by paragraphs 1 to 6 of this Article and other packaging formats than those in paragraphs 7 to 10, based on the positive experiences with measures taken by Member States under Article 45(2),

Amendment

(a) targets for other products than those covered by paragraphs 1 to 6 of this Article and other packaging formats than those in paragraphs 7 to 10, based on the positive experiences with measures taken by Member States under Article 45(2) ***and with a particular emphasis on the sectors of cold and hot takeaway beverages, takeaway food, detergents, hygiene, ready-prepared meals and pet food,***

Amendment 224

Proposal for a regulation

Article 26 – paragraph 16 – point b

Text proposed by the Commission

(b) exemptions for economic operators additional to those listed in **points (a) to (c) of paragraph 14 of this Article**,

Amendment

(b) exemptions for economic operators additional to those listed in **this Article, due to particular economic constraints encountered in a specific sector related to the compliance with targets set out in this Article**,

Amendment 225

Proposal for a regulation

Article 26 – paragraph 16 – point c

Text proposed by the Commission

(c) exemptions for specific packaging formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety or **environmental issues** preventing **the achievement of those targets**.

Amendment

(c) exemptions for specific packaging formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety or **hazardous nature of the product** preventing **reuse**.

Amendment 226

Proposal for a regulation

Article 26 – paragraph 17

Text proposed by the Commission

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding reuse of packaging **and, on this basis**, assess the **appropriateness of establishing measures, reviewing the** targets laid down in this Article, **and** setting new targets for the reuse **and refill of packaging, and where necessary present a legislative proposal**.

Amendment

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation] the Commission shall review the situation regarding reuse of packaging. **When assessing the impact of the packaging reuse targets, the Commission shall at least evaluate the packaging waste reduction obtained by the reuse 2030 targets, CO₂ emission reduction, food waste reduction, reduction of the volumes of virgin raw material used, water and energy use, water contamination and the use of detergents and disinfectants.**

The Commission shall also assess the development of cardboard packaging

waste and its environmental impacts and material substitution effects that may occur due to material exemptions in Article 22 in combination with Annex V, and Article 26, paragraphs 7, 10, 12 and 13. On the basis of that review, the Commission shall, where appropriate, present a legislative proposal:

(a) modifying or confirming the 2040 targets laid down in this Article

(b) if necessary, setting new targets for the reuse in other sectors and for other packaging formats and materials.

Amendment 227

Proposal for a regulation Article 26 – paragraph 17 a (new)

Text proposed by the Commission

Amendment

17a. From 1 January 2030, all reusable packaging formats issued by distributors in the territory of a Member State in accordance with paragraphs 3a and 3b, shall be taken back by that end distributor.

Amendment 228

Proposal for a regulation Article 27 – title

Text proposed by the Commission

Amendment

Rules on the calculation of the attainment of the re-use *and refill* targets

Rules on the calculation of the attainment of the re-use targets

Amendment 229

Proposal for a regulation Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purpose of demonstrating the attainment of the targets laid down in Article **26(2) to (6)**, the final distributor, or manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:

Amendment

2. For the purpose of demonstrating the attainment of the targets laid down in Article **26(3a) and (3b)**, the final distributor, or manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:

Amendment 230

Proposal for a regulation
Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) the number of units of sales of beverages and food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;

Amendment

(a) the number of **equivalent** units of sales of beverages and food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;

Amendment 231

Proposal for a regulation
Article 27 – paragraph 2 – point b

Text proposed by the Commission

(b) the number of units of sales of beverages and food made available on the market within the territory of a Member State in a calendar year through refill;

Amendment

deleted

Amendment 232

Proposal for a regulation
Article 27 – paragraph 2 – point c

Text proposed by the Commission

(c) the number of units of sales of beverages and food made available on the

Amendment

(c) the number of **equivalent** units of **sales** of sales of beverages and food made

market within the territory of a Member State by other means than those referred to in **points (a) and (b)** in a calendar year.

available on the market within the territory of a Member State by other means than those referred to in **point (a)** in a calendar year.

Amendment 233

Proposal for a regulation Article 27 – paragraph 3 – point a

Text proposed by the Commission

(a) the number of equivalent units of each of the packaging formats listed in Article **26(7) to (10)** constituting reusable packaging within a system for re-use they used in a calendar year;

Amendment

(a) the number of equivalent units of each of the packaging formats listed in Article **26(6) and (7)** constituting reusable packaging within a system for re-use they used in a calendar year;

Amendment 234

Proposal for a regulation Article 27 – paragraph 3 – point b

Text proposed by the Commission

(b) the number of equivalent units of each of the packaging formats listed in Article **26(7) to (10)**, other than those indicated in point (a), that they used in a calendar year.

Amendment

(b) the number of equivalent units of each of the packaging formats listed in Article **26(6) and (7)**, other than those indicated in point (a), that they used in a calendar year.

Amendment 235

Proposal for a regulation Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

By 31 December **2028**, the Commission shall adopt **implementing** acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

Amendment

By 31 December **2026**, the Commission shall adopt **delegated** acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

Amendment 236

Proposal for a regulation
Article 27 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3). *deleted*

Amendment 237

Proposal for a regulation
Article 27 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The obligation to demonstrate the attainment of the targets laid down in Article 26 shall apply from 1 January 2030 or [18 months] after the date of entry into force of the delegated acts referred to in subparagraph 1, whichever is later.

Amendment 238

Proposal for a regulation
Article 28 – title

Text proposed by the Commission

Amendment

Reporting to the competent authorities on re-use *and refill* targets

Reporting to the competent authorities on re-use targets

Amendment 239

Proposal for a regulation
Article 28 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. By ... [OP: please insert the date = 24 months from the entry into force of this Regulation], the Commission shall establish a European observatory on re-

use. The observatory shall be responsible for monitoring the implementation of the measures laid down in this Regulation, collecting data on re-use practices, and contributing to the development of best practices in the field of re-use.

Amendment 240

Proposal for a regulation Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28a

Refill obligation for the takeaway sector

1. By ... [OP: Please insert the date = 24 months from the date of entry into force of this Regulation]:

(a) the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall provide a system for consumers to bring their own container to be filled;

(b) the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall provide a system for consumers to bring their own container to be filled.

2. The final distributors referred to in points (a) and (b) shall offer the goods filled in the container brought by the consumer at a lower price and in no less favourable conditions than the sales unit

consisting of the same goods and single use packaging.

The final distributors shall inform the end consumers at the point of sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in a refillable container provided by the consumer.

Amendment 241

Proposal for a regulation Article 28 b (new)

Text proposed by the Commission

Amendment

Article 28b

Reuse offer for the takeaway beverage sector

- 1. By ... [OP: Please insert the date = 36 months after the date of entry into force of this Regulation] the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall provide to the consumers the option of packaging within a system for re-use.*
- 2. The final distributors shall inform the end consumers at the point of sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in reusable packaging.*
- 3. The final distributors shall offer the goods filled in reusable packaging at no higher costs, and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.*
- 4. The final distributors shall be exempted from the application of this*

Article if they fall within the definition of a micro enterprise set out

in Commission Recommendation 2003/361/EC.

Amendment 242

Proposal for a regulation Article 29 – paragraph 2

Text proposed by the Commission

2. Measures to be taken by Member States to meet the target set out in paragraph 1 **may vary depending on** the environmental impact of lightweight plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures may, by way of derogation from Article 4, include marketing restrictions, provided that they are proportionate and non-discriminatory.

Amendment

2. Measures to be taken by Member States to meet the target set out in paragraph 1 **shall take into consideration** the environmental impact of lightweight plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures may, by way of derogation from Article 4, include marketing restrictions, provided that they are proportionate and non-discriminatory.

Amendment 243

Proposal for a regulation Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. By 31 December 2027, the Commission shall prepare a report on the need and feasibility of reducing the use of paper carrier bags and, where appropriate, submit a legislative proposal setting out targets for a paper carrier bags reduction and measures to achieve these targets.

Amendment 244

Proposal for a regulation Article 34 – paragraph 4 a (new)

4a. Competent authorities shall control the accuracy of at least 10% of the declarations of conformity per year, assessed on a random basis and shall take the necessary measures to address non-compliance, such as the withdrawal of non-compliant products from the market.

Without prejudice to the checks pursuant to paragraph 1 that are planned in advance, competent authorities shall conduct checks when they obtain or are made aware of relevant information, including based on substantiated concerns provided by third parties concerning a potential non-compliance with this Regulation.

The checks shall be carried out without prior warning to the economic operator, except where prior notification of the operator or trader is necessary in order to ensure the effectiveness of those checks.

The competent authorities shall keep records of the checks, indicating in particular their nature and results, as well as on the measures taken in the event of non-compliance. Records of all checks shall be kept for at least ten years.

Records of checks carried out under this Regulation and reports of their results and outcomes shall constitute environmental information for the purposes of Directive 2003/4/EC of the European Parliament and of the Council^{1a} and shall be made publicly available.

^{1a} Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

Amendment 245

Proposal for a regulation Article 38 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State shall reduce the plastic packaging waste generated per capita, as compared to the plastic packaging waste generated per capita in 2018 as reported to the Commission in accordance with Commission Decision 2005/270/EC, by:

(a) 10 % by 2030;

(b) 15 % by 2035;

(c) 20 % by 2040.

Amendment 246

Proposal for a regulation Article 38 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Without prejudice to paragraphs 1 and 1a, Member States that have established a dual system for the management of packaging waste, one system for household packaging waste and the other for industrial and commercial packaging waste, may have the opportunity to retain their specificity.

Amendment 247

Proposal for a regulation Article 38 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall implement measures ***aiming to prevent the generation of packaging waste and to minimise the environmental impact of packaging.***

2. Member States shall implement ***and take the necessary additional sustainability*** measures ***to achieve an ambitious and sustained reduction of the packaging waste generated per capita, in***

line with the overall objectives of the Union's waste policy, in particular waste prevention and in order to reach the targets set out in this Article.

Amendment 248

Proposal for a regulation Article 38 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *For the purpose of paragraph 2, Member States shall ensure that customers in restaurants, canteens, bars, cafés and catering services may request to be served tap water for free or for a low service fee.*

Amendment 249

Proposal for a regulation Article 38 – paragraph 3

Text proposed by the Commission

Amendment

3. For the purpose of paragraph 2, Member States may *use* economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste prevention plans. Such measures shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.

3. For the purpose of paragraph 2, Member States may ***introduce measures that may include, but are not limited to, the use of*** economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste prevention plans. Such measures shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty ***and with Article 4 of this Regulation.***

Amendment 250

Proposal for a regulation Article 38 – paragraph 4

Text proposed by the Commission

4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in **paragraph 1**. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.

Amendment

4. By [OP: Please insert the date = 5 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in **paragraphs 1 and 1a and assess the need to include specific targets for paper and cardboard, glass, metal and composite material**. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.

Amendment 251

Proposal for a regulation Article 39 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or **appointed** representatives for the extended producer responsibility.

Amendment

The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or **authorised** representatives for the extended producer responsibility.
The register shall be easily accessible and free of charge to the public online.

Amendment 252

Proposal for a regulation Article 39 – paragraph 2

Text proposed by the Commission

2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for registration in each Member State where they make packaging available

Amendment

2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for registration in each Member State where they make packaging available

on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation, unless *otherwise specified by the Member State in which the register is established*.

on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation. *Micro enterprises shall be exempt from the obligations of this paragraph, unless they have appointed a producer responsibility organisation.*

Amendment 253

Proposal for a regulation Article 39 – paragraph 4

Text proposed by the Commission

4. Producers shall not make available packaging on the market, if they or, where applicable, their *appointed* representatives for the extended producer responsibility, are not registered in such Member State.

Amendment

4. Producers shall not make available packaging on the market, if they or, where applicable, *in accordance with Article 40*, their *authorised* representatives for the extended producer responsibility, are not registered in such Member State.

Amendment 254

Proposal for a regulation Article 39 – paragraph 6

Text proposed by the Commission

6. Where an *appointed* representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to paragraph 5, provide the name and the contact details of each one of the represented producers separately.

Amendment

6. Where an *authorised* representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to paragraph 5, provide the name and the contact details of each one of the represented producers separately.

Amendment 255

Proposal for a regulation Article 39 – paragraph 10

Text proposed by the Commission

10. **Where** the information in the register of producers **is not** publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, free of charge, to the information in the register.

Amendment

10. The information in the register of producers **shall be** publicly accessible. Member States shall ensure that **fulfilment service providers and** providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, **including online access**, free of charge, to the information in the register, **including through digital register extracts. However, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved. The list of registered producers shall be machine readable, sortable and searchable, respecting open standards for third party use.**

Amendment 256

**Proposal for a regulation
Article 40 – paragraph 1**

Text proposed by the Commission

1. Producers **of packaging** shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that they make available on the market for the first time within the territory of a Member State.

Amendment

1. Producers shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that they make available on the market for the first time within the territory of a Member State.

Amendment 257

**Proposal for a regulation
Article 40 – paragraph 2**

Text proposed by the Commission

2. A producer shall appoint, by written mandate, an **appointed** representative for the extended producer responsibility in

Amendment

2. A producer shall appoint, by written mandate, an **authorised** representative for the extended producer responsibility in

each Member State other than the Member State where it is established where it makes packaging available for the first time.

each Member State other than the Member State where it is established where it makes packaging available for the first time.

Amendment 258

Proposal for a regulation Article 40 – paragraph 3 – introductory part

Text proposed by the Commission

3. Providers of online platforms, falling ***within the scope of*** Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers shall ***obtain the following information from*** producers offering packaging to consumers located in the Union:

Amendment

3. Providers of online platforms falling ***under*** Section 4 of Chapter 3 of Regulation (EU) No 2022/2065, allowing consumers to conclude distance contracts with producers, ***as well as fulfilment service providers, shall be required to comply with the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this Article, unless they can prove that*** producers offering packaging to consumers located in the Union, ***comply with those requirements by obtaining:***

Amendment 259

Proposal for a regulation Article 40 – paragraph 3 – point b

Text proposed by the Commission

(b) ***a self-certification by the producer committing to only offer packaging with regard to which*** the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article ***are complied with*** in the Member State where the consumer is located.

Amendment

(b) ***information on compliance with*** the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article in the Member State where the consumer is located.

Amendment 260

Proposal for a regulation Article 40 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where producers sell their products via the online marketplace and are not registered in accordance with Article 39(2), the online marketplace in which the products are offered for sale may fulfil the obligations under Article 39(7) in respect of such producers collectively.

Amendment 261

Proposal for a regulation Article 40 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Upon receiving the information referred to paragraph 3 and prior to allowing the producer concerned to use its services, the provider of online platforms and fulfilment service providers shall assess whether the information referred to in point (a) and (b) is reliable and complete.

Amendment 262

Proposal for a regulation Article 40 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States shall ensure that the producers cover the costs pursuant to the extended producer responsibility provisions in Directives 2008/98/EC and 94/62/EC and, insofar as not already included, cover at least the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste.

The costs to be covered shall be established in a transparent and in a cost-

efficient way. The costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. The calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way on the basis of the packaging formats that are more prone to be littered or not separately collected.

Amendment 263

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that the producer responsibility organisations, when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.

Amendment

2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that the producer responsibility organisations **and producers that have not entrusted a producer responsibility organisation**, when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.

Amendment 264

Proposal for a regulation Article 42 – paragraph 3 – point b

Text proposed by the Commission

(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return **or** collection in accordance with

Amendment

(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return, collection, **transport and treatment**

Article 43(1) and (2) and Article 44, free of charge, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging made available on the market for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;

of all packaging waste in accordance with Article 43(1) and (2) and Article 44, free of charge, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging made available on the market for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;

Amendment 265

Proposal for a regulation Article 43 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that systems are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

Amendment

1. Member States shall ensure that systems *and infrastructures* are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4, **10** and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

Amendment 266

Proposal for a regulation Article 43 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to facilitate high quality recycling, Member States shall ensure that a system is in place to provide safe and equitable access to recycled materials for use in applications where the distinct quality of the recycled material is preserved or recovered in such a way that it can be recycled further and used in the same way and for a similar application, with minimal loss of quantity, quality or function.

Amendment 267

Proposal for a regulation Article 43 – paragraph 2

Text proposed by the Commission

2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with other waste does not affect the **potential** of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.

Amendment

2. Member States may allow derogations from ***the return and separate waste collection obligation in paragraph 1 for certain types of waste*** provided that collecting packaging or fractions of ***such*** packaging waste together or together with other waste does not affect the ***capacity*** of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.

Amendment 268

Proposal for a regulation Article 43 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) be open to data access, regarding the reporting in weight and cost of management of packaging waste flows, up to date and provided by means of:

(i) a website or other means of electronic communication, in the official language of the concerned Member State;

(ii) public reports in the official language of the Member State concerned.

Point (ca) shall be without prejudice to commercially sensitive information or data protection laws.

Amendment 269

Proposal for a regulation
Article 43 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By 1 January 2029, Member States shall ensure that, in public spaces, sufficient separate collection systems are set up for the different fractions of packaging waste materials.

Amendment 270

Proposal for a regulation
Article 43 – paragraph 5

Text proposed by the Commission

Amendment

5. By way of derogation from the separate waste collection obligation in paragraph 3, certain types of packaging waste may be collected together where such collection does not affect their potential to undergo recycling operations and results in output from those operations which is of comparable quality to that achieved through separate collection.

deleted

Amendment 271

Proposal for a regulation
Article 43 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. From 1 January 2030, Member States may ensure that packaging waste that is not separately collected is sorted prior to disposal or energy recovery operations to remove packaging designed for recycling.

Amendment 272

Proposal for a regulation
Article 43 a (new)

Text proposed by the Commission

Amendment

Article 43a

Mandatory separate collection

1. By 1 January 2029, Member States shall take the necessary measures to ensure the separate collection of 90% of the materials listed in Article 46 in a given year by weight.

The objective referred to in the first subparagraph may be achieved through all the measures referred to in this Regulation, as well as through separate out-of-home collection measures.

2. Paragraph 1 shall supplement separate collection targets laid down for single-use plastic bottles covered by Article 9 of Directive (EU) 2019/904.

Amendment 273

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) single use plastic beverage bottles with the capacity of up to three litres; and

(a) single use plastic beverage bottles with the capacity **from 0,1 litre** to three litres; and

Amendment 274

Proposal for a regulation
Article 44 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) single use metal beverage containers with a capacity of up to three litres.

(b) single use metal beverage containers with a capacity **from 0,1 litre** to three litres.

Amendment 275

Proposal for a regulation

Article 44 – paragraph 3 – introductory part

Text proposed by the Commission

3. Without prejudice to paragraph 1 of this Article, **a** Member **State** will be exempted from the obligation under paragraph 1 **under** the following conditions:

Amendment

3. Without prejudice to paragraph 1 of this Article, Member **States** will be exempted from the obligation under paragraph 1 **provided that at least one of** the following conditions **is met**:

Amendment 276

Proposal for a regulation

Article 44 – paragraph 3 – point a

Text proposed by the Commission

(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is **above 90 %** by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027. Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;

Amendment

(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is **equal or higher than 85%** by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027. Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;

Amendment 277

Proposal for a regulation

Article 44 – paragraph 3 – point b

Text proposed by the Commission

(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption

Amendment

(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption

and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the **90 %** separate collection rate by weight of the packaging referred to in paragraph **1**.

and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the separate collection rate by weight of the packaging referred to in **point (a) of paragraph 3**.

Amendment 278

Proposal for a regulation Article 44 – paragraph 7

Text proposed by the Commission

7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article.

Amendment

7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article **and the possibility to include packaging for other products**.

Amendment 279

Proposal for a regulation Article 45 – paragraph 1

Text proposed by the Commission

1. Member States shall take measures to **encourage** the set-up of systems for re-use of packaging and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers.

Amendment

1. **By 31 December 2028**, Member States shall take measures to **ensure** the set-up of systems for re-use of packaging **with sufficient incentives for return** and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers.

Amendment 280

Proposal for a regulation Article 45 – paragraph 2 – point c

Text proposed by the Commission

(c) requirements on final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.

Amendment

(c) requirements on **manufacturers and** final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.

Amendment 281

**Proposal for a regulation
Article 45 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The Commission shall request European standardisation organisations the development of voluntary standards for reusable packaging, with the aim of promoting the characteristics needed for the deployment of well-designed re-use systems. Such standards shall address the design, labelling, cleaning, and traceability of reusable packaging, among other aspects. The Commission shall support the development and dissemination of such standards.

Amendment 282

**Proposal for a regulation
Article 45 – paragraph 2 b (new)**

Text proposed by the Commission

Amendment

2b. Member States shall ensure that extended producer responsibility schemes and deposit systems dedicate a minimum share of their budget to financing reduction and prevention actions and re-use infrastructure for the deployment of

re-use system.

Amendment 283

Proposal for a regulation

Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

2. Without prejudice to paragraph 1, point (a), a Member State may postpone the deadlines set out in paragraph 1, points **(b)(i)** to (vi), by up to 5 years, under the following conditions:

Amendment

2. Without prejudice to paragraph 1, point (a), ***and recognising the different starting point of each Member State in relation to the specific target defined for each material***, a Member State, may postpone the deadlines set out in paragraph 1, points **(b) (i)** to (vi), by up to 5 years, under the following conditions:

Amendment 284

Proposal for a regulation

Article 47 – paragraph 5

Text proposed by the Commission

5. ***Packaging waste exported out of the Union shall be calculated as recycled by the Member State in which it was collected only if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of this Regulation and that the recycling of packaging waste outside the Union took place under conditions that are broadly equivalent to those prescribed by the relevant Union legislation.***

Amendment

deleted

Amendment 285

Proposal for a regulation

Article 47 – paragraph 9

Text proposed by the Commission

9. The amount of packaging waste

Amendment

9. The amount of packaging waste

materials that have ceased to be waste as a result of a *preparatory* operation *before being reprocessed may be counted as recycled provided that such* materials are *destined for subsequent reprocessing* into products, materials or substances *to be used* for the original or other purposes. However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.

materials that have ceased to be waste as a result of a *recovery* operation *by which waste* materials are *reprocessed* into products, materials or substances *either* for the original or other purposes *may be counted as recycled*. However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.

Amendment 286

Proposal for a regulation Article 47 – paragraph 12

Text proposed by the Commission

12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter *can prove* that the shipment of waste complies with the requirements of that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are *broadly* equivalent to the requirements of the relevant Union environmental law.

Amendment

12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter *provides documentary evidence approved by the competent authority of destination* that the shipment of waste complies with the requirements of that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are equivalent to the requirements of the relevant Union environmental law.

Amendment 287

Proposal for a regulation Article 49 – paragraph 1 – point f

Text proposed by the Commission

(f) the composting properties and appropriate waste management options for compostable packaging.

Amendment

(f) the composting properties and appropriate waste management options for compostable packaging, *including information to consumers that compostable packaging that is*

compostable in industrially controlled conditions is not to be thrown in home compost or nature.

Amendment 288

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) the annual consumption of very lightweight plastic carrier bags, lightweight plastic carrier bags **and** thick plastic carrier bags per person, separately for each category;

Amendment

(b) the annual consumption of very lightweight plastic carrier bags, lightweight plastic carrier bags, thick plastic **carrier bags, very thick plastic carrier bags and paper** carrier bags per person, separately for each category;

Amendment 289

Proposal for a regulation

Article 50 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall report for each **packaging material and type as listed in Table 1 of Annex IX for each** calendar year data on:

Amendment

2. Member States shall report for each calendar year data on:

Amendment 290

Proposal for a regulation

Article 50 – paragraph 2 – point a

Text proposed by the Commission

(a) the amounts of packaging placed on the market for each packaging type and material as listed in Table 1 of Annex **IX**;

Amendment

(a) the amounts of packaging placed on the market for each packaging type and material as listed in Table 1 of Annex **II**;

Amendment 291

Proposal for a regulation
Article 50 – paragraph 2 – point b

Text proposed by the Commission

(b) amounts of separately collected packaging waste for each packaging material as listed in Table 1 in the Annex IX;

Amendment

(b) amounts of separately collected packaging waste for each packaging material as listed in Table 3 in the Annex XII;

Amendment 292

Proposal for a regulation
Article 50 – paragraph 2 – point c

Text proposed by the Commission

(c) the recycling rates;

Amendment

(c) the recycling rates *of packaging waste as listed in Table 4 of Annex XII*;

Amendment 293

Proposal for a regulation
Article 51 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The packaging databases shall be accessible to the wider public in an open format that can be machine-readable and ensures interoperability and re-use of data.

Amendment 294

Proposal for a regulation
Article 52 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this Regulation presents a risk to the

Amendment

Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this Regulation presents a risk to the

environment or human health, they shall carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are relevant to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

environment or human **and animal** health, they shall, **without undue delay**, carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are relevant to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

Amendment 295

Proposal for a regulation

Article 52 – paragraph 6 – introductory part

Text proposed by the Commission

6. The information to the Commission and the other Member States referred to in paragraph 4 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator and, where applicable, the information referred to in Article 54(1). The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:

Amendment

6. The information to the Commission and the other Member States referred to in paragraph 5 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator and, where applicable, the information referred to in Article 55(1). The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:

Amendment 296

Proposal for a regulation

Article 53 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where, on completion of the procedure set out in Article 52(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission

Amendment

Where, on completion of the procedure set out in Article 52(5) and (6), objections are raised against a measure taken by a Member State, or where the Commission

considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

Amendment 297

Proposal for a regulation Article 54 – paragraph 1

Text proposed by the Commission

1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or human health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to withdraw the packaging from the market or to recall it.

Amendment

1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or *to* human *and animal* health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to withdraw the packaging from the market or to recall it.

Amendment 298

Proposal for a regulation Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 shall use the information communicated pursuant to paragraph 1 of

this Article to carry out their risk analysis under Article 25(3) of Regulation (EU) 2019/1020.

Amendment 299

Proposal for a regulation

Article 56 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) the requirements on recyclable packaging are not fulfilled;

Amendment 300

Proposal for a regulation

Article 56 – paragraph 1 – point k b (new)

Text proposed by the Commission

Amendment

(kb) the requirements on minimum recycled content for packaging are not fulfilled;

Amendment 301

Proposal for a regulation

Article 58 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 5(5), Article 6(4), Article 6(6), **Article 7(9), Article 7(10), Article 7(11)**, Article 8(5), Article 22(4), Article 26(16) and Article 57(3) shall be conferred on the Commission for a period of **ten** years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament

2. The power to adopt delegated acts referred to in Article 5(5), Article 6(4), Article 6(6), **Article 7(7), Article 7(9)**, Article 8(5), Article 22(4), Article 26(16), **Article 27(4)** and Article 57(3) shall be conferred on the Commission for a period of **five** years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament

or the Council opposes such extension no later than 3 months before the end of each period.

or the Council opposes such extension no later than 3 months before the end of each period.

Amendment 302

Proposal for a regulation Article 58 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 5(5), Article 6(4), Article 6(6), Article 7(9), **Article 7(10), Article 7(11)**, Article 8(5), Article 22(4), Article 26(16) and Article 57(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 5(5), Article 6(4), Article 6(6), **Article 7(7)**, Article 7(9), Article 8(5), Article 22(4), Article 26(16), **Article 27(4)** and Article 57(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 303

Proposal for a regulation Article 58 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall consult **the Packaging Forum and** experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment 304

Proposal for a regulation Article 58 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 5(5), Article 6(4), Article 6(6), **Article 7(9), Article 7(10), Article 7(11)**, Article 8(5), Article 22(4), Article 26(16) and Article 57(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 5(5), Article 6(4), Article 6(6), **Article 7(7), Article 7(9)**, Article 8(5), Article 22(4), Article 26(16), **Article 27(4)** and Article 57(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 305

Proposal for a regulation
Article 62 – paragraph 1

Text proposed by the Commission

1. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. **Failure to comply with the requirements of Articles 21 to 26 shall be sanctioned by an administrative fine imposed on the relevant economic operator.**

Amendment

1. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. ***In accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council^{1a}, Member States shall communicate to the Commission those rules and of those measures and, without delay, of any subsequent amendments affecting them.*** The penalties provided for shall be effective, proportionate and dissuasive.

Those penalties may include:

(a) fines proportionate to the environmental damage and the value of the relevant products concerned,

calculating the level of such fines in such way as to ensure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements;

(b) confiscation of revenues gained by the manufacturer, producer, supplier, distributor, importer, authorised representatives, or appointed representatives for extended producer responsibility from a transaction with the relevant products concerned;

(c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions;

(d) temporary prohibition from placing or making available on the market, or exporting relevant products, in the event of a serious infringement or of repeated infringements.

^{1a} Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

Amendment 306

Proposal for a regulation Article 62 a (new)

Text proposed by the Commission

Amendment

Article 62a

Access to Justice

1. Any natural or legal person having a sufficient interest, as determined in accordance with the existing national

systems of legal remedies, including where such persons meet the criteria, if any, laid down in the national law, including persons who have submitted a substantiated concern in accordance with Article 62a, shall have access to administrative or judicial procedures to review the legality of the decisions, acts or failure to act of the competent authorities under this Regulation.

2. This Regulation shall be without prejudice to any provisions of national law which regulate access to justice and those which require that administrative review procedures be exhausted prior to recourse to judicial proceedings.

Amendment 307

Proposal for a regulation Article 62 b (new)

Text proposed by the Commission

Amendment

Article 62b

Request for action

1. Natural or legal persons affected or likely to be affected by a breach of this Regulation, or having a sufficient interest in environmental decision-making relating to the breach of this Regulation, shall be entitled to request the competent authorities to take action under this Regulation with respect to such a breach or an imminent threat of such a breach.

The interest of any non-governmental organisation promoting environmental protection and meeting the requirements laid down in Article 11 of Regulation (EC) No 1367/2006 of the European Parliament and of the Council shall be deemed sufficient for the purposes of the first subparagraph.

2. The request for action shall be accompanied by the relevant information

and data supporting that request.

3. Where the request for action and the accompanying information and data show in a plausible manner that a breach of this Regulation has occurred, or that there is an imminent threat of such a breach, the competent authorities shall consider any such requests for action and information and data. In such circumstances, the competent authorities shall give the economic operator concerned an opportunity to make its views known with respect to the request for action and the accompanying information and data.

4. The competent authorities shall, without delay and in accordance with the relevant provisions of Union law, inform the persons who submitted a request pursuant to paragraph 1, of its decision to accede to or refuse the request for action and shall provide the reasons for it.

5. In case the competent authority accedes to the request for action, it shall notify the Commission. The Commission shall assess whether there is a breach of the Regulation beyond the Member State concerned. If it finds that there is a breach beyond the Member State concerned, it shall take adequate action to ensure compliance with the Regulation.

Amendment 308

Proposal for a regulation Article 64 – paragraph 2 – point a

Text proposed by the Commission

(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = 42 months after the *date of* entry into force of *this Regulation*];

Amendment

(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = 30 months after the entry into force of *the implementing act referred to in Article 11(5)*];

Amendment 309

Proposal for a regulation Article 64 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Article 9(1) and (2) of Directive 94/62/EC shall continue to apply with regard to the essential requirements pursuant to Annex II, point 1, first indent until 31 December 2029;

Amendment 310

Proposal for a regulation Annex I – paragraph 12

Text proposed by the Commission

Amendment

Beverage system capsules (e.g. coffee, cacao, milk)

Tea or coffee bags and pads, beverage system capsules (e.g. single-serve units for tea or coffee)

Amendment 311

Proposal for a regulation Annex I – paragraph 14 a (new)

Text proposed by the Commission

Amendment

Boxes used for toothpaste tubes

Amendment 312

Proposal for a regulation Annex I – paragraph 44 a (new)

Text proposed by the Commission

Amendment

Tyre labelling stickers (EU 2020/740)

Amendment 313

Proposal for a regulation
Annex II – Table 1 – row 2

Text proposed by the Commission

2	Glass	Composite packaging, of which the majority is glass	Bottles, jars, flacons, cosmetics pots, tubs	
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Amendment

2	Glass	Composite packaging, of which the majority is glass	Bottles, jars, flacons, cosmetics pots, tubs, aerosol cans	
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Amendment 314

Proposal for a regulation
Annex II – Table 1 – row 4

Text proposed by the Commission

4	Paper/cardboard	Composite packaging of which the majority is paper/cardboard	Including beverage cartons, plates and cups, i.e., metallised or plastic laminated paper/ card, liquid paperboard, paper/cardboard with plastic liners/ windows	
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Amendment

4	Paper/cardboard	Composite packaging of which the majority is paper/cardboard	Including beverage and non-beverage cartons, plates and cups, i.e., metallised or plastic laminated paper/ card, liquid	
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			paperboard, paper/cardboard with plastic liners/ windows	
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Amendment 315

**Proposal for a regulation
Annex II – Table 1 – row 5**

Text proposed by the Commission

5	Metal	Steel	Rigid packaging formats (aerosol, cans, paint tins, boxes, etc.) made of steel, including tinplate	
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Amendment

5	Metal	Steel	Rigid packaging formats (aerosol cans , cans, paint tins, boxes, etc.) made of steel, including tinplate	
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Amendment 316

**Proposal for a regulation
Annex II – Table 1 – row 11 a (new)**

Text proposed by the Commission

Amendment

<i>(11a)</i>	<i>Plastic</i>	<i>PET - rigid</i>	<i>Bottles and flasks</i>	<i>Opaque white</i>
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Amendment 317

Proposal for a regulation
Annex II – Table 1 – row 12

Text proposed by the Commission

12	Plastic	PET - rigid	Rigid packaging other than bottles and flasks (Includes pots, tubs and trays)	Transparent
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Amendment

12	Plastic	PET - rigid	Rigid packaging other than bottles and flasks (Includes pots, tubs and trays, aerosol cans)	Transparent
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Amendment 318

Proposal for a regulation
Annex II – Table 1 – row 26 a (new)

Text proposed by the Commission

Amendment

(26a)	Plastic	Rigid plastics used for industrial packaging	IBCs, drums	
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Amendment 319

Proposal for a regulation
Annex II – Table 1 – row 27 a (new)

Text proposed by the Commission

Amendment

(27a)	Plastic	Flexible plastics used for industrial packaging	FIBCs, bags	
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Amendment 320

Proposal for a regulation Annex II – Table 2

Text proposed by the Commission

Recyclability Performance Grade	Assessment of recyclability per unit, in weight
Grade A	higher or equal to 95 %
Grade B	higher or equal to 90 %
Grade C	higher or equal to 80 %
Grade D	higher or equal to 70 %
Grade E	lower than 70 %

Amendment

Recyclability Performance Grade	Assessment of recyclability per unit, in weight
Grade A	<p><i>higher or equal to 95 % - High compatibility with design for recycling</i></p> <p><i>The packaging should be able to be recycled multiple times and is fully compatible with the design for recycling criteria. The generated secondary raw material is of comparable quality to feed a closed material loop scheme.</i></p>
Grade B	<p><i>higher or equal to 90 % - High to medium compatibility with design for recycling</i></p> <p><i>The packaging may have some minor recyclability issues that slightly affect the quality of the generated secondary raw material. However, the majority of the generated secondary raw material from this packaging can still potentially feed a closed material loop.</i></p>
Grade C	<p><i>higher or equal to 80 % - medium compatibility with design for recycling</i></p> <p><i>The packaging presents some recyclability issues that may affect the quality of the generated secondary raw materials and may lead to material losses during recycling.</i></p>
Grade D	<p><i>higher or equal to 70 % - Medium to low compatibility with design for recycling</i></p>

	<i>The packaging has significant design issues that highly affect its recyclability or imply large material losses during recycling.</i>
Grade E	<i>lower than 70 % - Low compatibility with design for recycling The packaging is not recyclable because of design issues and should not be placed on the market.</i>

Amendment 321

Proposal for a regulation Annex II – Table 2 a (new)

Text proposed by the Commission

Amendment

Indicative parameters to be considered when establishing design criteria for recycling under Article 6

<i>1. Additives</i>
<i>2. Labels/sleeves</i>
<i>3. Closure systems and small parts</i>
<i>4. Adhesives</i>
<i>5. Inks/Printing</i>
<i>6. Colours</i>
<i>7. Material composition</i>
<i>8. Barriers / coatings</i>
<i>9. Products residues / ease of emptying</i>
<i>10. Ease of dismantling (design features of packaging)</i>

Amendment 322

Proposal for a regulation Annex III – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Conditions to be considered when mandating the use of compostable packaging format:

Conditions to be considered when mandating **or introducing** the use of compostable packaging format:

Amendment 323

Proposal for a regulation
Annex III – paragraph 1 – point c

Text proposed by the Commission

(c) it is of biodegradable nature **allowing** the packaging to undergo physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide **or methane**, in the absence of oxygen, **mineral salts, biomass and water**,

Amendment

(c) it is of **such** biodegradable nature **that it allows** the packaging to undergo physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide **and water, new microbial biomass, mineral salts, and**, in the absence of oxygen, **methane**,

Amendment 324

Proposal for a regulation
Annex III – paragraph 1 – point e

Text proposed by the Commission

(e) its use significantly reduces the contamination of compost with non-compostable packaging; and

Amendment

(e) its use significantly reduces the contamination of compost with non-compostable packaging and **does not cause any problems in bio-waste processing**;

Amendment 325

Proposal for a regulation
Annex IV – Part I – point 1

Text proposed by the Commission

1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.

Amendment

1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality. **Protection measures**

may include necessary anti-tamper, anti-theft and anti-counterfeit provisions.

Amendment 326

Proposal for a regulation Annex IV – Part I – point 6

Text proposed by the Commission

6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation.

Amendment

6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation ***including the protection of geographical indications protected under Union legislation or the legal protection under Regulation (EC) No 6/2002.***

Amendment 327

Proposal for a regulation Annex IV – Part II – paragraph 1 – point a

Text proposed by the Commission

(a) for each performance criterion as listed in Part I, a list of design requirements which prevent further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated. ***It shall not be sufficient to substitute*** one packaging material with another;

Amendment

(a) for each performance criterion as listed in Part I, a list of design requirements which prevent further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated, ***such as the reduction of any superfluous layer which does not perform a packaging function. Substitution of*** one packaging material with another ***shall not be considered sufficient;***

Amendment 328

Proposal for a regulation
Annex V – row 1

Text proposed by the Commission

1.	Single-use plastic grouped packaging	Plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users to purchase more than one product. This excludes grouped packaging necessary to facilitate handling distribution.	Collation films, shrink wrap
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Amendment

1.	Single-use plastic grouped packaging	Plastic packaging used at the point of sale to group goods sold in bottles , cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage consumers to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in business-to-business distribution.	Collation films, shrink wrap
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Amendment 329

Proposal for a regulation
Annex V – row 2

Text proposed by the Commission

2.	Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables	Single use packaging for less than 1.5 kg fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss or turgidity loss, microbiological hazards or physical shocks.	Nets, bags, trays, containers
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Amendment

2.	Single use plastic packaging, single use composite packaging for	Single use packaging for less than 1 kg fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss, greening , or turgidity loss, microbiological hazards or physical shocks, or unless these products are subject to PDO (Protected	Nets, bags, trays, containers
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	fresh fruit and vegetables	<i>Designation of Origin) and PGI (Protected geographical indications) under Union legislation. The list of products concerned shall be established by the Commission in consultation with Member States and after receiving the opinion of the European Food Safety Agency no later than six months after the entry into force of this Regulation. It shall take into account the risks of spoilage and foodwaste, when these products are sold in bulk.</i>	
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Amendment 330

Proposal for a regulation Annex V – row 3

Text proposed by the Commission

3.	Single use plastic, single use composite packaging or other single use packaging	Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption	Trays, disposable plates and cups, bags, foil, boxes
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Amendment

3.	Single use plastic, single use composite packaging or other single use packaging	Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector, which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption, <i>unless there is a demonstrated need to use single packaging given inability of access to infrastructures that are necessary for the proper operation of a reuse system.</i>	Trays, disposable plates and cups, bags, foil, boxes
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Amendment 331

Proposal for a regulation
Annex V – row 4

Text proposed by the Commission

4.	Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation	Sachets, tubs, trays, boxes
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Amendment

4.	Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, <i>except in the following cases:</i> <i>(a)</i> such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation; <i>(b)</i> <i>in centres where individualised attention and service is required, such as hospitals, clinics, and nursing homes;</i> <i>(c)</i> <i>in case of farms and agricultural businesses that carry out direct sales activities in farmers' markets regulated by national or regional law.</i>	Sachets, tubs, trays, boxes
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Amendment 332

Proposal for a regulation
Annex V – row 5

Text proposed by the Commission

5.	Single use hotel miniature packaging	For cosmetics, hygiene and toiletry products of less than 50 ml for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap
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Amendment

5.	Single use plastic hotel miniature packaging	For cosmetics <i>as defined in Article 2 of Regulation (EC) No 1223/2009</i> , hygiene and toiletry products of less than 100 ml for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap
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Amendment 333

**Proposal for a regulation
Annex V – row 5 a (new)**

Text proposed by the Commission

Amendment

(5a)	Single use plastic packaging in airports	For suitcases and bags	Shrink wrap
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Amendment 334

**Proposal for a regulation
Annex V – row 5 b (new)**

Text proposed by the Commission

Amendment

(5b)	Secondary packaging not necessary to comply with the performance criteria in Annex IV	For cosmetics, except perfumes, hygiene and toiletry products	Boxes for toothpaste and creams
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Amendment 335

**Proposal for a regulation
Annex VI – Part A – paragraph 3 a (new)**

Open loop systems established prior to the entry into force of this Regulation shall be exempted from the requirements under Part A, 1. (a), (b), (c), (d), (f) and (g).

Amendment 336

Proposal for a regulation Annex VI – part B – point 1

Text proposed by the Commission

Amendment

1 The reconditioning process shall not create risks to the health and safety of those responsible for doing so ***and strive to reduce*** its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials

1 The reconditioning process shall not create risks to the health and safety of those responsible for doing so and ***minimize*** its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials, ***waste and industrial emissions***.

Amendment 337

Proposal for a regulation Annex VI – part C - point b

Text proposed by the Commission

Amendment

(b) contain a ***weighing*** device allowing the end user's ***container to be weighed***

(b) contain a ***measuring*** device allowing the end user ***to know the exact quantity purchased***

Amendment 338

Proposal for a regulation Annex X – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) ***at least 1%*** of the annual turnover of the system operator (***excluding deposits***) ***are*** used for public awareness campaigns on the ***information on*** management of packaging waste;

(j) ***part*** of the annual turnover of the system operator ***is*** used for public awareness campaigns on the management of packaging waste;

Amendment 339

Proposal for a regulation Annex X – paragraph 2 – point l a (new)

Text proposed by the Commission

Amendment

(la) Member States shall take into account the factors referred to in point (l) (ii), (iii), (iv) and (v) when a digital deposit and return system is put in place and not organised at the level of the final distributors;

Amendment 340

Proposal for a regulation Annex X – paragraph 2 – point o

Text proposed by the Commission

Amendment

(o) all deposit bearing packaging is clearly labelled, so that the end users can easily identify the need to return such packaging;

(o) all deposit bearing packaging ***that is to be collected by a DRS system*** is clearly labelled, so that the end users can easily identify the need to return such packaging.

Amendment 341

Proposal for a regulation Annex X – paragraph 3

Text proposed by the Commission

Amendment

In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives.

In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives ***such as ensuring a safe and fair access to recycled feedstock for use in applications that allow further recyclability and may be re-used in the same way or for the same or similar product category it comes from.***